

People who serve on juries are more likely to involve themselves in democracy

By Democratic Audit

*The jury system is often portrayed as ineffective, cumbersome, and riven with silent prejudices against defendants. But a growing body of research suggests otherwise, with juries generally performing their important functions admirably. **Meredith Rossner** argues that this is just one of many benefits, with jurors more likely to vote and involve themselves in civic matters, even if these things had held little appeal for them before their summons.*

Is the jury an outdated institution? Jurors have been accused in the media of being stupid, ignorant, and lazy, and biased (see [here](#), [here](#), and [here](#) for some examples and debates). In fact, the use of the jury has been significantly scaled back. Today, less than 1% of all criminal charges end up before a jury, and in cases where the defended pleads not guilty, only 36% result in a verdict returned by jury deliberation (See [Thomas 2010](#)). Their use in civil cases has also been dramatically limited.

Concerns over the relevance and effectiveness of the jury may be unfounded. Research suggests that jurors *are* getting it right, and the common criticisms of juries are unsupported. In a thorough Ministry of Justice [report](#), Cheryl Thomas from UCL shows jurors to be fair, efficient, and effective. Thomas was afforded a unique look into the jury, with access to real jurors who deliberated under simulated conditions, data on all jury verdicts across England and Wales over an eighteen month period, and a post-trial survey of jurors in real cases. She finds a lack of ethnic bias and stereotyping among jurors, even in all-white panels. Jurors almost always reach a verdict (less than 1% are discharged), and they convict nearly two-thirds of the time. This research complements the oft-cited [classic](#) and well-[replicated](#) research from America that suggests that jurors reach the same verdict that a judge would nearly 80% of the time.

There is another element of the jury process that is often overlooked- the effect it has on jurors themselves. Alexis de Tocqueville, the great observer of American democracy, was struck by this. He wrote, 'I do not know whether the jury is useful to those who are in litigation; but I am certain it is highly beneficial to those who decide the litigation; and I look upon it as one of the most efficacious means for the education of the people which society can employ.' De Toqueville saw the jury primarily as a political institution, rather than a judicial one, whose role was to educate the citizenry in the practice of democracy. It 'invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge towards society and the part which they take in its government.'

There is a growing body of research that supports de Toqueville's claims. John Gastil, a political scientist at Penn State University, along with a number of colleagues, has been conducting [research](#) on the relationship between the jury and democracy for over 10 years. They have found that Americans who serve on a jury increase their participation in civic life. Previously infrequent voters begin voting more frequently, pay more attention to news and current events, and report engaging in more discussions with their friends and neighbors about community issues. Jurors who return a guilty verdict are also more likely to participate in community service or give to charity. They also report increased confidence in the government, the justice system, fellow citizens, and an increase in their own sense of citizenship. This is bolstered by similar findings from [Australia](#), where people who serve on a jury report increased levels of confidence in the justice system compared to non-empanelled jurors who are eligible, but not chosen to serve. It seems that juries really are schools for democracy.

Cases that make it to Crown Court trials tend to be the most serious, where the outcome can have a grave and lasting impact on the offender, victim, families, and communities. Jurors must absorb, process, and evaluate what can be complex and challenging evidence. There are two elements of this process that make it a unique experience. The first is that jurors are lay people- ordinary citizens asked to rely on their best reasoning and common sense to evaluate the evidence. The second is the collaborative nature of the process. It is a unique form of justice ritual where strangers engage with their peers to collectively decide on the best outcome.

Jury service stands alone as an example of lay participation in the justice process. Rather than rely legal professionals, we ask ordinary people to use common sense to reach a decision. As we have seen, jurors take their task seriously, are fair, efficient, and judges tend to agree with their decisions. This suggests that common sense is the best way to achieve fair outcomes. This is consistent with a growing body of research that explores how jurors use common sense to make decisions (see [here](#) and [here](#) for two good examples).

The unique experience of deliberation with eleven other strangers both enhances the experience of democracy and the efficacy of the process. Indeed, in Gastil's study the results were strongest for jurors in more complex cases, where the deliberation task was more involved. While a range of social-psychological research reports on the many biases that jurors may have towards a defendant, a victim, or a case (including racial, gendered, age, or appearance), much of that research is conducted in a psychology lab with mock jurors under unrealistic conditions and without deliberation. When mock jurors are given a more realistic trial simulation that includes a deliberation, results are different, as shows in Thomas' report. In fact, jury deliberation has been shown to decrease biases among jurors in simulated trial conditions (see [Tait 2010](#)).

The jury system is far from perfect. Jurors regularly ask for clearer instructions from judges, information on how best to deliberate, and guidance on how to incorporate technology such as the internet into their deliberation. However, it is one of the only examples of participatory democracy available today. Indeed, contrary to popular myth that we all dread receiving a jury summons, a 2009 Ministry of Justice [report](#) shows widespread support for juries. Recent legislation has attempted to open up the jury pool, [increasing](#) the age limit to 75 in England and Wales. This should be encouraged, to ensure a fair system, and to build better citizens.

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