# Socialist Lawyer

Magazine of the Haldane Society of Socialist Lawyers **#81** February 2019 **£3**

## Keep the Stansted 15 free

**Haldane Society of Socialist Lawyers**

**PO Box 64195, London WC1A 9FD**
**www.haldane.org**
The Haldane Society was founded in 1930. It provides a forum for the discussion and analysis of law and the legal system, both nationally and internationally, from a socialist perspective. It holds frequent public meetings and conducts educational programmes.The Haldane Society is independent of any political party. Membership comprises lawyers, academics, students and legal workers as well as trade union and labour movement affiliates.


*Socialist* **Lawyer**

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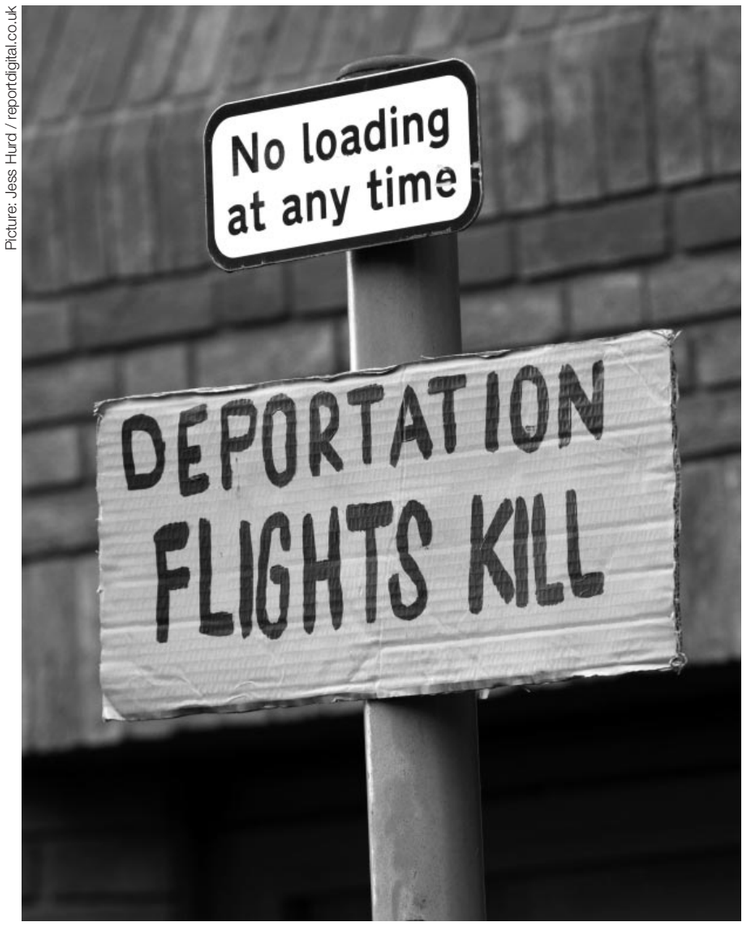


Picture: Jess Hurd / reportdigital.co.uk

*A sign in support of the Stansted 15 activists on trial for stopping an immigration removal flight (see pages 16-19).*

# Number 81, February 2019





# *from the* **editor**

## Our efforts have effects

Increasingly, as each edition of this magazine arrives in the post, the editorial and news stories feel like pieces of historical interest. The world of law and politics in the UK is moving so quickly, so unpredictably, that anything that we commit to paper risks ageing prematurely.

I'm currently involved, for example, in a case concerning the rights of Zambrano carers under the EU treaties. By the time it gets to court will there still be such a thing? How many cabinet ministers (or prime ministers) will have come into office, and somehow survived toe-curling gaffes, only to be deposed and replaced by some twist of fate by the time that our clients' cases grind their way through the courts?

In that context, the recent Haldane AGM was a very welcome reminder of our continuity. For many decades committed lawyers have formed an important part of the left, questioning and standing up to fascism, imperialism, patriarchy and the worst excesses of the state and capitalist society. It was reassuring to see new comrades so keen to get involved, as others re-entered the fray with their characteristic determination and skill.

The historical echoes in this edition are startling reminders of the importance of our actions in times of struggle. The reviews of David Renton's *Never Again* and the film *Nae Pasaran!* are inspirational accounts of how acts of resistance ripple through time. Two recent developments in Northern Ireland – the Supreme Court's indictment of the review into Pat Finucane's murder and the news of the prosecution of (just) one of the perpetrators of the Bloody Sunday massacre – could surely not have happened without the work that Haldane members dedicated to those issues many years ago.

This edition also contains an excellent long read by Lucy Chapman, which explains how the Grenfell fire came about precisely because social tenants were so arrogantly ignored and stigmatised by those who 'knew better'. Joe Latimer has also unearthed a fascinating paper on a model for working class legal advice devised in *fin de siècle* Germany that far outstrips legal aid provision in the UK.

The Canuts de Lyon – striking silk workers who played a critical role in industrial history by arming themselves and seizing the city when faced with an attempt to crush their revolt – saw a stark decision: "live in work" they said "or die in struggle". Perhaps for socialist lawyers the world is more nuanced than a choice between the pike and the spinning machine. We work too hard, our labour is exploited, but our efforts have meaningful effects for those who face oppression, whether those effects are felt now or decades down the line.

**Nick Bano**, editor,
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News&Comment

# Exploring the racialised history of the south

At the end of 2018 I visited Montgomery, Alabama, a city with a palpable black history and civil rights heritage.

From the 17th and 18th centuries African people were abducted and forcibly transported to America for slavery. Prohibition on international slave trading led to a boom in the domestic slave trade, often wrenching apart families and sending them to different places. Thousands upon thousands of racial terror lynchings took place in the late 19th century and first half of the 20th. Today's discriminatory criminal justice system mistreats an over-represented black population (one in three African-American baby boys can expect to go to prison in their lifetime). I had the privilege of visiting the Equal Justice Initiative's Legacy Museum and National Memorial for Peace and Justice, which explore some of that history.

The accounts are deeply, desperately moving, but also inspiring. Montgomery is the home of Rosa Parks and Martin Luther King, and today the headquaters of the Southern Poverty Law Center and the Equal Justice Initiative, who work to ensure that the south faces up to its past and fight the injustices that continue to this day.

The museum displays newspaper articles covering the opening of the memorial last year, and notes the contributions made by lawyers. One article in the *New York Times* notes that Equal Justice Initiative founder Bryan Stevenson: 'is a very good lawyer, and he knows that the most effective way to make your case – particularly to people who see the world very differently from you – is not with outrage and condemnation but with a slow, thorough accumulation of evidence and argument leading to an inevitable conclusion.' The memorial conveys a sense of outrage and condemnation, but these feelings are invoked so powerfully because the facts are presented so straight, so relentlessly and so solemnly.

Pictures: Equal Justice Initiative / Human Pictures

*From the Equal Justice Initiative's Legacy Museum and National Memorial for Peace and Justice in Montgomery, Alabama – (top) Nkyinkim Installation Kwame Akoto Bamfo; (middle) Jars; and (bottom) 'Corridor 2 Memorial'.*

Another article contains a quote from John Lewis, Georgia congressman and civil rights champion: 'Without art, without music, or writers, the civil rights movement would have been like a bird without wings'. The power of the creative arts is present throughout the museum and the memorial, particularly in the following poem, which is displayed on the wall of a memorial to the victims of racial terror lynchings, and which sums up the mix of sadness and hope with which I left:

*For the hanged and the beaten.*
*For the shot, drowned and buried.*
*For the tortured, tormented and terrorised.*
*For those abandoned by the rule of law.*
*We will remember.*
*With hope because hopelessness is the enemy of justice.*
*With courage because peace requires bravery.*
*With persistence because justice is a constant struggle.*
*With faith because we shall overcome.*'

**Harry Perrin** (a solicitor and an ambassador for Freedom From Abuse UK)

## November

**9:** The Parole Board for England and Wales, the body that decides whether prisoners can be released into the community, revealed that not one of its 240 members is black. Thirteen have an Asian or minority ethnic background.


Picture: Jess Hurd / reportdigital.co.uk

# A trade union for all workers in the legal sector

The Legal Sector Workers' Union (LSWU) has been formed with the aim of transforming workplaces in the legal sector for the better. Following extensive deliberation and consultation with multiple trade unions, LSWU is proud to announce our decision to affiliate with United Voices of the World (UVW) to deliver the ambitious changes required. With the exception of those with 'hiring and firing' power, all legal workers are welcome and encouraged to join our new organisation.

Workers in our sector will be all too familiar with the prevalence of exploitation, inequality and various forms of oppression within our workplaces. Gender pay gaps, racialised divisions of labour, inequality of wealth and income, and high levels of economic exploitation are the norm. We are establishing our union with the express aim of combatting these problems.

In addition to organising individual workplaces, our union also intends to play an important role in enabling the profession to speak with one voice when negotiating with the government. If the legal sector is a factory, and it is, then workers should have a degree of control over the legal outcomes they produce.

Junior workers in the legal sector are subject to enormous pressure from multiple sources. Bureaucratic pressure from the Legal Aid Agency, political pressure from those who criticise us for acting on behalf of often stigmatised clients, pressure from clients themselves and the secondary trauma that their personal issues can often generate, and internal pressure exerted by capital over labour in both solicitors' firms and barristers' chambers. In short: high workloads, low salaries and inadequate support.

Strategic action is required to ensure that workers do not continue to be exploited and oppressed. Workers in the >>>

**'Seeking to remove the Prime Minister risks the most appalling chaos.'**
Foreign Secretary Jeremy Hunt, 28th November 2018

## December

**20:** A report from the Chief Inspector of Borders and Immigration released a report that found that less than a quarter of state-run accommodation for asylum seekers complied with standards. The inspector found frequent occurrences of defects, damp, dirt and vermin.

**50%**
Food bank use has soared by over 50 per cent in areas where Universal Credit has been in place for at least a year.

**10:** After a nine-week trial at Chelmsford Crown Court, during which the judge (HHJ Morgan) directed the jury to disregard the defence that they had acted to stop human rights abuses, the 'Stansted 15' were convicted.

**'You realise that it's not a documentary, don't you. Don't you?'**
Tory chairman James Cleverly on Ken Loach's film *I Daniel Blake*.

Pictures: Jess Hurd / reportdigital.co.uk


*Labour shadow ministers John McDonnell, Rebecca Long-Bailey and Richard Burgon joined legal sector workers and activists supporting United Voices of the World cleaners, receptionists and security in a pay dispute at the Ministry of Justice and the Department for Business, Energy and Industrial Strategy.*


**>>>** criminal justice sector are in many ways at the sharp end of the struggle. Past attempts to oppose legal aid cuts have encountered the problem of disunity between barristers and solicitors. A single union for the whole profession will help us overcome this tactical obstacle.

UVW is a pathbreaking union with a well-established record of organising the most precarious and vulnerable workers in this country. We are proud to have decided to affiliate them. Their ongoing work organising Ministry of Justice cleaners indicates that they are already active in adjacent workplaces. Workers who challenge their bosses often need legal support. We hope that the influx of legally qualified members to their union will create bonds of solidarity between workers in different sectors.

Discussing the aims of our emerging organisation with existing unions was extremely valuable. It allowed us to clarify in our own minds the constitution and purpose of a legal sector union. We now emerge from this process emboldened with a vision of how to unite the profession so that all workers including clerks, security, solicitors and barristers, paralegals, ushers, judges, solicitor-advocates and cleaners can participate in the process of our collective emancipation. We firmly believe that UVW shares this vision.

Though we face serious systemic challenges, this remains an exciting time for workers in the legal sector. We look forward to working with UVW to organise our workplaces and transform the justice sector from the ground up. We embrace constructive criticism of, and comradely contributions to, our union's emerging strategy and tactics. More than anything, we urge workers in the legal sector reading this to join our union today, and shape it from within.

**● To contact the LSWU, email: legalsectorworkersunion @gmail.com or via twitter at: @lswunion**

## January

**8:** The 'Stansted 15' issued an appeal against their convictions, asserting that HHJ Morgan was wrong to remove the defence of necessity, that he misdirected the jury about the offence, and that the court had not checked whether the attorney general had consented to terrorism charges being brought.

**18:** An IT fault that lasted several days brought courts in England and Wales to a partial standstill.

**24.9m**

Number of people in forced labour in the world, ie working against their will and under threat, intimidation or coercion.

**30:** The High Court in Belfast heard a judicial review challenging Northern Ireland's abortion laws.

## February

**6:** The Stansted 15 were sentenced by HHJ Morgan, though none was sentenced to immediate custody.



# Young Legal Aid Lawyers

*This regular column is written by YLAL members. To join or support their work, please visit their website* **www.younglegalaidlawyers.org**

# Changes must be made

The long awaited Post-implementation Review of LASPO (PIR) report was finally published in February.

YLAL has lobbied hard on areas of access to justice, legal aid reform and access to the profession since our inception. It is easy to become jaded in a battle which is permanently uphill and often filled with disappointment, but we believed it was important to engage with the review process. In response to the many strongly-worded submissions the report has recognised that the system is struggling and changes must be made. Unfortunately, the Ministry of Justice does not yet feel that it has enough evidence to implement wide-ranging reform, and plans instead to undertake further reviews and pilots. The further delay is difficult to swallow when the current situation is already so bleak, but there are some reasons to be hopeful.

Both the PIR report and the action plan document (*Legal Support: The Way Ahead*) seem to recognise that a storm is brewing in the legal system. It is clear to those of us on the frontline that social welfare law is in trouble and the review does not seek to deny this. The plan identifies a need to reintroduce legal aid for early advice. It announces a further review which will take the form of a pilot of early legal advice in social welfare. We welcome this, though we are disappointed that the proposal for the pilot will not be published until Autumn 2019, which means a further delay in expanding the provision of legal support to those who desperately need it. The report and action plan recognise the issue of 'problem clustering' and hope to address this through early intervention and co-location of support services. We support these recommendations.

