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Hidden Currents in Judicial Reasoning: Cognitive Biases and Moral Intuitions in the Pakistani Judiciary**Kiran Nisar**

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kiranmn_21@gmail.com**Abstract**

Judicial decision-making is conventionally portrayed as a fortress of impartial rationality, yet decades of psychological scholarship reveal that judges remain vulnerable to cognitive biases and rapid moral intuitions that subtly shape legal outcomes. Adopting an interpretivist paradigm, this qualitative study investigates the interplay of cognitive and moral psychological factors in the reasoning processes of Pakistani judges. Data were generated through in-depth, semi-structured interviews with 12 retired judges, 10 senior advocates, and 8 experienced court clerks, whose accounts were subjected to reflexive thematic analysis. Emergent themes illuminate the pervasive yet often unconscious influence of confirmation bias in the interpretation of precedent, anchoring effects in sentencing determinations, in-group moral favouritism under institutional pressures, and post-hoc rationalisation of discretionary rulings. While participants uniformly emphasised doctrinal fidelity and personal commitment to impartiality, their narratives reveal how implicit cognitive shortcuts and culturally embedded moral foundations quietly contour judgment. By synthesising insights from dual-process theories of cognition and contemporary moral psychology, the study offers a contextualised portrait of judicial psychology in a non-Western, post-colonial legal system. It concludes that genuine enhancement of judicial impartiality in Pakistan requires systematic integration of psychological literacy, bias-awareness training, and structured deliberative practices into judicial education and ongoing professional development. Such measures promise not only greater cognitive transparency but also stronger ethical resilience within the judiciary.

Keywords: Judicial Decision-Making, Cognitive Bias, Moral Intuition, Judicial Psychology, Pakistani Judiciary, Impartiality, Reflexive Thematic Analysis

Introduction

The decision-making by judges has always been pronounced as the pinnacle of rational thinking: a procedural process according to which judges use objective reasoning to apply the law to offer justice. However, recent research in both psychology and legal theory is increasingly recognizing that the reasoning of judges is no longer a purely rational exercise; on the contrary, it is to a large extent governed by the same mental and emotional processes that direct human judgment in general (Guthrie, Rachlinski, and Wistrich, 2001). Even in their professional capacities, judges are vulnerable to influence by perceptual illusions, moral biases and situational demands, which affect the manner in which they evaluate evidence, read statutes, and recommend solutions. In turn, the thorough understanding of the psychological premises of an individual judicial decision-making is an essential prerequisite to the ensuring that justice is not only distributed but also seen as such.

In the Republic of Pakistan, the judiciary has a unique constitutional and moral position. As both the interpreter of statutory law and the guardian of the social order, it often faces a two-fold task, not only the formal legal argumentation but also the moral considerations that arise based on Islamic law and jurisprudence, and current expectations of the society. The example of the Pakistani legal system based on the English common law but strongly entrenched in local moral and cultural mores can be viewed as a vivid example of the playback between rule-based logic and value-based adjudicative reasoning (NAZIA et al., 2024). The judges especially in deciding cases that touch on issues of blasphemy, gender rights or constitutional morality are forced to come to terms between the formal statutory texts and the moral discourses which are informally established through religion and culture. This situation, in turn, makes the Pakistani judiciary an empirical setting that can be productively used to examine how psychological variables, namely, cognitive biases and moral frameworks can affect judicial decision-making.

Although the current image of the judiciary as a disinterested judge has become a construct that forms the foundations of the legitimacy of legal systems, there is empirical research evidence that judicial reasoning is often tuned by subconscious mechanisms. Such biases as confirmation bias (assimilation of only information that supports prior beliefs) and anchoring bias (reliance on initial stimuli) and hindsight bias (reinterpretation of results as anticipated post hoc) are systematic biases in decision making that do not conform to the requirements of the rational choice theory (Kahneman, 2011; Tversky and Kahneman, 1974). These prejudices can trigger judges to engage in a biased view of the evidence, to excessively rely on precedent, and to bind the sentencing decisions to the preliminary suggestions made by the prosecutor agencies. In addition, moral reasoning, which is a cognitive process through which human beings make decisions concerning whether or not an action is morally appropriate, influences judicial discretion especially in situations where ethical or constitutional dilemmas are involved. According to Kohlberg's (1981) cognitive-developmental model and Haidt's (2001) social-intuitionist perspective, moral judgment arises from both rational deliberation and emotional intuition. Accordingly, the judicial ruling-making process is more than a legal one but a highly psychological and ethical effort.

The interdisciplinary study of psychology and law nexus, especially in the adjudicative context, has grown significantly in the last 20 years. Initial research by Guthrie, Rachlinski and Wistrich (2001, 2007) had determined that expert judges were not inaccessible to cognitive biases that were replicated with lay adjudicators. Their results showed that judges are prone to anchoring effects during sentencing decisions, the influence of framing on evidence interpretation, and egocentrism in self-evaluation. Moral psychology developments at the same time, such as the theory of moral foundations, proposed by Haidt (2001), or the Defining issues Test, created by Rest (1994), are conceptual frameworks explaining how people make decisions concerning justice, fairness, and authority. The integration of these theoretical orientations will allow one to fully appreciate judicial reasoning as a cognitively and ethically mediated process, and not necessarily a purely logical process. The mentioned integrative approach is especially relevant to the context of the judiciary of Pakistan, where the judges are exposed to the influence of deeply rooted cultural values, political forces, and ethical dilemmas peculiar to the legal and ethical environment of the country (Bukhtiar et al. 2025).

