

Chapter Five – Courtin' Justice

Chapter summary

This chapter considers the ways in which the court system discriminates against those who are of black and minority ethnic background, and the relationship of this discrimination with the wider notion of justice. This chapter covers:

- The presence of black and minority ethnic courtroom staff.
- Attempts for fair justice to move beyond 'tokenism' when dealing with the recruitment of black and minority ethnics as court personnel.
- The racialised treatment of black and minority ethnics as defendants in court, for example, illustrated in suspected over-sentencing practices.
- Community punishment via the harsher sentencing of black and minority ethnic individuals.

Links to SAGE articles

Agozino, Biko (2000) 'Theorizing otherness: The war on drugs and incarceration', *Theoretical Criminology*, 4(3): 359-376.

<http://tcr.sagepub.com/cgi/content/abstract/4/3/359?ijkey=zcn93FGVIKFX2&keytype=ref&siteid=sptcr>

Phillips, Coretta (2005) 'Facing inwards and outwards? Institutional racism, race equality and the role of black and Asian professional associations', *Criminal Justice*.

5(4): 357-377.

<http://crj.sagepub.com/cgi/content/abstract/5/4/357?ijkey=0Om/YKzAM42k2&keytyp=ref&siteid=spcrj>

Steffensmeier, Darrell and Demuth, Stephen (2000) 'Ethnicity and sentencing outcomes in U.S. Federal Courts: Who is punished more harshly?', *American Sociological Review*, 65: 705-729.

<http://www.icpsr.umich.edu/files/sumprog/2009/nijworkshop/SteffDemuth2000FederalStudy.pdf>

Case study: The 2001 Bradford disturbances – Fair justice for all?

The events of 2001 unfolded over the course of four months, beginning with minor disturbances in Bradford during April. These were followed by larger disturbances in Oldham during May, Burnley in June, and Bradford during July. The context in which the disturbances took place was marked by high levels of deprivation and poverty, the emergence of distinct local grievances (for example, over policing and media representation), and with far-right activism providing important local provocations.

The disorders occurred during an election year, and the Oldham disorder occurred in the context of organised campaigning by far right groups eager to increase the British National Party's share of the vote. Following the disorders, a British National Party candidate for an Oldham constituency won the party's highest ever share of the vote in a general election (Renton, 2003: 80). The disorder in Oldham emerged after a series of flashpoints. In one widely reported incident, a group of hooligans associated

with Stoke City football club 'rampaged' through Asian areas (Silver, 2001: 12), provoking a desire for retaliation among Asian youth. As tensions increased, far-right groups such as the National Front maintained a presence in the area (Alexander 2004: 527), although by May a banning order had been put into place to prevent marches which might have provoked further tensions. Tensions continued to increase, with a number of clashes between far-right groups and their anti-fascist opponents, an amount of posturing by National Front supporters threatening to march in spite of the ban, and reports of incidents against Asians. Finally, in late May large scale violence broke out following a series of further clashes between local white and Asian young men, and amid a spiral of attacks and counter attacks. At the height of the disturbances it was reported that the offices of the Oldham Evening Chronicle had been damaged by a firebomb. In the light of community members' perceptions about a lack of balance in the paper's reporting (Oldham Independent Review: 15), this was a highly symbolic target.

Secondary disturbances emerged in Burnley, followed by a large disorder in Bradford which again occurred around flashpoints between far-right marchers and anti-Nazi campaigners, leading to confrontations with the police. Although the disorders were largely represented as being specifically Asian in nature, further disorders involving young white rioters continued over a number of days following the end of the main disorder. However, perceptions grew that Asians involved in the disturbances were subjected to particularly harsh treatment, both on-ground and when brought before the courts. This was seen by many as a reflection of the state's 'attempt to legislate and control cultural bodies through the inscription of highly racialised institutional violence' (Alexander, 2005: 200). In the case of Bradford, suspicions of

disproportionate sentencing led to a highly visible campaign. For example, one Asam Latif received a sentence of four years and nine months for rioting, after he threw six stones at the police. First time offender Shazad Ashraf, who had handed himself in to the police and was personally supported by Councillor Ian Greenwood, was imprisoned for five years for throwing two missiles and waving his arms in a manner that would encourage others to participate in riot behavior. Mohammed Manir received a prison sentence of four years and nine months for hurling two stones (Allen, 2003). Such cases were perceived as 'community sentencing' (Allen, 2003: 47), and it was implied that Judge Stephen Gullick was concerned with setting an example and sending a message to others in the community (Allen 2003; Alexander, 2005), although a subsequent report challenged these findings (Carling et al 2004).

The Asian youth had been the focus of attention, blaming them for the estimated £11 million worth of damages (Allen, 2003, cited in Alexander, 2005: 201). No real account was taken of pre-disturbance context, and certainly no serious acknowledgement or consideration was given to the social injustices and underlying causes of their situation (Benyon and Solomos, 1987) which had contributed to their behaviour, for example, their experiences of segregation in housing, education and employment; racism; discrimination; racially motivated attacks and some in cases, actual death; heavy handed and over-policing methods; a failure to be protected from the regular presence of extreme right-wing groups. The 'riots' should therefore be considered within a context of accumulated frustration, despair and result of the constant racisms experienced by this group.

References

Alexander, Claire (2005) 'Embodying Violence: 'Riots', Dis/order and the Private Lives of the Asian Gang', in C.Alexander and C.Knowles (eds.) *Making Race Matter: Bodies, Space and Identity*'. Hampshire: Palgrave MacMillan. pp 199-217.

Allen, Chris (2003) *Fair Justice: The Bradford Disturbances, the Sentencing and the Impact*. Bradford: Forum Against Islamaphobia and Racism.

Benyon, John and Solomos, John (eds.) (1987) *The Roots of Urban Unrest*. New York: Pergamon.