

Three hundred years of British strikes: contours, legal frameworks, and tactics

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ABSTRACT

Britain has the longest continuous history of striking, which is explored in three aspects. It experienced the first industrial revolution from 1760, cotton being the pre-eminent industry, but pre-industrial skilled trades had already developed traditions of association and strikes. Strike waves (as in several other countries) from the 1870s to the early 1920s saw new groups unionize. Coal miners dominated the typical small-scale short unofficial strikes from the mid-1930s to the mid-1960s when engineering became the prime site. After the 1968–74 strike wave, participation peaked in 1979. Mass unemployment, an employers' offensive, and industrial restructuring, saw unofficial strikes collapse by the early 1990s. Strikes are now mainly in the tertiary sector. Criminal sanctions, used tactically by employers, had lasted until 1875 but failed to stop most strikes. Judges then developed tort law against unions (facilitating court injunctions and damages), but unions won a wide freedom to strike in 1906, which has been incrementally eroded by Conservative governments since 1979. Widespread pay strikes in 2022–23, particularly in public services, dominated by women, overcame the most recent anti-strike barriers. Long-established strike patterns and strike laws have been historically transitory, with no obvious long-term trajectory, being buffeted by the winds of class struggle. There are, though, strong continuities in strike conduct: picketing and strike pay, strike-breaking and victimization. Some strike tactics have changed, reacting to employers' behaviour and legal constraints. The survey provides data sources for further study.

KEYWORDS

strikes, trade unions, employers, product markets, legislation

When an inflationary shock in 2022 unleashed the most significant strike action across Britain for over thirty years, the government proposed further anti-strike laws on top of existing draconian legislation. Three centuries ago, in 1720, thousands of London tailors “burst into open trade revolt” and struck for a pay increase and reduced working hours,¹ exploiting a product market boom: the South Sea Bubble’s beneficiaries wanted smarter clothes. That strike, which forms the starting point of this survey, led to an early statute in effect prohibiting “combinations” in a specific trade. Linking these legislative responses is the (English) “common law” regime that treats “unions as an improper restraint of trade in the market and industrial action as an interference with contracts and property rights”.²

The mid-point of our period – the 1870s (after some manual workers had won the right to vote) – saw unions pressurize governments into a decisive shift from criminal sanctions to civil remedies in the statutory treatment of strikes and strikers, but no change in the common law. There has never been a positive right to strike for British unions or workers (a strike is a breach, not a suspension, of contract) but that has not stopped them from striking. In the criminal era the state, through magistrates (joined later by the police), played a limited role and employers generally had to take the initiative in prosecutions, forcing them to act tactically. In the civil period, collective agreements have never been legally binding on the parties to them (thus keeping the courts out of this activity). These several features mark Britain out from many other industrialized countries.

Not only did Britain experience the first industrial revolution, with the creation of new occupations and industries, but its pre-industrial trades had already developed a significant tradition of association and, as markets fluctuated, strikes. There is, therefore, a longer continuous history of striking than in any other country. A report in the late nineteenth century also claimed that in Britain, “as the foremost producing nation of the world, labour quarrels have been more frequent, on a larger scale, and more pertinaciously fought out, than elsewhere”. Strikes overseas “seldom if ever go on for months and years with dogged persistency as often happens in England”.³

¹ Quote from GALTON, F. W. (ed.). *Select Documents Illustrating the History of Trade Unionism, I. The Tailoring Trade*. London: Longmans, Green, 1896, p. xx.

² WEDDERBURN, Lord. “Freedom of Association and Philosophies of Labour Law”. *Industrial Law Journal*, vol. 18, no. 1, 1989, p. 32.

³ BOARD OF TRADE, *Report on the Strikes and Lock-Outs of 1888*. C 5809, London: HMSO, 1889, pp. 3, 104.

About one-half of strikes (though a larger proportion of strikers and days “lost”) in Britain have been over economic issues: mainly wage rises and (at certain points) against wage cuts.⁴ As a result, strike movements were particularly affected by economic factors, such as the state of product markets, (national, local and occupational) labour markets, and price–wage relationships. Worker and union arguments about non-wage issues, the “frontier of control” challenges to employer and management control, were usually contained within the workplace (though periodically spilled over, as in three major lock-outs in engineering and in the 1984–85 miners’ strike). Even at high points of class struggle, such as during the periodic strike waves, most strikes were restricted to single workplaces (usually only sections or groups within it) and single unions (despite the multi-union character of many industries).

Unlike many European countries, there was also a very limited tradition of political strikes, apart from the late 1960s to the early 1970s, and then the early 1980s, when workers and unions clashed with government policies on industrial relations and wages. That said, some of the big waves of union recognition and also union membership surges – during and immediately after the two world wars and from the late 1960s through the 1970s – occurred when governments felt under some pressure to force employers to collaborate in union-supportive atmospheres, legislatively and administratively. The first and last of these periods (associated with strike waves) were brought to juddering halts, and the last even thrown into reverse, with economic depressions and ideological shifts by new governments.

This survey attempts to capture some of the continuities and discontinuities in this strike experience, from the pre-industrial era to the deindustrialized landscape of much of contemporary Britain. Before proceeding further, there are four preliminary comments. First, there is not the space to discuss the variety of protests that, until the early nineteenth century, made up what Hobsbawm termed “collective bargaining by riot”. There was a strong community context to many of these, expressing Thompson’s “moral economy of the crowd”. The strike may have become the dominant form of labour protest in Britain but has never been the only one.⁵

⁴ CRONIN, J. *Industrial Conflict in Modern Britain*. London: Croom Helm, 1979, pp. 212–219, tables B3 and B4, give raw data on strikes and strikers, 1893–1974. SMITH, C., CLIFTON, R., MAKEHAM, P., CREIGH, S. and R. BURN. *Strikes in Britain*. London: HMSO, 1978, pp. 127–130, tables 25 and 26, give percentages for strikes (1910–76) and days lost (1925–76).

⁵ For the period 1750–1850, see CHARLESWORTH, A., GILBERT, D., RANDALL, A., SOUTHALL, H., and C. WRIGLEY. *An Atlas of Industrial Protest in Britain 1750–1990*. Basingstoke: Macmillan, 1996, pp. 1–58. Also see CHARLESWORTH, A. (ed.). *An Atlas of Rural Protest in Britain, 1548–1900*. London: Croom Helm, 1983.

Second, no group of workers is totally unorganized but, for a strike, the “habit of association”⁶ among relatively settled occupational groups has always been key. In the 1890s, Sidney and Beatrice Webb, the pioneer historians and theorists of trade unionism in the Western world, argued: “strikes have been far more numerous in industries which have practised Collective Bargaining *without* Trade Unionism than in those in which durable combinations have existed.”⁷ Even where there were formal unions with an open existence (after 1824), strikes were often not confined to them, especially when involving several workplaces. Movements for a shorter working week (London builders, 1859; north-east engineers, 1871) are examples. In the small coach-making trade only about one-quarter of 250 Glasgow strikers in 1872 for a reduced week were unionists. In the much larger mid-nineteenth-century building trade, Price distinguished between non-unionists prepared to strike (even “to initiate – rather than follow – a movement for improved conditions”) and “blacklegs” (strike-breakers). Often, non-unionists were the majority of strikers. For many, “to be ‘in union’ ... was ... a more common ... experience than to be ‘in the union’.”⁸ As late as 1936, there was no recognized union in about ten per cent of British strikes.⁹ By the twentieth century, such non-unionist strikes were often only resolved by the employer recognizing unions.

Third, national, local, and labour-oriented newspapers have been the most important source for identifying strikes. Their digitization may facilitate attempts at quantification for the era before state records began (in 1888) and fill in many gaps and missing detail for the subsequent period.¹⁰ The labour department initially published information annually on all strikes it identified (up to 1899), then only “principal” disputes up to 1913.¹¹ From that date, there has been varying detail;¹² (anonymized) “record books” of strikes from 1901 to 1978

⁶ TURNER, H. A. *Trade Union Growth, Structure and Policy*. London: Allen & Unwin, 1962, p. 106.

⁷ WEBB, Sidney and Beatrice. *Industrial Democracy*. London: Longmans, Green, 1897, p. 220.

⁸ PRICE, Richard. *Masters, Unions and Men*. Cambridge: Cambridge University Press, 1980, pp. 64–71.

TURNER, *Trade Union Growth ...*, op. cit., p. 122, suggested the division between unionists and non-unionists became sharper after the late 1870s depression.

⁹ HANSARD, House of Commons, 1 July 1937, column 2167W, written answer.

¹⁰ For example, the *Cotton Factory Times* (1885–1937) and the *Yorkshire Factory Times* (1889–1926) are increasingly available in the subscription-based British Newspaper Archive.

¹¹ All strikes, 1888–96; all strikes above minimum thresholds, 1897–1900; then only “principal strikes” from 1901, above a certain size, which, after 1902, varied by sector. Thus, in 1903, there is detail on 72 out of 387 strikes; in 1909, 98 out of 432; and, in the peak year, 1913, some 433 out of 1497. These annual reports, found in UK Parliamentary Papers, finished in 1913. Annual summaries of trade disputes, along with monthly information, were also published in *Board of Trade Labour Gazette*, then *Ministry of Labour Gazette* and its successors: monthly issues, 1893–1970, are in LSE Digital Library, while the more usable annual volumes, up to 1968, are accessible in Hathi Trust Digital Library.

¹² Information on strikes with over 5,000 days “lost” was published, 1957–2001, anonymized apart from industry and locality. At the 1970 peak, this gave detail on 471 of them.

are archived.¹³ Newspaper and official sources can be enriched by union and employers' association records and, now, their websites (though digital archiving is patchy).