YLAL has consistently campaigned for a 'polluter pays principle' which would see government departments that make bad decisions paying the legal costs of appeals rather than the justice department footing the bill. The principle behind the policy is that money talks, and when the government fails to properly train decision makers the relevant department should foot the bill of the resulting legal proceedings, and training and decision making should improve. This policy has not been adopted by the MoJ but there is some recognition that decision making is currently inadequate, and that that adds to the burden faced by social welfare lawyers. Better decision making could avoid much of the stress for claimants and decrease costs to the justice system, allowing for much needed investment in other areas, so we hope that the MoJ's plans will go far enough.


*The PIR report seems to recognise that a storm is brewing in the legal system.*

The action plan also talks about its intention to work closely with the legal profession to 'empower practitioners to deliver more effective *pro bono* support'. YLAL recognises that *pro bono* work is playing an ever greater role in the provision of legal advice and representation. This is arguably a direct result of funding cuts, and we do not believe that *pro bono* legal work should ever be relied upon as a necessary part of the legal system or as an integral part of the provision of legal support. In social welfare law *pro bono* work is now part and parcel of the way that advice and representation are provided, which is extremely unsatisfactory. **>>>**

News&Comment

## Young Legal Aid Lawyers

>>> Unfortunately there is little mention of the future of the legal aid profession in the action plan. The final, short, chapter looks at the plight of legal services providers. It recognises the heavy administrative burden falling on legal aid providers but, again, any commitment to reform goes only as far as a further review of the current processes.

The section also looks at the need to 'continue to attract and retain the best legal talent to ensure that we can call on a dedicated base of legal practitioners now and into the future'. Though the report recognises the desperate need for reform of the criminal legal aid fee schemes and has committed to further review, again with an expected report date of summer 2020, there is no mention of the serious problems facing social welfare law. The contracting rules, unrepresentative fee schemes and massive changes to the scope of legal aid in this area have led to legal aid deserts across the UK, and Law Centres and legal aid providers struggle to recruit. The Legal Education Foundation has recognised this crisis and is working hard to address it through Justice First Fellowships, which I myself am benefitting from, but this is not an answer on its own. The Labour Party have recognised the need for immediate action and have announced various policies in this area, including the immediate reintroduction of Early Legal Help for Housing and Welfare Rights as well as the introduction of a scheme ensuring that all law centres across the UK are supported to host their own trainee solicitors and build a new generation of social welfare lawyers.

Social welfare lawyers are essential in the public's fight to uphold their rights and it is imperative that this area is invested in quickly and properly, otherwise it will become a dead (rather than dying) area of expertise.

The introduction to the action plan says: 'We need to focus on the needs of people seeking help, and place the user at the heart of the new system'. YLAL agrees with this sentiment, and we will continue to engage with the MoJ as they move forwards with their Action Plan for legal support. We will work to ensure that the importance of access to justice and access to properly trained, properly paid, properly supported social welfare lawyers is recognised. And, as the face of the future of our sector of the profession, YLAL thanks you for your work so far and hopes that you all can summon the energy to engage in these further reviews to ensure that the pressure is kept on and the future of a properly funded and administered justice system is secured.

**Siobhan Taylor-Ward**
*www.younglegalaidlawyers.org*
*@YLALawyers*


Pictures: Jess Hurd / reportdigital.co.uk

*There is little mention of the future of the legal aid profession in the action plan.*



*School students across the world took part in climate change strikes and protests.*

## February

**'Disruption increases teachers' workloads and wastes lesson time.'**
Prime Minister Theresa May on the climate change school strikes

**'Who wants to bunk off school and join a climate change protest?'**
Tory MP James Cleverly

**'Nothing is more important than a child's education.'**
The National Association of Head Teachers on the strike

**'Less a political protest than an opportunity to get out of doing work.'**
*Daily Mail*'s Sarah Vine on the school students' climate change strikes.
(Her daughter was on strike...)

**7:** The Ministry of Justice released a much-delayed review into the effects of it legal aid cuts. The report admitted the damaging consequences of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

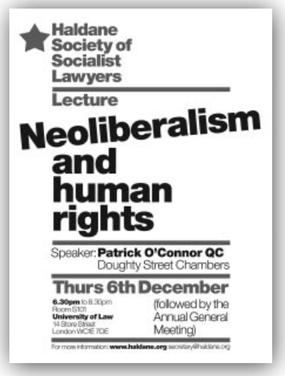
**'I'm ashamed I took part in concealing his illicit acts... he's a racist, liar and conman.'**
Michael Cohen, Donald Trump's former attorney

# Judicial overreach

The Haldane Society's AGM was scheduled to take place in December 2018 and Patrick O'Connor QC of Doughty Street Chambers kindly agreed to speak on 'Neoliberalism and Human Rights'. Patrick's theme was familiar to *Socialist Lawyer* readers: in *SL*79 (June 2018) he wrote a fascinating piece on *Grenfell: Ideology and Catastrophe*.

In particular, Patrick pointed out the troubling contents of a book called *Equality*, co-written in the late 1970s by Thatcherite barrister and politician Keith Joseph and the now-Supreme Court judge Jonathan Sumption QC. The book seeks to put working class people firmly in their place, with Joseph and Sumption decrying redistribution of wealth and declaring that the poor 'belong to the class whose lot is to be poor'.

Patrick developed these themes and answered some lively questions. His arguments have now been more fully presented in an academic journal article, 'Neoliberalism and Human Rights', *European Human Rights Law Review* (2018) 541, in which he notes Sumption's recent comments about the gender imbalance in the judiciary being due to what the judge calls a 'perfectly legitimate lifestyle choice' of women lawyers, and Sumption's concern about 'judicial overreach' into public policy in judicial review cases.




The adjourned AGM took place on 7th February 2019. Members of the executive committee led a discussion about being a socialist lawyer in practice before coming to the items of business. As well as elections to officer positions there were amendments to the society's standing orders to improve its democratic processes, and motions pledging support for the International Association of Democratic Lawyers' congress in Algiers (September 2019), condemning attacks on lawyers in the Philippines, supporting publicly-owned and green energy, opposing austerity measures, and expressing solidarity with the people of Cuba.

Incidentally, the Haldane Society of Socialist Lawyers is pleased to congratulate our guest speaker Patrick O'Connor QC on his recent Sydney Elland Goldsmith Award for Lifetime Achievement in Pro Bono, which was presented to him at the 2018 Bar Conference by Supreme Court judge Jonathan Sumption QC.

News&Comment

# An ongoing legal rights tragedy facing migrants

Pictures: Jess Hurd / reportdigital.co.uk


*Appalling living conditions face destitute migrants, many of them children.*

The hardship and homelessness of unaccompanied children coming to Europe, and particularly in the region around Calais in northern France, did not disappear when the 'Jungle' was destroyed in October 2016. On the contrary, it rendered children even more vulnerable as hundreds now sleep in about 10 informal camps in the Pas de Calais region. They have no protection against the harsh winds sweeping down from the North Sea.

Since 2016, at least 293 children have been trafficked illegally into the UK and into bonded labour and child prostitution. Only 103 have been located. The children are too scared to say anything due to threats from the traffickers, both to the children themselves and their families abroad.

The UK's hostile environment ensures that the numbers of children able to access the UK through the Dubs amendment and Dublin III is pitifully low. In 2016 the government promised to fill 480 Dubs places with children from Calais but until now only 220 have been transferred. This includes a very small number of children from Greece and Italy and some children entitled to join family members under Dublin III.

When the Jungle closed over 1,000 children were dispersed into accommodation centres around France, called CAOMIES, where they were allowed to stay until March 2017, although many ran away from these isolated and austere places. An expedited process called Operation Purnia was put in place by the French and UK authorities between October 2016 and March 2017, by which all the children were 'interviewed' by the Home Office in France to assess whether they were eligible to join close family members in the UK.


Five hundred of these children were given one-line refusal letters. They were denied the chance to make fully evidenced applications.

The UK ignored French warnings that many of the children would go missing, which is exactly what happened. Now they are destitute, around Calais, in Paris and in Brussels, even though many are legally entitled to join family in the UK. They no longer have mobile phones, and have no access to interpreters or lawyers so they cannot exercise their legal right to come to the UK.

The Court of Appeal rulings in September and October 2018 in cases brought by Citizens UK, Safe Passage and Help Refugees held that Operation Purnia failed to meet standards of procedural fairness. The court also found that statistics on which the government relied to evidence the reluctance of social services to accept children across the UK were fundamentally flawed. Children who are still in touch with their lawyers or with NGOs now have a chance to come to the UK legally. But for the majority, who cannot be found, it is too late.

To counter the Home Office's argument that social services are unwilling to accommodate children, Lord Dubs and Safe Passage are running a campaign to persuade them to formally commit to supporting specific numbers of children over a period of 10 years.

Hackney Council have agreed to take three each year, and Islington Council 10. It is a small step in the right direction.

Lord Dubs succeeded in obtaining an amendment to the EU Withdrawal Bill. The government initially excluded Dublin III from the Bill but the amendment now means that children will still be able to apply to join family members in the UK, although the definition of 'family' has been tightened to only include parents and siblings.

It becomes ever more difficult to argue that the UK must provide a safe haven for non-EU children facing exploitation and hunger in Europe when we face another savage round of austerity cuts to frontline services, particularly to local authorities' social services departments. These cuts threaten the wellbeing of all disadvantaged children who are established in the UK, as well as those who arrive after fleeing conflict.

But to give up diminishes all our humanity. Every child should have a chance to thrive somewhere. Every small successful challenge to the hostile enviroment is a beacon of hope for the thousands who face destitution in the UK, the EU and beyond.

**Wendy Pettifer**

## February

**14:** Working Links, a private provider of probation services under Chris Grayling's disastrous privatisation programme, went into administration.

**'Politically correct nonsense... kowtowing to left-wing populism.'**
Countryside Restoration Trust spokesperson on the National Trust's plans to remember the Peterloo Massacre

**20:** The Home Secretary withdrew the British citizenship of Shamina Begum, effectively making her stateless. The teenager had been recruited to ISIS as a child, but sought to return to the UK with her newborn son. Her son died in a Syrian refugee camp just a few weeks later (he was her third child to die).

**'God wanted Donald Trump to be President.'**
Sarah Huckabee Sanders, White House Press Secretary

**25:** An advisory judgment of the International Court of Justice ordered the British government to hand back the Chagos Islands to Mauritius and ruled that its occupation was unlawful.

**'Reckless rich kids.'**
*The Sun* attacks the Stansted 15 anti-deportation campaigners.


## Obituary

# John Hostettler (1925-2018)

John Hostettler, who died in November 2018 at the age of 93, was a remarkable socialist lawyer whose achievements were astonishing. He was born in West London, the son of a railway worker.

Politically active in the Young Communist League, he became a law student and was accepted as an articled clerk by the left-wing firm of Seifert Sedley. However, when the Second World War began, he volunteered for the mines and spent three years as a 'Bevin boy' in the South Wales coalfield. He then returned to London, served the remainder of his articles and qualified as a solicitor with Seifert Sedley.

Eventually he left to set up his own practice in the Ealing area, and this proved so successful that he was able to retire from the practice early. John then set about acquiring the education that he felt he had lacked, and in the course of time he had gained a BA, LL.B, an LL.M, and no less than three doctorates for his legal and historical research.

He turned his hand to writing, and by the time of his death he had written and published an extraordinary 26 volumes of legal, political and social history. His subjects ranged from biographies (William Garrow, Matthew Hale, Edward Carson, Thomas Wakley, Edward Coke) to political history (*History of the Franchise; The Politics of Criminal Law*; and *Law and Terror in Stalin's Russia*) and legal history (*The Criminal Jury; The History of Adversary Trial*). Most of John's books remain in print, and were published by Barry Rose and later by Waterside Press.

Although scrupulously factual and objective, John's principled socialist viewpoint shines through his writing, and his remarkable output should be on the bookshelf of every progressive lawyer.

**Bernard Marder**

News&Comment

# 'Advocates engaged and in solidarity'

At the well-attended Haldane Annual General Meeting in February 2019, Franck Magennis proposed the re-establishment of an international committee to support the joint international secretaries Carlos Orjuela and Bill Bowring, who were re-elected. The following were elected to the new committee: Franck Magennis, Wendy Pettifer and Maya Thomas-Davis, and they have been joined by Tanzil Chowdhury of Queen Mary Law School. A first, virtual, meeting of the IC took place on 12th March.

The European Lawyers for Democracy and Human Rights' executive committee took place in Izmir, Turkey in early November 2018, on the theme 'International Human Rights Regime in Crisis'. It was organised by ÖHD, Lawyers for Peace, an affiliate of European Lawyers for Democracy and Human Rights (ELDH). The conference was very well attended by young activists, all of whom are resisting the repression of the Turkish state. Bill Bowring and Carlos Orjuela spoke, and Wendy Pettifer attended.

Carlos brought five of his colleagues from Legal Centre Lesbos, *(https://legalcentre lesvos.org/)* which he founded and which is supported by ELDH, IADL, Haldane and the German Democratic Lawyers (VDJ). The legal centre has a team of lawyers, law graduates and interpreters from across the world who show their solidarity with the refugees of Lesvos and Europe through their legal work. The project aims to create meaningful change through advocacy, strategic litigation and engagement with the refugee movement. Its Annual Report for 2018 is at *http://legalcentrelesvos.org/wp-content/uploads/2019/01/Legal-Centre-Lesvos-2018-End-of-Year-Report.pdf*.

The Executive Committee of ELDH, which now has member associations and individual members in 21 European countries, also met in Izmir, and planned the events which are mentioned below.

