The injustice of privatisation

In a slight departure from our usual format, The Haldane Society invited two non lawyers to speak at the final lecture for 2012. Those in attendance at the College of Law were not disappointed however as Lois Austin and Owen Jones delivered two passionate and informative speeches which focused upon the injustice of privatisation.

Lois is a full time officer for the Public and Commercial Services Union (PCS) which organises civil servants including in the Ministry of Justice. In her introduction, she described the crippling effect that Government cuts are having on the efficiency of the court service and also the impact on the living standards of the workers themselves.

As the full impact of the Government’s savage assault on public services takes effect, politicians have attempted to scapegoat welfare recipients. Ministers shed crocodile tears for working people, so called ‘strivers’, while demonising those who are unemployed as ‘shirkers’. The predicament of PCS members gives the lie to such vile assertions. Far from being curtain-twitching layabouts, many hard working civil servants are forced to claim some of the very benefits they administer to others.

Lois’s message was not one of total gloom however. She told the audience that her union, led by Mark Serwotka, is at the forefront of trying to fight the cuts and is campaigning for industrial action among its members. In the months ahead we can expect to see new forms of social ownership. As he has argued elsewhere, socialism in the 21st century cannot simply involve a return to the top down nationalisation we experienced for example in the 1970s. Instead, he suggested that we must develop genuinely democratic models which involve working people and consumers in the management and control of institutions and utilities.

The full scale reconstruction of society may not currently be on the horizon but it is to be hoped that calls for solidarity with public sector workers will be a pressing consideration in the months to come. We must all be ready to stand four square behind them.

Brian Richardson

Support the call to free Vadim

At its AGM in 2012 The Haldane Society affiliated to ‘Campaign Kazakhstan’, recognising that the campaign not only fights for social, labour and human rights for Kazakhstan workers, but most importantly it has activists and socialist campaigners in the country itself.

Haldane was immediately thrown into the international campaign to raise the case of Vadim Kuramshin, a human rights lawyer. We have written several letters of protest and are grateful to The Law Society lecture on ‘Higher Education for Sale’.

The market is devaluing education

On 17th January 2013, Dr Adam Gearey, a legal academic at Birkbeck and UCU activist and Michael Chessum, a National Campaign Against Fees & Cuts (NCACF) activist, NUS NEC member, and President of ULU braved the winter weather to speak to a Haldane Society lecture on ‘Higher Education for Sale’.

The speakers discussed the current neoliberal project of privatisation of higher education, including changes in the law which give private institutions a range of

November

20: The Justice Secretary Chris Grayling says prisoners who are released should have a mentor to prevent them re-offending. Grayling’s plan would be implemented by private and voluntary groups who would be paid if re-offending was reduced.

29: Lord Justice Leveson recommends press laws being placed on a statutory footing in his report of the inquiry into the practice and ethics of the press. Fleet Street had been implacably opposed to anything which looked like State regulation but Leveson’s report denied that was the purpose of his proposals.

December

4: An independent commission is launched to examine how best to respond to the legal aid cuts. The Low Commission’s website says it was ‘established to develop a strategy for access to advice and support on social welfare law.’

10: The Council of Europe admonishes for delaying the grant of votes to some prisoners. The committee criticised the third option, continuing with the current total ban, in the draft bill put before parliament. Although no punishment was proposed, the Council will return to the topic in September 2013.
benefits, access to the emerging higher education market on the same footing as public institutions, full access to State-backed student loans, and even taking over existing universities. The past few months have already seen the takeover of the College of Law by a predatory private equity firm, with the Government giving permission for a change in its name to the ‘University of Law’.

The marketisation of education requires the creation of the bureaucratic, costly, time and resource heavy structures needed to artificially turn education into a commodity. One has to transform students into customers or consumers, to drive students to demand improvement of universities. This leads to the devaluation of the grading system. Creating a truly free market may require more changes to the functioning of universities to allow students to exercise genuine choice in the market, moving between universities each year as a better, perhaps easier or cheaper, offer comes along from somewhere else.