Fourth, a language had to be invented, complicating digital searches. *Strike* (or *fstrike*),¹⁴ as a noun and verb, dates from the 1760s, though the older *turn-out* (a verb, and a noun meaning strike or striker) was still used late into the nineteenth century.¹⁵ Dobson challenged the suggested nautical origin of strike; one possible root is *strike off* (remove from).¹⁶ As a verb, *turn out* is found in 1729 and is probably adapted from turned (or *turn 'd*) out of work or dismissed by an employer.¹⁷ Through the eighteenth century, mutiny and desertion were used but, more commonly, refusal to work, quit (quitted) or left work. Although picketing was practised in the late eighteenth century, the word *picket* (sometimes *piquet* or *picquet*), another military term, is not found until the early nineteenth century (as in “captain of the pickets”, 1818 Manchester cotton spinners' strike);¹⁸ *guard* (1830s) or *sentinel* (London tailors' strike, 1867) are occasional alternatives.

The term *lock-out* of workers, by employers, was rarely used in the press until the 1853 Preston spinners' dispute but is found in 1836–37 in Oldham and Preston. Locked-out workers were sometimes termed “lock-outs”, to distinguish them from turn-outs.¹⁹ By the mid-nineteenth century, *trade union* (originating about 1820) was replacing *combination* (still found in the 1890s).²⁰ *Collective bargaining*, coined in 1891,²¹ rapidly superseded *conciliation* and negotiations. *Unofficial* strike appeared in the late nineteenth century, but *unauthorized* was more common until 1914.

¹³ For record books of strikes reaching minimum thresholds, see Files LAB 34/1–110, The National Archives, London. Details of individual strikes in every fifth year from 1903 to 1938 inclusive are transcribed from these in <https://doi.org/10.5255/UKDA-SN-8994-2>

¹⁴ An f, instead of an s, was found in some words well into the nineteenth century. *The Times* abandoned this usage in 1803.

¹⁵ Sometimes the two run together, as in “turned out on strike”, found as late as 1906.

¹⁶ Used by a tailor at an Old Bailey trial in 1770.

¹⁷ DOBSON, C. R. *Masters and Journeymen*. London: Croom Helm, 1980, p. 19 n. 5, mistakenly suggests this only applied to seafarers. “Turn'd out of work”, as in losing a job, can be found in 1720. To “turn out against” first appears in legislation in 1777. The expression “turn-in” is found in the press in the 1820s (if not earlier) to describe the return to work after a strike.

¹⁸ ASPINALL, A. *The Early English Trade Unions*. London: Batchworth, 1949, p. 282.

¹⁹ The terms “lock-out” and “strike” are not found or defined in legislation until the Munitions of War Act 1915 but “trade dispute” dates from 1875. KNOWLES, K. *Strikes – A Study in Industrial Conflict: With Special Reference to British Experience between 1911 and 1947*. Oxford: Blackwell, 1952, p. 3, suggests “turn off” (which usually meant dismiss) was an earlier term for lock out but provides no evidence.

²⁰ The term “combination” is first found in a 1667 Act on the rebuilding of London after the Great Fire of 1666. Mainly covering planning and materials, it tried to pre-empt workers taking advantage of the glut of work.

²¹ POTTER, Beatrice. *The Co-operative Movement in Great Britain*. London: Swan Sonnenschein, 1891, p. 217. The author married Sidney Webb the next year.

The long view brings a different perspective on strikes, whose history, as with the experience of wage labour, is usually contained in more restricted, and often unlinked, time frames.²²

This exploratory survey (with necessarily restricted referencing)²³ develops a limited number of themes running through the period but can only illustrate them sparingly. It clearly cannot be a comprehensive history of three hundred years and there will be many gaps, but it is still a worthwhile exercise in making linkages and seeing patterns over very long periods. One warning: there is far too much to say on the twentieth century but far too little known about the incidence and spread of nineteenth century strikes.²⁴ The survey is in three main sections.

The first outlines the contours and changing sectoral locus of British strikes. Pre-industrial trades dominated in the eighteenth century. Then, as the industrial revolution gathered pace, mining and manufacturing (initially cotton and then engineering and other metal trades) gradually came to the fore, not losing their prominence to the service sector until the 1980s. The long-term pattern is of periodic strike waves, though even in these upsurges the underlying bedrock of most individual strikes continued to be small-scale: single workplace and single union.

Most private services (apart from transport and communications) were and are strike-free and often union-free, so it is public services (in which women predominate) – education, health, central and local government – along with the former publicly-owned mail, rail and bus companies, where most strike activity currently takes place. As the public services are generally paid for through general taxation, and most are essential, these strikes have a strong political as well as an economic dimension, giving them a much higher profile and inevitably affecting their tactics.

²² One exception is CHARLESWORTH et al. *An Atlas of Industrial Protest ...*, op. cit., which covers many strike movements over 240 years. For shorter periods, see KNOWLES, *Strikes ...* (1911–47); DURCAN, J., McCARTHY, W. and G. REDMAN. *Strikes in Post-War Britain. A Study of Stoppages of Work due to Industrial Disputes, 1946–73*. London: Allen & Unwin, 1983; CRONIN, *Industrial Conflict ...*, op. cit. (1870s to 1970s).

²³ Some unreferenced material is from newspaper searches and my unpublished research.

²⁴ For literature on strikes published from 1880 to 1970, see BAIN, G. S. and WOOLVEN, G. B. *A Bibliography of British Industrial Relations*. Cambridge: Cambridge University Press, 1979, entries 4109–4757. Also see BAIN, G. S. and BENNETT J. D. *A Bibliography of British Industrial Relations 1971–1979*. Cambridge: Cambridge University Press, 1985, entries 2053–2371. For pre-1880 publications, see the bibliographies in WEBB, Sidney and Beatrice. *The History of Trade Unionism*. London: Longmans, Green, 1894, pp. 499–543, WEBB, S. and B. *Industrial Democracy*, op. cit., pp. 879–900, and nineteenth-century Parliamentary Papers. For the last, see the list and commentary in BAGWELL, Philip, S. *Industrial Relations*. Dublin: Irish University Press, 1974, pp. 103–146. The first compilation on important strikes was NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE, *Trades' Societies and Strikes*, London: Parker, 1860 [reprinted 1968].

Labour law is taken next as the main commentators recognize that, especially over strikes, it plays a secondary role compared to economic factors.²⁵ State concern with strikes historically has centred on their economic costs and sometimes public order issues. The rise of the economic doctrine of laissez-faire in the eighteenth century clashed with workers' and early unions' defence of existing statutory wage-fixing arrangements. Under common law, most union activity (such as strikes) was deemed "in restraint of trade" and criminal conspiracies. For most of the nineteenth century the legal regime was arguably harsher than in the eighteenth. The "freedom" to strike, conceded in 1875, and reinforced in 1906, was extensive in practice during much of the period to the 1970s, since when there has been significant legislative reaction by Conservative governments espousing neo-liberal economic policies. Strike tactics are considered last, noting strong continuities from at least the early nineteenth century, such as in the use of picketing and strike pay to make striking more effective, and in employers' counter-strike actions (for example, strike-breaking and victimization), along with tactical changes forced by employers' behaviour and legal constraints. Much British experience in this regard is similar to other industrialized nations – "every industrial group which begins to organize, repeats, in some respects, the behavior characteristic of ... early labor movements"²⁶ – but with its own distinctive pattern.

Strike contours and sectoral distribution

We will never know the exact number of strikes, though from the 1890s (covering nearly half our period) we can have some confidence in the trajectory of British strike trends. We are helped by the fact that Britain is probably the only country without a major gap in its strike series.²⁷ From 1893 there are consistent series of three main indicators – strike numbers, workers involved, and days "lost" – which tell us different things though each is problematic.²⁸ All three indicators are used here, as well as the length of strikes. For the

²⁵ For example, the leading liberal-pluralist labour lawyer, KAHN-FREUND, Otto. *Labour and the Law*. London: Stevens, 1977, p. 8: "The law has important functions in labour relations, but they are secondary if compared with the impact of the labour market ... and ... with the spontaneous creation of a social power on the workers' side to balance that of management."

²⁶ HILLER, E. T. *The Strike. A Study in Collective Action*. Chicago: University of Chicago Press, 1928, p. 72.

²⁷ Collection of strike data stopped in March 2020 until mid-2022 because of the Covid-19 pandemic. Starting in 2018, union annual returns (to the Certification Officer) now also give (limited) anonymized strike data. The data are for the United Kingdom, which included Ireland until the end of 1922, but only Northern Ireland after.

²⁸ LYDDON, Dave. "Strike Statistics and the Problems of International Comparison". In: VAN DER VELDEN, S., DRIBBUSCH, H., LYDDON, D. and K. VANDAELE (eds). *Strikes around the World, 1968–2005. Case-studies of 15 Countries*. Amsterdam: Aksant, 2007, pp. 24–39.

quarter-century before 1914 there are also some official records of the number of firms or workplaces involved in individual strikes.²⁹ Strike data are more meaningful when they are broken down by sector, industry or service, and this approach will be taken. One constant feature is the changing occupational mix of strikers as the British economy was and is transformed. This section first analyses the data on strikes before state records began, then discusses strike dimensions from the 1890s, concluding with a brief chronology of strike waves and the periods in between.