Although the scope of scholarship on the subject of judicial bias and moral reasoning has been widespread in the context of the globe, there is scarce empirical research on the psychological aspects of judicial behaviour in South Asia and Pakistan to be more precise. The legal analysis in the region has been centred on judicial independence, corruption, or procedural efficiency

and it has not considered the cognitive and moral processes that influence judicial behaviour. This paper fills this gap by exploring the manifestation of cognitive biases and moral reasoning systems among the Pakistani judicial system. It assumes that judicial impartiality can not be sought by structural changes only but there must be an insight into the mind behind the type of judgment. The rationale behind this study is that it will not only benefit theoretical knowledge on judicial cognition in a non-Western, hybrid legal system, but also prove useful in informing practical changes to improve impartiality, transparency, and moral consciousness of the Pakistani judicial system. In order to accomplish those objectives, the following are the research questions that will guide this study:

1. How far do cognitive biases affect judging in Pakistan court?
2. What are the ethical theories that support judicial discretion in the process of addressing moral and constitutional dilemmas?
3. What could an explanation of the psychological processes contribute to the objectivity of the judicial procedure and the rationality of thinking?

Locating the decision-making within the judicial setting within a psychological context, this study indicates the landmark of the pursuit of justice into the boundaries of human cognition. In analysing the manner in which the Pakistani judges build moral and legal meaning, the research paper adds to an increasingly popular discipline of judicial psychology that combines cognitive science, moral philosophy and legal theory. The results should be used to enlighten judicial education, instil reflexive habits among judicial practitioners and instigate institutional changes that recognize the cognitive and moral aspects of justice.

Literature Review

The literature on judicial decision-making has evolved through a dynamic intersection of psychology, law, and moral philosophy. For much of legal history, judicial reasoning was conceptualized within the formalist paradigm where judges were assumed to act as neutral arbiters, applying rules of law through objective logic. However, the emergence of behavioural psychology and cognitive science in the 20th century fundamentally challenged this assumption, demonstrating that human cognition, including that of judges, is systematically affected by biases, heuristics, and moral intuitions (Kahneman & Tversky, 1974; Guthrie, Rachlinski, & Wistrich, 2001). This review synthesizes global and regional scholarship to situate the Pakistani judiciary within a broader theoretical and empirical framework. It begins with the global literature on judicial cognition and bias, followed by South Asian and Pakistani studies on judicial psychology. It then reviews key models of moral reasoning developed by Kohlberg, Haidt, and Rest, and concludes with a theoretical integration of psychological and legal decision-making models.

• Global Literature on Judicial Cognition and Bias

The global literature on judicial cognition reveals that judicial reasoning, though grounded in formal legal logic, is shaped by the same psychological mechanisms that govern everyday human judgment. The foundational work of Daniel Kahneman and Amos Tversky (1974) on heuristics and biases provided a psychological framework that has been extensively applied to judicial behaviour. They demonstrated that individuals rely on mental shortcuts heuristics to simplify complex decisions, which often leads to systematic deviations from rational choice (Saleem et al., 2025). Among these, the representativeness heuristic causes decision-makers to rely on stereotypes or prior expectations, while the availability heuristic makes individuals judge the frequency or probability of events based on how easily examples come to mind. In judicial contexts, these heuristics manifest in how judges assess evidence, evaluate witness credibility, or interpret precedents (Guthrie, Rachlinski, & Wistrich, 2001).

Empirical studies have consistently shown that judges are subject to anchoring effects, whereby initial information, such as prosecutorial recommendations or sentencing guidelines, disproportionately influences final judgments. Englich, Mussweiler, and Strack (2006) found that even experienced German judges adjusted their sentencing decisions in line with arbitrary numerical anchors, such as dice rolls, demonstrating the unconscious power of anchoring. Similarly, Wistrich, Guthrie, and Rachlinski (2005) conducted experiments revealing that judges' damage awards and bail decisions are significantly affected by initial numerical cues, even when judges believe they are reasoning independently. These findings dispel the long-held assumption of judicial immunity from cognitive bias.

Another dimension of judicial cognition explored in global research is confirmation bias the tendency to favour information that supports preexisting beliefs or hypotheses (Nickerson, 1998). Rachlinski, Johnson, Wistrich, and Guthrie (2009) demonstrated that judges, like other professionals, are inclined to interpret evidence in ways that affirm their preliminary legal intuitions. Such a bias is most especially relevant in appellate review, wherein the interpretive disposition of judges can be used to influence their interpretation of case law and the coherence of the doctrine (Zaheer et al., 2025). The role of hindsight bias is also critical: once the outcome of an event is available, the judges are likely to view it as a more predictable or foreseeable event, which makes a difference in negligence and liability cases (Guthrie et al., 2007).

Another thing that scholars have pointed out is that cognitive bias is not a solitary mistake but is influenced by institutional and cultural conditions. Kahan (2010) introduced the cultural cognition theory claiming that the perceptions of risks and moral ratings of individuals such as judges are subject to their cultural worldviews and group identities. This view extends the discussion of bias in the court to encompass social and ideological influences of moral and legal interpretation in addition to the cognitive processes. On the same line of reasoning, Frederick Schauer (2006) and Chris Guthrie (2010) have pointed to the very formal structure of legal reasoning as themselves interacting with psychological tendencies, resulting in patterned deviation of neutrality that cannot be remedied by procedural guarantees.

The broader literature on this subject contains a dual-process model of cognition (Evans and Stanovich, 2013; Kahneman, 2011) that can be used to model judicial reasoning. The theories draw the line between two types of thinking: System 1 (intuitive, fast, automatic) and System 2 (deliberative, analytical, slow). Although judicial rulings ought to be based on System 2, judges tend to fall into the System 1 level of processing when they are under pressure of time or cases that can be emotionally charged. This is the reason why the judicial rulings can occasionally be viewed as being inconsistent or reacting to some extra-legal considerations, including empathy, moral outrage, or political ideology (Maroney, 2011).

The totality of the literature in the world demonstrates that judicial cognition is a fundamentally human process and it is a matter of intercourse of logic, emotion, and context. Although the legal system is aspired to objectivity, the psychology of judgment shows that court judges, like any other decision-maker, are limited by cognitive constraints and moral intuitions that define their understanding of justice.

