

The Dismantling of Trial by Jury - And Why It Matters to Everyone

Adam Tugwell | 11 March 2026



For centuries, trial by jury has been one of the defining features of British justice - a democratic safeguard that ensured no individual could be deprived of liberty without the judgement of ordinary citizens. It has been the remaining beacon of legitimacy in a system increasingly strained by political interference, regulatory overreach, and a culture of legal interpretation that often feels detached from the lived realities of the people it serves.

Yet today, that safeguard is being quietly dismantled. The government's move to remove jury trials for offences that can still lead to imprisonment is being presented as a practical response to delays and backlogs.

But the implications reach far deeper than administrative efficiency. This is not a minor procedural reform. It is a fundamental shift in the relationship between the public and the state.

The Law Exists by Consent - Not Command

Politicians often forget that the law is not a one-way instrument. It is a social contract. It functions because the public accepts its legitimacy and agrees to be bound by its outcomes. When the state begins to remove the mechanisms that ensure fairness, independence, and public participation, that consent begins to erode.

Jury trials have long been the clearest expression of that consent. They ensure that justice is not simply something done to people, but something done with them.

Why Barristers Themselves Are Sounding the Alarm

Some of the strongest voices opposing these changes come not from activists or commentators, but from barristers - the very people who work within the system every day. Their warnings are not ideological. They are practical, grounded, and deeply informed.

They argue, rightly, that judges are legal specialists, not life specialists. They are experts in statute, precedent, and procedure - but not in the full spectrum of human experience, nuance, and context that shapes real-world events. And crucially, judges are not immune to the pressures of their environment.

They speak openly about issue fatigue: the psychological narrowing that comes from hearing similar-looking cases day after day. What appears repetitive to a judge may in fact be profoundly different for the individuals involved. Every person is different. Every case is different. No two experiences are the same. A jury, drawn from a cross-section of society, is far better placed to recognise that diversity of experience.

The Myth of Judicial Objectivity

We like to imagine that judges operate in a vacuum of perfect neutrality. But recent years have shown that judicial decisions can be influenced - consciously or not - by political climates, public pressure, institutional expectations, and personal beliefs. Judges are human. They are shaped by the same cultural forces as the rest of us.

A jury, by contrast, dilutes individual bias. It brings together twelve people who have not been steeped in the same professional culture, who have not spent decades seeing humanity through the narrow lens of criminal litigation, and who are far less likely to be influenced by the priorities of the government of the day.

Efficiency as a Trojan Horse

The official justification for removing juries is the need to speed up the justice system. But efficiency is a dangerously convenient excuse.

Once the principle is broken - once the state can imprison people without the involvement of their peers - the scope of cases affected can expand with alarming ease.

History shows that rights rarely disappear in one dramatic moment. They erode through small, “practical” adjustments that seem harmless until the cumulative effect becomes impossible to ignore.

A System at Risk of Arbitrary Justice

If the law were as clear, consistent, and responsive as it should be, perhaps the removal of juries would be less alarming. But we are not in that place. We are in a moment where interpretation often trumps principle, where political expediency shapes legal outcomes, and where public trust in institutions is already fragile.

Removing juries in this context risks creating a system where convictions are shaped not by moral or ethical correctness, but by what is convenient or beneficial to those in power. That is not justice. It is administration masquerading as fairness.

The Disguised Destruction of a Foundational Right

Trial by jury is not an outdated relic. It is one of the fundamental tenets that made Britain a place where ordinary people could trust that the state would not act arbitrarily.

It is a democratic guardrail, a cultural inheritance, and a practical mechanism for ensuring that justice reflects the society it serves.

To remove it - and to do so under the guise of practicality - is not reform. It is destruction dressed up as efficiency.

And once gone, it will not easily return.

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