Early data

For the eighteenth century we are indebted to Dobson who identified about 350 strikes outside Ireland during 1717–1800; over three-quarters were after 1750.³⁰ My own newspaper searches suggest a higher figure but still only in the hundreds. Combination did not always translate into strikes; and some workers who were prosecuted for leaving work, under Master and Servant Acts, may have been on strike (as, for example, were over 100 Staffordshire colliers imprisoned *en masse* in 1818). The most frequent eighteenth-century strikers were in pre-industrial apprentice-based trades, then textiles (especially wool, mainly in the south-west) and merchant shipping. About one-third of Dobson's strikes were in London, the main manufacturing centre and a major port (ten times larger than any other British town in 1800 and possibly the world's largest city then); here at least forty occupations experienced strikes (and another thirty outside). Wage movements in London by street oil-lamplighters (1777 and 1793) showed that even the "unskilled" could strike. Pin-makers – Adam Smith's famous example of the division of labour – struck in Manchester in 1785.

Pre-industrial trades remained the most prominent strikers during early industrialization (1780–1840) that was centred on the cotton industry, increasingly driven by steam power. By the beginning of the American Civil War, in 1861, 80 per cent of cotton imported into Britain came from the southern slave states of the USA. Cotton generated 12 per cent of British national income and cotton goods represented 38 per cent of all British exports. The exploitation (and growing resistance) of cotton factory workers, predominantly in Lancashire,

²⁹ Despite coal and cotton experiencing very long multi-employer strikes, almost all their strikes from the late 1880s to 1913 were at single workplaces. This contrasts with building trades where most action was district-based.

³⁰ DOBSON, *Masters and Journeymen*, op. cit.

was an integral feature of a worldwide capitalist network that traded in human misery on both sides of the Atlantic and beyond.

The second phase of industrialization, until 1895, was based on capital goods industries, particularly iron and steel. Britain, as the “workshop of the world” and at the heart of a huge empire, enjoyed an exceptional position in export markets, while railway construction increased domestic demand for coal, and iron and steel. Steamships and railways facilitated access to overseas markets as well as being exported themselves. The cotton, coal, and iron and steel industries had relatively standard products and paid by piecework, so their main industrial battles were wage-related. Engineering, the child of the industrial revolution, had disparate products and skilled unions; its national lock-outs (1852, 1897–98, 1922) were over union encroachments on managerial prerogative.

Industrialization changed the scale and occupational spread of striking. The first contemporary figures compiled covered the 1870–79 decade, for which Bevan found about 2,350 strikes. Industrialized occupations (iron workers, engineers, shipbuilders, and boilermakers totalled 350, coalminers 310, cotton workers 140) matched still prominent pre-industrial trades (building workers 600, boot and shoemakers 80, tailors 70, though the last two were mechanizing). Only fifteen per cent of Bevan’s strike numbers for 1876–79 can be found in *The Times* newspaper, often seen as an important source.³¹ The stone-masons’ union’s unusually detailed records show about 2,700 strikes in that trade between 1836 and 1896. Yet a later search of *The Times* and the working-class press for 1790–1870, which uncovered 234 strikes and nine lock-outs in London, included no masons’ strikes for 1850–60 (though Price has identified no less than seventeen).³²

Too great a reliance on strike reports in *The Times* (the “newspaper of record”, published since 1785 and with useful indexes) would therefore clearly be a mistake. Searching nineteenth-century national (such as the *Manchester Guardian*) and provincial newspapers, union records and the radical and labour press, would more than likely unearth very big numbers of strikes.³³ Many occupations have a significant pre-history of striking buried in

³¹ BEVAN, G. P. “The Strikes of the Past Ten Years”. *Journal of the Statistical Society of London*, vol. 43, no. 1, 1880, pp. 35–54. For strikes in *The Times*, WEBB, S. and B. *The History of Trade Unionism*, op. cit., p. 332, n. 2.

³² PRICE, *Masters, Unions and Men*, op. cit., p. 49. GREEN, David. “Lines of Conflict: Labour Disputes in London, 1790–1870”. *International Review of Social History (IRSH)*, vol. 43, 1998, pp. 203–233. The figures in Bevan, Green, and Dobson are available at the Global Hub Labour Conflicts project, <https://datasets.iisg.amsterdam/dataverse/labourconflicts>

³³ One historian refers to “innumerable industrial disputes” in the third quarter of the nineteenth century.

newspapers and unpublished dissertations. Gas and rail workers, dockers, even local police forces (which periodically resigned *en masse*), spring to mind. A newspaper report tells us that over 200 striking scavengers and carters left the Edinburgh streets in a “deplorable condition” in 1864, foreshadowing a similar scene during the 2022 Edinburgh Festival. Strikes by gravediggers, to name another unexpected group which made headlines in 1979, can be traced back to the 1870s.³⁴ Although not wage workers, “Resurrection Men” (body-snatchers) who supplied London anatomy schools with corpses for dissection organized their strike equivalent in 1811 when surgeons refused to raise prices.

Strike dimensions from the 1890s

A few years after state records of strikes started being compiled, it was decided to exclude strikes with fewer than ten workers, or lasting less than one day, unless 100 working days were “lost” (a consistent series only dates from 1893). Whatever thresholds were fixed, many strikes just above them would not be counted. A rare estimate suggested that only 62 per cent of eligible manufacturing strikes were picked up in Department of Employment statistics for 1976–77; estimated total strikes (including those below the thresholds) would quadruple the official figure.³⁵ This shows that, at least during the 1970s (and undoubtedly also the late 1960s), striking was much more widespread than official records suggest. The multiplier would be much smaller at most other points in time. Until the Office for National Statistics (ONS) took over in 1995, the state labour department used local and national newspapers, and (after 1909) labour exchanges, to identify disputes and send questionnaires to affected employers, who did not have to respond.³⁶ The ONS now relies on union websites and a communist daily (*Morning Star*) and Trotskyist weekly (*Socialist Worker*) newspaper for reports of strikes.

While the recorded number of strikes can be a significant underestimate, the number of working days “lost” (the indicator used in most international comparisons) is much closer to the actual figure, whatever that is supposed to measure. At any point, though, a few very large or very long strikes dominate days-lost figures. For example, during 1960–79, just

³⁴ LYDDON, Dave. “Striking Facts about the ‘Winter of Discontent’”. *Historical Studies in Industrial Relations (HSIR)*, no. 36, 2015, pp. 213–215.

³⁵ BROWN, William (ed.). *The Changing Contours of British Industrial Relations*. Oxford: Blackwell, 1981, p. 99.

³⁶ For collection methods, see OUTRAM, Quentin. “Early British Strike Statistics”. *HSIR*, no. 25/26, 2008, pp. 177–196.

sixty-four British strikes (0.13 per cent of the total in those years) caused 46 per cent of days lost. This phenomenon was even more pronounced earlier. Coal strikes alone caused two-thirds of days lost in the 1893–1926 period. Just four mining stoppages – 1893 (23.7 million days lost); then over one million miners in the 1912 strike (seven weeks, 30.8m days) and lock-outs of 1921 (three months, over 70m days) and 1926 (over seven months, 145.2m days) – account for nearly half of all days lost in that third of a century.

There was a total of 128,000 strikes in the twentieth century, according to state records.³⁷ Apart from 1913 and 1918–20, in only one year before 1940 were there *over* 1,000 strikes. Then (with one exception) there were *never less than* 1,000 strikes per year until after 1987. This contains twenty-five years – 1955–79 – when (excepting one) there were *never less than* 2,000 strikes per year. As a result, more than three-quarters of twentieth-century strikes occurred between the mid-1930s (with growing economic recovery after the slump of 1929–33) and the mid-1980s (with its prolonged mass unemployment). Over one-third of these were in mining, which experienced more than 1,000 strikes most years from 1944 to 1964, before falling rapidly with the industry’s contraction.

This type of mining strike, the dominant pattern, reflected a different phenomenon to the large set-piece battles (“trials of strength”). Its dimensions are better captured, for numbers involved and length, by using the median, rather than the mean (the traditional measure, which is distorted by very big or very long strikes). During 1893–1913 their median length was six to eight days but had fallen to one day by the late 1930s. The 95th percentile was well over 100 days pre-1914, but down to eleven days by the late 1930s. Church and Outram, using Shorter and Tilly’s terms, suggested that “tests of endurance” had been replaced by “shows of strength”. Median strikes in mining involved around 150 workers pre-1914, rose in the First World War, then fell to pre-war levels in the 1930s. The sheer number of mining strikes after 1940 precluded similar detail. A sample every fifth year gave a median strike in 1943 of sixty workers and just over thirty in 1953–63 – much smaller. They remained short: a median of one day throughout.³⁸ Almost all mining strikes were at a single colliery (and most only a section of one) but there were periodic wider movements.

³⁷ CRONIN, *Industrial Conflict ...*, op. cit., p. 192, mistakenly suggests over 175,000 strikes from 1888 to 1975.

³⁸ CHURCH, Roy and OUTRAM, Quentin. *Strikes and Solidarity. Coalfield Conflict in Britain 1889–1966*. Cambridge: Cambridge University Press, 1998, pp. 79–80, 225–6. For the data set for 1893–1940, see <https://doi.org/10.5255/UKDA-SN-3899-1>

Such strikes were likely all unofficial, not recognized by a union in advance. In fact, during the 1960s and 1970s, 95 per cent of all British strikes were unofficial *and* unconstitutional (in breach of disputes procedures, the “British disease”).³⁹ By then the metals, engineering, shipbuilding, and vehicles sector was their main site. A data set for companies in the Engineering Employers’ Federation found three-fifths of the strikes it recorded internally during 1920–70 took place in the last six years, 1965–70, when the median length was one-and-a-half days and only a quarter lasted five days or more.⁴⁰ Within this strike explosion, the car industry was prominent, though by the end of the 1960s the giant British Leyland was the only car manufacturing member of the federation. Its constituent factories provided 40 per cent of these engineering strikes in 1969 and 30 per cent in 1970. A separate source reveals that in one twelve-month period in the mid-1960s one car assembly factory experienced 297 stoppages, with 100 lasting no more than half an hour; another had 104, with the majority over in an hour or less. In both cases, many were actually shop-floor meetings.⁴¹ Very few of these short stoppages were even reported to the employers’ federation.

