IV. The functions of the judge and jury

This chapter discusses the basic functions of judge and jury. It begins with the general rule of separation of functions of judge and jury, before turning to some of the more direct methods of judicial control. The chapter also considers the extent to which the average jury understands the directions that the law requires the judge to give, and whether jurors are as imperceptive, ignorant, or prejudiced as some of the rules of evidence suppose. Secret monitoring of jury deliberations is one way of resolving these issues, but such monitoring would amount to contempt of court. Moreover, any discussion with a third party before verdict is liable to result in a conviction being quashed. Recourse must, at present, be had to simulations and generally less reliable methods of obtaining the information needed to provide a basis for understanding and improving the law of evidence.
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