- **South Asian and Pakistani Judicial Psychology Studies**

Compared to the extensive Western literature, research on judicial psychology in South Asia remains limited. However, a growing number of studies have begun to explore the cognitive and moral dynamics of judicial behaviour in postcolonial legal systems. Scholars such as Sathe (2002) and Baxi (2012) have examined how colonial legacies and moral traditions influence judicial reasoning in India and Pakistan. They argue that South Asian judges often operate

within dual normative frameworks Western legal rationalism and indigenous moral-ethical traditions leading to hybrid modes of reasoning that combine formalism with moral intuition (Bukhtiar et al., 2025).

In Pakistan, the judiciary's evolution has been shaped by constitutional oscillations, political pressures, and religious discourse (Newberg, 2002). The 1973 Constitution's Islamic clauses, the moral authority of Sharia-based interpretations, and the socio-political role of the Supreme Court in shaping national identity have made judicial decision-making a deeply moral as well as legal endeavour (Lau, 2006). In such contexts, judges frequently invoke moral reasoning to justify decisions on constitutional and social issues, particularly in cases involving blasphemy, gender rights, or public morality. Psychological influences emerge in the tension between doctrinal neutrality and social legitimacy.

Empirical insight into South Asian judicial psychology can also be gleaned from qualitative accounts. In research about moral judgment among Pakistani judges, Hussain (2018) discovered that a considerable number of judges directly relate fairness and justice with moral integrity and divine responsibility. This implies the amalgamation of the model of deontological and theistic reasoning in judicial cognition. In the same vein, Siddique (2013) has noted that narrative reasoning which involves building moral and social narratives around the cases seems to be the common method that Pakistani judges use to resolve cases in which conflicting norms are at issue. These results point to the fact that judicial reasoning in Pakistan is not merely cognitive as well as being narrative and moral since the country has a pluralistic moral order.

Also, the institutional culture influences the reasoning of Pakistani judges. The judiciary is hierarchical; judges prefer precedent over innovation, which contributes to a kind of conformity bias; judges would argue like senior or Supreme Court decisions because it would be more consistent and acceptable to them (Ahmed, 2020). Defensive cognition is also a psychological process that is aroused by political pressures and media attention in which the judges justify their resolutions to save institutional image (Khan, 2019). These pressures can undermine impartiality and at the same time strengthen moral conviction which has been described as moralized cognition (Jost et al., 2014).

Although there is a dearth of empirical research, the new South Asian literature highlights that it is impossible to consider the issue of judicial decision-making in Pakistan independent of the psychological and moral environment, within which it functions. The cognitive inclinations discovered in the global studies of anchoring, confirmation, and hindsight biases are screened by the local moral guidelines based on the concepts of religion, culture and social responsibility. The latter underscores the necessity of a combined theoretical framework that will consider the dual effect of cognitive processes and moral-cultural discourses on judicial decision-making.

- **Moral Reasoning Models Applied to Judicial Contexts**

The analysis of judicial decision-making involves looking at the way in which judges do moral reasoning in determining not only what is legal, but also what is right. The literature is dominated by three major models, including, but not limited to, Kohlberg, cognitive-developmental theory, Haidt, social-intuitionist model, and Rest, Four-Component Model.

Lawrence Kohlberg (1981) suggested that moral reasoning is formed in three stages that consist of six levels composed of the following three levels: pre-conventional, conventional and post-conventional. In the later levels, people also make reasoning according to universal moral principles like justice, fairness and human rights, but not obedience or social conformity. When applied to judicial scenarios, the framework offered by Kohlberg indicates

that post conventional judicial reasoning occurs at the abstract moral level in their interpretation of legislative rules or ethical solutions to problems. This is backed up by Rest (1994) and Narvaez (2002) who report that the members of the legal profession tend to be higher on moral reasoning tests because of their exposure to conflicts of norms. Nevertheless, the opponents claim that Kohlberg model is excessively rational and underestimates the importance of emotion and intuition (Haidt, 2001).

Jonathan Haidt (2001) challenged Kohlberg's rationalist paradigm, positing that moral judgment arises primarily from intuitive, emotion-driven processes, with reasoning serving as post-hoc justification. His social-intuitionist model emphasizes the automatic, affective nature of moral evaluation, influenced by social and cultural norms. In judicial contexts, this suggests that judges' moral intuitions such as empathy, disgust, or moral outrage may unconsciously shape their reasoning before deliberate analysis occurs. This fact is confirmed by the empirical studies: the emotional reactions were discovered to impact judicial sentencing, specially in the cases of moral damage or societal outrage (Maroney and Gross, 2014). When dealing with moral intuitions based on the principles of Islamic morality and communal responsibility, the Pakistani judiciary system is culturally sensitive to moral values and concepts; that is, Haidt framework enables the explanation of judicial discretion in terms of moral intuitions.

James Rest (1994) developed the work of Kohlberg by his Four-Component Model moral behaviour which comprises: (1) moral sensitivity, (2) moral judgment, (3) moral motivation, and (4) moral character. This framework emphasizes the fact that ethical behaviour is not based on reasoning alone, but rather on emotional intelligence and moral bravery. Moral sensitivity within the judiciary is associated with the identification of the ethical aspects of the cases; moral judgment is concerned with the determination of the rightness; moral motivation is associated with the need to remain in pursuing moral commitments; and moral character is associated with perseverance in examining moral commitments. The model has been extensively applied to professional ethics, such as law and medicine, and contains a rich structure of comprehending judicial morality (Bebeau, 2002).

Combined all these models demonstrate how judicial decision-making has both a rational and affective element. Kohlberg lays stress on cognitive evolution and rational decision-making; Haidt stresses on culturally grounded moral reactions that are oriented to intuition; and Rest combines both logical reasoning and emotion into a behavioural system. These models can be applied to the Pakistani judiciary to imply that the judicial reasoning of judges is rational, moral, and sociocultural at the same time.