From 1940 until the mid-1970s there was relatively full employment and soft (often protected) product markets, which facilitated workplace union organization. Widespread (though not universal) industry-wide bargaining also left plenty to be decided at the workplace, hence the strike explosion. One aspect of the unofficial tradition was that when such strikes lasted more than a few days, the union(s) in question would sometimes be forced to “officialize” them, to recognize shop-floor discontent and more effectually to control them. The most spectacular examples of this were at the Ford Motor Company, when unofficial and blatantly unconstitutional strikes, mostly involving tens of thousands, broke out over grading and equal pay (1968), penalty clauses (1969), and pay offers (1971 and 1978).

The third main strike indicator – the number of strikers – measures participation. It exceeded half a million per year infrequently before mid-century, only in years of big coal strikes or the

³⁹ Unofficial action was common earlier. When responding to the Board of Trade during 1888–95, unions approved of three-quarters of strikes that they expressed an opinion on. In 1910–14, about 60 per cent of the 250 cotton strikes were unofficial – WHITE, Joe. *The Limits of Trade Union Militancy*. London: Greenwood Press, 1978, pp. 186–225. Only one-quarter of strikes of unionized workers in 1936 were definitely official – see note 9, above. See, generally, KNOWLES, *Strikes ...*, op. cit., pp. 30–40.

⁴⁰ DEVEREUX, Paul and HART, Robert. “A Good Time to Stay out? Strikes and the Business Cycle”. *IZA Discussion Paper* no. 3614, 2008, table 3, which shows 6,455 strikes during 1965–70. For the data set, see <https://doi.org/10.5255/UKDA-SN-5841-1>

⁴¹ Figures from the Motor Industry Joint Labour Council. The World Labor group database in SILVER, Beverly. *Forces of Labor*. Cambridge: Cambridge University Press, 2003, p. 44, table 4.1, shows 1955–59 as the “high point” of labour unrest in the UK automobile industry. This was based on mentions in the *New York Times* index but is misleading as strike levels were much higher in the 1960s and 1970s.

unrest before, during, and after the First World War. Yet this figure was reached most years from 1959 to 1989, with peaks in 1968–74 and 1979–84. The year of greatest participation was 1979, with over four million striking. This was a qualitative shift from the past: striking had become more widespread as unionization had broadened and deepened. It did not last, being followed by a rapid fall. The table below shows the dramatic transformation in all three main strike indicators from the mid-1960s (when mining strikes were declining fast) – with the 1980s a transition period from a high to a historically very low level.

TABLE: *Annual averages of strike activity, 1964–2019*⁴²

Periods	Number of strikes	Workers involved	Working days lost
1964–67	2,233	759,000	2,597,000
1968–74	2,846	1,684,000	11,703,000
1975–79	2,310	1,658,000	11,663,000
1980–84	1,351	1,298,000	10,486,000
1985–90	838	702,000	3,600,000
1991–96	244	226,000	656,000
1997–2001	192	145,000	357,000
2002–08	135	493,000	777,000
2009–14	121	542,000	645,000
2015–19	85	70,000	255,000

Strikes waves and the periods in between

Before discussing this precipitous decline, a little more history. It is now commonplace to recognize “strike waves”.⁴³ There were important strike and union movements in 1824–25 and 1834, and especially the regionally concentrated 1842 “general strike”. In the last two,

⁴² Publicly available annual figures from the ONS and predecessor state sources. The time periods group years with similar numbers of strikes.

⁴³ For a literature summary, see KELLY, John. “Long Waves in Industrial Relations”. *HSIR* no. 4, 1997, pp. 3–35.

more than economic issues were raised, the last overlapping with Chartism (and the fight for the vote). To date, historians have not tended to link such movements with the strike waves of the early 1870s and late 1880s when economic booms saw surges in unionization and a strike “contagion” beyond the hitherto local and sectional focus of most strikes. Not until the 1910–14 labour unrest were the gains made in strike upsurges not generally lost in the next economic downturn. Of the fourteen major strike movements in that immediate pre-war period, all but three were district- or region-based. State-sponsored industry-wide wage bargaining from 1916 broadened conflicts. Hence the rash of (often long) national strikes and lock-outs in 1919–26: seventeen in eleven industries, on a scale never since repeated. The immediate post-war boom had been followed by significant deflation and employers trying to cut wages in line with falling prices.

This period culminated in the 1926 “General Strike” (with an estimated 1.58m strikers) to support the miners, most of whom (especially in exporting coalfields) faced significant pay cuts and longer working time. The Trades Union Congress (TUC) could not order unions to strike, so convened a conference of union executive committees, which process bound individual unions. Rail, road transport, docks, iron and steel, printing, and most building, union members came out first. Engineering, shipbuilding and chemical workers joined after eight days but the strike was called off a day later amid much acrimony and the miners left to fight alone.⁴⁴ Workers in cotton (then still the leading export industry) experienced major strikes and lock-outs through 1929–32, during the world depression, over work intensification and pay cuts.

There were then very few big strikes before the 1970s at which point pay claims regularly clashed with a series of government wage restraint policies. One exception was a seven-week strike of 120,000 printers which won the 42-hour-week in 1959, followed by the 40-hour week in 1962, opening the floodgates for other manual workers. This repeated the pattern of the two big post-war working-week reductions when some strikes and many strike threats had generally led to 47/48 hours in 1919–20 and 44/45 hours in 1946–49.

The 1968–74 strike wave saw record numbers of strikes in 1969 (3,116) and 1970 (3,906), then a series of big national strikes, not all successful, with the miners’ spectacular wage

⁴⁴ Situating 1926 within a longer tradition, see LYDDON, Dave and JEFFERYYS, Steve. “La Tradition des grèves générales au Royaume-Uni”. In: MORELLI, A. and D. ZAMORA (eds). *Grève générale, Rêve général: Espoir de transformation sociale*. Paris: L’Harmattan, 2016, pp. 55–80.

victory in 1972 even eclipsing the Conservative government's self-destruction in face of the 1974 miners' pay strike. The Labour government's efforts to control wages finally blew up in the so-called "Winter of Discontent" of 1978–79 when a pay rise ceiling of five per cent foundered on price increases of twice that level. The largest single strike movement since 1926 then occurred after the Conservatives won the 1979 election when later in the year an "intermittent strike strategy" of one- and two-day strikes by 1.5m engineering workers won the 39-hour week.

The 1980s have been depicted, in Hyman's memorable phrase, as the years of "coercive pacification" when employers "exploited the new opportunities to challenge the former balance of power [...] sometimes brutally, sometimes with sophistication".⁴⁵ Mass unemployment, product market restructuring and government-inspired industrial contraction reached a climax with the 1984–85 year-long miners' strike against pit closures. Two of the other post-war "strike-prone" industries – cars and docks – suffered some major defeats and job loss; two further ones – shipbuilding, and iron and steel – were massively run down and re-privatized. Long-dominant unofficial strikes were dramatically squeezed as individual strikers' vulnerability to dismissal was exposed. Official strikes rose to become the norm after the 1980s (though postal workers developed, and then sustained, a strong unofficial tradition for many years, built on refusing to handle mail diverted from offices on strike).

By historical standards, the period from the early 1990s has seen sustained extremely low levels of strike activity. A year ago, the narrative would have ended with this conclusion, reinforcing the idea of continuing "labour quiescence". But the inflation of 2022–23 changed everything. While some groups (such as university workers, particularly since 2018) had been striking regularly against real wage and pensions erosion in the post-financial-crash (2008) era of austerity, the floodgates now opened. Despite the similarities with the "Winter of Discontent" of 1978–79 (declining real wages and then pay offers well below price rises), there are important differences. Then it was mainly a movement of manual workers: such as lorry drivers in the private sector, and local authority and hospital staff, many of whose public-service jobs have subsequently been outsourced to private companies.⁴⁶ In 2022–23, it is mainly white-collar and professional workers (school-teachers, university staff, civil

⁴⁵ HYMAN, Richard. *Strikes* (4th edn). London: Macmillan, 1989, pp. 199–200.

⁴⁶ LYDDON, "Striking Facts ...", op. cit.

servants, ambulance staff, nurses and junior doctors), in the public services, who have been prominent alongside rail, postal, bus, and dock workers.

The main union for nurses, the Royal College of Nursing – RCN, had never before had a strike in mainland Britain. Like the doctors’ union (British Medical Association – BMA) and eight other healthcare bodies, its not-for-profit company status as a professional association had to be given special legislative dispensation (in 1971) to include trade union objects in its constitution. The RCN then sustained a no-strike policy until 1995, after which it still resisted industrial action (by contrast, the junior doctors struck several times in 2015–16). Mounting economic and workload pressures forced RCN members to vote for strikes. Even criminal-law barristers (advocates in higher courts), who are not organized in a trade union, so not covered by the law on strike ballots, ran a campaign of escalating action until they were on indefinite strike over pay in September 2022. The Conservative government has turned professionals into strikers. The RCN, with half a million members (90 per cent female), and the BMA with 160,000 (over 50 per cent female), are by far the largest unions still not identifying with the wider labour movement by staying outside the TUC.⁴⁷ Their strikes might mean that is now up for discussion.

