

## **Some not very civil disagreements: The Conservatives and the Civil Partnership Bill**

PHILIP COWLEY and MARK STUART\*

The passage of the Civil Partnership Bill – which aims to create civil partnerships for same-sex couples - produced relatively little dissent within most of the political parties.

For example, the Report Stage and Third Reading, on 9 November, saw two votes. The first was over a new clause moved by Edward Leigh, which would have granted siblings the same rights the Bill aims to extend to homosexual couples. Both Labour and the Liberal Democrats issued a whip against the clause, with few dissenters. Just two Labour MPs<sup>1</sup> defied their whip to vote for Leigh's clause, compared to the 302 who voted against; just two Lib Dem MPs<sup>2</sup> supported the new clause, compared to the 40 who voted against. The SNP and Plaid Cymru MPs to vote all voted against the clause; the Ulster Unionists voted for.<sup>3</sup> The subsequent Third Reading also saw most of the parties united. Just two Labour MPs (although a different two)<sup>4</sup> voted against the party's whip at Third Reading, compared to 300 who voted in favour of the Bill. Also voting in favour were all the Lib Dems, the SNP, and Plaid Cymru, whilst all the Ulster Unionists voted against.<sup>5</sup>

The exception was the Conservative Parliamentary Party, which divided sharply over the issue. At times, the debate took place almost entirely between members of the Conservative Parliamentary Party; and on a free vote, the Conservatives split 63/34 on Leigh's clause and 43/39 at Third Reading. Similar splits had been obvious at Second Reading, back in October 2004, when the Conservatives had split 66/39.

Nor was this the first time these sorts of issues had produced disagreement within Tory ranks. Other votes within the last year over gender recognition, presumed consent for organ donation, and the Mental Capacity Bill have all divided Conservative parliamentarians. The split between the party's 'modernisers' – who believe the party should follow what can be broadly termed a socially liberal agenda – and its 'traditionalists', who do not, has had plenty of opportunities for expression. This short briefing paper examines the scale of the disagreements within the Conservative parliamentary party over civil partnerships. A subsequent paper will examine the other issues.

---

\* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further information is available from [www.revolt.co.uk](http://www.revolt.co.uk).

<sup>1</sup> Kevin McNamara and Calum MacDonald.

<sup>2</sup> Alan Beith and John Burnett.

<sup>3</sup> Also voting for Leigh's clause were Dr Richard Taylor, the MP for Wyre Forest, and Andrew Hunter, the independent Conservative.

<sup>4</sup> Denzil Davies and Jim Dobbin

<sup>5</sup> Dr Richard Taylor voted for Third Reading, Andrew Hunter against.

## Second and Third Reading

Taken together, the three votes on the Bill involved 137 Conservative MPs (over 80% of the parliamentary party). They are listed – along with the way that they voted – in the Appendix.

If we focus initially solely on the votes at Second or Third Reading, then we have voting data on 125 Conservative MPs (that is, excluding the 12 who voted only on Edward Leigh's amendment). They can be split into three groups:

1. Those who voted *for* the Bill (at either Second or Third Reading, or both), but not against it in either vote. There are 74 such Conservative MPs. Thirty-three voted for the Bill at both Second and Third Reading, 41 did so on just one occasion.
2. Those who voted *against* the Bill (at either Second or Third Reading, or both), but not for it in either vote. There are 49 such MPs, 27 of whom voted against the Bill on both occasions, 22 doing so just once.
3. Those who switched their vote at some point. There are just two such MPs. Iain Liddell-Grainger voted for Second Reading but against Third Reading, whilst John Taylor voted against Second Reading but backed the Bill at Third Reading.

On the face of it, these overall figures might be mildly heartening to the party's 'modernisers', since they appear to indicate that the 'modernisers' – those who backed the Bill - outnumber the 'traditionalists' by about 3/2.

