



Nine Days and Seven Months: Great Britain 1926

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In May 1926, between 1,5 and 1,75 million workers in Great Britain went on strike to support over a million locked-out miners. After nine days, the trade union confederation called off the strike without any concessions; the miners held out for a further seven months and were then forced to return to work under worse conditions. The following year, a law restricted what they had been doing.

The British general strike of 1926 is the most thoroughly prepared defeat in the history of European trade unionism. Prepared, however, by the opposing side. The strike itself was united, disciplined and — given its scale — involved little violence, with around 9.000 arrests. After nine days, it was called off without a single demand having been met. What followed changed British labour law for decades.

How it came about

Mining after the war

After 1918, the British coal mining industry was in the throes of a structural crisis: outdated technology, a fragmented ownership structure, and collapsing export markets. Added to this was a monetary policy decision — the return to the gold standard in 1925 at the pre-war rate, driven by the then Chancellor of the Exchequer, Winston Churchill. This made British exports considerably more expensive.

The owners responded in the only way open to them without making investments: wage cuts and longer shifts. The miners' slogan, by contrast, was 'Not a penny off the pay, not a minute on the day' — not a penny off their wages, not a minute added to the working day.

Red Friday and the 'bought year'

On 31 July 1925 — remembered within the movement as 'Red Friday' — the Trades Union Congress threatened to block coal shipments. The Baldwin government backed down and granted a nine-month subsidy, which provided temporary security for wages. On '5 September 1925', it also set up a commission of inquiry under Herbert Samuel.

These nine months lie at the heart of the subsequent controversy. The government used them to make preparations: establishing the state-run Supply and Transport Organisation with civil commissioners, stockpiling coal and — via the formally private Organisation for the Maintenance of Supplies — recruiting volunteer auxiliary staff, which came under state control during the strike. There is no record of the umbrella organisation making preparations on a comparable scale.

The Samuel Report and the Break

The Commission presented its report in March 1926. It recommended the restructuring of the industry, rejected the nationalisation of the collieries, but recommended the nationalisation of mining rights, and considered wage cuts to be unavoidable in the short term. Both sides rejected the recommendations. On 30 April, subsidies and collective agreements expired; the owners locked out the workers.

On 1 May, a special conference of the executive committees of the affiliated workers unions voted 3.653.527 to 49.911 in favour of a solidarity strike and delegated leadership to the General Council.

Negotiations were still under way when printers at the Daily Mail refused to print an editorial describing the strike as a revolutionary step. The government subsequently demanded the unconditional withdrawal of all calls for a strike; at 1.05 am on 3 May, the talks broke down. Whether the incident was the cause or merely a pretext is a matter of debate: the hardliners in the Cabinet were already pushing for an end to the talks, and the printers' action had not been instigated by the umbrella organisation.

The strike began one minute before midnight on 3 May.

The nine days

Scope and course

Initially, calls were made to key sectors: transport, railways, printing, iron and steel, construction, gas and electricity. Estimates range from 1,5 to 1,75 million workers, in addition to over a million locked-out miners; 1,2 million is a figure frequently cited. A second wave — mechanical engineering and shipbuilding — was called on 11 May.

The government deployed military convoys, volunteer auxiliary staff and its own newspaper, the British Gazette, under Churchill's leadership. The umbrella organisation published the British Worker.

The radio service — still the British Broadcasting Company in 1926, it only became the BBC on 1 January 1927 — did not allow either workers unions or the opposition to have their say. John

John Reith rejected a broadcast by Ramsay MacDonald, as well as the appeal for peace by the Archbishop of Canterbury, expressly for fear that Churchill might otherwise seek to take over the broadcaster. Statements from the umbrella organisation and Labour were reported in the news. This incident is still debated in media history to this day; the name change to the Corporation followed directly from this conflict.

The end of the strike

On 12 May, the umbrella organisation declared the strike over. None of the demands had been met. The miners were not involved; their union rejected the Samuel Memorandum — an agreement that Samuel had negotiated without a mandate and without any commitment from the government.

Opinions differ as to the reasons, and research reflects this division.

The prudent withdrawal

According to this interpretation, the umbrella organisation recognised that the strike was turning into a constitutional confrontation which it neither wanted nor could win, and ended it before the movement fell apart.

The capitulation

According to this interpretation, the strike was effective and the government was under pressure; it was called off not because of the movement's weakness, but because the union leadership feared the consequences of success. This view is put forward in the most strident terms by Tony Cliff and Donny Gluckstein. It is noteworthy that even Henry Pelling, who is otherwise a level-headed judge, speaks of an 'abject surrender' by the leadership — the characterisation as a capitulation is therefore not confined to any one political faction.

The legal threat

On 11 May, a temporary injunction was granted in an internal union dispute (National Sailors' and Firemen's Union v. Reed, Judge Astbury). The main ground was a breach of the constitution; the remark that the general strike was unlawful was a secondary point with no bearing on the main issue and was immediately contested in legal terms, notably by A. L. Goodhart in the Yale Law Journal in 1927. That this would render the union's assets vulnerable was a contemporary fear, not an established legal consequence. Whether it contributed to the breakdown of the strike is regarded as a hypothesis, not as a finding.

