

## **Barking but not biting: Labour MPs and the Higher Education Bill**

PHILIP COWLEY and MARK STUART\*

There were three rebellions during the latter stages of the Higher Education Bill on 31 March 2004.

The first saw a lone Labour MP, Jon Owen Jones, rebel against the Programming Motion. The second, and the largest saw 57 Labour MPs (including the two tellers) vote against their whips over amendment 128, which would have removed top-up fees from the Bill. This was fifteen fewer than the 72 who voted against their whips in January's Second Reading revolt, when the Government had survived with a majority of just five. This time the majority was a more comfortable – yet still small – 28. The final backbench revolt, on the Bill's Third Reading, saw just 18 Labour MPs vote against their whip, together with a mass abstention by most of the other rebels, and with the Government winning much more comfortably, 309 to 248.

Analysis of the switching that took place between the votes shows that just as with Foundation Hospitals in 2003, the Labour whips managed to divide and conquer the rebels. During the passage of the Bill, enough Labour MPs voted against top-up fees to have defeated the proposal – but they failed to do so at the same time.

### **The Labour rebels**

Excluding abstentions, a total of 82 Labour MPs voted against their Government over the issue of top-up fees at some point during the Bill's passage through the Commons. They are listed – along with a record of their voting in the larger rebellions – in the table below.

Just 12 Labour MPs voted in all three rebellions: Helen Clark, Tony Colman, Jeremy Corbyn, Ian Davidson, John Grogan, Glenda Jackson, Alice Mahon, John McDonnell, Gordon Prentice, Llew Smith, Gerry Steinberg and Robert Wareing.

There were then six MPs voting against the Government at Report Stage who had not done in January: Andrew Dismore; Jeff Ennis; Alan Hurst; Dr Brian Iddon; Helen Jones; and David Taylor. Dismore and Hurst had voted with the Government in January's Second Reading vote, whilst Ennis, Iddon, Jones and Taylor had abstained (Taylor doing so by voting in both lobbies).

But they were more than counter-balanced by a larger group of 21 Labour MPs who had voted against the Government at Second Reading but who abstained (18) or voted with the Government (3) at Report Stage: John Austin, Andrew Bennett, Harold Best, Harry Cohen, Michael Connarty, Jim Cousins, John Cryer, Denzil Davies, Bill Etherington, Paul Farrelly, Paul Flynn, Neil Gerrard, Doug Henderson, Joan Humble, Ian Lucas, Iain Luke, Rob Marris, Michael Meacher, Gavin Strang, Desmond Turner and Rudi Vis. The three who voted with the Government were: Bennett, Davies and Luke.

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\* Both authors are based at the University of Nottingham. Philip Cowley is available on 0115 8466230, or by email on [philip.cowley@nottingham.ac.uk](mailto:philip.cowley@nottingham.ac.uk). This briefing note draws on research funded by the Economic and Social Research Council, and is available from [www.revolts.co.uk](http://www.revolts.co.uk)

The Third Reading vote then included six more MPs who had not rebelled at Report Stage: Jim Cousins (who had abstained at Report), Denzil Davies (who had voted with the Government), David Drew (abstained), Stephen Hesford (Government), John Lyons (Government) and Alan Williams (Government), and of these, Drew, Hesford, Lyons and Williams, had not cross-voted at Second Reading either.

This brought the total number of top-up fees rebels to 82. In January's Second Reading rebellion, 72 Labour MPs had cross-voted, and the Government had scrapped in with a majority of just five.

Just as with Foundation Hospitals in the last session, the arithmetic of this is staggeringly simple. *Without any extra Labour MPs being prepared to vote against their whips, 82 cross-voting MPs was sufficient to defeat the Government. If those opposed to top-up fees had been able to persuade all of those who were prepared to vote against their whips over the issue at any point to do so together, then the Government would have been defeated.*

But they couldn't, and the end result of this switching was that instead of a rebellion of 82, and an almost certain Government defeat, the number of cross-votes in any one rebellion never exceeded 72.

There can be good reasons for the changing composition of any rebellion like this. Some of those prepared to vote against the Government in the initial votes were doing so to send out a message that they expected to see changes to the legislation. The various concessions that followed may have been enough to persuade such MPs back into line. Others are prepared to vote against the Government only when there is no chance of defeating it, as at Third Reading – to bark, but never to bite.

But the end result is that despite there being enough rebels to defeat the Government, the Government remains undefeated on a whipped vote, something no other Government since that elected in 1966 has managed.

Government victories are usually attributed to the size of its majority. But in this case it was as much to do with the inability of the rebels to muster their forces at the right time – and with the whips' ability to divide and conquer.

### Top-up fees rebels

	Second Reading	Report Stage	Third Reading
Diane Abbott	•	•	-
John Austin	•	-	-
Harry Barnes	•	•	-
Andrew Bennett	•	-	-
Roger Berry	•	•	-
Harold Best	•	-	-
Colin Burgon	•	•	-
Martin Caton	•	•	-
Michael Clapham	•	•	-
Helen Clark	•	•	•
Harry Cohen	•	-	-
Tony Colman	•	•	•
Michael Connarty	•	-	-
Jeremy Corbyn	•	•	•
Jim Cousins	•	-	•
David Crausby	•	•	-
Jon Cruddas	•	•	-
John Cryer	•	-	-
Tam Dalyell	•	•	-
Ian Davidson	•	•	•
Denzil Davies	•	-	•
Andrew Dismore	-	•	-
Jim Dobbin	•	•	-
Frank Dobson	•	•	-
David Drew	-	-	•
Gwyneth Dunwoody	•	•	-
Jeff Ennis	-	•	-
Bill Etherington	•	-	-
Paul Farrelly	•	-	-
Mark Fisher	•	•	-
Paul Flynn	•	-	-
Neil Gerrard	•	-	-
Ian Gibson	•	•	-
Roger Godsiff	•	•	-
John Grogan	•	•	•
Dai Havard	•	•	-
Doug Henderson	•	-	-
Stephen Hesford	-	-	•
Kate Hoey	•	•	-
Kelvin Hopkins	•	•	-
Lindsay Hoyle	•	•	-
Joan Humble	•	-	-
Alan Hurst	-	•	-
Brian Iddon	-	•	-
Eric Illsley	•	•	-
Glenda Jackson	•	•	•
Jon Owen Jones	•	•	-
Lynne Jones	•	•	-
Helen Jones	-	•	-
Peter Kilfoyle	•	•	-
Terry Lewis	•	•	-

Tony Lloyd	•	•	-
Ian Lucas	•	-	-
Iain Luke	•	-	-
John Lyons	-	-	•
Alice Mahon	•	•	•
Rob Marris	•	-	-
Robert Marshall-Andrews	•	•	-
Jim Marshall	•	•	-
Christine McCafferty	•	•	-
John McDonnell	•	•	•
Kevin McNamara	•	•	-
Michael Meacher	•	-	-
Julie Morgan	•	•	-
George Mudie	•	•	-
Albert Owen	•	•	-
Gordon Prentice	•	•	•
Brian Sedgemore	•	•	-
Clare Short	•	•	-
Alan Simpson	•	•	-
Dennis Skinner	•	•	-
Llew Smith	•	•	•
Geraldine Smith	•	•	-
Gerry Steinberg	•	•	•
Gavin Strang	•	-	-
David Taylor	-	•	-
Jon Trickett	•	•	-
Desmond Turner	•	-	-
Rudi Vis	•	-	-
Robert Wareing	•	•	•
Alan Williams	-	-	•
Mike Wood	•	•	-