What does British Tory MP David Davis stand for?—Part 2

A glimpse into the real thinking of a “civil liberties” champion

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This is the second of a two-part article examining the political history of Conservative MP David Davis, who resigned his parliamentary seat in protest at Labour’s terror legislation enabling 42 days’ detention without trial. Part one *was published July 22.*

In concluding his speech on the campaign to abolish the National Dock Labour Scheme, the former director of Britain’s National Association of Port Employers, Nicholas Finney, explains:

“We knew that confrontation would be inevitable and when at last the government announced on the 5th April 1989 that they were going to repeal the dock labour scheme we knew we had won a famous victory. What we then had to do was put our plan of action into operation. We set out to achieve reform as fast as possible using a £35,000 redundancy payment provided by the government in its repeal bill, to break the strike and to shed labour. Under UK labour law you can actually dismiss workers lawfully providing you are not selective. If all workers are on strike you can say ‘either you come back to work or you are sacked.’ We were accused of ‘gangster tactics.’ Nevertheless, that was the threat and it certainly had a major effect on breaking the strike, because of the potential loss to the dockers of their £35,000 sterling redundancy payment.”

He then cites the accomplishments made after just one year:

“We had 9,221 dockers on April 5th 1989. In October 1990, there are less than 4,000 dockers left and many ports where there are no ex registered dockers at all. The restructuring of the labour force has been complete.”

He boasted that “We” had removed “all national agreements...all port agreements...all industry Conciliation and Arbitration procedures...developed entirely new work patterns, totally flexible shift patterns” and “introduced part time working/contracting out.”

“But,” he concludes, “I think the greatest of our achievements (and this is an achievement for the company as a whole) is that we destroyed for the foreseeable future the power of trade unions to hold the country to ransom by calling a national dock strike, which is so wrong for any democratically elected government. I think these achievements are worth learning from.”

There is not a word uttered by Finney from which Davis could legitimately attempt to distance himself. Whether he was one of the three MPs cited by Finney or not, he acted as “an influential voice in parliament” and as a member of the “influential political body,” the Centre for Policy Studies, to help wage the propaganda war against the dockers preceding the abolition of the National Docks Labour Scheme.

David Davis next ventured into print for the Centre for Policy Studies (CPS) in November 1989, with a pamphlet that went even further than his plans for the docks. Advocating a major assault on the democratic rights of working people, his objective was nothing less than to outlaw strikes altogether in vast areas of the British economy.

The CPS pamphlet, “The Power of the Pendulum” is subtitled, “Reducing strikes by ‘final offer’ arbitration.” In it, Davis writes of the “rumblings” that the government might face from a series of strikes in a “summer of discontent,” which were “symptoms of a dangerous factor in industrial relations—the great difficulty of reforming the state sector unions.”

By “reform,” Davis means preventing strikes. He complains that while strike activity was at its lowest level for 50 years in the private sector, public sector strikes had not declined to the same degree.

The need for “reform” was not mediated by privatisation, he argued, because the recently privatised companies still often enjoyed a large or monopolist position.

Between them, the “combined state sector and recently privatised monopolies...can effectively bring the country to a halt. They can impose vast losses on other people and other businesses. They employ six or seven million people, about a quarter of all employees; and for all these reasons their continued productivity is a proper cause of government concern.”

Davis’s solution is to make strikes illegal throughout this entire sector, while bringing in a system of compulsory arbitration. He favours what is termed “pendulum” arbitration. As opposed to conventional arbitration, where the arbiter decides on pay and conditions based on a consideration of the positions of management and unions—and usually decides a settlement somewhere in the middle ground, Davis wanted a decision backing either one or the other position. If they faced the “pendulum” swinging against them, he believed this would force the unions to make more “moderate” demands.

Davis makes clear that his call to illegalise strikes goes much further than legislation to prohibit strikes in what are usually described as essential services—a demand that has often been raised

by the political right.

He writes, "It has been suggested, both in Parliament and outside, that essential services are the proper area for restriction of the strike weapon.... This paper addresses the issue from a slightly different angle, that of monopoly industries."