On 8th January 2019 two colleagues, advocates from the Syndicat des Avocats de France (SAF, Union of Advocates of France, *http://lesaf.org/*), Florian Borg and Laurence Roques, attended the regular Haldane Executive meeting. Florian spoke in particular about the Gilets Jaunes movement in France.


Members of the Haldane Executive took our two French colleagues to dinner in a local Palestinian restaurant.

The meeting with our French colleagues was the result of the visit by Debra Stanislawski and Bill Bowring on 6th October 2018 to the executive committee meeting in Paris of SAF. SAF has branches all over France, commissions on a range of topics and specialisations, and has a splendid office and meeting room in Paris. Its motto is 'Avocats engagés, solidaires' – advocates who are engaged and in solidarity.

On the Day of the Endangered Lawyer, 24th January 2019, ELDH member associations and individual members organised or participated in protests outside Turkish embassies or consulates in Ankara, Antalya, Athens, Barcelona, Berlin, The Hague, Istanbul, London, Madrid, Padua, Rome, and Vienna. Many other lawyers' associations organised protests inside and outside Europe, in Aberdeen, Amsterdam, Bordeaux, Brussels, Geneva, Hamburg, Lyon, Manila, Montpellier, New York City, Paris, Vancouver, and Venice. Many ELDH members in Turkey are facing prosecution and have been arrested and imprisoned, in some cases for over a year, and in solitary confinement. Bill Bowring organised the London protest, which was attended by Russell Fraser, Wendy Pettifer, Carlos Orjuela and Bill Bowring (see picture, left), as well as the solicitor Ali Has and other Turkish lawyers. Paul Heron, at very short notice, ordered a splendid banner.

Picture: Jess Hurd / reportdigital.co.uk


*A protest by the Yellow Vest movement at the Champs Elysees in Paris, calling for Macron's 'demission' – his resignation.*

In Frankfurt, in February 2019, Haldane participated in a labour law conference called 'New forms of labour and new structures of enterprises – challenges for labour law'. It took place at the impressive building of the German trade union IG Metall. The conference, which focused on the challenges of the 'gig economy', was organised by ELDH and European Lawyers for Workers (ELW). Labour law experts from 14 European countries (Belgium, Finland, France, Germany, Hungary, Ireland, Italy, Netherlands, Poland, Slovenia, Spain, Sweden, UK and South Africa) participated. Haldane's Declan Owens, who is now working with Thompsons Solicitors in the Trades Union Congress in London, spoke on the situation in the UK. The documentation of the conference can be found at *https://eldh.eu/en/2019/02/18/european-labour-law-conference-15-and-16-february-2019-documentation/*.

On 19th to 20th February 2019 Bill Bowring was invited to join international observers of the trial against former Catalan ministers, pro-independence activists, and the former parliament speaker, in relation to the non-violent referendum organised on 1st October 2017. The defendants have been charged by the Public Prosecutor's Office, the Spanish Solicitor General, and the far-right party VOX, with the crimes of rebellion, sedition, disobedience and embezzlement of public funds. Terms of imprisonment of up to 25 years are demanded. Bill's report can be downloaded from the ELDH website *https://eldh.eu/en/2019/03/06/madrid-supreme-court-catalan-referendum-case/*. On 5th March 2019 Bill was invited to speak to a packed meeting at Portcullis House organised by the All Party Parliamentary Group on Catalonia.

'A Colloquium on Basic Principles on Role of Lawyers: Focus on The Philippines' was due to take place on 14th March 2019, organised by IADL, the Union Internationale des Avocats, the National Union of Peoples Lawyers, Philippines, and The Day of the Endangered Lawyer Foundation, supported by ELDH.

ELDH member organisation ÇHD (Turkish Progressive Lawyers) have called for observers for the trial of Selçuk Kozagaçli (ÇHD President) and 19 other ÇHD lawyers, which is continuing from 18th to 21st March 2019 near Istanbul. Thomas Schmidt and a delegation of ELDH Italian lawyer members are observing.

The next ELDH General Assembly will take place on 18th May 2019 in Naples. At this meeting, in addition to discussions about past and future activities, we will again elect the ELDH Executive Committee, the President and the Secretary General. ELDH's Italian member organisation, the Italian Democratic Lawyers (*http://www.giuristidemocratici.it*) will hold an international conference for lawyers from the Mediterranean area. The themes include self-determination and peace, migration, and the repression of fighting movements at the European level. The goal is the adoption of a Declaration of Mediterranean Democratic Lawyers (Charter of Naples).

The XIX (every four years) Congress of the International Association of Democratic Lawyers, which has members in some 90 countries, will take place in Algiers on 18th to 22nd September 2019. The theme will be 'Lawyering for the Promotion and Defence of Peoples' Rights'. The Conference will also celebrate the Algiers Universal Declaration on the Rights of Peoples of 1976. A description and the text can be found at: *http://permanentpeoplestribunal.org/algiers-charter/?lang=en*. There will be commissions on a variety of urgent topics. Haldane's Richard Harvey is organising a Commission on the 'Human Right to a Clean and Healthy Environment'. The February AGM resolved to pay 50 per cent of reasonable travel for two comrades to participate in the Congress, one of whom must be a woman, who have not previously attended IADL activities.

**Bill Bowring**, Joint International Secretary

## February

**28:** The UK Supreme Court ruled that a high-profile review chaired by the barrister Sir Desmond De Silva in 2011-12 into the death of human rights lawyer Pat Finucane had failed to meet the standards required under human rights legislation. Finucane was shot dead by paramilitaries acting in collusion with the British government in Belfast in 1989.

**6,823**
Number of air strikes by US military in Afghanistan in 2018 – the highest tally for six years

**28:** The Supreme Court ruled that two men who had had their criminal convictions overturned by the Court of Appeal were not entitled to compensation.

## March

**1:** Five Metropolitan Police officers were cleared of misconduct by a police misconduct panel over the death of Sean Rigg. There has only ever been one prosecution, for perjury, which was later dropped. In 2012 an inquest jury found that "unsuitable force" had been used.

**'Not deliberate lies.'** Top cops' verdict on the lies by officers who covered-up Sean Rigg's death in custody. While accepting they had at times given 'incorrect statements', the Met bosses said they could attribute them to the 'passage of time and false memories being created'.

**1:** The 'right to rent' scheme – a key plank of the 'hostile environment' regime that Theresa May introduced as Home Secretary – was quashed by the High Court. The scheme would have required landlords to discriminate against potential tenants on nationality grounds.

**3:** Home Secretary Sajid Javid announced plans to make life even harder for Travellers, who already face harassment under civil trespassing laws if they set up unauthorised camps. Javid has launched a review to see if this can be made a criminal offence.

News&Comment

Pictures: Alisdare Hickson www.flickr.com/photos/alisdare/


*Demonstrations have taken place against the war in Yemen – but have you seen any coverage of them in the media, or questioning the role of the UK government?*

# Yemen: the war no-one is aware of

The hidden war in Yemen has become a mass atrocity. The mainstream media's silence has been so effective that 42 per cent of the public have no awareness of the conflict. The sporadic coverage has focused on the humanitarian crisis (particularly children starving and the cholera outbreak) or an occasional horrifying atrocity.

There is a consistent narrative that over 10,000 are dead, a figure published by the UN in 2016. A more accurate estimate of deaths from reputable academic source has put the estimate to more than 80,000. Furthermore, since the attack on the port of Hodeida in June 2018, the death toll has increased by at least 1,000 to 2,000 per month.

The high number of civilian casualties is the result of Saudi bombings that directly hit residential districts – family homes, mosques, and markets. Bombing has decimated the country's infrastructure by destroying airports, ports, roads, bridges, power stations, water storage facilities, telecommunication structures, hospitals and much more.

> 'The Saudi air force, supported by the UK and US, has made than 100,000 sorties.'

The conflict has displaced nearly 2.3 million people.

Simultaneously, an extreme economic war was launched on one of the poorest countries in the world. Bombers targeted food production (farming, fishing, storage) and distribution in the Houthi controlled areas. The targeting of water supplies in a region of water scarcity has left millions without clean drinking water. The sewage and waste disposal systems have collapsed because of the disintegration of public services. This created the conditions of the world's largest cholera outbreak.

The total blockade of Yemen, both of the coastal waters and the airspace, since March 2015 has left the country short of food, water, fuel and medical supplies. Furthermore, in 2016 the Saudi manipulation of currency created an inflationary spiral that destroyed people's personal savings. Withholding the salaries of a million civil servants and other public sector workers plunged the middle classes into poverty.

All of this has created mass starvation in Yemen. The war has left three-quarters of Yemen's population, more than 22 million people, in need of urgent humanitarian aid. More than eight million Yemenis are on the brink of severe famine, and 1.1 million are infected with cholera. Over 100,000 children have already died. The falsified narrative that Yemen is on the brink of famine disguises the reality of famine that is already killing children and adults.

The Saudi air force has conducted more than 100,000 bombing sorties in Yemen. The Emiratis have led the ground force occupation of southern Yemen using militias and mercenaries. Besides supplying the formidable armoury, the UK and United States are involved in providing military support, intelligence, targeting on-the-ground, and diplomatic support. Both governments are deeply complicit in this war.


In the media the conflict is invariably attributed to the Houthis, who are seen as proxies of Iran. This narrative has been the successful outcome of the millions of dollars that the Saudis have spent in a highly professional public relations campaign.

The root causes for the conflict lie in the complex history of Yemen in the modern period. Placed in a geopolitically strategic location, Yemen has always been subject to competing interests by imperial and regional powers during the colonial era and the Cold War. The south, liberated from British colonialism in 1967, united with the north in 1979 and came under the authoritarian leadership of president Ali Abdullah Saleh for 30 years. The Arab Uprising of 2011 swept the Yemeni masses onto the streets, demanding a change of government, democracy and an end to corruption. In a counter-revolutionary move, the Gulf states (with the US) orchestrated a transitional period by removing Saleh and installing Abdrabbuh Mansur Hadi for a two-year transitional period in 2012-14. Hadi's policies of economic austerity and liberalisation led to widespread resistance and uprisings from different sectors of Yemeni society. A Houthi-Saleh alliance took control of the capital Sana'a and moved south, driving Hadi into exile in Saudi Arabia. The Saudis the and Emiratis launched an invasion to forestall this to ensure their control of Yemen and its resources with the backing of US and UK.

The invasion was justified by a resolution of the UN Security Council in 2015, drafted by the UK. It demands the restoration of the Hadi, Houthi withdrawal and the handing over of heavy weaponry. It also imposed an embargo on the Houthis but none on the coalition. This showed that the security council's role as an instrument of geopolitical power rather than peace making. The new truce around Hodeida is fragile and in no way guarantees the lives of the Yemeni civilians, which would need a complete cessation of bombings and a lifting of the blockade.

Our international solidarity is meaningless unless we demand that this war is brought to an end, and that the British government not only stop its arm sales but withdraws military and diplomatic support for the war. We should use every means possible to hold the government to account and mobilise people to protest against this cruel war.

**Saleh Mamon**

## March

**Israel is 'the national state, not of all its citizens, but only of the Jewish people'.**
Israeli Prime Minister Benjamin Netanyahu

**4:** An inquest began into the death of Tarek Chowdhury, who died while detained in an immigration detention centre in December 2016. Concerns have been raised about the management of detainees at the time of the killing and the quality of healthcare Chowdhury received immediately after he was fatally attacked by another inmate.

**£7m** Cost of multinational company Glencore's secret campaign to promote coal, influence politicians and undermine environmentalists. It was run by Tory election 'guru' Sir Lynton Crosby!

**14:** Only one of the people responsible for the Bloody Sunday killings in Derry in 1972 – 'Soldier F' – will stand trial. Northern Ireland's director of public prosecutions announced that the former paratrooper will be indicted on murder and attempted murder.

**'Security force killings in Ireland were not crimes and were the actions of people fulfilling their duties in a dignified and appropriate way.'**
Northern Ireland Secretary Karen Bradley's description of the actions of British soldiers who killed people in Northern Ireland.

**14:** French police have cleared two of the largest refugee settlements in Calais. Refugees settled near the Verrotieres Road after French authorities bulldozed the "jungle" camp in 2016. Police tore up tents and shelters, forced refugees onto buses and made preparations to seal off the areas with metal fencing.


# Keep the Stansted 15 free

*The Stansted 15, pleased with the decision of the judge of community service orders and three suspended sentences – and not jail. A big rally in support of the 15 was held at Chelmsford Crown Court in Essex on 6th February 2019.*


In March 2017, 15 people put their own bodies between a group of vulnerable migrants and the violence of the British state.

The Stansted 15 committed an act of such admirable bravery, of such profound importance, that the government lost its nerve.

Writing in *Socialist Lawyer* in June 2017, one of the 15 (Ali Tamlit) said: 'We have all been charged with aggravated trespass and breaking an airport byelaw, and have all pleaded not guilty. Now we face a week-long trial [in the magistrates' court] from 22nd September'.

But Ali and the others had no idea what would happen next. Ultimately, they endured a nine-week trial on terrorism charges, with the prospect of extremely serious prison sentences haunting the proceedings. The first trial was abandoned and adjourned off, causing gratuitous delay and stress, and it is difficult to imagine their worry between their convictions and sentencing.

The government's reasons for pursuing those charges could not be clearer. Amnesty gave the 15 'human rights defenders' status and sent trial observers to the court in Chelmsford, and described their eventual conviction as a 'crushing blow' for human rights in the UK.

Some of those who would have been deported, and who faced severe risks in Nigeria and Ghana, have now been able to >>>


Pictures: Jess Hurd / reportdigital.co.uk


# Keep the Stansted 15 free

>>> build their lives in the UK.

