

Is judicial integrity a norm?

An inquiry into the concept of judicial integrity in England and the Netherlands

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Abstract

Much effort is being made to safeguard judicial integrity – but what is it? In this article, two discourses on judicial integrity will be outlined: one in which judicial integrity is said to be at stake and one in which the emphasis lies on safeguarding judicial integrity. These discourses are by no means homogeneous. Not only are there considerable differences between the English and the Dutch discourses, there are also differences within each discourse regarding the use and meaning of integrity. In order to gain a better understanding of the concept, normative theory is consulted. From a rule of law perspective, integrity as the proper professional character of an official appears to be a presupposed norm. From the perspective of democracy, integrity appears as the norm that correlates with public trust. Expounding on these norms – integrity as professional character and integrity as external accountability – enables a better understanding of the discourses on judicial integrity.

Keywords

integrity; judge; judicial integrity; legal ethics; virtue ethics; judiciary

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