- **Theoretical Integration: Linking Psychological and Legal Decision Models**

The combination of psychological and legal models of decision making offers a multi-dimensional perspective of judicial thought. The most important aspect of this integration is the understanding that judicial reasoning is not a method of applying rules in a linear way but a process of interaction among cognition, emotion and moral judgment.

An integration between psychology and law is provided by Cognitive-Experiential Self-Theory (Epstein, 1994), which assumes that two information processing systems exist, both parallel (experiential and rational) and rule-driven (intuitive and emotional). This duality is the reflection of the conflict between the moral intuition and the legal rationality of judicial behaviour. In the quest to be impartial by means of rational setting, the judges most of the time depend on the experiential processes, which are influenced by culture, emotion, and experience.

The integration of the Epstein model with the Dual-Process Theories (Kahneman, 2011) results into a single framework where a certain decision by the court is the result of a dynamic process involving the intuitive and analytical thought. As time, complexity or emotional salience rises, System 1 (intuitive) processes predominate resulting in heuristic dependence. On the other hand, when it comes to deliberation, like in the case of appellate reasoning System 2 (analytical) processes are more at work, which help to uphold the doctrines. Both systems, however, work in tandem with each other and therefore, judicial reasoning is hybrid as opposed to being rational.

In the ethical view, by combining developmental rationalism concept of Kohlberg with the intuitionism concept as explained by Haidt and the multidimensional ethics perspective of Rest, the concept of judicial morality can be more comprehensively understood. As a matter of fact, this integration is used to explain how the judges justify their decisions based not only on an abstract legal principle, but also on a culturally and emotionally based moral narrative. An example is in Pakistan, the judicial opinion usually refers to social harmony, public morality, or Godly justice as an expression of intuitively based moral systems, and at the same time appeals to constitutional rights, a higher-level reasoning as postulated by Kohlberg.

These psychological factors are further influenced by institutional and cultural factors. Hierarchical structure of the Pakistani judicial system, discourse of moral religion and expectations by the people make such a situation possible where cognitive biases and moral intuitions are not only supported but also justified (Gul et al., 2025). In such a way, the theoretical synthesis should consider the interactions of individual-level thinking with institutional regulations and social discourses to generate judicial outcomes.

Finally, the combination of the theories emphasizes the fact that the judgement of the court can be best viewed as a cognitive moral spectrum. Cognitive biases describe how people can be systematically irrational whereas moral reasoning models describe the ethical stories that judges create to make their irrationality sound. It is an appreciation of this continuum that makes a fuller representation of judicial behaviour possible which is not founded upon a dichotomy of rationality and bias but upon the finer perception of the judge as a rational interpreter and moral agent.

Hypothesis Development

- **Conceptual Framework**

This study is based on the intersection of cognitive psychology, theory of moral reasoning, and judicial behaviour as the conceptual framework. It combines the dual-process model of thought (Kahneman, 2011), the cognitive bias theory (Tversky and Kahneman, 1974), and the theories of moral reasoning (Kohlberg, 1981; Haidt, 2001; Rest, 1994) to understand the influence of both implicit and explicit cognitive processing and moral decision-making by the judiciary.

According to dual-process theory, human judgment operates through two interacting systems:

- System 1, which is intuitive, automatic, and emotionally driven, and
- System 2, which is deliberate, analytical, and reflective.

System 1 processes are inevitable and judges, regardless of their professional training to promote System 2 reasoning, use System 1 processes to interpret difficult, emotionally loaded, or unclear cases. This dependency may cause various cognitive distortions, which include confirmation bias, anchoring, and hindsight bias. Meanwhile, moral reasoning is a process by which judicial decisions are influenced, and which judges use to decide if the decision they made is ethically valid.

The conceptualization of judicial decision-making in this study, in Pakistan, describes the relevant cognitive moral continuum determined by the individual cognition, moral orientation and institutional context. The model assumes that cognitive biases influence the quality of judicial reasoning, and moral reasoning mediates between the ways the judges justify and moralize their judgment. The combination of the two determines the perception of justice in judges and the general masses.

Figure 1 (conceptually described here) represents the model:

Cognitive Bias → Judicial Reasoning Quality → Perceived Justice and Legitimacy
(mediated by Moral Reasoning)

In this case, cognitive bias is defined as deviations of the objective reasoning on a systematic level, the quality of judicial reasoning can be described as the consistency, the absence of biases and the richness of the judicial interpretation, and the perceived justice is the degree to which the decision is considered fair, consistent and ethically based. Moral reasoning plays the role of a moderator and a mediator, which impacts on the expression and the justification of biases in a judicial story.

3.2 Expected Relationships

- **Cognitive Bias and Judicial Reasoning Quality**

The former anticipated correlation is the effect of cognitive biases on the quality of judicial reasoning. Other research (Guthrie et al., 2001; Englich et al., 2006) demonstrates that as do all decision-makers, judges are susceptible to cognitive shortcuts that can mislead the reasoning. This situation is likely to be compounded in Pakistan, where judicial workloads are high, and there is a shortage of time. As a result, it can be hypothesized that an increase in cognitive bias is correlated with the decrease in the quality of reasoning because the biases inhibit the ability to deliberate analytically and reduce interpretative flexibility. Confirmation bias can cause judges to focus on good evidence that confirms their initial findings and anchoring effects can cause judges to overvalue starting points during trial or argument.

H1: Cognitive bias has a negative effect on judicial reasoning in the Pakistani judiciary.

- **Moral Reasoning as a Mediating Mechanism**

Moral reasoning gives the transition between cognition and judgment psychologically. Based on the intuitive approach to morality as proposed by Haidt (2001), moral intuitions tend to be the source of reasoning in the unconscious form, whereas rational analysis is meant to support the intuitive judgement that occurred post hoc. The impact of the bias can be, however, alleviated by the higher-order moral reasoning, which helps to develop reflective attitude and self-ethics (Kohlberg, 1981; Rest, 1994). In this way, moral reasoning is supposed to mediate the connection between cognitive bias and reasoning quality judges who have higher moral reasoning abilities will be in a better position to identify and correct cognitive bias and therefore make more balanced decisions.