Ali explained his own reasons for taking action in his article: 'Mass deportations are closely linked to the ongoing process of colonialism […] Just as Heathrow is given a green light to build a new runway and drive climate chaos, corporations like Shell have been free to exploit the oil fields of the Niger Delta for decades […] Yet when people from Niger Delta seek a better life here in the UK, a country that benefits from the cheap oil that Shell provides, their asylum claims are distrusted and they are violently deported en masse. Profit for corporations, environmental destruction, and racist migration and asylum processes are all tied together in an insidious web'.

The Stansted 15 defied those processes to great effect, and at a very significant personal cost.

The Stansted 15 are: Ali Tamlit; Benjamin Smoke; Edward Thacker; Emma Hughes; Helen Brewer; Joseph McGahan; Jyotsna Ram; Laura Clayson; Lyndsay Burtonshaw; May McKeith; Mel Evans; Melanie Strickland; Nathan Clack; Nicholas Sigsworth and Ruth Potts.

Pictures: Jess Hurd/reportdigital.co.uk





Grenfell has changed the conversation on housing for ever. It's time for change, argues **Lucy Chapman**

# Stigmatised: marginalisation and the need for representation in social housing

*A photo showing the extent of the damage at Ronan-Point flats in 1968. (HLG 157/28)*

**Groundhog Day**

On 14th June 2017 a fire raged through Grenfell Tower, killing 72 people. As a social housing tenant living on the 12th floor of a local authority inner-London high rise, this was incredibly close to home. At the National Federation of Tenant Management Organisations (NFTMO) 2018 conference, delegates sat for 12 minutes in silence while the names of every tenant who had died that night scrolled on a large screen. Tenants just like us. How could this be allowed to happen? Why had nobody done anything?

While Grenfell is widely seen as a turning point, we have been here before. Fire safety expert Sam Webb, a long-standing campaigner and a member of the All-Party Parliamentary Fire Safety and Rescue Group, had long been warning of safety risks and accidents waiting to happen. At the London Tenants Federation conference in October his talk was entitled, tellingly, 'Groundhog Day: Ronan Point 1968, Lakanal House 2009, Grenfell Tower 2017 and Ledbury Estate 2017'.

In 1968 a gas explosion on Ronan Point estate caused the collapse of an entire corner of the tower block, 22 floors of apartments downwards, killing four people and >>>

**>>>** injuring 17. The collapse was attributed to the estate being a large panel system (LPS) structure, which Webb describes as being 'like a "house of cards" made of concrete panels. Floors and walls rest one upon the other, held together only by their own weight, until a lateral force is applied'. According to Webb, testing had shown that a small force could cause a collapse but the Tory government repackaged the statistics after the disaster so that a mass building programme of 400,000 new homes (introduced five years earlier) could continue. LPS was suitable for four-storey buildings, but Ronan Point stood at 22.

In 2017 the Ledbury Estate in south London was discovered to have the same LPS construction as Ronan Point. Gas was immediately shut off due to the risk of an explosion with similar effect, but Ledbury is not the only potentially hazardous block. Webb says: 'no one now knows with certainty who owns these blocks or where these blocks are. There is no definitive list. All LPS blocks suffer from bowing panels which create fire risks. In Ledbury, and other blocks, these gaps have been filled with mastic, masked by timber fillets. This is hardly cause for confidence.'

In 2009 Lakanal House, a tower block council estate in south London, caught fire and in a matter of four minutes flames spread through the external cladding, just as at Grenfell. Six people died and 20 were injured. The construction of the flats, a scissor shape, was said to be to blame for the fire, but residents cited lack of escape routes in the 14-storey estate and the council for failing to address safety concerns. In 2017 the council pleaded guilty to breaching fire regulations.

The fire brigade operated the same 'stay put' policy as Grenfell, which, if a fire is successfully compartmentalised (by being confined due to solid construction and other measures), can save lives. Transcripts of 999 calls record a young woman, Catherine Hickman, saying that flames were visible at the door, smoke was filling her flat and it was getting 'very hot in here'. She died after being advised to stay put. There was no public inquiry into Lakanal, despite calls for one.

In the investigations into compartmentalisation of fires in high rises that followed, a report by building scientists BRE found that UPVC and other types of window fittings can cause fires to spread quickly, but little has been done to rectify this on a large scale. After Grenfell, 41 social housing towers were identified as having dangerous external cladding urgently needing removal. Now, 19 months later, that number has only reduced by one.

While there have been relatively few significant changes to safety measures since Lakanal, the fire service has been decimated. The Fire Brigades Union report that 23 per cent of firefighters have been cut since 2009, including a 30 per cent cut to emergency fire control. Fire stations have closed, and fire engines decommissioned. This puts the public at risk like never before.

I live in a block built in 1959, the same year as Lakanal. Maxine Hickman's flat was on the eleventh, a floor below mine, and, like Lakanal, we only have one staircase for

Picture: Jess Hurd / reportdigital.co.uk

thirteen floors to evacuate the entire tower. A second, partial external escape was removed by the council some years ago. A friend of mine in another borough lives in a housing association tower block with her two small children, which is covered in the same dangerous cladding as Grenfell.

### The social housing green paper: what tenants want

What has changed since Grenfell is the conversation. The government, in a major about-face, appeared to be taking residents' concerns seriously with the Social Housing Green Paper (SHGP) consultation. This has been a bit of a shock for housing activists, who have been campaigning for years to have their voices heard. The London Tenant Federation (LTF), a body of social housing tenants campaigning for change, with the support of NFTMO, held a special conference to formulate a response on behalf of members, and there was a general consensus that, although naturally suspicious, we should try to make the most of the situation. One of the workshop leaders noted that the government now wants to go back to the 1950s, 'when building housing was a 'social service' and sustained communities. The difference is now they want residents to be involved and not passive recipients… as the door is opened a crack, let's keep pushing'.

In their response 'A positive future for social housing in London', LTF have outlined four main areas where they want to see urgent change. Firstly, 'meaningful action to ensure the safety of all tenants and residents on social housing estates' to be achieved by following fire safety recommendations from Tower Blocks UK and the London Assembly Planning Committee, and changes to safety culture by involving tenant representatives before landlords tender out works to contractors, thereby allowing both the initial and final say to lie with residents; limiting subcontractor chains and for landlords to focus on bringing works back in-house.

Secondly, 'a commitment to a substantial long-term social-rented housing delivery programme sufficient to address rising homelessness, overcrowding, decade long waiting lists and the displacement of low-income households from London', by grant funding and public land designated for housing construction projects to be solely allocated for socially rented homes; local authorities and small community-led organisations prioritised for grants, the borrowing cap lifted to enable councils to build, suspension of right to buy until need is addressed, and return of right to buy funds to local authorities to enable building (currently sitting at some £42 billion).

Thirdly, 'an end to the marginalisation and stigmatisation of social housing and its tenants' by ending so-called 'affordable rent', the commission of a White Paper to look into distancing social renting from housing market rates in order to cover the actual cost of management, maintenance and repairs; a return to long-term secure tenancies; high national standards for maintenance and improvements, and protection of existing social housing stock by only permitting demolition after residents have been balloted.

Fourthly, 'vocal and meaningful support for resident democracy', ensuring support for tenants and residents associations in decision making at local, landlord, regional and national level, by identifying how the housing regulator will require landlord compliance with the Tenant Involvement and Empowerment Standard; establishing and maintaining independent resident organisations to be funded by landlords, allocating an amount of tenants' rents; extension of right to transfer and right to manage provisions to housing association tenants and the requirements under freedom of information to be used for housing associations who receive public funds.

### Marginalisation, displacement and stigma

In 2017 only 6,463 new homes for social rent were built in England, a decrease of nearly four fifths in 10 years. At that rate it would take 170 years to clear current council waiting lists. For the same period, delivery of 'affordable' homes increased by 12 per cent to 47,355, but the 'affordable' tag is misleading. Homes in this category are capped at 80 per cent of market rent. Social rents are calculated differently, considering local income levels as well as market value rents. Average household incomes in social housing are around £17,500, which, in London especially means that 'affordable' rents are unaffordable.

LTF research shows that both building targets and delivery are seriously inadequate. Although delivery of 'affordable' homes was 3,062 homes over target, only 6,713 (5.6 per cent, rather than the target of 60 per cent) were designated for social rent and 6,430 (5.4 per cent) for affordable rent. London is particularly bad, with only one borough (Waltham Forest) meeting its building target (though just one per cent being designated as social rent), and two boroughs (City of London and Harrow) building no affordable homes at all. In 2017 the mayor's office assessed need at 65,878 new homes per year for London, though LTF notes this does not take into account a backlog of some 25 years. LTF's own estimate is far higher than the mayor's.

Policy has pushed many social housing tenants out of London and inner-cities. There has been large-scale estate demolition, often with the promise of renewed, (truly) affordable homes. Too often these are not delivered. Southwark Council and the Heygate Estate is a high-profile example. Tenants and leaseholders were moved from the estate, which was to be rebuilt with a small proportion allocated as private rentals. Due to budgetary constraints imposed by central government, this plan then changed to include no space for the social housing tenants it was supposed to benefit. Rebranded as Elephant Park, the estate (part of the Elephant and Castle regeneration scheme) has precious little to do with the character of the area, and nothing to offer most of its inhabitants. The Bermondsey Spa regeneration, also in Southwark, saw 54 council homes demolished and 205 new homes built. 44 of these were supposed to be at social rents, but were instead let at affordable rents. Southwark promised enforcement action against contractor Notting Hill Housing Trust for breaching planning conditions, but later reneged on this. In total 135,000 London social housing tenants have been displaced by 20 years of estate demolition.

Tenants surviving disasters such as Lakanal have also been displaced, losing both their homes and community. A regular of the pub where I worked during the fire was eventually shipped out to Kent, having lost everything. The treatment of Grenfell survivors epitomises the media's contempt for those who live in social housing; social media was littered with comments from those bitter that money was spent on survivors, still without homes, living in hotels. There were disturbing anti-migrant and racist smears.

Some of this attitude may be caused by the widespread misconception that social housing is subsidised: that the public is paying for where I live. In fact, rent paid by tenants funds council homes, not the public purse. It is no different from social housing or private rents in that respect, except that any housing benefit contribution would be smaller in the case of council tenants because of smaller rents.

Social housing rents are now closer to average private rents than ever before, thanks to a conscious policy decision to increase social rents. LTF show that 'rent restructuring' began in 2002 with the goal of a convergence of council and housing association rents within 10 years. In 2015 this policy was stopped due a consequential rise in spending on housing benefit, but rents in London have continued to increase far more (proportionally) than **>>>**

> "In 2017 only 6,463 new homes for social rent were built in England. At that rate it would take 170 years to clear current council waiting lists."

**>>>** incomes. This is aside from additional payments like service charges.

Tory policies such as the bedroom tax, and funding right to buy for housing association tenants from sale of homes built for local authority tenants, has also contributed to displacement. London has become a financial playground for the super-rich while those on a lower income are forced out of the city and their communities. Out of sight, out of mind.

We see attacks on individual tenants, as well as general media disapproval. Sometimes this is purported as being justified with reference to housing need. Take Kate Osamor MP, vilified by the press for choosing to stay in the council flat where she has lived for years, where she has raised her children and is part of the community. It is her home. It was the same with Bob Crow: these two, because they are no longer on a low income, should suddenly leave their communities and buy a house to make way for some desperate person on the waiting list; they are personally to blame for homelessness and the lengthy wait for housing. This tenant-bashing is divisive and unproductive. It perpetuates the ideas that to be worth something, to be aspirational, an individual must be a homeowner, and that it is not possible to be 'successful' as a social housing tenant. This narrative is regurgitated by various celebrities, commentators and members of traditionally middle- or upper-class professions, who say that they used to live in social housing as children but have now made something of themselves, and have moved beyond social housing and the community that goes along with it. This attitude – blaming tenants rather than systemic failings – is scapegoating.

Visible, successful social housing tenants, like Osamor and Crow, are good. There is so little representation of social housing tenants, especially in the fields of politics and law, where our needs are so often raised. That is true even at more local levels.

Perhaps the perfect example of lack of tenant representation has been the Grenfell inquiry. A roomful of lawyers with no experience of living in social housing, with no experience of the treatment that social tenants receive. Unsurprisingly, this did not inspire confidence among survivors.

*Leslie Challon (left) helped start the 'A Voice for Tenants' steering group, to address the lack of tenant voices in housing.*

Picture: Jess Hurd / reportdigital.co.uk

## A voice for tenants

Leslie Challon found herself living in social housing after becoming homeless as a single mother of two, following a relationship breakdown. She became involved in a housing scrutiny panel locally and enrolled in an MA in housing studies, funded by her landlord. In 2014, on being asked to write about her story, she became aware that she was ashamed of her tenancy and of being on benefits, which contrasted starkly with living in affluent Oxford. A few years ago she was approached to take part in a discussion about the negative stereotyping of social housing tenants, which turned into the #BenefitToSociety and #SeeThePerson campaign. Since then, the campaign has commissioned research from LSE on the gravity of stereotyping and published a Fair Press guide that aims to encourage journalists to report on social housing tenants fairly. After Grenfell, Challon and others started the 'A Voice for Tenants' (AVFT) steering group, to address the lack of tenant voices in the housing sector. AVFT worked with the then-housing minster Alok Sharma to develop and deliver roadshows for social housing tenants in 2017/18, which helped to inform the green paper. Chapter four of the green paper focuses on stereotyping, due to both campaigns' efforts.