Dr Gearey said that research has shown that the social benefit of education is far greater than the benefit to the individual student. This is what we should focus on when considering how to fund education. If education is funded out of general progressive taxation, then those graduates who do benefit financially from education will pay for it proportionately more than those who do not benefit. However, capital will always seek to maximise its profits subject to the political limitations placed upon it. This means that where capital seeks to maximise its profits at the expense of the quality of our education system, we must place limits on markets.

Michael Chessum said the introduction of the fee system in 1998 involved the privatisation of university income streams that prefigured the privatisation of the structures themselves. So the elite universities aren’t having problems with their income. It is universities such as London Metropolitan University that are suffering. A two-tier system is being created and this will only get worse.

He went on to discuss the ideological underpinning of the marketisation of education. Student debt is a terrible quality debt for the Government to hold, and tuition fees are linked to the CPI so as they rise, they cause rises in other areas of Government spending in terms of pensions and benefits.

January

18: The High Court rules that the cases of women seeking damages against the police for being tricked into sexual relationships with undercover police officers must be heard in secret. Harriet Wistrich who represents some of the claimants, said ‘this decision prevents both the claimants and the public from seeing the extent of the violation of human rights’.

19: The High Court quashes the original inquest verdict which followed the suicide of the NCAFC’s president. The Lord Chief Justice Lord Judge said it was ‘desirable and reasonable for a fresh inquest to be heard’. A new inquest will begin in 2013.

10: DCI April Casburn is found guilty of trying to sell confidential information to the News of the World. Casburn had said she simply wanted the public to know that counter-terrorism officers were being moved to the phone hacking investigation.

18: The Commission on a Bill of Rights fails to reach a consensus on whether human rights legislation should be reformed. Two Tory members of the commission recommended withdrawing from the European Convention on Human Rights while two others opposed any change.

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What can be done? The NCAFC and other groups are currently leading the struggle outside of the NUS for a radical student movement. Occupations and demonstrations continue today. There is a role for lawyers as well. Legal support from experts is always helpful when students engage in civil disobedience such as the occupations of university property, something which members of The Haldane Society have already been involved in. Those with experience in trust law and charity law can provide assistance by helping the NCAFC to redraft student union constitutions. Those of us in academia can help to shape legal education so students learn about the wider political, social and economic issues.

Stephen Knight

Paul Heron

Vadim was convicted only of one incriminating act under Article 327 of the Criminal Code – ‘arbitrariness’ – receiving one year of conditional freedom. He was released in the courtroom itself in August 2012.

At the time Vadim could not hide his joy. ‘I want to thank all my friends and colleagues who have conducted an energetic campaign; it helped me enormously. Indeed, there has never been a result like this before on previous occasions when I have been convicted for clearly political reasons.’

However, this could not go unanswered by the regime in Kazakhstan. The Appeal Court revoked the decision. Vadim was once again arrested, a new ‘trial’ took place and was then sentenced to 12 years imprisonment.

Under the lead of Judge Nurmukhammat Abidov this latest trial was rushed through and the sentence declared without either Vadim or his advocate being present in the courtroom. They were replaced by a court-appointed lawyer who, according to campaigners, sat there as if he was an extra piece of furniture.

The trial was conducted with many breaches of procedure. From the beginning the judge took the side of the prosecution. Not one objection from the defence was upheld, neither defence nor prosecution witnesses were questioned. Vadim was not even allowed to see the documents submitted to him.

The Nazarbayev regime are out to seek revenge against Vadim who is seen as a fighter against corruption. His re-arresting so annoyed the members of the previous jury that they have formed their own action committee in support of Vadim.

In the run up to the appeal the authorities have demanded that the licence to practice be withdrawn from Vadim’s lawyers, Raziya Nurmashew and Iskander Alimbayev. They are acting pro-bono in a politically motivated trial aimed at removing an effective human rights campaigner from activity, while the two lawyers are themselves being punished.

At the time of writing the appeal was due to be heard. Please send letters of protest to Kazakh embassies in your country – see www.embassypages.com/kazakhstan