H2: Moral reasoning is an intermediary in the relation between cognitive biases and the quality of judicial reasoning such that the more moral reasoning, the less the negative influence of biases.

- **Judicial Reasoning and Perceived Justice**

Judicial legitimacy is characterized by the perception of justice. A study on procedural justice (Tyler, 2006) indicates that the ideal of citizens trusting the judiciary not only on the basis of the legal results, but the decision being considered to be fair, impartial and morally correct. The perceived moral soundness of the judicial decision is an important aspect of the public confidence in Pakistan where the judicial system operates in a complex socio-religious and political setting. Thus, the hypothesis is that the reasoning quality of the judicial system has a positive effect on the beliefs of justice and legitimacy.

H3: The quality of judicial reasoning is linked with greater perceptions of justice and judicial legitimacy.

- **The Moderating Role of Institutional Context**

Lastly, the framework acknowledges the institution context as one of the moderating variables. Cognitive biases can be preserved or reduced by judicial hierarchies, collegial pressure and sociocultural expectations. Deferential hierarchical relations and moral values of Islamic ethics can influence the decisions and their explanation by the judges in the Pakistani judiciary. Therefore, cognitive biases are universal but institutional norms and moral cultures condition the effects of such biases.

H4: The relationships between cognitive biases, moral reasoning and the quality of judicial reasoning are moderated by institutional and cultural contexts.

Results

- **Overview of Data and Analysis**

The thematic analysis of the interviews with the retired judges, senior lawyers, and clerks helped to get deeper insights into how the cognitive bias and moral reasoning affected the judicial decision-making process within the Pakistani judiciary. The analytical model generated by Braun and Clarke six phases of data analysis said that there was a dynamic interrelation of institutional context, intuitive cognition, and moral judgment. There were four dominant themes:

1. Confirmation Bias in Precedent Interpretation
2. Anchoring and the Weight of Initial Impressions
3. Ethical Decision Making in the Social and Institutional Presence.
4. Reflexivity, Introspection, and the Quest for Impartiality

The themes are all an expression of the intellectual and ethical dimensions of the judicial thought that reveals how the judges bring together professional rationale and human limitations of seeing, believing, and caring. The latent psychological processes influencing interpretive decision-making, moral justification and impression of justice is also determined by the study.

- **Theme 1: Confirmation Bias in Precedent Interpretation**

Another common pattern that was present throughout the interviews was confirmation bias the propensity to give preference to information that upholds preexisting beliefs or interpretations. Judges and lawyers often talked of the way; in dealing with precedent, they unconsciously tended to approach those authorities which were in accord with their initial conclusion. This biased interaction was usually done in haste or when there was pressure to arrive at uniform decisions.

One retired judge explained:

As I begin developing an idea on a case, I automatically seek out precedents that would support such a direction of thought. It is not an intentional prejudice it is the way the mind tries to find confirmation to the already accepted concept of reasonableness. (Judge 3)

This quote is a classic example of cognitive validation loop a self-affirming process whereby preconceived notions screen the interpretation of evidence and law. The phenomenon is in agreement with the results of Guthrie, Rachlinski and Wistrich (2001) who found that although experienced judges were aware of the possibility of engaging in heuristic short cuts, they unconsciously use this short cut to process case information.

This trend was supported by lawyers, who observed that quite often the arguments presented in the court are based on the strategic choice of the precedents, which are oriented to either moral or ideological interests.

Judges even have a feeling of knowing what stance they are morally. Their referenced cases tend to capture such leanings as opposed to using them neutrally. (*Lawyer 2*)

Interpretive rigidity may be inadvertently induced by the hierarchical nature of the legal system in Pakistan where precedent has great powers of confirmation. This theme unveils that judicial impartiality which is institutionally cherished is repeatedly tested by cognitive predispositions that work at the unconscious level.

- **Theme 2: Anchoring and the Weight of Initial Impressions**

The second significant theme is the anchoring bias, which is a cognitive process that allows individuals to be overly dependent on the initial information received to make the decisions. Respondents repeatedly explained the impact of initial case briefs, media stories, or prosecutor framing can unconsciously inform further judicial thought.

As one former district judge reflected:

After reading the first summary of the case or the brief of the investigating officer, it becomes the reference point. All that comes after the arguments, cross-examination, even evidence all get in the unconsciously gauged under that initial impression (*Judge 1*).

The impact of anchoring is particularly acute where there is high profile or politically charged cases because pretrial narratives can condition cognitive expectations. This is in line with the experimental results of Englich and Mussweiler (2001) that even arbitrary numerical levels such as sentencing recommendations can influence the verdict of the court ruling.

Lawyers further observed that institutional workloads and procedural norms exacerbate anchoring effects:

“Due to the backlog and the rate at which the judge is required to issue a decision, he or she will rely on the first framing he or she gets. The initial impression is difficult to learn out of the mind.” (*Lawyer 4*)

These findings provide emphasis on the interplay between institutional pressures such as work overload and time constraints as well as rigidity of the process with the human cognitive disposition to affect legal deliberation. The process of anchoring does not influence the interpretation of facts only but the moral and legal principles according to which the judges make their decisions as well.

- **Theme 3: Moral Reasoning when under Social and Institutional pressures**

The third theme is the theme of the moral aspect of judicial ruling, which reveals the struggle of morality problems by the judges as per the social, political, and religion demands. According to the respondents, there was a continuous conflict existing between legal formalism (following the statutory interpretation) and moral intuition (personal or societal sense of justice).

One senior advocate articulated this tension as follows:

Judges who handle constitutional or moral cases that affect religious matters or public standards of morality tend to experience moral duties which extend past legal requirements. Their personal sense of right and wrong joins the judicial process. (*Lawyer 1*)

Judges recognized that moral reasoning exists as an unconscious influence which runs through their decision-making process even though it does not follow a structured approach. Some judges reported instances where their moral instincts started shaping their interpretation before they completed their legal analysis.