## The Leigh amendment

However, we also need to incorporate into our analysis the amendment moved by Edward Leigh. One of the accusations levelled against those supporting Leigh's clause was that it was a wrecking amendment, put forward by those who opposed the Bill. Leigh never denied opposing the Bill (having voted against it at Second Reading) but argued that if a new category of relationships was going to be created, then it was only fair to extend this to siblings as well.

It is certainly true that most of the supporters of Edward Leigh's new clause were opponents of the Bill's central purpose. Table 1 shows the relationship between votes at Second Reading and votes on Leigh's amendment. Of the 40 MPs who backed Leigh's amendment and who had voted at Second Reading, 28 (70%) had opposed the Bill at Second Reading. Conversely, of those opposed to Leigh's clause, just two (7%) had voted against Second Reading.

**Table 1. Relationship between voting on Second Reading and Leigh Amendment (for those voting on both)**

	<i>Leigh amendment</i>		
<i>Second Reading</i>	Yes	No	Total
Yes	12	28	40
No	28	2	30
Total	40	30	70

As Table 2 shows, the same was true at Third Reading. Of those who backed Leigh's amendment (and who then went on to vote at Third Reading) 33 (77%) voted against the Bill. Of those who voted against Leigh's amendment, (and who voted at Third Reading) none voted against the Bill *in toto*.

**Table 2. Relationship between voting on Second Reading and Leigh Amendment (for those voting on both)**

<i>Third Reading</i>	<i>Leigh amendment</i>		
	Yes	No	Total
Yes	10	23	33
No	33	0	33
Total	43	23	66

But this was not true of all. There were, for example, 12 Conservative MPs who voted for Second Reading and for Leigh's clause, and 10 who voted for Leigh's clause and then went on to vote for Third Reading.

Taking these votes together, there were 14 Conservatives who voted for Leigh's amendment but also for the Bill at some other point. Of course, some of these could have been voting for the Bill initially at Second Reading, whilst hoping that the Bill would be later amended, a fairly standard parliamentary tactic. There are three cases (James Clappison, John Whittingdale, and Bill Wiggin) where Conservative MPs backed Second Reading, supported Leigh's clause, but then did not vote at Third Reading. Although we cannot be sure, these MPs may have been abstaining at Third Reading, despite their earlier votes. Similarly, there was one Conservative (Ian Liddell-Grainger) who voted for Second Reading but against Third Reading, having backed Leigh's amendment. But even if we exclude all four of these MPs, it therefore leaves 10 Conservative MPs who backed the Bill at Third Reading, approving the form it was in, but who had also backed Leigh's amendment.<sup>6</sup> These ten, then, were supporters of the Bill but also supported Leigh's argument.

So, although *most* of those to vote for Edward Leigh's amendment were opposed to the Bill, it is unfair to categorise *all* the MPs who voted for his amendment as opposed to the legislation itself.

The point of this (slightly lengthy) digression is that there were 12 MPs who did not vote at either Second or Third Reading, but who did on Leigh's amendment. Based on analysis of the others who were voting on Leigh's amendment it would be wrong to categorise them all as being opposed to the legislation. But it is probably fair to categorise, say, nine as being opposed, with the remaining three as pro. This would bring our totals to 77 for the 'modernisers', and 58 for the 'traditionalists'. But with around 30 Conservative MPs who did not participate in any of the votes, and a fairly large margin of error in either of these figures, it is clear that this issue splits the party down the middle.

## Discussion and conclusion

---

<sup>6</sup> They include seven who voted for it at both Second and Third Reading: Graham Brady, Derek Conway, Cheryl Gillan, Dominic Grieve, Malcolm Moss, Robert Syms, and Robert Walter.

One of the most damaging episodes in Iain Duncan Smith's leadership of the Conservative Party came on 4 November 2002 when he faced a small, but significant, backbench rebellion over the Adoption and Children Bill.