AVFT discovered that stereotyping was in the top three concerns of tenants. Some were concerned, for example, that their children felt they were 'worth less than others' at school. Research found that although originally 'a popular and well-regarded solution to poor housing conditions and housing shortage', fewer people having direct experience of social housing has meant it is seen as a 'tenure of last choice and a safety net', stigmatised as being for the most vulnerable households. The 1980s' economic policies of home ownership and privatisation were especially polarising. Negative perceptions were maximised by disasters like Ronan Point, rapidly built, poor quality or designed estates, right to buy decreasing the number of quality homes to rent, and the result of homelessness legislation disproportionately affecting the number of vulnerable households. The public overestimate unemployment levels in social housing, and stereotypes assisted by 'poverty porn' television shows and the presentation of tenants in 'moralised' broadcasting like Benefits Street.

Challon is pleased to see stigmatisation addressed in the green paper: 'a good start of a conversation that is necessary in order to enact significant change […] it is all through a tenant focused lens – which is heartening. I am unsure at times if the questions are the right questions to be asking. But it is broad stroke focused and it is in the right direction.' However, she adds 'It should not have taken a tragedy like Grenfell for the focus to be on the social housing tenant and their voice. I also know that we are operating under the weighty elephant of Brexit and all of the political drama that entails which has taken up much of the governments focus and energy. It has taken two Secretary of States and three Housing Minsters to get to the Green paper stage – I hope that we keep some consistency between now and the publication of the white paper. On the positive side this is the first SHGP ever to be published under a Tory government and the fact that tenants helped to shape the focus of the paper itself says a lot about how far we have come. However; this is only just the beginning of a very long road to redemption'.

"It should not have taken a tragedy like Grenfell for the focus to be on the social housing tenant and their voice."

## 'Customer Engagement'

The branding of social housing tenants as 'customers', and tenant engagement as 'customer engagement', has had a mixed reception, though most tenants I speak to think this is negative. In some ways it would be beneficial to be treated more like a customer, but a landlord's services are not part of a choice-based market where competition drives improvement.

Some years ago my landlord decided they would no longer offer compensation for missed appointments, which are only available on Monday to Friday during office hours. That can mean losing a day's pay, which can make a big difference to those on a low income like the majority of social housing tenants. It is the same for loss of water, heating and other necessities that are paid through our rent; compensation is capped, or not available unless you have achieved a certain number of days without that service. We pay for it regardless of whether it works or not. Last year, while it was snowing, my estate was left without heating for three weeks, and at least a week without water. I saw a year later I had received a refund of £6, after we complained collectively and individually on several occasions. That would not even cover the amount that residents spent on electric heaters or bottled water.

Even when repairs are dealt with, it is never a straightforward process. At the end of November, for example, my water stopped and the shower stopped working at the same time. It was fixed six weeks later. Originally the wrong team, (external contractors, not even council employees) were sent to fix my boiler, which is completely unrelated to the shower, as I had explained several times on the phone. When the right team attended, the wrong repair was diagnosed. An engineer attended again, and certified the shower as broken. The wrong model was ordered, which was discovered by an engineer on a fourth visit. Another was ordered and an appointment booked for three weeks' time, as there was nothing sooner. The appointment was cancelled two days before and my partner had to take a day off work to wait in for the fifth appointment. This is a typical case for a 'straightforward' repair problem.

I did not have the energy to write yet another complaint, especially previous experiences had been so much worse. As tenants we have little choice but to accept this. We are used to it, and I find myself even making excuses when others express surprise at my experiences: "it's council" I hear myself saying, because I am lucky to have been spared the private sector.

Local councils have faced massive cuts, staff can be low-paid (sometimes living in social housing themselves) and may have faced abuse. Working conditions are difficult, and generally my landlord's employees are sympathetic and try to be helpful, even if the council is failing overall. Not every council is like that. A friend of mine who used to work as a housing officer told me how often his colleagues would make disparaging comments about tenants: one incident he found especially shocking was an outsourced contractor responsible for gas safety, when asked if the property was made safe, replied, 'sort of. But it doesn't matter, it's only a council property'.

Bringing services in-house has definitely been an improvement. Around 10 years ago our repairs service was outsourced and appalling, and many councils still operate this way. I was left without washing facilities of any kind for six weeks, and writing to the local MP was the only way to resolve the issue. It is that experience of councils that only council tenants will understand, which is why effective representation at all levels is important.

Housing association tenants can have **>>>**

>>> things worse. The front door of a friend's block lost its handle months ago, and the landlord claims it is not an emergency replacement as there is another entrance through the back. The door is a fire escape for the whole block. She does not complain because she has before, and it was pointless.

Despite all these issues, social housing rent has been raised to try and bring it in line with private market rentals.

### Root & branch democracy

One way of ensuring that residents are involved is through active tenant management organisations (TMOs) and other resident-led groups. By electing representatives to advocate for the community and to negotiate with landlords, our voices are amplified. Most tenants feel we need a 'bottom up' structure for resident involvement, as the curret 'top down' approach excludes residents. On my estate, the reason our heating system was replaced two years ahead of schedule was through the TMO working to represent our residents' needs.

TMOs were started in the 1970s to allow social housing residents to collectively take responsibility for managing their homes. Under the 1985 Housing Act estate management boards were formed, predominately in more deprived areas of the country as part of a government initiative. The Right to Manage Regulations were introduced in 1994, then updated in 2008 and 2013. All TMOs enter into a legal agreement with the local authority, the Modular Management Agreement (MMA), which allocates accountability, supervision and responsibilities. TMOs are managing agents as opposed to landlords, so tenants remain those of the local authority. Accountability is not only through the MMA to the local authority, but directly to the residents that TMOs represent. This is through regular consultation in order to reflect their needs and views, including mandatory continuation ballots for individual TMOs: a mandate from the community. Currently there are up to 250 operational TMOs in the UK, representing under two per cent of housing stock.

Many TMOs extend beyond management, providing other services and a holding a key community role. Successful TMOs have improved services, such as reducing times to complete repairs, faster turnaround time for void properties, and increased resident satisfaction. Nick Reynolds, Chair of the National Federation of Tenant Management Organisations (NFTMO), says there are also 'efficiency gains associated with local control through behaviour change and increased levels of volunteering, for instance, because tenants are so closely involved with the management of their estates, there is an incentive to fix small things themselves and report problems earlier'.

TMOs are unique in that they have their own individual identity shaped by the communities they represent, however all 'share a common goal, to deliver quality, locally based housing services and enhanced community engagement' (Reynolds). An

*Brunswick Close Estate residents campaigning for boiler replacement (photo by Emily Finch of the* Camden New Journal*).*

incredible example of where a TMO has completely reshaped the estate and local area, on residents' own terms, is the Corbett Resident Association (CRA) in Catford, South London, set up by Chair Mekor Newman in 2010. Newman has held a number of high-profile roles in the housing sector, but outside his work he volunteers on his own estate and has achieved great things as chair of the resident association. The CRA, along with another group, took over the local library which was faced with closure and, in 2017, crowdfunded and led the takeover of the local healthy lifestyle centre. Alongside this they provide community engagement projects such as a community garden, Christmas markets, community lunches, and their award-winning annual firework display that attracts a crowd of 2,000.

NFTMO is one of four national tenant organisations, alongside Tenant

*Mekor Newman, chair of Catford Residents Association in South London.*

Participation Service (TPAS), Tenants and Residents of England (TAROE) and Confederation of Co-operative Housing (CCH). It is a national network comprising national and regional representatives, plus those co-opted from other tenant organisations. Objectives include information sharing and representing the views of TMOs to government.

The green paper specifically mentions TMOs and their role. After Grenfell there was a backlash against the TMO movement following implication of Kensington and Chelsea TMO (KCTMO). Reynolds claims that although this was understandable, misinformation was rife in the media which 'certainly did not help understand true tenant management'. *Channel 4 News*, for example, suggested there was no accountability for TMOs, and that 'only an act of Parliament can stop a TMO', conveniently ignoring the management agreements that TMOs have with councils which feature 'clear methods in which a TMO can be brought under supervision, and, where continued failings are identified, enables the local authority to withdraw the agreement'. Also overlooked was the fact that KCTMO was not actually a TMO but an ALMO (arm's-length management organisation). According to Anne Power of LSE, KCTMO was 'known locally as a 'Fake TMO' […] not community-based, not cooperatively run, not representative. It was set up to cover the whole borough and simply took on the existing council housing department and stock'.

Although it is easy to evidence the positive effect of well-run TMOs, Reynolds says it is difficult without mainstream media publicity. He tells me that he was misquoted in the press after Grenfell. There needs to be better publishing of factual information to show TMOs' significant impact on local housing and communities. NFTMO does this regularly, but it cannot turn the tide alone. It is run by volunteers, and its income solely derived from membership fees and its annual conference. Reynolds recognises that 'tenant management is not for everyone', but feels it is necessary to use any opportunity to highlight the good that TMOs do, especially for the volunteers and active residents who give up their time to improve conditions on estates: 'where there is interest this should be capitalised on, a TMO cannot exist without the significant input of volunteer board members and above all the support of the tenants they represent'.

NFTMO held consultation events across the country in order to gauge resident feedback on the green paper. Reynolds notes that there are many important features, 'not least accountability to tenants for the services they pay for, the stigma around social housing, having a voice which is heard and not ignored, recognition that as tenants we know our homes best and just want to be heard and recognised'. The consultation results clearly illustrated residents' opinions that TMOs have value.

Reynolds argues that national tenant organisations should have a key role in the future. At present they have no regulatory or statutory powers: 'who would be best to ensure effective regulation than the community led housing sector itself? There is a statutory right to manage and such a right should be funded by central government in order to ensure a consistent approach but recognising local needs, desires and communities'. Overall, he hopes the SHGP will 'enable the rebalance of tenants, their rights, their worth, their voice and above all their right to live in affordable, decent and well managed homes and not be stigmatised by their choice of tenure […] it should not have taken a tragedy such as Grenfell to bring Social Housing to the attention of those in control'.

### The future

After Grenfell there were many promises that have yet to be delivered, but the social housing community is working to build accountable structures from the ground up, and trying to ensure their voices are heard. The green paper has been a beacon of hope in a desolate landscape of aggressive governmental policy, which has marginalised tenants and stigmatised the homes they live in. As even Theresa May said 'we must recognise that for too long in our country, under governments of both colours, we simply have not given enough attention to social housing. It should not take a disaster of this kind for us to remember that there are people in Britain today living lives that are so far removed from those that many here in Westminster enjoy. Just a few miles from the Houses of Parliament […] people live a fundamentally different life, do not feel the state works for them and are therefore mistrustful of it. So, long after the TV cameras have gone and the world has moved on, let the legacy of this awful tragedy be that we resolve never to forget these people and instead to gear our policies and our thinking towards making their lives better and bringing them into the political process.' It still remains to be seen if this will happen, and the world has not yet moved on. But, for now, we continue to hope, fight, and keep working in our communities.

Lucy Chapman is a social housing tenant, chair of Brunswick Close Tenant Management Organisation and Founder of CommUnify, a social housing pro-bono advice project (www.CommUnify.org.uk; Twitter: @comm_unify @lucyandthelaw).
A fully-reference version of this article is available on request.

*Below: Lucy Chapman with Brunswick Close TMO members (photo by Emily Finch of the* Camden New Journal*).*

LEGAL AID

PEOPLE'S HISTORY

# The role of the advice centre

While researching for the article *Legal aid and the survival of the welfare state* (*SL* 78, February 2018), writes **Joe Latimer**, I came across the work of Hartley Dean, a professor of social policy at the London School of Economics and a former director of the Brixton Advice Centre in south London. In 1985 Dean published a paper called *Legal Dis-service: a critical appraisal of legal service provision and proposals for an alternative approach*. It's a fascinating analysis, which deserves to be revived.

*Legal Dis-service* traces the origins of legal aid back to Weimar Germany. The German roots of legal aid are not just more venerable than their UK counterparts', but they are far more radical: a system of peer-to-peer help with financially independent structures and tangible outcomes, instead of an 'us-and-them' professional interventionalist model in the UK.

It is worth quoting Professor Dean generously. Much of this article is an extract from the final chapter of *Legal Dis-service* ('The role of the advice centre').

'In order that public legal service agencies may secure funding and guarantee recognition for their activity, it has hitherto been necessary for them to resort to cloaks of professional independence and/or charitable status and this in itself has conditioned the basis upon which people have been able to engage in such activity: it has perpetuated a distinction and a distance between 'advisers' and 'clients' and it has subverted the potential of such activity for political consciousness raising, rendering it at best ineffective, and at worst a mere extension to the ministrations of the welfare state.

Because such activity has been cast in the form of a 'service', the issue of accountability of public legal service has been projected, not in political or class terms, but in terms of 'consumer control'. Thus, in setting out to develop mechanisms and management structures which make such agencies accountable to the 'community', these agencies have fallen back upon the capitalist state's definitions of community and community interest. And, in seeking the informed consent of their clients in the conduct of cases, such agencies have imposed bourgeois legal definitions upon their client's problems.

Whilst public legal service agencies have striven to identify and remedy the structural causes of poverty and the systematic 'upgrading' of working-class participation in the litigation process, they have been blind to the structural limitations of such strategies. In spite of the disappointments such strategies have generally brought, public service agencies have continued to attach value to inherently legal processes without seizing the incidental value of such processes as a means to exploit the contradictions of capitalist law and to consciously interpose themselves as the advocates of class interests.

Public legal service agencies have continued to conflate the illusory substance of legal rights with their real effects. In seeking adjustments in the substantive regulation of social security benefits, housing conditions, etc., such agencies have not so much challenged or exposed the formal basis of legal rights and freedom under capitalism, but have reinforced bourgeois forms of consciousness by the pursuit 'upon the platform which the law provides' of marginal improvements in working class living standards. It is not here suggested that such marginal improvements are not worth pursuing, but the failure of legal services has been in their implicit acceptance that the script and the stage scenery which law also provides are as real and substantial as the platform upon which the actors must perform.