“Sometimes, you just feel what is right or wrong before you can explain it legally. The law then follows the feeling.” (*Judge 5*)

The social-intuitionist model of Haidt (2001) explains that people make moral decisions through instinct before they use reasoning to support their initial reactions. The Pakistani

judiciary bases its moral decisions through cultural and religious standards which demand both moral excellence and public confidence. The clerk stated:

“Judges are expected not only to be fair in law but also to appear morally upright. Their decisions must reflect the ethical mood of society.” (*Clerk 2*)

This theme discloses that moral thinking within the judiciary level is a judgment of two dimensions; inside the system as a cognitive bargain in the feminine and in the law; and outside the system as a social performance of the moral authority. The necessity to preserve the confidence of society increases the ethical responsibility of judicial judgments, sometimes to the detriment of legal neutrality.

- **Theme 4: Reflexivity, Introspection, and the Quest for Impartiality**

Although the participants were aware of the effects of bias and moral intuition, there were also conscious attempts to develop reflexivity and impartiality. Judges indicated that they are aware of their cognitive weaknesses and talked about their methods of overcoming these weaknesses as reflective reading, peer discussion, and relying on written arguments to counter personal bias.

I have also learned that the art of writing the judgment itself is a discipline that makes you slower it makes you think thoughtfully and challenge your assumptions. (*Judge 4*)

Such an observation exemplifies a valuable metacognitive sensitivity in the judicature: the capacity to be introspective of oneself in terms of reasoning. A few respondents observed that peer discussions in appellate benches or collegial consultations can help to curb the bias effect by making the reasoning of each individual exposed to group scrutiny.

The collegial discussion is one way of breaking the echo chamber. A question of one of the judges can indicate where our head has been bogged down in a single line of thought. (*Judge 2*)

It is this theme that indicates the corrective procedures in the judicial practice and this is what is congruent with the model of moral reasoning as put forward by Rest (1994) with its center on reflective equilibrium and self-monitoring of ethics. However, the respondents acknowledged that such reflexivity is more common among older judges and it often is not common in low courts where judicial institutions and pace of events dominate.

- **Cross-Theme Analysis**

Together, these themes describe judicial reasoning as a psychologically complex and ethically-focused undertaking, rather than a purely rational-legal undertaking. The results disclose that cognitive biases are not remote deformities but a component of both the institutional and moral culture of a judicial life. Confirmation and anchoring bias are an intuitive shortcut of system 1 thinking and moral reasoning is a moderating or justifying mechanism which can decrease bias or even increase the bias.

Further, the results demonstrate the interplay between situational factors, such as institutional hierarchy, sociocultural norms, and social investigation with mental mechanisms. Judges are prone to labour in some moral ecology that promotes ethical posturing and popular trust far more than accuracy of doctrine. The Pakistani judiciary, however, possesses a greater number of identities, the first being the formal legal rationality and the second is the moral and psychological authenticity.

Table of Findings

| Theme | Key Cognitive or Core Insight |
|--|---|
| Confirmation Bias in Precedent Interpretation | Selective validation of prior beliefs Judges unconsciously Favor precedents aligning with preformed opinions. |
| Anchoring and Initial Impressions | Reliance on early cues Reasoning is greatly affected under the influence of first impressions and institutional framing. |
| Moral Reasoning under Pressure | Intuitive ethics and cultural expectations Discretion in the judicial system and moral justification are affected by moral and social pressures. |
| Reflexivity and Impartiality | Metacognition and self-correction Reflective practices are actively used by judges in order to overcome bias and moral drift. |

All these themes highlight the psychological duality of the judicial reasoning: the existence of the cognitive bias and moral conscience that is mediated by the personal introspection and institutional culture. The outcomes verify the school of thought of judicial impartiality being non-terminal but a contemplative travel that must be affected by the mind and morals.

Discussion

The results of the present research refute the traditionally accepted belief that the process of judicial decision making is purely rational and objective. Although formal legal theory assumes that the judge is a disinterested adjudicator who applies rules to facts, the thematic analysis shows that judicial decision making is psychologically mediated with infusion of intuitive decisions, cognitive biases and moral deliberation. Like any other human decision-maker, judges depend on heuristics which make complex reasoning easier but also lead to systematic error (Tversky and Kahneman, 1974).

This psychological realism is especially relevant in the Pakistani context. Judges are forced to work in an institutional hierarchy, moralistic environment and political accountability. The confirmation bias of the interpretive findings, the anchoring effects, moral justification, and the reflexivity explain the ways of combining cognitive and moral processes in such an environment. Instead of weakening judicial sovereignty, the identification of this human aspect of judicial conduct gives a more realistic explanation of judicial behaviour, which is in line with the modern legal-psychological theory (Guthrie, Rachlinski, and Wistrich, 2001).

The data helps the conceptual hypothesis that judicial reasoning is at a cognitive moral continuum. On the one hand, intuitive cognition influences the perception of evidence and precedents; on the other hand, moral reasoning adjusts these intuitive impulses by mediating and correcting them at times. This interaction is associated with dual process theories of judgment (Kahneman, 2011), in which System 1 (intuitive, fast thinking) is dynamically linked with System 2 (slow, deliberative thinking). Courts are struggling to uphold System 2 thinking and caseloads, institutional pressures, and moral obligation frequently revert to intuitive shortcuts.

The commonness of confirmation and anchoring biases over the data supports the previous experimental studies that indicate the vulnerabilities to cognitive heuristics even among trained judges (Englich and Mussweiler, 2001). Nonetheless, this paper provides a qualitative twist to the story because it sheds light on how these biases are played out in actual judicial life. Judges do not think they are being pejoratively biased, they say it is because their thinking

is under the influence of professional intuition or because they are making reasonable assumptions. This is consistent with the psychological principle of motivated reasoning whereby the cognitive bias is justified as intuition based on expertise (Kunda, 1990).

