

# Democracy & the Jury: promoting justice?

## Dr Samantha Joy Cheesman

### Abstract:

William Blackstone when referring to the important role that juries play as a democratic institution is attributed with saying, '*...it is not to be expected from human nature that the few should always be attentive to the interests and good of the many.*'

The jury is one of the main vehicles for promoting meaningful public deliberation in modern democratic institutions. In the US the effective role of the jury in being a stalwart of democracy has been affected by a spate of high profile cases which have called into question factors such as institutional racism, jury pools, as well as the use of peremptory challenges. The impact of these controversies have sent reverberations throughout American society as we have seen in such movements as Black Lives Matter.

The jury brings together private criticism to deliberate on a public issue/problem. Evidence shows that there is a link between having a more engaged and thriving jury system and civic participation, voting, and involvement in NGOs. A consequence is that the jurors themselves are made more aware of the inner workings as well as failing of the justice system which more often than not translates into an increased insight into the need for public involvement in preventing cases from even reaching court by addressing the root causes. Jury service not only changes the behavior of individuals but how they then go onto interact with the world.

Justice Kennedy espoused that it is the function of the jury to be the engine of 'democratic public engagement'. However, in the name of efficiency the role of the jury is being squeezed out which has serious ramifications for justice accountability. This phenomenon is referred to as the 'vanishing trial'. Juries do not always reach decisions which align with the views of the government so they can act as a resistance to repression while remaining a key factor in the institutions of democracy.

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