

This Q&A leaflet is to raise public awareness about Constitutional Common Law Trial by Jury as the cornerstone of true democracy. It is not just a courtroom procedure but a constitutional right which empowers the people to judge both the facts of the case and *whether the law itself is just*. The Democracy Defined Campaign has researched Trial by Jury extensively revealing its little-known history, true purpose and modern relevance. We have provided authentication by quotations from eminent judges, presidents and statesmen in this pamphlet to highlight the divergence between the currently unjust system and the *authentic Constitutional Trial by Jury which must be restored*.

**? Q1: “Isn’t trial by jury just about deciding if someone’s guilty or not?”**

**A:** No! It goes much further than that! Constitutional Trial by Jury is the people’s ultimate safeguard against statist injustice (i.e., tyranny). Jurors do not simply decide guilt—they have the right to judge whether the law itself is fair. If jurors consider a law unjust, they are duty-bound to pronounce the Not Guilty Verdict. Article 39 of our Magna Carta Constitution (installed “*in perpetuity*”) may be paraphrased as follows: “*No one may be punished or disadvantaged in any way except according to the judgement of his peers [social-equals] and according to legem terræ [the law of the land of which Trial by Jury is the single legal method of trial].*” Likewise, the U.S. Constitution enshrines Trial by Jury as the sole legitimate Justice System for all crimes (non-impeachable); viz. Article III; Section Two.

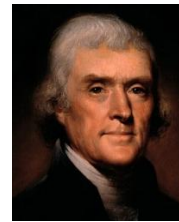
Erroneous modern law dictionaries notwithstanding, the correct definition of Common Law is that it is made from **judicium** (judgements & sentences) of **Jurors** in **judicium parium**, i.e., the Trial by Jury, the Judgement of Pares (parium, social-equals or peers). Thus, Trial by Jury is the sole legitimate justice system for all lawsuits, the secular, traditional pan-European, timeless, Common Law, also known as, **the Law of the Land** (see VII; *The Law of the Land* in Democracy Defined: *The Manifesto*).

**? Q2: “But don’t judges decide the law?”**

**A:** No! In a true democracy, *the people are sovereign*. Judges advise, but jurors decide. Until the Latin-derived word ‘juror’ was adopted, jurors were

actually called the judges, in recognition of their role. “*...the judges, for so the jury were called...*” See p. 55 of Crabb’s History of the English Law, etc. Authentic Trial by Jury requires jurors to annul laws that violate natural justice or constitutional principles. You may consider **The Juror’s Duty** in the genuine Trial by Jury as follows:

If a juror feels that the statute involved in any criminal offence is unfair, or that it infringes upon the defendant’s natural God-given inalienable or Constitutional rights, then it is their duty to affirm that the offending statute is really no law at all and that the violation of it is no crime at all, for no one is bound to obey an unjust law. (Also ref. U.N.-issued Nuremberg Principles, 1950.)



*“I consider Trial by Jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.”*

President Thomas Jefferson to Thomas Paine, ME 7:408, Papers 15:269.

**? Q3: “So, is Trial by Jury always supposed to be like this?”**

**A:** Indeed it is! The precepts of the Trial by Jury Justice System date back to the pre-historical mists of antiquity. The Hellenic Athenian Constitution of government by Trial by Jury was a conspicuous development in human history. (See the DD website.) Deciding lawsuits by jury seems to have prevailed universally even before Magna Carta 1215. It was pan-European. Ref. works by historian Prof. John Millar amongst others, as quoted in **DEMOCRACY DEFINED: The Manifesto**. According to Legem Terræ Common Law, it is the jurors’ duty in Trial by Jury *to judge the justice of the law and every act of enforcement, and acquit any persons accused under an arbitrary, unjust or apocryphal statute, regulation or prosecution*. This procedure is known as **Annulment by Jury** (sometimes referred to in a rather self-contradictory way as ‘jury nullification’!). Also ref. Old Bailey Commemorative Plaque: “*The Right of Juries to give their Verdict according to their Convictions.*” Chief Justice Vaughan; Bushell case.

**Consider Sir William Blackstone’s Assessment: TRIAL BY JURY IS THE GLORY OF THE ENGLISH LAW.**

His Hon. Sir William Blackstone, KC, SL, remains the foremost English jurist. He was a prolific author, Justice

of the Court of King’s Bench, and a profound inspiration to **The Founding Fathers of the United States** who adopted his outstanding elucidation on the philosophy of common law, Trial by Jury, and function of the courts.



*“The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. It is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected in his property, his liberty, or his person,*

*but by the unanimous consent of twelve of his neighbours and equals.”* Commentaries on the Laws of England, Book the Third, pp.379-380. Emphases added.

**? Q4: “I thought trial by jury was still commonly used?”**

**A:** Unfortunately not! In England nowadays, only around 1% of cases are heard by a jury (ref. Bar Council). Similarly low percentages prevail in the U.S. Most criminal cases in the U.K. are handled by Magistrates’ Courts, where there is **no jury at all**. All courts functioning with ‘trial-by-judge’ undermine the principle that justice must be enacted by the people—your fellow men and women. In 2025, sweeping ‘reforms’ in the U.K. (severely criticised by the legal profession) intend to whittle away the last vestiges of Trial by Jury which is already hugely eroded and a mere shadow of the just Constitutional format to which it should be restored.