Instead of allowing Conservative MPs to vote as they pleased on the issue of whether unmarried couples (whether gay or straight) should be allowed to adopt, the leadership decided to issue a whip, instructing their MPs to vote no. Although only eight Conservative MPs defied this instruction to vote in the opposite lobby, many more abstained, including a number of Tory frontbenchers. It was this rebellion that prompted Duncan-Smith's 'unite or die' speech – seen by many commentators as merely raising yet more doubts about his leadership.<sup>7</sup>

In his first year as Conservative leader, Michael Howard has faced several equally controversial issues. But by contrast with his predecessor, he has generally sought to deal with any divisions within his party by allowing free votes, ensuring that divisions within the parliamentary party have not become the focus of media attention.

The wisdom of this move is clearly shown by the foregoing discussion. The data clearly show the extent to which the Conservative Parliamentary Party remains deeply divided on the sort of social issues that split the 'mods' from the 'rockers', the modernisers from the traditionalists. This divide has not gone away under Michael Howard. All that has changed is that a more tactically astute – and presumably also more self-confident – leadership does not feel it necessary to draw attention to the party's internal divisions.

---

<sup>7</sup> See Philip Cowley and Mark Stuart, 'Still causing trouble: the Conservative Parliamentary Party', *Political Quarterly*, 2004.

## Appendix: Conservative voting over civil partnerships

<i>Name</i>	<i>Second Reading</i>	<i>Leigh amendment</i>	<i>Third Reading</i>
Peter Ainsworth	Yes	No	Yes
David Amess	No	Yes	No
James Arthbutnot	No	Yes	No
David Atkinson	DNV	No	Yes
Peter Atkinson	Yes	No	DNV
Richard Bacon	Yes	DNV	Yes
Tony Baldry	Yes	DNV	DNV
Gregory Barker	Yes	No	DNV
John Bercow	Yes	No	Yes
Sir Paul Beresford	No	DNV	DNV
Crispin Blunt	DNV	DNV	Yes
Tim Boswell	Yes	No	Yes
Peter Bottomley	DNV	Yes	DNV
Graham Brady	Yes	Yes	Yes
Julian Brazier	No	Yes	No
Angela Browning	DNV	Yes	DNV
Simon Burns	DNV	Yes	DNV
Alistair Burt	DNV	DNV	No
Sir John Butterfill	DNV	Yes	DNV
David Cameron	Yes	DNV	Yes
William Cash	DNV	Yes	No
Sir Sydney Chapman	DNV	Yes	DNV
Christopher Chope	No	Yes	No
James Clappison	Yes	Yes	DNV
Kenneth Clarke	Yes	No	Yes
Geoffrey Clifton-Brown	DNV	Yes	DNV
Tim Collins	Yes	DNV	DNV
Derek Conway	Yes	Yes	Yes
Sir Patrick Cormack	No	Yes	No
James Cran	DNV	DNV	No
Quintin Davies	No	DNV	DNV
Jonathan Djanogly	DNV	Yes	DNV
Stephen Dorrell	Yes	DNV	DNV
Alan Duncan	Yes	No	Yes
Iain Duncan Smith	DNV	Yes	No
Nigel Evans	Yes	No	Yes
Michael Fabricant	Yes	No	Yes
Michael Fallon	No	Yes	No
Mark Field	Yes	No	DNV
Howard Flight	Yes	Yes	DNV
Adrian Flook	No	Yes	No
Eric Forth	DNV	Yes	No
Mark Francois	No	DNV	DNV
Roger Gale	No	DNV	DNV
Edward Garnier	Yes	DNV	DNV
Nick Gibb	DNV	No	Yes
Cheryl Gillan	Yes	Yes	Yes
Paul Goodman	DNV	DNV	No
James Gray	DNV	Yes	DNV
Chris Grayling	DNV	Yes	Yes

