



The New Judiciary: The Effects of Expansion and Activism

Kate Malleson

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During the last thirty years, the judiciary has undergone an unprecedented expansion in its size and power. Judges now have more influence over our private and public lives than ever before. The effect of this change has been to transform the judiciary from an inward-looking elite into an increasingly heterogeneous professional body. 'The New Judiciary' examines the developments which have taken place in the appointment, training and scrutiny of judges as a result of the expanding judicial role. It highlights the increasing tension between the requirements of judicial independence and accountability which these changes are producing. The traditional insulation of the judiciary from all external influences is being challenged by the need for greater openness and public scrutiny of the judicial process. The passing of the Human Rights Act 1998, incorporating the European Convention on Human Rights into domestic law represents another stage in this process by expanding the policy-making role of the senior judiciary still further. As a result, the continuing modernisation of the judiciary, which is the subject of this book, will be an increasingly important feature of the legal and political process in the years ahead.

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