Whilst public legal service agencies undoubtedly both can and do enhance or maximise all those positive tendencies within the welfare state which benefit and sustain the living conditions of the working class, there is no sense in which such agencies can systematically undermine or minimise those negative tendencies within the welfare state which discipline, individuate and control the working class. Public Legal service agencies are caught up in the very same contradiction as is the welfare state itself: they cannot enhance working class living conditions without at the same time enhancing the effects of social control in the general interest of capital.

> 'The issue of accountability of public legal service has been projected, not in political or class terms, but in terms of "consumer control".'

If then we are to turn legal services to the advantage of the working class and against the interests of capital, it is necessary to seek new ways of organising the activity we call advice work. It may be that we should abandon the terms 'legal service', 'law centre' or 'advice centre' in an attempt to redefine and restructure the activity of legal advice as a pedagogic political process'.

Dean then goes on to look at the German model: the 'workers' offices':

'If a model were required to help formulate how such a process might be organised, perhaps the closest useful approximation is provided by that of the workers' offices which were operated by the associations of unions in pre-fascist Germany in the 1894 – 1906 period. These have been researched and are described by Udo Reifner. In the workers' offices, both 'counsellors' and 'clients' were members of the same the same Union Kartell; the workers' offices were financed by the associations of unions through contributions from the membership; the staff of the workers' offices were democratically elected to office; and entitlement to receive legal advice was conditional upon membership of an associated trade union. Thus the dichotomy between 'counsellors' and 'clients' was removed and, since the activities of the workers' offices were collectively financed and controlled by its participants, it was subject to none of the constraints of the 'service delivery' model. Besides giving individual advice and providing representation before tribunals, the workers' offices surveyed working, housing and social conditions – concerning themselves with all the problems of the dependent wage worker, whether in work or not and whether as an employee or as a consumer. The workers' offices also followed the judgements of the courts, shadowed and policed the work of official factory inspector and reported widely on their own work and that of the local Union Kartell. Reifner suggests that the collective methods of working and in particular the survey work arising from legal advice for individual union members served:

1. As a rhetorical resource in collective struggle.
2. To evaluate individual legal advice.
3. As evidence and argumentation in litigation and extrajudicial settlements.
4. To enlighten union members about the causes of individual misfortune.
5. To develop collective means to counteract the strategies of capital.
6. To assess the effects of the struggle for social progress.

Clearly such an approach was founded on a popular rejection of bourgeois justice; upon the necessity for independent class knowledge of law and 'the strategies of capital'; upon the process of 'enlightening' or raising the consciousness of trade union members. Moreover, Reifner quotes a writer of the time [P. Kampffmyer] who said – >>>

*Professor Hartley Dean was a community-based welfare rights worker for 12 years at Brixton advice centre in inner-London.*

>>> ‘Supported by the organised masses, the workers’ office is not powerless, not built on sand. With the backing of the unions it has mighty institutions of constraint! A close connection between the unions and the workers’ office is of basic importance for the effectiveness of the institution’.

Extra-legal sanctions – such as strikes and boycotts – were as important as ‘legal’ remedies so far as the workers’ offices were concerned when it came to enforcing those interests of the people which ‘official’ law failed to protect.

Sadly, the workers’ offices from 1906 onwards were gradually re-integrated into individualistic legal advice as the counsellors in workers’ offices became more professionalised and the unions became less democratic. At the same time non profit making, ‘impartial’ public legal advice centres were being established alongside the workers’ offices and the legal establishment itself began to espouse the cause of legal welfare. Not only were the workers’ offices themselves in time absorbed, but the triumph of an ideology of conciliation, compromise and co-operation extinguished the combative legal consciousness of the underprivileged, while allowing the privileged classes to preserve the law for its own interests: legal welfare was adopted in the service of the state.

It not possible to equate the economic, social or political conditions which pertained in pre-fascist Germany with those which pertain in Britain today and it not here suggested that we might reconstruct agencies along the precise lines of the workers’ offices. However, reflection upon the insights gained by the experience of the workers’ offices shows us that it is possible to staff an advice centre with personnel who do not relate to people as ‘clients’ but who are active as representatives of a class; that in such a context there is a role for legal craftsmen and learned advisers who not only possess, but create and disseminate an independent knowledge of law and the state. If there are people working in existing legal advice agencies who are capable of fulfilling such a role, they are prevented from so doing by the fact that they are lawyers, or are at least ‘de facto’ lawyers [for example, paralegals]. The writer’s own experience is that it is possible to become a ‘de facto’ lawyer, without the supposed advantages of formal legal training, but none the less to be fettered by many of the same constraints as are ‘de jure’ lawyers who are supposedly subject to the discipline of a professional body: such constraints in fact derive as much from the lawyer’s objective situation in relation both to individuals and to state apparatuses as it does from the manner and content of their training’.


The workers’ offices appear to be a much more worthwhile project than professional legal advice centres. They are rooted in class consciousness: their aim is that the population improves its own material conditions rather than appointing bourgeois champions to achieve bourgeois justice on their behalf.

As the government’s review of the LASPO cuts is published, this is a good time to reflect on whether legal aid should go beyond the principles that it has traditionally espoused in the UK – whether it should adopt this century-old model of workers’ self-help.

The seeds are already there. North East London Migrants’ Action, and its sibling groups in the London Coalition Against Poverty, are already doing critical work along these lines. Their organising model is peer-to-peer casework, which is complemented by and reflected in its ground-breaking legal victories in *R (Gureckis) v Secretary of State for the Home Department* (a successful challenge to the Home Secretary’s policy of detaining and deporting rough sleepers from EEA countries) and the associated damages claims. There are also migrants’ groups such as Akwaaba, Migrants’ Rights Network and Together with Migrant Children, who recently joined forces with legal professionals to produce a self-help guide to applying for social services support, which was based on families’ own experiences.

‘Their aim is that the population improves its own material conditions rather than appointing champions to achieve justice on their behalf.’

Dean explores what this would look like:

‘A socialist advice centre would have to abandon any pretence of professional independence or charitable status. Such a centre would not claim to be impartial, but would represent the interests of a class. This would mean sacrificing any possibility of funding though state or charitable channels and all the privileges which flow from professional status. Since the persons working in such centres could no longer be recognised by the relevant professional bodies as ‘lawyers’, they would not for example enjoy rights of audience before certain courts and, being realistic, it must be said that a socialist advice centre might on occasions have need of sympathetic practising lawyers able to provide advocacy before the courts, although the role of such lawyers and the manner in which they would receive their ‘instructions’ would be quite unfamiliar.

The workers’ offices’ experience also illustrates one way in which a socialist advice centre can be both financed by and accountable to organisations of the working class. We have already addressed certain questions relating to the mobilisation of the working class and, in particular, the inherent obstacles to organising the poor. This paper would tentatively suggest, however, that the funding of socialist advice centres by the labour and trade union movement in this country is not merely feasible, but represent one way in which that movement can be opened up to an understanding of the fragmented struggles of the poor, the poorly housed, etc. and, in the process perhaps, to an understanding of aspects other vital ‘sectoral’ struggles from which the movement has distanced itself (such as the struggles of women or of black people, which struggles intersect with those examined in this paper in ways which limitations upon time and space have prevented us from analysing).

It would be naïve to suppose that socialist advice centres in themselves provide the key to the reform or revitalisation of the British labour and trade union movement, but a financial and constitutional relationship between advice centres and that movement might make it possible:

1. For legal advice to be available not on a ‘service delivery’ basis bus as a benefit attaching to membership of the labour and trade union movement;
2. For an extension of formal membership of the Labour Party and the trade unions both to individuals and, especially, to new kinds of affiliate bodies, such as claimant’ unions, tenants’ associations, pensioners’ groups, etc.;
3. For advice centres to exchange a credibility based on professional independence or charitable status for a credibility based on the power of the labour and trade union movement;
4. For the strategies of the labour and trade union movement to be structured and disciplined through that growth in class consciousness and organic knowledge relating to the capitalist State which the activities of socialist advice centres would hopefully help to generate, particularly amongst the poor and vulnerable sections of the working class.

If such a scenario seems fanciful, given the present weaknesses of the labour and trade union movement, the principles none the less deserve examination. The contention of this paper has been that the activity we call legal advice work has certain unrealised potential for socialist strategy, not because such activity can remedy the structural causes of poverty and bad housing, but because it has the capacity to lay them bare. The function of a socialist advice centre operating within the confines of an advanced capitalist welfare state society would be to make the poor unmanageable. By promoting a critical enlightenment as to the nature and effects of the welfare state, the socialist advice centre would sponsor a new (or revived) working class tradition in which relations with the capitalist state are combative and anarchic. What is required, however, to make a socialist advice centre possible is a political commitment and plausible mechanism by which to build individual struggles against the state into a class struggle; by which to create institution and forms of knowledge which are the preserve of the working class itself and not of the capitalist state.

‘The function of a socialist advice centre operating within the confines of an advanced capitalist welfare state society would be to make the poor unmanageable.’

However, having posited the possibility of a socialist advice centre, this paper does not pretend to make *a priori* claims as to the viability of such an advice centre. What has been described as the pedagogic potential of advice work does, it is argued, provide the basis for a socialist approach, but it is only through the synthesis of political theory on the one hand, and concrete practice and experimentation upon the other, that a full understanding of that potential can be achieved. What is clear is that the pedagogic process envisaged is a dynamic process which would impinge as much upon the learning and consciousness of advice workers as upon those seeking advice and as much upon the broader working class movement as upon any individual. There would in the future be no legitimate sense in which a socialist advice centre could impose its own perceptions upon the working class, just as there is at present no sense in which existing forms of advice centre may by themselves furnish prescriptions for their own future.

For these reasons, it is hoped that this paper will provide a contribution to debate no only within the public legal services movement, but particularly within the labour and trade union movement and upon the ‘left’ generally about the actual and potential function of legal services. Public expenditure cuts by the Thatcher Government now pose a threat to the continued survival of many existing public legal service agencies, including the Brixton Advice Centre, and the time is right to consider why, if at all, or under what conditions the perpetuation of such agencies may be justified’.

Even in the middle of the Thatcher era – just five or so years after the law centre movement had been invented – its existence was threatened by austerity measures. But contrary to Dean’s predictions, the Brixton Advice Centre and law centres around the country limp on in 2019.

As Dean argues, we need (and have always needed) more than this; a better model than this. A more effective, more important structure is available. What the labour movement created in Weimar Germany could spring into life in 21st century Britain.

# Beyond borders

## The hostile environment of welfare services

'Divide and rule' is alive and well, with migrants and asylum seekers being unfairly blamed. As **John Nicholson** reports, it is shameful that local councils are doing it

As an immigration barrister and chair of the Greater Manchester Law Centre I am involved in fighting the hostile environment – which exists for benefits claimants as well as migrants – on a daily basis. The devolved Greater Manchester Combined Authority has just announced, in the *Manchester Evening News*, words to the effect that refugees are *not* welcome here. The 10 councils that make up Greater Manchester believe that they are housing more than their fair share of people seeking asylum, and that there are other authorities 'down the road' who could be doing more. Perhaps councils like Lancashire, where precisely zero solicitors have placed bids for immigration legal aid contracts, and where migrant communities would be dispersed without any hope of accessing vital legal advice. Add to that the fact that these Manchester councils have not built *any* 'affordable' housing in (we believe) five years. It is shameful to hear councils complaining when they themselves have failed to stand up to national government.

There is a relationship between migration and the welfare state: destitution has always affected many people in inter-connected ways. But Manchester's approach shows the racism of the ruling class: a 'divide and rule' between migrants and other people in need. They are playing migrants off against homeless people.

The Greater Manchester Law Centre is in the Moss Side area of the city, home to a large Afro-Caribbean community, which was the victim of the revelations exposed in the Windrush scandal this year. We have received anxious inquiries and done our best to work with the Greater Manchester Immigration Aid Unit to challenge government and to support individuals. We said:

*'Racism has always been used to "divide and rule". A century of immigration laws in this country have reinforced this – Indian vs West Indian, African vs Australian, "good" (often white) migrants vs "bad" migrants. Windrush is only the tip of the iceberg of poor Home Office decisions. And now they are saying they cannot deal with other cases on time because they are too busy clearing up their own mess over Windrush'.*

> "Health workers, social workers and teachers have been dragooned into policing people in the interests of supposedly protecting the welfare state."

There are many cross currents here. Public health has been seen as threatened by migration: in *N v UK* the European Court of Human Rights has dramatically upheld the UK's refusal to let people with HIV remain in the country unless they are practically dead, which is Fortress Europe at its harshest. This has echoes of tuberculosis, which was once seen as an imported disease that endangered the native population (and now TB is back in our inner cities – it is a disease of poverty, not migration). The NHS has been described in immigration law as 'not the NHS for the world'. The welfare state has been seen as being 'undermined' by the pressure of migrants, and immigration controls have often accompanied developments in welfare. Health workers, social workers and teachers have been dragooned into policing people in the interests of supposedly protecting the welfare state. And privatisation has used immigration controls as a lead-in to charging, private insurance and further securitisation (G4S running public services, in the NHS, and in the odious Yarl's Wood detention centre for example, where pregnant women risked losing their babies because staff wouldn't call for ambulances or let them go to proper hospitals).

All of this is the hostile environment against *both* benefit claimants and migrants. Even the language used is similar – 'benefit scroungers' and 'bogus immigrants'.

You have to wonder why a government wants to create a hostile environment. Why not spend the time and energy working towards world peace and clean air and water? It is the 'divide and rule' that keeps government in government, here and worldwide. As one colleague put it at a recent meeting: "Screw the colonies for centuries, build the welfare state on the back of it, and then charge the natives of those colonies for treatment, unless they have a disease which threatens Brits".