The changing legal framework

State policy towards unions in Britain was not significantly out of line with the wider Western European experience. This generally moved from *repression* (criminalization) in the first half of the nineteenth century to *toleration* (full legality but no positive action) in the second half, followed by *recognition* (positive legal rights within a supportive framework) in the first half of the twentieth century.⁴⁸ Yet the forms these took could be very different. In Britain, “collective laissez-faire” (through collective bargaining) was more important than legislation for securing most industrial rights. At its high point (1906–79, with interruptions), the British experience mixed toleration and recognition as unions and workers never achieved a positive legal “right to strike”: a strike is a breach (not suspension, as in many countries) of contract and renders the employee liable to dismissal. Much state support for collective bargaining, starting in the 1890s, was dismantled after 1979, accompanied by cumulative

⁴⁷ Several professional healthcare unions have joined the TUC: for example, the Royal College of Midwives in 2015, after their strike in 2014.

⁴⁸ JACOBS, Antoine. “Collective Self-Regulation”. In: HEPPLER, Bob (ed.). *The Making of Labour Law in Europe*. London: Mansell, 1986, pp. 193–241.

restrictions on the freedom to strike (summarized below). This has shifted the environment to what might be called restricted toleration: unions can only currently lawfully strike within increasingly prescribed limits but still function within the space available. This section first discusses the criminal sanctions available against strikers until the 1870s, then the civil law framework since then, in which (from the first Thatcher government in 1979) union “freedom” to strike has been increasingly circumscribed by statute.

The criminal era

It is difficult to discuss the legal shifts and their consequences other than chronologically. The first near-general statute against combinations was passed in 1548 (during the Tudor period of statutory intervention in the growing wage-labour market) but it has rarely been commented upon, though newspaper searches can identify its use. From 1721 until the end of the eighteenth century, successive laws then banned, in effect, combinations (but usually substituted some statutory wage-fixing arrangement) in certain specific trades following strike movements.⁴⁹ Imprisonment (sometimes with “hard labour”) of selected strikers could follow if employers applied to a magistrates’ court. The threat might be sufficient; while, in court, magistrates often secured promises of “good behaviour”. From the mid-1770s (possibly earlier) until 1799 the 1548 Act’s draconian sanctions – imprisonment on bread and water if heavy fines were not paid quickly; for repeat offences, the pillory and then an ear cut off – were regularly publicized in the London and provincial newspapers. Six joiners were sentenced in Liverpool under this law in 1785, for example; five London shoemakers were spared the same penalty four years earlier when the prosecutors interceded for a much lower fine. Striking flax dressers in Newcastle upon Tyne were threatened with the statute in 1790 if they did not return to work. Spreading labour militancy in the late eighteenth century saw a 1796 Act passed against papermakers’ combinations while one on millwrights (strategically important in early industrialization) drafted in 1799 was overtaken by the total ban in the 1799/1800 Acts.

The quarter-century of the main “Combination Acts” saw the triumph of laissez-faire in the labour market as the remaining Tudor (sixteenth century) wage-fixing and apprenticeship laws were repealed. Workers were now left to their own devices under rampant capitalism. It has been suggested that before the 1824 repeal of *all* existing combination acts, “strikes of

⁴⁹ Sporadic earlier statutes covered building trades.

any magnitude or duration were almost impossible” and “there were then very few disputes during which the leaders of the men were not sent to prison”.⁵⁰ Yet most strikes, as before 1799, were probably small and relatively short but far from all, while bargaining in some trades continued as before. Although many court cases led to imprisonment, others were used to extract contrition. Employers could also pursue common-law conspiracy charges, in higher courts, against workers during, or when threatening, strikes. These carried longer sentences than the combination laws (which were limited to three months’ maximum). There were many such trials in the late eighteenth century, during the Combination Acts era, and up to 1875, with employers and courts showing tactical flexibility but ready to punish. Three examples follow.

John Doherty, a future cotton spinners’ leader, served two years with hard labour after the big 1818 Manchester strike. To avoid two more years, he entered into a “recognizance” to keep the peace (by pledging money and arranging sureties from others). “Co-conspirators” included James Gorton (one-year sentence), who died of gaol fever, and David Crooks (picket captain) who had served five months before sentenced to three years.⁵¹ Some eighteen members of the Benevolent Society of Coachmakers, charged with conspiracy after a March 1818 strike, pleaded guilty in order to be discharged “on their own recognizances”. Despite providing affidavits that the society was broken up, William Connell, its leader, was later imprisoned for one year in November 1819 and fined £500. He required a surety of another £500 himself for good behaviour for three years, and two other sureties of £200 – impossible sums. He was still in gaol in April 1821, his fate unknown. Henry Selsby, full-time secretary of the Journeymen Steam-Engine Makers, was arrested with twenty-five others in 1846. He had only signed a strike fund appeal but was found guilty with eight others. The case was dismissed on appeal, but £1,800 legal costs incurred.⁵²

After the 1824 total repeal of the Combination Acts (ironically, on laissez-faire principles) had quietly made its way through Parliament there was a reaction. The 1825 Combination Act reinstated the crime of conspiracy except, importantly, for combination on wages or hours. Workers remained liable to prosecution, most commonly for “intimidation” within the workplace or when picketing outside, but also for the vaguer “molesting” or “obstructing”.

⁵⁰ BOARD OF TRADE, *Report on ... 1888*, op. cit., p. 9.

⁵¹ KIRBY, R. G. and MUSSON, A. E. *The Voice of the People*. Manchester: Manchester University Press, 1975, pp. 23, 87, 115.

⁵² JEFFERYS, James. *The Story of the Engineers 1800–1945*. London: Lawrence & Wishart, 1945, pp. 26–27. BRENTANO, Lujo. “The Growth of a Trades Union”. *North British Review*, vol. 53, 1870, pp. 80–81.

An 1871 law even worsened the situation by imposing imprisonment for certain offences at work (minor violence or its threat) otherwise dealt with by fines. Prison capacity increased and treadmills were introduced in 1817. Most imprisoned strikers were there for falling foul of the Master and Servant statutes (dating back to the sixteenth century) for which any breach of contract (such as leaving work without notice) could invite criminal sanctions; more of these laws were enacted after 1800 than before.⁵³

One example of how the (breach of contract) law was used is the Preston cotton workers who struck without notice in 1853 (before their big dispute erupted). They were issued with summonses to attend court where they agreed to return to work, pay for the summonses, and give the required notice. After much campaigning, criminal sanctions were removed from most breaches of contract by the 1867 Master and Servant Act. But, even under this, there could be convictions for “aggravated” breaches, as when over twenty gas workers received six weeks’ hard labour after (fledgeling union) activists were dismissed in 1872 and a strike ensued. Five others received twelve months’ imprisonment for common law conspiracy, the judge ruling that this had not been extinguished by an 1871 Act. As a *cause célèbre*, some remission was secured, but the principle kept that conspiracy merited more than the three months for the statutory offence committed.⁵⁴ In another celebrated case, sixteen women, mainly wives of agricultural workers, were imprisoned with hard labour in 1873 for allegedly using threats of bodily harm against strike-breakers. The repression of strikes and strikers before 1875 was not one of gradual amelioration, though many employers of organized labour held back from prosecuting.

Civil remedies against strikers and unions

One feature of the union campaigns against criminalization was their demand for equality before the law and an end to those laws that treated workers worse than ordinary citizens committing the same offence. They did not ask for special treatment. With the ending of most criminal sanctions against strikers (except for certain picketing offences) in 1875, they now faced potential civil action for breach of contract, under the Employers and Workmen Act of that year. The court might withdraw summonses if the wrong was admitted and a lower sum

⁵³ HAY, Douglas. “The Master and Servant Statute of 1823”. *HSIR*, no. 43, 2022, p. 3. Several eighteenth-century combination statutes contained punishments for quitting work.

⁵⁴ COURTHOYS, Mark. *Governments, Labour, and the Law in Mid-Victorian Britain*. Oxford: Clarendon Press, 2004, pp. 166–188.

agreed; or strikers might be “bound over” (for a period of “good behaviour”) and no damages paid. It was most regularly used against miners. In South Wales, in just over two-and-a-half years, 1910–12, coal owners recorded thirty-four instances of damages or out-of-court settlements. Some 3,000 miners were involved in one 1928 case alone. Damages were often taken from wages, but non-payment could lead to prison. A 1950 case saw twelve miners so jailed; a strike forced one’s release, and the local union raised the money for the rest. Miners’ cases died out in the early 1950s in the now nationalized industry, but colliery overmen (supervisors) were proceeded against in 1952 and 1956, and colliery clerks threatened with action as late as 1961. Employers can still sue for breach of contract today, but it is rarely financially worthwhile.

Our main concern therefore is not with the impact of civil law on workers, but on trade unions, which achieved lawful status, thus protecting their funds, in 1871. They were still “in restraint of trade” under the common law but members were now given immunity (a negative freedom) against prosecutions for conspiracy. Strikers were granted this protection in an 1875 law. After these legislative breakthroughs, judges (steeped in the common law and its prejudices against combinations) sought an alternative route to outlawing unions. They turned their attention to the common law of *tort* to make union officials, then unions, liable in civil courts – especially for *inducing breach of contract*, which would generally happen in the case of a strike. Remedies for torts are *injunctions* (court orders) and *damages*. This judicial offensive, starting in the 1890s, came to a head with heavy damages and costs awarded against a railway union (1901 *Taff Vale* case). The total cost (damages and legal expenses) incurred in different cases up to 1906 was at least £200,000 – a huge sum.