Listing the scope of his proposal, he continues, "Water, obviously, qualifies as an essential service which is in effect a monopoly. So does the National Health Service. But what of gas, electricity, telephones and the postal service?... [T]his paper's policy proposals are aimed at all monopoly suppliers, not just state sector or 'essential services.' "

Civil liberties are often represented as individual rights that are inalienable to the citizen. But for working people, faced with the power of major corporations and the state, the preservation of individual democratic and civil liberties has always been bound up with the right to organise collectively in furtherance of common social and political interests.

The right to a decent standard of living meant challenging the tyranny of the owners of capital. It meant the right to organise in trade unions, to collectively bargain and to withdraw labour, if necessary through strike action. This in turn meant preventing not only the individual worker being victimised, but also the collective union body from being subject to attack by the employers or the state.

On the political front, the struggle for the right to vote led inexorably to the struggle to break the monopoly of the parties of big business. This meant, of necessity, to establish and fund a party that would represent working people.

This is the only way that civil liberties can be properly understood. But as far as Davis is concerned, these collective rights do not properly exist and can be done away with.

Davis always writes of the "right to strike" in quotation marks, arguing that "British law does not explicitly recognise a 'right to strike.' "

Instead, he acknowledges only a "combination of immunities in civil and criminal law" that "render strikes a viable tactic for trade unions and workers *under certain conditions*" [emphasis added].

After briefly describing how in 1906 trade unions secured freedom from liability for losses occurred during strikes, he states that because of the damage they can inflict in monopolistic sectors this freedom from prosecution for liability should no longer hold.

He believes this should be the case not only regarding official strike action, but also when the union does not actively prevent unofficial wildcat action by effectively policing its members. Any no-strike legislation, he insists, "must be able to deal with this sort of difficulty: able to deter guerrilla action which is apparently (and often only apparently) leaderless.... We should recognise that a trade union is its membership. Therefore if it has the majority of the membership of the bargaining unit involved, and that bargaining unit takes disruptive action, then in the absence of effective action to put the matter right the union is guilty of a breach."

He concludes, "Any union that breaks this constraint should face sequestration of its assets."

To make the legislation even more far-reaching, he proposes that prosecutions "should recognise who is the real victim of such action; and allow customers of the service or industry to initiate the action for sequestration of assets."

Thus, Davis wanted a situation in which any Tory party activist could initiate legal proceedings against a union taking strike action, paralysing or even bankrupting them.

Davis and his defenders might argue that he no longer calls for these measures and, like the rest of the Tory Party, has suffered an acute attack of niceness. In reality, he does not make these issues his central concern because—as he argues in his only other CPS pamphlet, "Modern Conservatism," written in 2005—the Tories have successfully dealt with "overweening union power."

That is why he continues to hail Margaret Thatcher for having secured "our freedom from the threat of the Soviet Union" and "from socialism at home."

Even in 1989, he was able to cite as examples that should be emulated the "single-union 'no strike' agreements," and the industrial relations pursued by Japanese companies investing in Britain—which were signed with the Electrical, Electronic, Telecommunications and Plumbers Union and Amalgamated Engineering Union, now part of Unite. He then noted that "more surprisingly, the GMB, TGWU and ISTC are also signatories to no-strike pendulum arbitration deals."

Since 1989, the phenomenon of no-strike deals has proved to be only one manifestation of the transformation of the trade unions into an adjunct of corporate management. The imposition of no-strike legislation was not necessary, because trade unions hardly ever called a strike, ingratiating themselves with the employers during year after year of record low levels of industrial action.

Nevertheless, should the trade union bureaucracy prove unable to prevent an eruption of militant activity as a result of today's worsening recession, Davis and the Tories, together with Labour, would not hesitate to impose the harshest sanctions they deem necessary. Even more likely, they will demand measures targeting anyone who leads an unofficial action outside the control of the trade unions.

It is not David Davis who has moved to the left, but the Labour "left" and erstwhile liberal milieu that have moved inexorably to the right. They have not met Davis on the political middle ground, or recruited him to the cause of civil liberties. Rather, they have ceded any claim to defend the basic democratic rights and essential social interests of the working class to the Tory party's big business agenda. In the process, they have abandoned even the pretence of an independent political existence or purpose.

Concluded