Lifetime Appointment of Judges

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Article III of U.S. Constitution allows the judges, both of the Supreme Court and the lower courts, to be appointed for a lifetime. The founding fathers of the nation gave judges the right to serve for a lifetime to prevent any influence from other government institutes. However, nowadays, many people wonder if that decision was right or not. People argue that judges should also be subjected to a specific term limit. Modern policies and technological advancement, with the increase in life expectancy, means that many judges are left behind the pace with which the world is moving. The scope of this paper will cover the pros and cons of the lifetime appointment of judges and at the end, I will also give my position on whether it is the right decision or not.

**Benefits of Lifetime Service**

Only the judges in America have this right. In general, Federal judges are not appointed for lifetime in any other major democracies of the world. Some have mandatory retirement ages while some countries set a specific term limit. Article III means that no one in the country, not even the president of the country can influence them in their decisions. The assurance of job security means that the independent spirits of the judges will help them in an authentic performance during such a difficult job. This constitutional advantage given to them means that they are put above any political pressures and are allowed to rule through a balanced interpretation of law. Perhaps the most prominent benefit of lifetime appointment of judges is that they are fearless while making their decisions. It is also researched and suggested that many judges who are appointed are more independent than elected judges (Choi, Gulati, & Posner, 2010). Judges make decisions based entirely on their understanding of law without taking any consideration of public opinion. Another benefit of lifetime appointment is that it prevents corruption in the judicial system. If there was any term limit, judges would have a certain time to make their careers and limited time may tempt them to do corruption to earn some money.

**Disadvantages of Lifetime Service**

There are some benefits of lifetime service but there are a lot of disadvantages as well. Since many federal judges are very old, it may result in a very conservative ruling. When this rule was passed, the average life expectancy was much lower than it is now. The average life expectancy of Americans now is 77 years, which means that judges are not up to date with the cultural changes and cannot keep themselves updated to mirror the social changes that are required. One thing that is to be noted is that it creates randomness in the overall behaviour of the court. One political party might appoint a conservative judge while the other may appoint a completely random judge. If the new appointed judges share a similar ideology with older, then the older judges are more likely to continue on their positions (Curry & Hurwitz, 2016). So, if there was a retiring age and a proper promotion system, the judges would take the position on the basis of seniority irrespective of their political mindset. It would also prevent any deliberate retirements at crucial moments and also prevent judges from having huge power. Originally the purpose of democracy is to allow the majority of people what they want.

**The Right Way**

I personally think that there should be a retirement age for all the judges, and based on that, their promotion and appointment should be decided. The U. S’s Constitution does not specify the “lifetime appointment” of judges rather the Article III says that a federal judge is eligible to hold his/her office subject to “good behavior”. The main problem is that there are no criteria for defining good behaviour nor is there a specific age limit. As long as judges remember their pleases and Thankyous their attitudes are generally described as “Good Behaviour”. This should be avoided and there should be a proper system for retirement. In my opinion, 60 years is the right time for a judge to retire.

**References**

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