The 1870s’ reforms of strike law were tied up with the extension of the franchise, with committing parliamentary candidates to supporting union reforms, with union supporters on two royal commissions (of inquiry), and the beginnings of a working-class voice in Parliament. The build-up to this saw the creation, in 1868, of the TUC as the permanent peak federation of unions. The next breakthrough came after unions had created the Labour Party (in 1900) to give political representation independent of the Liberal Party. In 1906 the Liberal government, pressed by the infant Labour Party in Parliament, passed the Trade Disputes Act to give unions not positive rights (which were not asked for) but negative *immunity* from tort liability during trade disputes. It was their *Magna Carta (Libertatum)*,⁵⁵ yet, resting on the

⁵⁵ Great Charter of Freedoms, which in 1215 set out the laws that had to be followed by the king and everyone else.

common law, was always vulnerable. The Webbs warned: “It must not be imagined that either the ingenuity of the lawyers or the prejudice of the judges has been exhausted”.⁵⁶

Labour governments, supporting this wide freedom to strike, strengthened the law in 1965 and 1976 to counter adverse court judgments, and repealed the regressive Conservative legislation of 1927 and 1971, in 1946 and 1974 respectively. From 1980, though, Conservative governments incrementally limited union immunity by narrowing a lawful trade dispute (including banning solidarity action, secondary picketing – other than your own workplace – and “political” strikes) and making unions liable by allowing injunctions and the possibility (rarely used) of damages against them. Injunctions usually stop or prevent a strike. Breach of an injunction is a criminal offence; in the 1980s, several large fines and *sequestrations* (seizure of assets) ensued against unions for “contempt of court” (not obeying court orders).

Since 1984, unions have also had to hold statutory ballots for official strikes.⁵⁷ The government justified this as being democratic, though when workplace ballots were replaced by mandatory postal ones in 1993 there was the predicted drop in voter turnout. In reality, according to a 2019 court judgment, “Parliament’s intention was to ensure that employees ... have an opportunity to decide whether and how to vote away from the environment of the workplace *with all its actual or perceived pressures*”. Labour governments of 1997–2010 kept the Conservatives’ framework of six statutes passed between 1980 and 1993, breaking with their own history of supporting a wide freedom to strike, as they believed these laws represented a new settlement with public support.

The 2016 Trade Union Act (passed by the first majority Conservative government since 1997) significantly tightened the law: a 50 per cent turnout is needed in all strikes to retain immunity but also a 40 per cent yes-vote of all those balloted in “important public services”. Two weeks’ notice must be given (to the employer) of any action while a ballot mandate now only lasts six months, instead of notionally indefinitely, necessitating re-ballots during long disputes.⁵⁸ While evidence from 2018 showed that turnout tended to decline with the size of ballot, many large ballots in the inflationary environment of 2022–23 have secured high

⁵⁶ WEBB, Sidney and Beatrice. *The History of Trade Unionism* (rev. edn). London: Longmans, Green, 1920, p. 606, n. 2.

⁵⁷ After 1990, unions had to *repudiate*, in writing, members’ unofficial (now meaning unballoted, and therefore unlawful) strikes or unions would be deemed legally liable.

⁵⁸ The Labour Party is currently committed to repealing this Act, and the 2023 Strikes (Minimum Service Levels) Bill, when next in government, but will retain some form of strike ballots.

turnouts. Unions have also used ballots as a negotiating tactic, generally not needing to strike to secure acceptable concessions from many employers.⁵⁹ The union leaderships have also had to campaign much more actively to secure the necessary turnouts in ballots, while workplace activists have to argue more publicly the case for strikes with their colleagues and workmates. These are unintended consequences of government actions.

Whichever legal framework they have faced, workers and unions have learned to work around it as best they can, though, as at present, the laws can limit unions' manoeuvrability and the effectiveness of their strikes.

Strike tactics and counter-strike actions

Discussing the eighteenth century, one labour economist noted: "Where we find employment in the modern sense, the past becomes contemporary: despite all the differences of intervening centuries, wage-earners naturally react in the same way to the same predicaments."⁶⁰ Unions and workers have always tried to time, to their advantage, the holding of strikes. There are a limited number of other strike tactics – indefinite, fixed length, or discontinuous; all-out, selective, or one at a time – and these have been recycled according to circumstances.

Employers also developed a repertoire of actions to combat strikes: victimization of activists ("ringleaders"), strike-breaking, strike insurance, to name but three. The most dramatic – the lock-out – was historically associated with employer solidarity and was most appropriate for, and therefore mainly used in, manufacturing, hence its limited use with the decline of both of these. By the end of the nineteenth century, employer recognition of unions, and hence some stable arrangement for collective bargaining, was increasingly seen as a "business fact" if the union organized most of an occupation or industry and its members were well-disciplined.⁶¹ The strike tactics used, and the employers' response would change once the union was recognized.

⁵⁹ LYDDON, Dave. "Strike Ballots under the 2016 Trade Union Act", *Industrial Relations Journal*, vol. 52, no. 6, 2021, pp. 479–501.

⁶⁰ PHELPS BROWN, Henry. *The Origins of Trade Union Power*. Oxford: Oxford University Press, 1986, p. 14.

⁶¹ ASHLEY, W. J. *The Adjustment of Wages*. London: Longmans, Green, 1903, pp. 34–35.

For analytical purposes, strike pay and picketing, which have been continuing features in making strikes more effective, are considered after discussing, first, strike tactics, and then employers' counter-strike actions.

Workers' and unions' strike tactics

One continuing strike tactic that predates union recognition concerns timing – to exploit rising product markets, seasonal peaks, pressure points, and labour shortages. There are many examples, but a few will suffice. When new army regiments were raised in 1778, gunsmiths and sword-makers threatened to strike over wages. Another instance from that period was when “scene-men” and carpenters at Sadlers Wells theatre in London struck in 1785 when refused an immediate wage rise before a performance. In 1913, short-lived unions of waiters and cooks forced important concessions at posh London restaurants and hotels by holding or threatening sudden strikes just before big events.⁶² A more recent example was a small number of steel erectors taking advantage of a very public deadline. They won a £3,000 bonus payment in late 1999 “following [strike] threats to scupper the erection” of the huge London Eye Ferris-wheel, built on London's South Bank in time to celebrate the Millennium.

It can work the other way. When the 1972 national miners' strike was settled successfully in February that year, the employer manoeuvred to making that month (rather than November) the future settlement date. The shutting of collieries that precipitated the miners' strike in March 1984 also occurred as winter was ending and the demand for coal in power stations was falling. By the time the next winter loomed, organized strike-breaking under police protection was underway, though the strike held for several more months. In the very different environment of universities, after examination marking had been targeted by a lecturers' union, employers used a multi-year agreement in 2006 to shift the settlement date from April (which threatened exams) to August (in the students' long vacation). The protracted nature of recent university disputes, though, has brought exam marking boycotts back into play – though some universities (lawfully) withhold all pay for this partial completion of contract, tantamount to a lock-out.

Historically, indefinite strikes (*sine die*) were long the norm, only ending with victory, compromise, defeat or rout. But, in the post-1945 “full employment” economy,

⁶² See LYDDON, Dave. “Postscript: The Labour Unrest in Great Britain and Ireland, 1910–1914 – Still Uncharted Territory?”, *HSIR*, no. 33, 2012, pp. 258–259.

“demonstration stoppages”, or “token” strikes – usually one day – became part of workers’ and unions’ repertoire. Workers held them (unofficially where they were unionized) to draw attention to issues or to strengthen a negotiating position. Unions wanted to avoid the national “trials of strength” associated with inter-war industry bargaining (and many large and long nineteenth-century disputes). The engineering unions, for example, held one-day strikes in 1953, 1962, and 1968, and a “snowball” strike in 1957, which was settled before needing to engage their weaker districts. This caution was replicated by most public-service unions (particularly of non-manual workers) when (from the 1970s onwards) they started to hold national strikes. Since the 1970s, rail unions have also generally held series of one-day strikes as they are more disruptive than continuous action.⁶³

“All-out” strikes were less frequent when more than one workplace was involved, such as in wage movements which were district-based before the early twentieth century. In the late eighteenth century, a tactic had emerged of picking off one employer at a time – or a “rolling strike” – often levying those still working to fund the strikers. Cotton spinners first used it in 1810 and consistently applied it in big stoppages. It was sometimes referred to as striking *in detail* (one at a time) rather than *en masse*. In the run-up to action for the nine-hour day (54-hour week) London building workers in 1859 initially selected five firms “by chance out of a hat”, then sent deputations to four of them. It had been intended to select “by ballot” which of the firms should be struck first, but one of the deputations to a leading company was dismissed and a stone-masons’ strike ensued which was escalated to all the firm’s workers.⁶⁴ Employers particularly disliked this tactic and would sometimes impose a wider lock-out to counter it (see below). Whenever unions could use it without retaliation, they would.

A modern variant of this are the selective strikes of strategic groups that have been deployed as part of national disputes in public services, such as in the civil service (1979 and in 2022–23) and by local government non-manual workers (1989), usually after one-day all-out strikes have launched the dispute. Much more recently, co-ordinated strikes have been organized to maximize impact: as with the private rail companies (especially in 2022–23, when fourteen train operating companies and the national rail infrastructure organization would regularly strike on the same days); and two large co-ordinated strikes across several different public services took place in early 2023. The largest such action saw a one-day strike in November

⁶³ LYDDON, Dave. “Rediscovering the Past: Recent British Strike Tactics in Historical Perspective”, *HSIR*, no. 5, 1998, pp. 107–151; LYDDON, “Strike Ballots ...”, *op. cit.*, pp. 489–490.

⁶⁴ NATIONAL ASSOCIATION ... *Trades’ Societies and Strikes*, *op. cit.*, pp. 59–60.

2011, after 2.6m members in about thirty unions had been balloted on cuts to the four main public-service pension schemes.

