

ORIGINS AND HISTORY OF THE JURY

Historians are unsure whether the jury system existed in England prior to 1066. It is well established that William the Conqueror brought to England from Normandy a system of having witnesses who knew about a matter to tell a court of law what they knew (to "swear" under oath). The English word juror comes from the Old French jurer which means to swear. However and wherever the jury system began, it has now spread from the British Isles to the United States, Africa and Asia.

In 12th Century England, juries were a tool for the king; the earliest recorded juries were employed to discover and present facts in answer to questions addressed to them directly by the king. The jury gave evidence, but only the king or his ministers made the final decision.

During the next two centuries, English juries moved from this advisory role to their current role as the decider of facts. By the end of the 15th century, the jury system had come to be regarded as the most valuable feature of English common law. Courts at that time began to allow parties to object to certain persons being seated on a jury, usually because they were personal enemies. It was not until the late 17th century that a jury could return a verdict of not guilty and not be in fear of fines and/or imprisonment for themselves. Hardly the impartial jury we now rely upon!

In the United States, the jury system became more important than ever after the Revolutionary War. The right to trial by a jury of one's peers became a symbol of the overthrown power of the king. From that time to this, the jury has become the central tenet of American law. Our ideal of equal justice for all probably could not have evolved without this strong belief in the wisdom of the jury.

The jury system combines together the rules of law with the common sense of the private citizen. Both the law and the community benefit from this interaction.