

Are judges independent or neutral? (30marks)

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Judges are supposed to be totally independent from the government. They are there to protect the rights of citizens in Britain. The government says that the Lord Chancellor despite the fact they are appointed by the Government are still 100% independent and neutral. This I personally find difficult to agree with as the government pays the bills of the Judges, the government is able to sack judges and the more the judges agree with the government the more the government likes them. A judge liked by the government is more likely to be given a higher position or more power than a judge who is disliked by the government. I am sure that my cynical view on the judicial neutrality is most of the time incorrect, but I cannot help feeling that in some cases judges have benefited greatly from siding with the government in certain cases.

The government at the moment is able to overrule any decision made by the judicial system; this concludes that the government really has very little power. Despite the fact the government claims they have nothing to do with the system if it came down to a really important decision they would have the power to alter the outcome.

Judges are paid a huge amount to prevent them from being tempted by bribery. With the large pay check that they receive each year they are expected to make calculated and fair conclusions.

In history the judicial system has never escaped the demand for “modernization” through this problem the recent miscarriages of justice have been remembered. In 1990 the “Guildford Four”, who were convicted of the IRA bombing in 1975 were released, this was a major mistake but one of many. In the defense of the judges sometimes the information given to them by the police is lacking in substantial evidence and it therefore can lead to wrongful convictions.

Judges are almost all older wealthy men, with Oxbridge educations who are popular with other Judges, making them normally right winged. These older Judges are surly not going to have the same view or even comprehend a view of a youth from for example Essex who has stolen because they need the money. Judges in the past have always seemed rather hostile towards trade unions, this may have been because they are representatives of the working class but also due to the fact the trade unions didn't have the money to fund industrial disputes in court.

In 1987 it was pointed out that black defendants always seemed to receive long sentences that white defendants, this was an obvious lack of neutrality in those particular judges' cases.