Under the post-2016 ballot turnout rules, those unions engaged in industry-wide bargaining (such as universities or local authorities) can choose between aggregate ballots or separate (workplace/employer) disaggregated ballots. The university lecturers' union ran a series of disaggregated ballots from 2018 separately on pay and pensions as it could not guarantee a national 50 per cent turnout, especially over pay. This enabled strikes (every year from 2018) in institutions where the threshold was reached.⁶⁵ In the current strike wave, unions of civil servants, nurses, and physiotherapists have resorted to disaggregated ballots and, as a result, brought out more than half their members; this tactic is not used by schoolteachers as there are thousands of state schools and some are very small. National strike action in the public services is almost always discontinuous (the 1977–78 firefighters' strike being an exception) – to keep the public on board and limit strikers' loss of earnings, among other reasons – though the increasingly established pattern of occasional one-day stoppages has given way to longer blocks, not least because of time-limited ballot mandates.

Employers' counter-strike actions

Employers were not passive. While large companies could often confront strikes alone, an industry's employers usually acted together. The “document”, a so-called agreement (between a company and individual workers) not to be a union member, was forced on to strikers in many high-profile nineteenth-century disputes. In the Bradford woollen workers' strike of 1825, most employers even “turned off” the working children of those strikers who refused to sign such an undertaking. Fulfilling a similar function, “discharge notes” required workers to have a favourable reference from their previous employer. A refinement was the “list” (or “blacklist”): strikers' names circulated to stop them being hired elsewhere.⁶⁶

Victimization of strike leaders was common. For example, the Pitmen's Union's organizer, Tommy Hepburn, was excluded from every north-east colliery in 1832. Poverty forced him to desist from union activity to obtain a mining job. Many had to emigrate.

⁶⁵ This organizing groundwork led to two successful aggregate ballots in October 2022, followed by strikes: at over 140 universities over pay, and at nearly 70 concerning a pension scheme.

⁶⁶ Its wider use denied jobs to active trade unionists, including strike leaders, as in the building industry. A 1999 law (not effected until 2010) prohibited blacklists.

Employers' associations also provided "strike insurance" to their member firms from the early nineteenth century. In 1803 the Manchester master spinners also associated together to raise a fighting fund of £20,000 to defeat the mule-spinners' demands. The Engineering Employers' Federation (founded 1896) formalized its ad hoc compensation to strike-hit member companies into an Indemnity Fund. This paid record sums as late as the 1969–70 strike surge and was used to subsidize employers in the wave of some thirty sit-in strikes in Greater Manchester during 1972 (six employers were expelled for making concessions on working hours). Sometimes the means of keeping employers in line were more draconian; in the Preston cotton lock-out of 1853, members of the Preston Masters' Association bound themselves by a bond of £5,000 each to stick together.

More visible than strike insurance or similar schemes was the use of strike-breakers, though generally not extensively where there was a union tradition. They were used in gas manufacture until 1889 and regularly on the railways before the early twentieth century – lock-outs were clearly inappropriate for these particular industries. The Shipping Federation, the shipowners' body, was formed in 1890 specifically "as a fighting machine to counter the strike weapon".⁶⁷ To avoid clashes in the ports, shipowners accommodated strike-breakers offshore. Even during the heyday of strike-breaking, 1890–1914, only about twelve per cent of all strikes were settled by partial or complete replacement of strikers. Most were small-scale; in cotton, the figure fell from nine to three per cent between 1888–92 and 1910–14.⁶⁸ Of course, the army and then police had been consistently deployed to protect strike-breakers and, especially after 1945, the military sometimes provided the strike-breaking service itself (though often not very successfully) in certain essential services, such as firefighting.

The employers' most confrontational policy was the lock-out. In an early example (1786), over eighty bookbinders at four companies were locked out after giving strike notice over a shorter working day. When, in 1858, two glass manufacturers circulated strikers' names, events escalated; the union decided to strike two vulnerable firms and then more, but the masters organized themselves and a lock-out of seventeen factories ensued.⁶⁹ The

⁶⁷ POWELL, L. *The Shipping Federation*. London: Shipping Federation, 1950, p. 5.

⁶⁸ MCIVOR, Arthur. "Employers' Organisations and Strike-breaking in Britain, 1880–1914", *IRSH*, vol. 29, no. 1, 1984, p. 6. WHITE, Joe. "Lancashire Cotton Textiles". In: WRIGLEY, C. (ed.). *A History of British Industrial Relations 1875–1914*. Brighton: Harvester, 1982, p. 225.

⁶⁹ NATIONAL ASSOCIATION ... *Trades' Societies and Strikes*, op. cit., pp. 93–97, 106–113.

engineering employers' historian admitted: "the success of the general lock-out used to depend on bankrupting the unions and starving out the workers".⁷⁰

Lock-outs (especially over wages) were most common in cotton and coal. One large coal company determined in 1867 "to either crush the union or keep their works closed". After the early 1870s' boom, coal-owners in most areas "forced wage reductions so substantial that they provoked strikes and caused lock-outs". Those unions not destroyed were seriously hobbled.⁷¹ A number of employers' associations were eventually faced with established (often skilled) unions; they "might defeat them, but ... could not destroy them". So they forced these unions into industry-wide conflicts and their victories allowed them to "redesign the system of industrial relations to a pattern of their own choice – the central procedure agreement". In return for national recognition, unions would not strike until a workplace dispute had been considered at a series of joint meetings; otherwise, they would pay agreed fines or face lock-outs as a punishment. Such agreements were made after big lock-outs in cotton spinning (1893), footwear (1895), engineering (1898), shipbuilding (1908), and part of the building trade.⁷²

Sustained full employment, post-1945, undermined these procedural arrangements, hence the rise of "unconstitutional" strikes (in breach of the agreed disputes procedure) then. With changed product and labour markets accelerating industrial and company restructuring, especially in the 1980s and later, the need for employer solidarity weakened in many industries and industry bargaining declined. Mass dismissals of strikers (and strike-breaking) re-emerged in the 1980s (Rupert Murdoch's News International⁷³ the leading example). Reacting to union pressure, a 2004 Labour government law gave official strikers a twelve-week "protected" period against dismissal, but did not apply it to unofficial strikers as Gate Gourmet catering workers (mainly of south Asian heritage) at Heathrow Airport found out the next year. In 2022 the Conservative government revoked a 1973 regulation stopping employment agencies supplying strike-breakers. As this survey is being written, the Strikes (Minimum Service Levels) Bill is progressing through Parliament; this could allow (without any redress) the dismissal of workers who refuse to obey a "work notice" to provide cover

⁷⁰ WIGHAM, Eric. *The Power to Manage*. London: Macmillan, 1973, pp. 270, 272.

⁷¹ CHURCH, Roy. *The History of the British Coal Industry, vol. 3, 1830–1913*. Oxford: Clarendon Press, 1986, pp. 661, 664, 673.

⁷² CLEGG, Hugh. *The Changing System of Industrial Relations in Great Britain*. Oxford: Blackwell, 1979, pp. 65–66. When the engineering employers abandoned national bargaining in 1989, a handful of firms were initially selected to strike for a shorter working week, handing the initiative back to the unions.

⁷³ Publisher of *The Times* and other newspapers.

during a strike in certain important services.⁷⁴ We will have to see how this might work in practice.

Making strike tactics effective: funds and pickets

Historically, unions were often prepared to persuade strike-breakers to leave by paying them travelling money and other financial inducements. Dealing with the importation of strike-breakers from continental Europe became an important function of the London-based International Workingmen's Association (the First International), 1864–72. More generally, strike funds have often been central to union activity. Purely “strike societies” were seen as a “constant menace to peace” by one nineteenth-century observer, as their members were anxious to hold disputes which collapsed when money ran out. By contrast, the accumulation of large funds by nineteenth-century craft unions, through their friendly benefits, could be “an effective ‘moral influence’ in negotiations with employers”. The provision of such benefits, while binding individual members to the union, would be secondary to maintaining or improving wages and conditions, some unions being temporarily bankrupted by the cost of long strikes or by out-of-work pay during trade depressions.⁷⁵

Union strike pay was not always confined to union members. The engineers' society paid £7,700 to non-society men and labourers in the 1852 lock-out; and in an 1879 strike it was even paying for “children of non-society men”. The cotton weavers continued to collect funds from, and pay strike benefit to, non-members until the late nineteenth century; local associations did so “on strategic occasions” up to nearly 1914. When unorganized workers struck in the twentieth century, unions seized opportunities to recruit them. Hence a hosiery union gave strike pay to “a very large body of unorganized workers” in 1932, while a general union paid out to unorganized workers in their 1934 strike at a strategically important car body factory.⁷⁶

In very recent years, strike pay provision has been greatly expanded because, in a period of very low strike activity, unions were determined not to let lack of funds undermine their members' preparedness to strike. This took on added urgency when turnout barriers were erected to make winning ballots harder. Strike pay, especially if sustained at high levels,

⁷⁴ Unions must also take “reasonable steps” to ensure that all union members identified in a “work notice” comply with it or they lose protection from being sued for damages by the employer

⁷⁵ WEBB, S. and B. *Industrial Democracy*, op. cit., pp. 160, 158.

⁷⁶ TURNER, *Trade Union Growth ...*, op. cit., pp. 122, 300. KNOWLES, *Strikes ...*, op. cit., p. 23. LYDDON, Dave. “Trade Union Traditions’, The Oxford Welsh, and the 1934 Pressed Steel Strike”, *Llafur*, vol. 6, no. 2, 1993, p. 110.

changes the economics of striking: “For each side, some point exists at which it would be forced to capitulate since its resources would have been depleted”.⁷⁷ Unite, the dominant union in the private sector and with most collective agreements, launched a £25m strike fund in 2012 (in 2023 this has now reached £70m). Strike pay at £30 per day could be doubled at the general secretary’s discretion; when he announced at a bus company picket, in 2017, that Unite would do just this, the manager settled within hours. Unite standardized the benefit at £50 in 2019 and then £70 in 2021, with no striker now to receive more than normal net pay – a far cry from the traditionally low post-1945 levels. The main teaching union has long reimbursed net earnings for single-school strikes; the lecturers’ union has now introduced strike pay, on proof of hardship, as has the main nursing union.

