

OF UNIONS, RIGHTS AND PROPERTY John Hyde

The moral case against labour laws, industrial awards, compulsory unionism and picket lines is compelling.

The seventeenth century moral philosopher, John Locke, wrote, "...every man has a property in his own person. This, nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, is properly his." Locke went on to argue that by mixing that labour with things taken from "a state of nature" he acquired a property right in those things too. The extent of the validity of this second point has been the subject of endless debate on the lines of 'one does not acquire the ocean by piddling in it', but the first premise, that a person owns his own labour, has not been successfully challenged. A person's labour was seen by Locke as an extension of himself.

The poorest conceivable man has no property other than his person and "the work of his hands" but that much is his and no-one has the right to take it from him. The belief that each human owns his own effort is the basic objection to slavery; it is the objection to conscription for military or civil ends. Conscription specifies at what a person may work; it can be defined in terms of what he may do or what he may not do and the effect is the same whether it is the government, the Arbitration Commission, an employer association or a trade union which takes away the individual's choice.

A particular 'conscription' may be lawful but law alone cannot make it moral. Neither can ratification by a democratically elected parliament make what is wrong, right. The collective will of a majority---though often a bulwark against the worst abuse of civil liberty---can make no valid claim to the rights of members of minorities. If it could, then by vote of parliament, Australians could set about robbing and exterminating aborigines, school teachers or other minorities.

Other's rights must be respected. For instance I cannot justly use the work of my hands to hold innocent people captive or punch unoffending noses, but, subject to other's rights, my labour is mine. It may be used, or not used, to produce things for sale or consumption, invested in acquiring skills, tools or baubles, or sold on freely entered terms. I may work alone or in voluntary association with others. It should be noted, not just in passing, that the principle defends my right to join a union and to strike so long as no coercion is involved.

None is a complete slave, if only because no tyrant, not even Orwell's Big Brother, controls all of a bondsman's thoughts. At the same time no-one is completely free, if only because of taxes. But we can say that the more rights one holds over one's own activity the more one is free.

The property right I hold in myself is in fact a bundle of rights to do many different things with my own skills and effort. To the extent that I hold these rights I am a free man; to the extent that someone else holds them I am a slave. Is the reader starting to understand the contempt some Australians hold for an industrial relations system which is based on force---sometimes backed by law, sometimes by trade union bullies? In Australia, industrial relations is the great human rights issue of our time.

Consider a relatively poor Australian who wants to sell his skills, say driving a truck, but is prevented from doing so by any one of these all too common circumstances:

- * a picket line which physically restrains him,

- * a likelihood that his children's or his wife's life will be made miserable at school and in the supermarket,

- * a law, or unlawful use of force, requiring him to be a member of a union which he would not voluntarily join,

- * a black ban placed on his potential employer should a non-union driver be employed,

- * an award setting a minimum wage or imposing other costs above those at which he can find a willing employer, or

- * a law requiring him to hold a licence beyond that necessary to protect the rights of other road users.

In each case, is not a portion of our truck driver's most fundamental property, his skill, taken from him? In each case is he not removed some way from the status of freeman toward that of slave?

It is apparent to most Australians that no private citizen holds a right to restrain him on his passage to and from his job or to insult or to 'rough up' his wife and kids; but these things happen. Those few people who cause them to happen are morally of a kind with Hitler's Brownshirts, most of whom were also just thick and drunk with the mysticism of group solidarity.

Is the situation different if the government rather than picketing unionists rob our trucky of his skills? After all in some circumstances Governments may legitimately use force; is this one of them? In pursuit of some common goal may not a government decree that this particular property is forfeit---impose a tax upon it?

A government's first responsibility is to the security of its citizens. We charge it with preventing them from taking each other's property but allow the government to raise taxes? Today I don't want to enter an argument about whether all the taxing is for legitimate government expenditure I only ask does the government's right extend to direct control of "the labour of his body, the work of his hands" or was Locke correct in his belief that at least that much property was private?

Other questions arise automatically: Is conscription ever legitimate? Is it sometimes? Can a government absolve itself of moral responsibility by delegating the actual confiscation to the Arbitration Commission? Is the government's action mitigated merely because its mandate is democratic or by compulsory transfer of a dole from taxpayer to those who are denied work altogether by this careless regard for their right to work?

These questions have been answered in different ways by people with differing political philosophies but they have not been answered in a way that denies that every person has a right to his own labour. The whole complicated structure of centralised award setting, and the privileges