The history of the links between migration control and the developing welfare state has been set out by Steve Cohen and the No One Is Illegal group in a number of publications – notably in the book *No One Is Illegal* (you can do an illegal act, but you cannot be illegal). A competition for finding the earliest example shows that the first ever national scheme of state-financed cash benefits was the Old Age Pensions Act of 1908. There were two requirements that directly affected the Jewish people who had fled to the UK (mostly as a result of Russian persecution): that they had to have been a British subject for 20 years and have lived in the UK for 20 years. This same community had already been singled-out by the 1905 Aliens Act (aimed as much at communists as migrants – and many Jewish people fitted both categories). Even the esteemed introduction of the NHS in 1949 included powers given to make regulations to exclude free treatment for people not ordinarily resident in the UK. The minister responsible was Nye Bevan.

> "We have to regain the ideological commitment to universality: health and welfare (including housing) available to all."

The charges did not come in immediately. The 1971 Immigration Act was followed by the 1977 NHS Act, which introduced charges for overseas visitors. These were brought in through the 1982 charging regulations under the Thatcher government, which had just introduced the 1981 Nationality Act. My personal recollection of that time is moving the (successful) resolutions at Labour Party Conference in 1982, which committed that party to repealing these regulations and the 1981 Act itself (the 1983 manifesto promised the repeal of both 1971 and 1981 Acts, and that is a demand we could repeat today).

So there is a long history. And our challenge is not to the detail of the current legislation and practice, but to the ideological shift that has taken place over these years. We have to regain the ideological commitment to universality: health and welfare (including housing) available to all. We have to stop the divide and rule that undermines the health and wellbeing of all of us.

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Picture: Jess Hurd / reportdigital.co.uk

>>> The particular health charges that we are facing at today include a great deal of troubling detail that the general public does not know about. Many people would be appalled to find out about the degree of health charges. But in the hostile climate, the government relies on the right-wing press to propagate the view that the charges are necessary and desirable. Doctors and nurses will commendably try not to implement them, but administrators and financiers are implementing them without us even knowing. The caricature of the hostile GP receptionist is sadly not so far from the truth – people do not have to give their address to a GP surgery, but how many people will manage to stand firm in the face of such demands?

A recent parliamentary briefing sets out that, as a general rule, there must be charges. Despite the lack of evidence for 'health tourism', the health surcharge has been introduced (and is to be doubled). People seeking leave to remain, people seeking to renew their leave to remain (often four times, at 30 months a time, even after leave has been granted) will pay these charges over and over again. That is as well as the extortionate fees just for the renewal of the leave itself. But this isn't in fact about the economy. The NHS may be in crisis but scapegoating migrants is not the solution.

"Doctors and nurses will commendably try not to implement them, but administrators and financiers are implementing them without us even knowing."

The NHS Guidance also relies on so-called impact and equality assessments – which helpfully tell us that overseas visitors of all races are treated the same (so there is no race discrimination) and that women (who are facing these massive charges for all aspects of their maternity care) are similarly not facing discrimination because: 'Men and women are subject to the same rules about residency status […] Both sexes are treated equally under the Regulations".

The conclusion of the equality assessment is that the few negative impacts would be proportionate to achieving the overall aim – which is to better align the charging of overseas visitors with the principle that the NHS is a residency-based system to which everyone makes a contribution. Did this just slip by? Are we now to understand that the NHS is a 'residency-based system' and that 'everyone makes a contribution'? Migrants also pay taxes, directly or indirectly. If people seeking asylum were allowed to work – as they were until the Blair government – they would be contributing yet more. But it is the principle which is at issue, and we are slipping down an ideological slope.

The language is also highly legalistic. From the starting point of the NHS Act in 1949, the term 'ordinarily resident' seemed to be 'ordinary' language – but the term has been distinguished from permanent, usual, habitual. 'Ordinary' now means living here voluntarily and lawfully, as well as for an identifiable purpose, with a sufficient degree of continuity to be properly described as settled. In other words, not even people who are in the UK with some form of leave are necessarily 'ordinarily' here. And while this may keep lawyers in business, in the real world it means that people will be charged when they shouldn't be.

There are some exemptions: missionaries, for example, are fine.

This is all about prejudice. The possibility of charging will deter people seeking help. The Windrush victims have often now reported how they didn't go to claim benefits or pensions to which they were entitled for fear of deportation. People will not go to the doctor. Lives are put at risk, and there is a greater risk to the public health. If nothing else it is a false economy, and clears the path for the privatisation of health services. It sets a terrible example internationally, and it is racist. Policies of this type can impact people with names that don't sound British, as well as people of colour more generally. If people cannot prove their status they may fall foul of the system. 17 per cent of UK residents don't have a passport at all, according to the 2011 census.

"If nothing else it is a false economy, and clears the path for the privatisation of health services. It sets a terrible example internationally, and it is racist."

We need unity to defeat measures which are counter-productive, uneconomic, unhealthy and racist – and we need unity in the demand to end the hostile environment as a whole. Bringing together people from different campaigns and struggles, based on the support for those directly in the firing line, enables us to demand housing for all, health for all.

And no one is illegal.

John Nicholson is a barrister at Kenworthy's Chambers and the chair of the Greater Manchester Law Centre


Picture: Jess Hurd / reportdigital.co.uk

‘The majestic equality of the law forbids rich and poor alike from sleeping under bridges, from begging in the streets and from stealing loaves of bread’

Anatole France



# Telling tales out of class: dishonesty and power structures in the law

by **Nick Bano**

**One hundred and twenty-five years later, France’s acerbic** celebration of the law’s ‘majestic equality’ is a position that’s shared – but in earnest – by conservative and liberal commentators alike. When the *UNISON v Lord Chancellor* judgment was handed down in 2017 there was a great deal of fawning over Lord Reed’s description of the constitutional significance of access to the courts. Citing everything from Magna Carta to a judicial review of the Wheat Commission, the Supreme Court reminded us of the essential importance of the courts and tribunals in maintaining the rule of law.

Underlying that is an assumption that the courts are the great leveller. Judges will achieve justice by exercising that ‘majestic equality’ – they will consider the merits of each party’s case regardless of wealth, power or social standing. But is that assumption right? Going beyond France’s argument (that the application of ‘equality’ to unequal societies will tend to produce unjust outcomes), is it even fair to assume that legal processes are founded on equal treatment to begin with?

The law, it seems, has wildly diverging approaches to the concept of honesty. Far from applying equal standards of credibility and belief, there is evidence from across a number of jurisdictions that suggests that different litigants will meet with different treatment. And there is a troubling correlation: the more power that a party has, and the lower the stakes for that party, the lower the level of scrutiny.

Three recent judicial reviews represent two ends of a scale in public law. At one end, in both *R (Citizens UK) v Secretary of State for the Home Department* [2018] EWCA Civ 1812 and *R (KI) v London Borough of Brent* [2018] EWHC 1068 the state misled the High Court.

*KI* was a judicial review brought by a vulnerable young person (a former care leaver) challenging the borough’s failure to accommodate him pursuant to its duties under the Children Act. Brent disclosed 400 pages of documents *during the course of the final hearing*, with the borough’s lawyers having (wrongly) told the court that redactions in the hearing bundle had been checked and that the redacted material was not relevant to the claim. The court found that ‘an accurate picture of the material facts was not provided by the Council’ and DHCJ David Elvin QC issued a typically judicial rebuke, full of ‘concern’ and putting a ‘strong emphasis’ on the borough’s duty of candour. The claim succeeded and Brent agreed to review its disclosure procedures.

In *Citizens UK* the Court of Appeal was considering the Home Secretary’s treatment of unaccompanied migrant children who had sought asylum after having been transferred to the UK from the Calais ‘Jungle’ camps. One of the issues was that the relevant decisions by the Home Office were sparsely reasoned, and Soole J (at first instance) had initially dismissed the claim in the belief that the sparsity was because of time pressure, and because that was what the French authorities had requested. In fact, the real reason was the Home Secretary’s concern that fuller reasons would have left the decisions more open to challenge. Singh, Asplin and Hickinbottom LJJ all found that there had been a serious failure by the Home Secretary, and the appeal was allowed on a procedural fairness ground. Again, there was insipid judicial chastisement, with Hickinbottom LJ’s ‘respectful view’ being that the appeal ‘serve[s] as a timely reminder to public bodies as to both the scope and importance of the duty of candour to the court when they are responding to a judicial review’.

The other end of the scale is *R (O) v Lambeth* [2016] EWHC 937. *O* is one of a line of cases that demonstrates ‘a culture of disbelief’ in destitute children cases – i.e. the phenomenon by which social workers doubt the credibility of a family that claims to be destitute because there is not enough evidence to show that they cannot support themselves (other examples include *R (JA & Ors) v Bexley* [2019] EWHC 130; *R (OK & Ors) v Barking and Dagenham* >>>

**“The law has wildly diverging approaches to the concept of honesty.”**

# TRUTH LIE

>>> [2017] EWHC 2092; and *R (O) v Lewisham* [2016] EWHC 3184). In short, DHCJ Helen Mountfield QC ruled that – where the family has failed to provide sufficient information – local authorities may take that into account in assessing their credibility. As long as the overall finding is rational, it is difficult to interfere with a local authority's decision that the family hasn't proved the negative of its own destitution.

There is a gulf between those two approaches. On the one hand, public bodies, who have had the benefit of professional legal advice, and who have misled the High Court during protracted and high-level litigation, are told off. On the other hand, families who are seeking to persuade local authorities that they need the meagre support of the Children Act – the frayed and precarious bottom layer of the UK's social safety net – might become street homeless for want of bank statements.

That striking imbalance in judicial approaches to dishonesty might be based on a number of assumptions. The state does not lie. If it does lie, it was probably not deliberate. If it was deliberate, the state can be trusted to review its procedures and it shan't happen again. Poor people, on the other hand, lie. And in the cases mentioned above the poor people were women of colour and non-UK nationals.

It might be said this is a false equivalence, or that there was very little that the courts could have done in the face of the public bodies' dishonesty except for expressing their displeasure, and that in the 'culture of disbelief' cases it fell to the local authorities (rather than the court) to determine truthfulness. But what happens if the positions are reversed? It is very difficult to imagine any other party to an appeal – that is, a party who isn't the secretary of state – receiving such gentlemanly treatment after it transpired that the High Court had been materially misled. And it is impossible to imagine the Administrative Court starting from the position that the public authority has behaved dishonestly: the state has the benefit of the 'presumption of regularity' (the principle that administrative acts are presumed to be lawful unless and until they are quashed); and any allegation that the government has been dishonest would presumably be pleaded as 'bad faith', which is not a particularly a rich seam of public law authorities.

**"The state does not lie... Poor people, on the other hand, do."**

The irony is that applicants for section 17 support are very unlikely to be lying because the standard of accommodation and subsistence is appalling (see, for example, *A Place To Call Home: a report into the standard of housing provided to children in need*, (2015) Charlotte Threipland on behalf of the Hackney Community Law Centre and Hackney Migrant Centre). The notion that a family would invent homelessness and destitution in order to receive such woeful treatment is difficult to accept. Over-stretched public authorities, on the other hand, are not always truthful.

Going beyond the Administrative Court's jurisdiction, the picture becomes even clearer. Compare, for example, approaches to dishonesty in immigration and personal injury law.

In the immigration field, the Home Office relies heavily on credibility. The recent Court of Appeal decision in *AM (Afghanistan) v Secretary of State for the Home Department* [2017] EWCA Civ 1123 gives a flavour of decision-making in the asylum context. The appeal was about how the First-tier Tribunal should approach asylum claims brought by children and other young and vulnerable people, and the particular appellant had been disbelieved by both the Home Office and the tribunal on the basis of inconsistencies, lack of detail and an inability to answer certain questions about his life in Afghanistan, even though he was a child with learning difficulties. Similarly outrageous approaches to dishonesty abound in the reported decisions (see, as just a few examples, *DH (China) v SSHD* [2018] CSOH 103; *R (S) v SSHD* [2015] EWHC 2603; *AM (Belarus) v SSHD* [2014] EWCA Civ 1506; *R (EO) v SSHD* [2013] EWCA 1236 (Admin) etc.), and no doubt there are countless more unreported cases from the tribunals. In addition, there is the notion of 'adverse credibility findings' in the immigration context (where decision makers rely on previous findings of dishonesty), which is particularly vindictive because the mechanisms of the Hostile Environment make it virtually impossible for many migrants to lead a life of total honesty.

Compare that to the more well-heeled world of personal injury litigation, where the law has had to create a whole new category of lying – 'fundamental dishonesty'. This is troubling. Where a migrant might be detained and deported because of their poor recollection of the details of a previous life, or because they used false documents to flee a conflict, and where children living on the fringes of society might become homeless and destitute because of unexplained transactions on their parents' bank statements, litigants in a money claim who have demonstrated a such level of dishonesty that it 'went to the root' of the case might be sanctioned in costs.

This imbalance will be familiar to anyone who has ever practised in the criminal courts. The Hollywood fantasy – the witness admitting the lie, and gasps all-round as the case collapses – is unimaginable from the defence perspective. How many times have the magistrates found the Crown's evidence 'clear and compelling' even where the defendant's account has also been unblemished? How many times have cases somehow overcome lies or omissions by police or prosecution witnesses, but a defendant's dishonesty has been fatal?

**"How many times have cases overcome lies or omissions by the police?"**

The ongoing inquiry into undercover policing is another conspicuous example of the imbalance. The state benefits from presumptions of integrity that no other litigant could expect to receive. The inquiry was set up in 2014, will not hear any evidence until 2020, and is not due to conclude until 2023, with the cause of most of the delays (so far) being the large number of (mainly successful) applications from the police to conceal the identities of its undercover officers. Anonymity in proceedings has traditionally been seen as an affront to the principle of open justice, and the ordinary person's right to privacy was begrudgingly imposed into UK law in light of Article 8 principles (*In Re S (A Child) (Identification: Restrictions Publication)* [2005] AC 593 HL). But Mitting J (the inquiry's current chair) appears to apply a different starting point to the state, even though the subject of the proceedings is the state's blood-curdling project of dishonesty and deceit.