Another continuing strike weapon for workers is picketing, a public manifestation of the strike: to fellow workers; to potential strike-breakers; to those transport workers collecting or delivering material; and to the general public. Large picket numbers would deter strike-breakers as well as making the latter reluctant to testify in court if cases were taken against pickets; by contrast, small numbers of pickets would sometimes limit themselves to identifying those breaking the strike. In all cases, though, pickets were potentially vulnerable to victimization by an employer or to arrest for some infraction. In the 1818 Manchester cotton spinners’ strike, mass pickets of several hundred would go before starting time to a factory where they were not known to the employer. Similar caution applied under a different legal regime. In Merthyr Tydfil, in South Wales, the police reported in 1911 that the same strikers would not approach non-strikers “on more than one occasion during 15 or 16 days”, so that they could not be charged with “persistently” following individual strike-breakers (a crime under an 1875 Act, and ever since).

One early tradition of strikers going from factory to factory to encourage workers in the same trade to join them was still alive in the twentieth century, even when employers tried to thwart it by shutting factory gates. At a Llanelli (South Wales) tinsplate works in 1911, “cold roll” boy strikers climbed the walls to invite their counterparts to join them. In 1960, 300 engineering apprentices scaled the walls of a major Manchester factory and brought out 200 from the firm’s apprentice school. Finally, in 1970, female clothing workers in Leeds

⁷⁷ WALTON, R. E. and McKERSIE, R. B. *A Behavioral Theory of Labor Negotiations*. New York: McGraw-Hill, 1965, p. 32.

marched “in monstrous battalion strength, ringing [i.e. surrounding] factories and chanting ‘Come out, you sods’ (and worse)”.⁷⁸

While, in the early post-1945 era, picketing was often token or unnecessary, there were flashpoints. For example, in a big 1956 official strike over redundancy, at the Austin car factory in Birmingham, pickets lay down in the road to stop lorries. In the same company’s Morris factory in Oxford, a different tactic was applied: strikers lined the road in silence, holding up their union membership cards, when the non-strikers (the large majority) left at the end of a shift. Mass picketing became a big political issue from the 1972 miners’ strike. Tens of thousands of miners participated and their pickets were eventually respected, successfully strangling the electricity power stations, not just coal-fired ones. In the different environment of the 1984–85 strike, the solidarity was more limited, the police were mobilized nationally, and the miners forced to focus on preventing strike-breaking within their own ranks, leading to over 11,000 arrests, with about half appearing in court. Many miners were stopped by the police from attending picket lines, sometimes when they were miles away.⁷⁹

The legislative attack on secondary picketing in 1980 was not just a reaction to the effectiveness of mass pickets in some key strikes but also the experience of the road haulage strike in January 1979. Described by a leading participant as “an official strike run on an unofficial basis”, this involved the Labour government having to reach agreement with the main union to allow the delivery of essential items. Despite this, some local strike committees continued to decide what goods could be moved.⁸⁰ In the different climate of today, picket lines are often theatre, with large numbers (despite a government Code of Practice since 1980 suggesting a limit of six), lots of placards and noise – and very much aimed at the wider public and its support.

Finally, while similar strike tactics and conduct are found over long periods, the increasing ease of communication has changed how workers organize themselves during strikes. A mid-nineteenth-century commentator could observe that “the railroad, the penny post, and the

⁷⁸ Quoted in LYDDON, Dave. “The Changing Pattern of UK Strikes, 1964–2014”. *Employee Relations*, vol. 37, no. 6, 2015, p. 742.

⁷⁹ LYDDON, Dave. “From the Greatest Victories to the Biggest Defeat: The British Coalminers’ National Strikes of 1972, 1974 and 1984–85”. In: do PAÇO, A. S., VARELA, R., and S. van der VELDEN (eds), *Strikes and Social Conflicts: Towards a Global History* (2nd edn). Lisbon: International Association Strikes and Social Conflict, 2012, pp. 102–111

⁸⁰ SMITH, Paul. “The ‘Winter of Discontent’: The Hire and Reward Road Haulage Dispute, 1979”. *HSIR*, no. 7, 1999, pp. 27–54, quote from pp. 47–48.

public press have revolutionized society ... [and] rendered much easier even the business of agitation".⁸¹ The series of unofficial strikes by engineering apprentices in the mid-twentieth century "were typically spread by the apprentices themselves, travelling within districts on foot, typically as columns of demonstrators, and by bicycle, and between districts by motorcycle, by car (1960) and finally by aeroplane (from Manchester to Glasgow in 1964)."⁸² In 2018 a postal union official could emphasize that, before and during strikes, the employer, Royal Mail, "can't compete with us on the ground *and on social media*."⁸³

Concluding comments

Viewing British strikes over three centuries shows that patterns both of strike activity and its legal framework, which seemed fairly fixed for several decades or more, were historically transitory. There is no obvious long-term trajectory of either, being buffeted by the winds of class struggle (in many periods, "class struggle from above"). Strike waves were a regular feature between the 1870s and 1920s – as they were across Western Europe and the USA⁸⁴ – bringing surges of unionization in their wake before many of them were rolled back, though never entirely. Very different strike waves book-ended the 1970s which period saw the last great surge of unionization before a long period of decline, during which the shape of the trade union movement has been transformed.

As economic issues have dominated strike activity, with occasional political ramifications, the changing occupational mix of participants over time indicates which groups of workers were at the forefront of fighting the terms of their exploitation. Pre-industrial (mainly handicraft) trades dominated strike activity well into the industrial revolution. Overlapping with these groups, King Coal and King Cotton (or should it be Queen Cotton, given the proportion of women), the motors of the industrial revolution, became the site of much strike activity for extremely long periods, during and after the (long drawn out) process of industrialization. The output of both industries peaked just before 1914. Cotton lost its world domination, with state-sponsored contraction starting in the 1930s and on a much larger scale from the late 1950s. Coal was long the main fuel for industrial and household purposes but

⁸¹ NATIONAL ASSOCIATION ... *Trades' Societies and Strikes*, op. cit., p. 215.

⁸² RYAN, Paul. "Apprentice Strikes in the Twentieth-Century UK Engineering and Shipbuilding Industries". *HSIR*, no. 18, 2004, pp. 1–63, quote from p. 22.

⁸³ Quoted in LYDDON, "Strike Ballots ...", op. cit., p. 492.

⁸⁴ See table 2, "international and national strike waves, 1870–1974", in KELLY, "Long Waves ...", op. cit., p. 9.

was gradually replaced until most of its output went into electricity generation (and this was critical in the major battles of the 1970s and 1980s). After the managed decline of the 1950s and 1960s, a final wave of state-inflicted contraction (in this case politically motivated) hastened coal's demise in the 1990s. Coal and cotton's specific market exposure also meant that their strike rhythms historically were to some extent outside the mainstream of the rest of the working class. Workers in engineering and related industries, especially in car manufacture, took over from miners as the most prolific strikers towards the end of the long post-1945 boom until the market contractions, plant closures, and offshoring, of the 1980s and subsequently.

Elsewhere, seafarers who were so important to the British economy for centuries have long been overshadowed by workers in other transport industries – railways, roads, docks – that developed particularly in the nineteenth century and are currently more integral to this island's economy than the shrunken domestic manufacturing sector. Dockers rose, fell (under the onslaught of containerization) and have risen again (in 2022). Railways were union-free in the nineteenth century, relatively strike-free for much of the twentieth century, but central to working-class struggle in the twenty-first century (a similar tale could be told of postal services). In some ways, mail and rail have taken over from coal and cotton as prominent sites of resistance to employers.

Public services – health, education, local and central government – were generally strike-free zones until the last fifty years. Recognition was a slow process, then arbitration arrangements, especially in the 1940s and 1950s, meant that there was no need to strike for most groups. That changed in the 1960s, and then dramatically in the 1970s and 1980s, when a succession of government wage restraint policies meant that public sector pay became a political battleground (as it is again now, with the Conservative government's low-tax and small-state agenda). Women make up two-thirds of union membership in the public services, which collectively have much higher union density than the private sector (hit by tertiarization, the shift from manufacturing to services, common to many "mature" economies). This century, education workers – in schools, colleges, universities – have been their strike leaders. Within public services, the final British taboo has been decisively breached with the nurses' and junior doctors' strikes in the 2022–23 upsurge.

Women's increasing prominence as strikers rather than, historically, mainly as the community backbone behind long strikes is a historic, irreversible, and welcome shift. Another historic shift, though very unwelcome, is the resurgence of the belief in British

ruling class circles that strikes can be legislated away. This underpinned the Combination Acts of 1799–1824 and increasingly also the Conservative governments’ post-1979 sequence of neo-liberal anti-strike laws. The 2016 Act was sold to the public as “the latest stage in the *long journey* of modernisation and reform”,⁸⁵ in which the 2023 Strikes (Minimum Service Levels) Bill, and other threatened restrictions, represents a serious escalation. This “journey” is not just about the legality of strikes – remember, the “common law” treats “unions as an improper restraint of trade in the market and industrial action as an interference with contracts and property rights”⁸⁶ – but their legitimacy in a democratic society. How, over the next few years, the Labour Party deals with this situation – legislatively (if it gets the chance), organizationally (given its union affiliations and funding), and ideologically (what does it believe in?) – will mark another watershed in the centuries-old struggle for the freedom to strike.

⁸⁵ Quoted in LYDDON, “Strike Ballots ...”, op. cit., p. 497.

⁸⁶ See note 2 above.