

Two Trial Traditions

Criminal Justice

Party-led and court-led procedure, and how far each survives in practice.

Adversarial

- Parties gather and present the evidence
- The judge is an umpire over procedure
- Oral testimony and cross-examination
- Strong exclusionary rules of evidence
- Plea resolves the large majority of cases

Inquisitorial

- A judicial officer directs the investigation
- A dossier is built before the hearing
- The court questions witnesses directly
- Fewer categorical exclusion rules
- A confession does not end the inquiry

THE DIFFERENCE THAT MATTERS

Neither exists in pure form. Most modern systems have borrowed substantially from the other tradition.

Educational reference. This is a spectrum rather than a binary; hybrid procedure is now the norm rather than the exception.