The people are being excluded from the administration of justice and will fall victim to their own ignorance of Trial by Jury’s importance. In this context, heed the words of one who knows:



*“The power of the Executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgement of his peers, is in the highest degree odious and is the foundation of all totalitarian government, whether Nazi or Communist.”*

Sir Winston Churchill, Author, Chronicler, Historian, Philosopher, Nobel laureate for Literature;

Prime Minister of the United Kingdom of Great Britain and Northern Ireland. Excerpt of telegram from Cairo to the U.K. Home Secretary on November the 21st, 1943.

**? Q5: “Should a jury also decide on taxation?”**

**A:** Confirmation of the right and power of the people to ‘tax themselves’ is expressed in the following (amongst others) by English historian Sir Francis Palgrave:

*“The people taxed themselves; and the collection of the grants was checked and controlled by these virtual Representatives of the Community.”*

*“The principle of the Jury was, therefore, not confined to its mere application as a mode of trying contested facts, whether in civil or criminal cases; and both in its form and in its consequences, it had a very material influence upon the general constitution of the realm. ... Had it not been for the constant exercise of the functions which the people of England possessed when they assisted in the administration of the law, they would never have been qualified to claim their political rights.”*

Sir Francis Palgrave, F.R.S., F.S.A., *The Rise and Progress of the English Commonwealth*, pp.274-276, Emphases added.

Lawyer Lysander Spooner: *“Trial by the country [i.e., Trial by Jury] and, no taxation without consent, were the two pillars of English liberty and were the First Principles of the Common Law. They mutually sustain each other. Without both, no people have any guarantee for their freedom; with both, no people can be otherwise than free.”*

Spooner, *Essay on the Trial by Jury*. Further relevant quotations and information about the Common Law Economy and taxation are in *Democracy Defined: The Manifesto*.

**? Q6: “Why don’t all cases go before a jury?”**

**A:** Because governments have insidiously misappropriated power from the people! Judges in the U.K. and U.S., and magistrates (laypersons), decide guilt and the sentence without the public oversight of a jury. *This activity illegitimately bypasses the constitutional and Common Law right to be judged by one’s randomly selected peers:* a right enshrined both in Magna Carta and the U.S. and other countries’ Constitutions.

**? Q7: “Why haven’t I heard about this before?”**

**A:** Because modern governments and legal systems have surreptitiously eroded the jury’s power and the education system no longer teaches about genuine Trial by Jury. Those from the legal profession who are Members of Democracy Defined have learnt from this educational campaign, and point out that the proper

workings of Trial by Jury have not been taught at law schools for a generation or more.

*Voting does not define democracy—only Trial by Jury does.* Regarding the true role of Trial by Jury, in modern times, District Judge Thomas A. Wiseman ruled:

*“This respect for nullification flows from the role of the jury as the ‘conscience of the community’ in our criminal justice system. When measured by this standard, a defendant’s right to inform the jury of that information essential ‘to prevent oppression by the Government’ is clearly of constitutional magnitude. Indeed, to deny a defendant the possibility of jury nullification [i.e., annulment by jury] would be to defeat the central purpose of the jury system. We have established the jury as the final arbiter of truth and justice in our criminal justice system.”*

Excerpts from ruling: U.S. District Court for the Middle District of Tennessee - 830 F. Supp. 411, September 8, 1993.



**? Q8: “Now, what can I do to protect Trial by Jury?”**

**A:** Learn, share and take action! Download [Democracy Defined](https://www.democracydefined.org) pamphlets; join the campaign for free and talk to your community!

**You can e-mail, print out, photocopy and give this leaflet to family, friends, colleagues and to media. Share this information on your social networks too.**

<https://www.democracydefined.org>

*“Thank you for your excellent work on Magna Carta. What a masterly exposition.”*

JOHN GOURIET, Chairman, Defenders of the Realm; Battle for Britain Campaign supported by the Duke of Wellington; Edward Fox, OBE, and Frederick Forsyth, CBE.

For a complete insight, see *DEMOCRACY DEFINED: The Manifesto* ISBN 978-1902848327. New 2025 Edition, available from Amazon.

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**EIS#5. Trial by Jury: Your Shield – Q&A**



This is a companion leaflet to EIS#4



# Trial by Jury: Your Shield, Your Voice, Your Power

*Introducing:*

THE DEMOCRACY DEFINED EDUCATIONAL CAMPAIGN  
for RESTORATION and UNIVERSAL ADOPTION of  
CONSTITUTIONAL COMMON LAW TRIAL BY JURY.

This RESTORATION CAMPAIGN is a free membership organisation with members from all walks of life. Our Campaign Philosophy books are endorsed by a Nobel laureate professor emeritus; a Fellow of the Royal Society; academics, doctors of a variety of disciplines, judges (U.S. & U.K.), and other cognoscenti.

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