Damian Green	Yes	DNV	DNV
John Greenway	Yes	DNV	DNV
Dominic Grieve	Yes	Yes	Yes
John Gummer	No	Yes	No
William Hague	DNV	Yes	Yes
Nick Hawkins	No	Yes	No
John Hayes	Yes	No	Yes
David Heathcoat-Amory	Yes	No	DNV
Charles Hendry	Yes	No	Yes
Mark Hoban	No	No	DNV
Douglas Hogg	Yes	No	Yes
Michael Howard	Yes	DNV	Yes
Gerald Howarth	No	Yes	No
Michael Jack	Yes	No	DNV
Robert Jackson	Yes	No	DNV
Bernard Jenkin	Yes	DNV	DNV
Boris Johnson	Yes	DNV	Yes
Robert Key	Yes	No	Yes
Julie Kirkbride	DNV	Yes	Yes
Greg Knight	No	Yes	No
Eleanor Laing	Yes	No	Yes
Jacqui Lait	Yes	No	DNV
Andrew Lansley	Yes	DNV	DNV
Edward Leigh	No	Yes	No
Oliver Letwin	Yes	DNV	DNV
Dr Julian Lewis	Yes	DNV	Yes
Ian Liddell-Grainger	Yes	Yes	No
David Lidington	DNV	Yes	No
Peter Lilley	No	Yes	No
Tim Loughton	Yes	No	DNV
Peter Luff	Yes	DNV	Yes
David Maclean	Yes	DNV	Yes
Michael Mates	DNV	Yes	DNV
Francis Maude	Yes	DNV	Yes
Sir Brian Mawhinney	No	Yes	DNV
Theresa May	Yes	DNV	DNV
Anne McIntosh	No	Yes	No
Patrick McLoughlin	No	DNV	No
Patrick Mercer	Yes	DNV	DNV
Andrew Mitchell	Yes	No	Yes
Malcolm Moss	Yes	Yes	Yes
Andrew Murrison	DNV	Yes	DNV
Stephen O'Brien	DNV	Yes	DNV
George Osborne	Yes	No	Yes
Richard Ottaway	Yes	No	Yes
Richard Page	Yes	No	Yes
James Paice	DNV	No	Yes
Owen Paterson	No	Yes	No
Michael Portillo	Yes	DNV	DNV
Mark Prisk	Yes	No	DNV
John Randall	Yes	DNV	DNV
Andrew Robathan	No	Yes	No
Hugh Robertson	Yes	No	Yes
Laurence Robertson	No	Yes	No
Andrew Rosindell	No	DNV	No

David Ruffley	Yes	DNV	DNV
Jonathan Sayeed	Yes	DNV	DNV
Andrew Selous	DNV	Yes	No
Gillian Shephard	Yes	No	DNV
Richard Shepherd	DNV	Yes	DNV
Nicholas Soames	Yes	DNV	DNV
Sir Michael Spicer	No	DNV	DNV
Bob Spink	No	Yes	No
Richard Spring	Yes	DNV	DNV
Sir John Stanley	Yes	DNV	DNV
Anthony Steen	DNV	No	Yes
Gary Streeter	DNV	Yes	No
Desmond Swayne	No	DNV	No
Robert Syms	Yes	Yes	Yes
Ian Taylor	DNV	DNV	Yes
John Taylor	No	No	Yes
Sir Teddy Taylor	DNV	Yes	No
Michael Trend	No	DNV	DNV
Andrew Turner	No	Yes	No
Andrew Tyrie	Yes	No	Yes
Peter Viggers	DNV	Yes	No
Robert Walter	Yes	Yes	Yes
Nigel Waterson	No	Yes	DNV
Angela Watkinson	No	Yes	No
John Whittingdale	Yes	Yes	DNV
Ann Widdecombe	No	Yes	No
Bill Wiggin	Yes	Yes	DNV
John Wilkinson	No	Yes	No
David Wilshire	No	Yes	No
Ann Winterton	No	Yes	DNV
Sir Nicholas Winterton	No	Yes	DNV
Sir George Young	Yes	No	Yes

*Note:* DNV=Did Not Vote.