

## Courting Justice

**'Man, proud man, drest in a little authority; most ignorant of what he's most assured'. Shakespeare is always a sobering thought as I ride my bicycle southwards on the mean streets from Waterloo Station to Camberwell Green Magistrates' Court.** Sometimes the magistrates' retiring room at Camberwell is sunlit. Enjoy it, the courts here are almost all internal rooms without any natural light. The clerks arrive and we huddle together into benches of three to go over the morning list. The ushers arrive and bench by bench we go to our courts.

## High Drama

As the doors open ... 'All stand!' ... and we take our seats, high under the Royal Arms set upon a hanging of blue velvet behind us, Counsel and solicitors ranged beneath. The public are crammed into a tiny glass fronted enclosure. The police officer with clipboard announces the first case. He, Chorus and Major Domo, determines the pace of the action. Let no-one delude himself, this, into which we are now entered, is a dramaturgical scene where the formal social rules are spelled out — property rights, limits of physical force and boundaries of sexual licence and much else besides. The essence of the matter is despatch. There may be 15 or 20 cases requiring some decision this morning and perhaps as many or more this afternoon. Typically, this is a day not for trials but for sentence. Most defendants have pleaded guilty already. Some are represented. The majority of those whom we shall see this morning will be poor, unemployed and relatively inarticulate. Their crimes will be predominantly those of theft. Small, mean, stupid thefts; thefts committed under the stress of poverty or the liberating effects of drink. Few of them threaten society in that stock markets do not quake at their defalcations. Others will be in court on account of their proclivity for violence against property or against the persons of those like themselves who are young adult males from the 'lower orders' of society who knock each other about when drunk. Those

who are not represented sometimes have a Social Enquiry Report (SER) to present them in a better light. Thank God for the Probation Service. The SERs so often speak, Portia like, for the inarticulate. Generally they make it plain that they are sorry. Sorry that it ever happened. That they got caught. For having actually done wrong. Who knows. Certainly we on the bench don't and must rely on such unreliable things as demeanour or their use of words.

Sentencing, rather than weighing of guilt or innocence, is what the job is about most of the time. Ideally, the bench withdraws to the retiring room to discuss sentence. Three heads are very much better than one, particularly if the one in the middle is a bit on the big side. I recall my apprentice days 20 years ago, when some chairmen behaved as if they were stipendiaries and turned to their flanking book-ends with an interrogative '£25, all right?'. Today common sense and compromise have a re-assuring habit of holding their own and individuals can express their views. Sometimes, if the sentence is going to be a tough and complex one, it has to be written down to make sure it is spoken without error. Just what is its object? To punish? To deter others? To put a kind of price tag on this kind of behaviour? How much must poverty reduce the fine? How far must the needs of a dependant family determine whether this is a case for custody or not? All urgent questions, and all the time, the press of other cases waiting to be dealt with.

## Loaded Justice

Around noon, ideas about justice, objectivity and high-mindedness are put to the test. Enter the pariahs: the drunk drivers. Almost without exception they are anxious only about the length of their impending disqualification or the size of the fine. Some, with fearful records of previous convictions, anxiously wonder if they are bound for some brief stay at Her Majesty's pleasure. Joe Public seems to distinguish between those whose weapon is a beer glass and those whose weapon is a motor car. Serious motoring offences are in a strange no man's land

and few magistrates have a good map of the place. After them, the odd 'means enquiry': the character who has still not, after many months, paid anything off the fine imposed for a string of motoring offences. The court clerk: 'You were fined £75 and £25 costs. Why have you paid nothing after 15 months?'. 'Well, I 'aven't 'ad the money, 'ave I?' is the demotic negative interrogative. What he means is that the money he has had has been, and continues to be, spent at his pleasure and he has not the least intention of paying it to the Secretary of State. He lives on the rialto of the half world between crime and sharp business. We consider whether to have him searched. A minute or two later and the court officer reveals that he has £50 about his person. He stoutly maintains that the money is his mother's and that he was taking it to pay one of her creditors whose name he does not know and at an address he cannot recall. We order the cash to be taken from him and make a committal order for 14 days suspended while he pays off the balance at £5 a week. He goes away, knowing he should have trusted his mate in the public gallery to 'mind' the cash for him.

We go to lunch.

And so to the afternoon. Clerks change like post horses, but magistrates soldier on. Local authority prosecutions, parking meter prosecutions by the gross — a mountain of forensic detritus from bureaucratic systems that lean upon the courts for their ultimate sanctions. No defendants now. Only the presenting staff. Business goes along with a dull incantation. Not all days are like this. Sometimes there is a contested motoring case or even a 'how did the glass splinter get into the tin of meat, then?'. But not today. It is nearly five o'clock and the fluorescent light gives no hint of the passage of time. 'That concludes your afternoon list, Sir'.

Stumps are drawn and it's back on the bike to Waterloo. No, I didn't enjoy my 'day in court'. I hope I never do.

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