The confirmation bias in judicial interpretation of precedents in Pakistan occur as a cognitive bias in court and as an institutional practice. The respect of the superior-court authority and the hierarchical nature of precedent support the cognitive tendency of seeking confirmatory-validation. Anchoring bias, in its turn, is also enhanced by procedural aspects of the case briefs dependence and framing by prosecutors. The observation that initial impressions determine subsequent thinking is comparable to the concept of anchoring and adjustment introduced by Kahneman, according to which initial information is used as a standard of judgment and affects all the further assessment.

Such biases demonstrate that the judicial cognition is not free of the same shortcomings as the ordinary reasoning. Nevertheless, their perseverance does not just exist in the minds of people; they are institutionalized in the judicial process, which favors precedent, procedural efficiency, and subordination. It means that bias can be diminished only by institutional and cognitive changes.

The second significant result of the study is the moral aspect of judgment, which is very close to the theories of Kohlberg (1981), Rest (1994) and Haidt (2001). Reflections of judges indicated that moral intuitions are common antecedents of formal reasoning, as to the social-intuitionist model of moral judgment, which argues that moral judgments are mainly affective, and reasoning is only a justificatory faculty. However, post-hoc rationalization was also observed in many of the judges, which is also in line with Kohlberg moral development stage, being at the post-conventional stage where judgments are influenced by general moral principles, as opposed to strictly established norms.

These tendencies are coexisting; this means that judicial morality is hybrid; at once intuitive and deliberative. The consciousness of the judges regarding their moral duty to the society tends to bring in the ethical aspects that lie beyond the limits of the legislation. This is further exacerbated in Pakistan by the values of religion and the society that defines justice as not only the right thing but the moral thing as well. Thus, moral reasoning can be described as a moderating process that can suppress and reinforce cognitive bias. One such is that the sense of fairness in judge which is moral dedication can be brought to call thought and restrain prejudice, but moral certitude can give the right to the bias sense as right conviction.

This paradox is similar to the duality of moral cognition according to Rest (1994) that introduced the idea of moral sensitivity and moral judgment that are dependent on each other but do not necessarily correlate. This is the added theoretical debate as the study situates moral reasoning into a judicial institution in a manner that individual ethical and institutional legitimacy converge in the moral architecture of justice.

The development of the theme of reflexivity and introspection can be taken as a strong response to cognitive determinism. Conscientiousness of judges regarding their bias and attempts to neutralize it evidences the possible presence of metacognitive regulation the possibility to observe and control individual cognitive and moral processes. The habit of writing elaborate judgments and deliberating on cases with colleagues and deliberately doubting initial impressions is a cognitive-moral calibration process.

This is in line with the current psychological findings regarding debiasing with reflections (Larrick, 2004) or with slow thinking (Kahneman, 2011). The claim that Pakistani judges expressed reflective practices is an indication that professional experience helps to develop adaptive mechanisms, which primitively counterbalance heuristic distortion to some extent.

Such reflexivity, however, according to the participants, is unevenly distributed throughout the judiciary more common among the higher-court judges than with the lower-level judges, where procedural pressures and little training dominate.

Therefore, the results indicate that the judicial impartiality is not an inert characteristic but a dynamic capacity, which is developed on the basis of metacognitive awareness, peer discussion, and institutional culture. Psychological literacy training programs might help to increase this reflexive ability and improve the quality of reasoning at all levels of the judicial system.

Although the current investigation is based on the Pakistani judiciary, the results are reminiscent of the trends observed in other jurisdictions, which also points to the universality of judicial cognition as a psychological process. Guthrie et al. (2001) in the United States showed that federal judges are prone to anchoring and framing bias like the laypeople. A study conducted in the United Kingdom by Roach Anleu and Mack (2019) illuminated the influences of emotions and moral pressures on the behaviour in a courtroom. In India, Sen (2018) discovered that social identity and moral obligation have a strong effect on interpretive decisions of constitutional cases.

The main difference between the Pakistani situation and the other contexts is the combination of moral and religious demands and the judgment of the professional. Judges work in a moral ecology where legal correctness is synonymous with moral virtue and this makes the psychological conflict between impartiality and moral responsibility even greater. Whereas the Western courts are more inclined to separate the morality and the legality, Pakistan judges perceive them as being intertwined a wisdom that adds to the cross-cultural knowledge of judicial psychology.

Hence, the comparative study is a contribution to the world literature: the paper demonstrates that the universal cognitive biases are culturally mediated by the principles of the moralities, organizational frameworks and the identity of judicial commonality.

These findings are significant more than mere theoretical curiosity to the actual practical reform of the judiciary.

To start with, the idea of cognitive bias being one of the inalienable aspects of the human reasoning process implies that awareness and reduction of the problem should be a part of training and institutional protection, instead of the unrealistic and unattainable eradication. The law training program might include courses in mental psychology, decision making biases, and ethical decision models in order to encourage self-insight.

Second, moral reasoning as the part of judicial development presents the necessity of ethical self-examination. Ethical balance and the elimination of excessive dependence on the intuitive conviction could be promoted with the help of structured reflection sessions, peer discussions, and case reviews focusing on moral dilemmas.

Third, the institutional design ought to be sensitive to the cognitive limits that have been experienced in this study. The anchoring and confirmation effects can be overcome by using procedures like collegial deliberation panels, the use of the double-blind case assignment, and the structured judgment writing. Also, it is possible to set up psychological support systems such as confidential counselling and reflective supervision to assist the judges to cope with moral stress and cognitive fatigue, which in most cases contribute to heuristic mistakes. Such measures are consistent with psychological reform agenda as expressed by Wistrich and Rachlinski (2017) who state that judicial impartiality needs to be developed with the help of self-knowledge and systemic support, but not with the presumption of some form of virtue.