What is undisputed is that the miners continued to strike on their own until November and returned to longer shifts and lower wages, henceforth under district rather than national agreements. The Coal Mines Act 1926 permitted a return to the eight-hour working day for five years.

The consequences

The 1927 Act

The Trade Disputes and Trade Unions Act 1927 declared a strike to be unlawful if two conditions were met simultaneously: it went beyond a labour dispute within one's own trade, and it was

designed to force the government to act — either directly or by causing harm to the general public. This applied to general and solidarity strikes; exactly which solidarity strikes were covered remained a matter of dispute.

The Act also prohibited public-sector employees from membership of organisations affiliated to the umbrella organisation and changed the payment of contributions to the Labour Party from an 'opt-out' to an 'opt-in' system. The latter deprived the party of a significant proportion of its funding.

In 1946, the Act was repealed by the Labour government. The restriction on solidarity strikes was gradually reinstated from 1980 onwards and, in 1990, led to the complete withdrawal of exemption from liability; this remains in force today, codified in Section 224 of the Trade Union and Labour Relations (Consolidation) Act 1992.

The shift in strategy

After 1926, the focus of the British trade union movement shifted from confrontation to negotiation and parliamentary representation. Whether this was the right course of action is the second major point of contention.

In favour of the affirmative is the fact that, after 1945, the path via parliament and negotiation led to social security, the National Health Service and nationalisations — achievements that no strike could have forced through.

The argument against this is that the bargaining power on which this approach relied stemmed from the ability to engage in conflict. Those who abandon this capacity for conflict will, in the medium term, also lose their negotiating position. The miners' strike of 1984–85 is interpreted in this light as the belated reckoning for 1926. Both are interpretations, not findings.

Conclusions

The legal question: solidarity as a legal issue

The crux of the 1926 conflict was not the miners' strike, but the strike by others in support of the miners. This was precisely the issue addressed by the 1927 Act.

This is not a problem unique to Britain. In Germany, too, solidarity strikes are only permitted to a limited extent. The Federal Labour Court recognised this in 2007 recognised that sympathy strikes in aid of a main industrial action in a different collective bargaining area fall under Article 9(3) of the Basic Law; their permissibility is governed by the principle of proportionality and ceases to apply if they are manifestly unsuitable, manifestly unnecessary or disproportionate.

Behind this lies a fundamental policy decision. Anyone who imposes strict limits on solidarity strikes ties industrial action to the individual workplace or the individual sector. This protects uninvolved third parties — and ensures that a workforce is always only as strong as itself. In an economy made up of outsourced units, contracts for services and supply chains, this means for many workers that they can exert little pressure at the place where they work, because decisions are taken elsewhere.

The strategic question: preparation trumps determination

Nine months lay between Red Friday 1925 and May 1926. Both sides knew what this time would be used for. The government set up a supply organisation, stockpiled coal and recruited auxiliary staff. The umbrella organisation negotiated.

The lesson to be learnt from this is uncomfortable for any organisation: a postponed conflict is not a conflict avoided, but one deferred. Whoever fails to make as good use of the postponement as the opposing side does will lose out.

The political question: When does a strike become a coup d'état?

The Baldwin government portrayed the strike as an attack on the constitution. The former Attorney General and Liberal MP John Simon declared it unlawful on 6 May in the House of Commons as unlawful — speaking as a lawyer and opposition politician, not as a public official; Sir Douglas Hogg was Attorney General at the time. The umbrella organisation disagreed: it was an industrial dispute, not an attempt to overthrow the government.

This dispute is not merely a matter of rhetoric. It determines which measures the state is permitted to employ. If a strike is classified as an industrial dispute, labour law applies. If it is classified as an attack on the constitutional order, emergency law applies.

The classification cannot be derived from the nature of the event itself: the same event — many workers simultaneously walking out — can be either. Whoever holds the authority to interpret the situation determines which law applies.

The comparison with March 1920 in Germany shows just how unstable this classification is. There, too, millions stopped work, but to defend the constitution — the same action therefore appeared to be an act of salvation rather than an attack. Two weeks later, government troops marched against those strikers who were continuing their action in the Ruhr region. The authority to interpret events thus shifted within a matter of weeks.

The philosophical question: What do we owe one another?

The solidarity strike raises a question that goes beyond labour law: Why should railway workers risk their wages for miners they do not know?

The self-interested answer

Anyone who watches today as wages in one sector are driven down will find themselves next in line tomorrow. This is verifiable and has far-reaching implications, though not unlimited — it presupposes that one's own situation is genuinely interconnected.

The answer based on a sense of belonging

The working class is a group whose members are committed to one another, regardless of their own self-interest. This holds true, but it presupposes that this sense of belonging is genuinely felt — and that is precisely what cannot be imposed.

In 1926, it lasted nine days. That is neither a short time nor enough.

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