Marx, far from seeing the adversarial system as some great Hegelian quest for truth, based on rationality and dialectic, was refreshingly sneering when he came to look at transcripts of cross-examination by a Parliamentary inquiry. He said 'The mode of examining witnesses reminds one of the cross-examination of witnesses in English courts of justice, where the advocate tries, by means of impudent, confusing and unexpected questions, to intimidate and confound the witness, and to give a forced meaning to the answers thus extorted. […] After some further crooked questions from these bourgeois, the secret of their 'sympathy' for widows, poor families and so on emerges into the daylight. […] This kind of examination at last becomes too much even for the chairman of the investigating committee' (*Capital*, Volume I).

Whether we agree with Marx or not – and there is a valid argument that a fair adversarial system is a thing of 'majestic equality' – the courts' approach to truth is dysfunctional. Any apparent lack of integrity by the poor (especially by migrants) is readily accepted, and weaponised to deprive people of their most basic needs, while the state's proven lies are explained away.

Nick Bano is a lawyer specialising in housing, social welfare and equality law

Reviews

# True story of solidarity that worked

**FILM: Nae Pasarán!** Director: Felipe Bustos Sierra, 2018


This is an inspiring film, and it's difficult to watch without shedding a tear. It is a story of international working class solidarity, the ripple effect of that solidarity, and the power it has.

The coup in Chile is a defining moment in the recent history of the international working class. It saw a cabal of US imperialists, Chilean military and the neo-monetarist Chicago School of economics plotting and scheming to bring down the democratically elected socialist Popular Unity government of Salvador Allende. Naomi Klein, in her book *The Shock Doctrine*, notes that 'In the years leading up to the coup, US trainers, many from the CIA, had whipped the Chilean military into an anti-Communist frenzy'.

The Pinochet coup took place on 11th September 1973. From the start Pinochet had complete control of the army, navy, air force, marines and police (apart from a few officers and soldiers loyal to Allende). The real tragedy was that Allende had refused to organise the working class into armed defence leagues, so he had an army of his own.

News of the military coup spread globally. International solidarity began to grow, and so in Scotland's first 'new town' East Kilbride, a group of engineers were faced with the prospect of having to conduct maintenance on several aeroplane engines from the Chilean air force. Bob Fulton, a shop steward, knew what these engines had done, and took the simple but heroic decision that they wouldn't be doing it again. He ordered a 'no work' on the engines, and his fellow workers backed him.

The workers, some now in their 70s are filmed sitting in a pub discussing how the events unfolded. Their chat is a mixture of 'the craic,' a simmering pride, and a clear sense of what solidarity is all about. They make it clear they would do it again. As members of a strong union, Bob Fulton, Stuart Barr, Robert Somerville and John Keenan had the power to stop the repair of the engines and, unbeknownst to them, that small but significant decision had a direct impact in Chile – particularly for some of the prisoners held by the military dictatorship.

The documentary successfully welds historic film reel and news reports to contemporary footage, with the aid of some skilful animation. There are chilling interviews with the leader of the Chilean Air Force, who explains the difficulties that pilots began to encounter as engines sat rusting (there was no way of repairing the Scottish-built Rolls Royce engines in Chile). The veteran of the coup intersperses his recollection of events with racism, innuendo and justification of the Pinochet regime. Interviews with survivors of torture, who have since grown old, provide a gravity to the film, and it is their gratitude to the workers that conveys the importance of collective acts of solidarity, which reverberate across the world.

> "These workers put their own jobs on the line, risks they were prepared to take to take, simply because it was the morally conscientious course of action to take."

As a result of the decision to block work on the engines they sat unrepaired in the yard of the Rolls-Royce factory in East Kilbride – not for weeks but for years. In 1978 two or three of the engines were taken in the night (it transpires that they were very likely to have been traded for political prisoners, possibly by the then-Labour government).

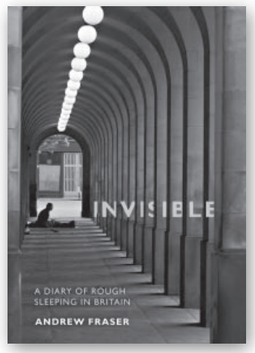
One of the political prisoners explains that he was released from detention and moved to the UK precisely because the engines were released in exchange. He is sure of it. When he arrived to the UK he notified Amnesty International. It grated that that worthy NGO, a stalwart of the 'human rights industry', never thought to tell the workers in East Kilbride what they had achieved.

*Nae Pasaran!* is a film grounded in working class solidarity. The sincerity, modesty and humour of the workers, who acted in solidarity with their brothers and sisters in Chile against the violent Pinochet military regime, shine through. These workers who put their own jobs on the line demonstrate the risks they were prepared to take to take, simply because it was the morally conscientious course of action. They also show the pure power of being part of a union. The film makes it clear that international workers' solidarity is a fearsome thing: a force that shakes the powerful.

**Paul Heron**

# Stark reality with a clear human touch

**BOOK: Invisible: Diary of a rough sleeper** by Andrew Fraser, edited by Rob Ray, Freedom Press, 2019




Released by the anarchist publishing house Freedom Press, this book interweaves the contemporary diary entries of a rough sleeper with news articles and analyses of the historical background that has caused rough sleeping to rise by a conservative estimate of 169 per cent since 2010.

An obvious starting point for comparison is George Orwell's *Down and Out in Paris and London*. Orwell's lack of authenticity, his masquerade as a tramp, was redeemed by his attention to detail and his gift for communicating political ideas in such an accessible way. Conversely, while Fraser may not share Orwell's literary talent, his diaries simmer with a genuine anger. But Fraser is no novice to writing. He hobnobbed with the stars whilst working for *OK!* magazine in the early noughties and had a book of his own published as recently as 2016. An accomplished and successful writer in his own right, how he came to be homeless we don't know.

But become homeless he did, and his diary serves as a vital account of 'the scale of the humanitarian disaster facing our countries and our cities'. Fraser documents the alarming daily hazards of homelessness and describes the barriers that confront rough sleepers at every turn, whether they are trying to improve their circumstances or merely get a good night's sleep. Marks & Spencer, GPs' surgeries and the DWP are particular targets of his ire.

He introduces us to some of the characters he has befriended and the sad journeys that led them to Britain's streets. We meet Sara, pregnant and sleeping rough but told by the local authority she can't be housed 'because their baby is not "viable" until she is 24 weeks pregnant', and Big Baz the 'hardest man in Ilford, about eight foot tall, with six teeth. A real gem'.

Fraser also rails against the uncaring government policies causing the housing crisis, illuminates the unlawful practices that local authorities use to deny people their housing fights and describes the awful conditions in hostels and temporary accommodation, which can make even rough sleeping a preferable option. Particular disdain is reserved for the charities who colluded with the government to deport rough sleepers (as previously described in these pages).

Fraser proudly recounts a confrontation in which he embarrassed an outreach worker involved, whilst also chronicling the sad tale of Alex, his friend whom he helped to recover from heroin and methodone dependency only to see him arrested for begging and subsequently deported. However, it is not just Fraser's resentment that gives this book its authentic edge. There is no doubt that homelessness had an impact on Fraser, which must, by its very nature, be more severe and enduring than Orwell's. The diary describes not only the misery, hopelessness and terror but also the liberated power of being someone with 'nothing left to lose except for my life'.

The accompanying news features, predominantly from the publisher's newsletter, offer an informative addition to the diary entries. The under-reported stories from Manchester, Bournemouth and Brighton demonstrate that many rough sleepers are willing to fight back: they are occupying empty buildings en masse in spite of the hostility of those wielding power. We see the callous attitudes of Labour-run local authorities, which is a pertinent reminder to left-wing Labour members of the work that still needs to be done.

The book could easily alienate mainstream readers, with too many parts reading like ill-researched propaganda pieces. The repeated criticisms of Andy Burnham as mayor of Manchester, while perhaps not completely unfair, fail to take into account the minimal influence he has over national housing and planning policy, and come across as a vendetta.

The afterword by Tony Martin, a housing lawyer with Shelter, is a brilliantly-compiled analysis of the roots of the housing crisis, the actions and responses of the main political parties and an excellent summing-up. However, the real treasure here is Fraser's diary. Passionate and articulate, the reader is confronted with not only the stark realities of homelessness but also the humanity of those affected. He holds up a mirror, forcing us all to examine our own attitudes and interactions with those living on the streets.

**Adrian Smith**

# How music helped beat fascism

**BOOK: Never Again: Rock Against Racism and the Anti-Nazi League 1976-1982** by David Renton, in the series: Routledge Studies in Fascism and the Far Right


'Men make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past'. Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte,* between December 1851 and March 1852. The unintentional irony contained in these words, when read today, would surely not have been lost on Marx.

In a pithy and well-researched history of the campaign that broke the National Front, Haldane member David Renton's *Never Again: Rock Against Racism and the Anti-Nazi League 1976-1982* tells the story of how a mass movement – one that distributed over seven million leaflets, one that painted out NF graffiti and disrupted NF marches, one that made it fashionable to be anti-Nazi – was built by ordinary people, black and white, in the face of the most serious home-grown fascist threat since Oswald Mosley.

Renton shows how a tiny cabal of neo-fascists captured the leadership of a small far-right group of mainly disenchanted Powellites, who had been focussed on recruiting Tory grandees. By 1973 they had turned the NF into an organisation that had 17,500 members, many of whom were young and working class; in 1976 the party secured 44,000 votes in local elections in Leicester; and in 1977 they beat the Liberals in >>>

# Reviews

**>>>** 33 seats at the GLC elections. Renton estimates that as many as 50,000 people joined the NF at some point during the 1970s. Both populist and militant fascist, the NF courted and was courted by the Tory 'Monday Club', sought to normalise the notion of repatriation, and made its presence felt in workplaces (even in the unions), while at the same time it marched on the streets and meted out extreme, sometimes murderous, violence towards black and Asian people.

Renton has gathered accounts from people like David Widgery and Geoff Brown, instrumental in building the ANL and RAR in London and Manchester, and from many others, to tell a pacey story of the building of a movement that mobilised 40-50,000 members and put on events that attracted hundreds of thousands of young people. His account, however, is primarily a history from below, of how ordinary people, black and white, at times hesitantly, felt their way through circumstances that were not of their making, and yet made their own history. He does not refrain from recording the missteps made and the tensions that developed, not least between RAR and the ANL.

While the ANL succeeded in building a coalition capable of confronting the NF and unequivocally pinning the Nazi label on them, RAR succeeded in making music a battleground on which the fight against fascism could be fought. He says: 'at the heart of Rock Against Racism was an alliance between political activists and a small number of reggae and punk musicians. There was nothing automatic about the connection between politics and music […] Punk is best understood as a disobedient music form, capable of nourishing either left- or right-wing politics'.

The popularity of RAR and the carnivals, especially in Victoria Park in Hackney and the Northern Carnival Against the Nazis at Alexandra Park in Manchester, coincided with a sharp fall in the NF vote, and with a turn of the NF towards street violence.


*While the ANL succeeded in building a coalition capable of confronting the NF in big demonstrations (top), RAR made music a battleground on which fascism could be fought, including local gigs plus carnivals with bands such as The Clash.*


"Renton's account is primarily a history from below, of how ordinary people, black and white, at times hesitantly, felt their way through circumstances that were not of their making, and yet made their own history."

The response was matched: 'dozens of Anti-Nazi League groups were set up, including Aardvarks Against the Nazis, Skateboarders Against the Nazis, Vegetarians Against the Nazis and more'. The energy that the movement generated spilled out into other areas, not least including the formation of Rock Against Sexism.

Renton's sources include memoirs from ex-NF members, but comes to life with the many observations of those active in the anti-fascist movement such as Mark Dolan: '"When I started, the NF ran the branch committee. They used to collect openly on the shop-floor. The collections paid the deposit so that the NF could stand in elections […] One day, soon after I started, I was in the toilets. This old guy came in and asked me for 50p for the NF. I'd come from a school in Hackney, it was black, Asian, Greek, Turkish. I thought he was joking, he was having a laugh. He cornered me." Dolan pushed the older man back. In the weeks after this confrontation he could see the balance of power change: 'Outside affected the inside. The Anti-Nazi League, the marches, Rock Against Racism, it had its weight in the workplace. Within a couple of years, the NF had gone altogether"'.

His rage against the conduct of the Inquest into the murder of Blair Peach at the hands of the police is complemented by the anecdotes he has collected of events around Southall: 'One young demonstrator was playing around. He flipped a copper's hat off as a joke […] they arrested him and dragged him away. I stopped the march, we all sat down […] outside the police station […] They wouldn't let him go. So I said, 'If you don't let him go, I can't be responsible for what happens.' They threatened to arrest me and I said, 'Go on then', and within five minutes, they'd let him go'.

In the *Eighteenth Brumaire* Marx continues: 'The tradition of all dead generations weighs like a nightmare on the brains of the living', yet the act of participation brings change, and the change is sometimes even more momentous on those who act than the direct effects of the movement itself. Gramsci, in his *Prison Notebooks*, describes the struggle to replace 'common sense' with 'good sense'; RAR and the ANL showed how the 'common sense' racism of the far-right could be challenged and checked. The NF faced electoral wipe-out; it withered, and eventually so did both the ANL and RAR. The threat from the far-right remains present, more so today than it has for some time, and movements cannot be willed into existence, but an understanding of how previous ones arose is an essential element of the struggle ahead. This book provides a useful addition to that armoury.

**Mikhil Karnik** (barrister at Garden Court North chambers)