Combined together, this paper suggests a cognitive Moral Judicial Reasoning Model to explain and enhance judicial decision-making. The model consists of the four interacting components:

1. Cognitive Processing (System 1 and System 2): Judges rely on intuitive judgments that are subsequently rationalized through deliberative reasoning.
2. Moral Mediation: Moral reasoning moderates the influence of bias by introducing ethical reflection, though it can also justify bias under moral certainty.
3. Institutional Moderation: Procedural norms, workload, and moral expectations shape how cognitive and moral processes manifest in decision-making.
4. Reflexive Regulation: Through self-awareness and peer deliberation, judges recalibrate cognitive and moral tendencies to approach impartiality.

The model is based on the previous theoretical models that utilized cognitive psychology, moral development theory and institutional sociology to develop one approach to judicial behaviour. It takes the judge both as an actor who is rational and as a moral agent confined in the socio-cultural structures.

Conclusion and Policy Recommendations

• Judicial Training and Introspection Models

Empirical and theoretical knowledge gained during this research shows that, the ability of judicial impartiality as an element of professional qualities cannot be presupposed but should be trained by using the methods of systematic psychological mindfulness and ethical self-reflection (Hussain et al., 2023). Conventional judicial education in Pakistan and most other jurisdictions emphasizes the law of procedure, the law of case management and the law of doctrine. Nonetheless, these curricula do not take into account the psychological architecture of reasoning and thus judges are poorly prepared to recognize and reduce cognitive biases that circumscribe their judgment.

It is further suggested that academic institutions of judicial education and continuing legal education courses should involve specialized courses on judicial cognition and decision psychology, which cover such topics as cognitive biases (anchoring, confirmation, availability), emotional management, and the two-process model of thinking (Kahneman, 2011). Training must not be restricted on abstract theory but must utilize the use of experience in learning, simulated cases, reflective debriefing and review of their judgment drafts so that the judges can be able to investigate their thinking patterns (Nasrullah et al., 2023).

Moreover, judicial cogitation programs may be institutionalized, based on mindfulness-based decision-making of medical and corporate ethics training (Larrick, 2004). Confidential reflective seminars in which judges can discuss ethically and psychologically difficult cases can create metacognitive awareness the capacity to become aware of the biases in action. This reflective practice would re-brand impartiality as not a fixed ideal but a discipline of cognitive and moral practices that was constantly practiced.

• Psychological Assessment in Judicial Appointments

The second area of critical reform is regarding the judicial selection and promotion. At the moment, legal competence, seniority, and reputation are valued in nominating judges in Pakistan, however, psychological fitness and moral reasoning ability are not considered very often. The results of this research highlight the fact that these aspects are also crucial to the justice of adjudication. The judges with the highest level of moral reasoning (stage post-conventional as defined by Kohlberg) and balanced intuitive deliberative cognition will tend to remain impartial in the complicated or morally intensive situations.

In this regard, it is suggested that the Judicial Commission of Pakistan should come up with a psychological assessment system in its appointment and promotion procedures. This kind of

assessment must not be a filtering system but rather a developmental diagnostic instrument, that determines intellectual and emotional abilities and possible points of weakness. The useful indicators of reflective capacity, bias awareness, and ethical sensitivity of a candidate could be obtained with the help of structured psychometric tests like the Cognitive Reflection Test (Frederick, 2005), Moral Judgment Interview (Rest, 1994), validated scales of Emotional Intelligence.

They should be established in an ethical and confidential way and results should be applied to customized training and mentoring as opposed to exclusion. The greater objective is to professionalize judicial psychology, through the incorporation of cognitive and moral abilities into the concept of judicial excellence. This change is in line with the tendencies in jurisdictions like Canada and the UK, where now judicial aptitude includes a sense of self and psychological fortitude in relation to mastering the law.

- **Institutional Safeguards Against Bias**

These are supposed to be created on the basis of ethics and confidentiality and outcomes would be implemented on individual training and mentoring rather than exclusion. The bigger picture is to professionalize judicial psychology, by encompassing cognitive and moral skills in the notion of judicial excellence. This shift is consistent with the trends in such jurisdictions as Canada and the UK whereby currently judicial aptitude encompasses a sense of self and psychological strength when it comes to command of the law.

1. Review Panels of Colleagues in Deliberation: To diversify thinking and dilute individual biases, it is possible to create forums of multi-judges' deliberation on complex cases. Written judgment peer review can also be made to be more transparent and self-correcting on a rotational basis.
2. Blind Case Assignment and Structured Decision Protocols: Anchoring and confirmation effects that ascend because of pre-exposure or the individuality of litigants can be abridged through randomized case assignment and anonymized consideration of initial materials. System 2 thinking and reflective justification can be fostered by the use of structured templates of judgment that involve logical reasoning steps.
3. Institutional Reflexivity and psychological support: The court ought to institutionalize regular reflective audits anonymous surveys or interviews of the state of cognitive work load, stress and moral fatigue among the judges. It must be made available psychological counselling services that will remain confidential in order to help them maintain a balance between their cognitive and prevent burnout, which studies indicate increase heuristic dependence (Baumeister et al., 2007).

All these protective processes would lead to a psychologically knowledgeable judiciary system, a judiciary that is conscious and sensitive to the human side of judgment. The same reforms enhance the degree of trust that the people have on the judiciary, which is a pointer of open-mindedness in dispensing justice that is founded on scientific knowledge of the human mind.

All in all, psychological knowledge as a component of judicial practice is a radical approach to reforming the law. The better aware a judiciary has been of the cognitive and moral explanations of its own line of reasoning the better placed the judiciary would be to make justice humbly, transparently and intellectually straight. These suggestions rely on training and introspection, psychological assessment, and institutional safeguard as opposed to procedural enhancements, although epistemological transformation of viewing judges as rational readers and moral actors in a multifaceted human system.

The fact that psychology was introduced into the judicial systems proves that justice is never administered by machines, but by people. This intuition is not the nullification, but this awareness and management of this is the basis of justice over the conscious vision of its humanity.

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