

UK Labour government welcomes report calling for curtailing of jury trials

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The Starmer government is considering scrapping juries in a substantial number of trials, following proposals in Sir Brian Leveson's report commissioned by Labour last December. Justice Secretary Shabana Mahmood responded warmly, "Swifter justice requires bold reform, and that is what I asked Sir Brian Leveson to propose."

The proposals include:

- Removing the right to trial by jury for defendants charged with crimes with a maximum sentence of two years or less.
- Creating a new division of the crown court in which only a judge and two magistrates (without a jury) hear certain "either way" cases—involving charges which defendants can currently choose to have heard by either a jury or a magistrate. The presumption would be that all defendants facing charges with a maximum sentence of three years or less would receive such a trial.
- Making trial by judge alone mandatory for serious and complex fraud cases.
- Giving defendants the "right" to request trial by judge alone.
- Incentivising guilty pleas at the first opportunity by increasing the maximum sentence reduction offered in return.

These proposals would roll back centuries of struggle for democratic rights. Jury trials began to be standardised after the abolition of the Star Chamber, made up of Privy Councillors (representing the monarch) and common-law judges, with the Habeas Corpus Act of 1640. This was a product of the political and social ferment that was to erupt shortly after in the English Civil War/Revolution of 1642-51 between Royalist forces and the Parliamentary (New Model) armies representing the emerging bourgeoisie and allied squirarchy, which saw the beheading of Charles I in 1649 and brought major advances in the rule of law. Over time, popular pressure widened the ranks of those deemed eligible for jury

service.

Among the offences now recommended by Leveson to be tried without a jury—and those most heavily reported by the media—are various sexual offences, forms of racial and religious harassment and violence, drug and anti-social behaviour offences. Combined with the example of serious fraud cases, these will be used by Labour to make a populist pitch for this unprecedented attack on democratic rights.

The government will also insist that the removal of jury trials is necessary to address the enormous crown court backlog, which stands at 77,000 cases—a record high. Trials are being listed for as far in the future as 2029. Leveson writes in his introduction of a "real risk of total system collapse in the near future".

This is a travesty, holding the threat of prison over thousands of people—many of them under onerous bail conditions or held on remand—for years, denying resolution and closure to victims and falsely accused alike. But it is the fault of a joint Labour-Tory policy of mass imprisonment, coupled with continuous funding cuts to the justice system—provoking strikes in 2022.

Britain has by far the highest incarceration rate in Western Europe, much higher rates of reoffending (29 percent of inmates within just one year of release) and longer average sentences, which have increased sharply in the last decade. This is the ruling class's answer to the social consequences of growing inequality and poverty: effectively warehousing a section of the population treated as a criminal underclass.

At the same time, Leveson points to "long-term constraints and reductions in funding and investment in criminal justice over many years [that] have resulted in fewer available courts, a considerable maintenance backlog in the court estate and a smaller and less experienced workforce."

Another section explains, "The MoJ [Ministry of

Justice] and criminal justice agencies have experienced some of the most significant funding constraints of any government departments over the last 15 to 20 years”.

Rather than providing the funding to fix this—let alone resources for a genuinely rehabilitative justice system, or tackling the deprivation at the root of crime—Labour is trying to use a crisis of its own making to justify system of assembly-line “justice”.

As the Secret Barrister—whose anonymous first-hand accounts of life as a criminal barrister are UK bestsellers—explained on X: “To understand the context of Leveson’s call for restricting jury trial, look at the terms of reference. Govt wouldn’t let him recommend increased funding. Akin to demanding a solution to starvation that doesn’t include food. And the recommendation being to chop off body parts.”

Keir Starmer is well-placed to lead this offensive. As head of the Crown Prosecution Service, he led the rubber-stamp sentencing of over 1,000 young people in courts called into 24-hour operation after the 2011 London riots.

The new and decisive impulse for Starmer’s commissioning of the report is his government’s drive to impose mass repression against rising opposition to its agenda of austerity and imperialist violence.

Leveson’s report was published just days after the illegalisation under counter-terror laws of Palestine Action. The proscription order makes membership of, or any expression of support for, the peaceful protest group punishable by up to 14 years in prison. Leaders of the Palestine Solidarity Campaign and Stop the War Coalition are meanwhile facing charges under the Public Order Act.

The Labour government—complicit in Israel’s genocidal assault on Gaza—has been confronted with repeated mass demonstrations London for more than a year and a half. It feels itself desperately isolated as it plans to impose more savage austerity to secure the fortunes of the financial oligarchy and the resources needed to pay for ramped-up military spending.

As the Socialist Equality Party (UK) explained on June 23, in response to the proscription of Palestine Action:

Faced with mounting opposition, the British state, with Labour at the helm, is moving to police-state methods of rule. The attack on PA is preparation for state repression against the strikes and mass protests that will inevitably erupt against the imposition of deeply unpopular wars and the mass austerity necessary to wage them.

There have already been major attacks on juries in the context of protest trials, with climate protesters prevented by judges from explaining their political motivations to jurors. People have even been arrested for standing quietly outside courthouses with placards explaining “Jurors you have an absolute right to acquit a defendant according to your conscience.” This right was established over 350 years ago by Bushell’s Case.

Leveson’s proposals set a precedent for an even wider assault, allowing the scale of political arrests being contemplated by the Starmer government to be processed through a streamlined system.

Defending such elementary democratic rights as the right to the jury will depend on a political movement of the working class. The response of the *Guardian* to the Leveson report confirms that there is no section of the bourgeois opinion which will do so.

The self-professed “world’s leading liberal voice” responded to news of Leveson’s report with a blasé “explainer” piece: “How do criminal courts work without juries around the world?”

It followed this up with an editorial which soothed, “Only a tiny minority of criminal cases in England and Wales are decided by a jury—as few as 1%, once guilty pleas and judge-directed acquittals are taken into account. There are democracies where jury trial is rarer still.”

While “There are also good reasons why the right to be judged by one’s peers is deemed a foundational principle of justice and an insurance against prejudice and capricious power,” Leveson’s task was “finding the least worst solution when justice must be tailored to a tight budget... When the time comes, ministers might feel compelled by fiscal circumstance to accept Sir Brian’s recommendations.”



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