

Still causing trouble
The Conservative Parliamentary party

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The 2001 Parliament witnessed a veritable explosion of backbench dissent by Government MPs. The first two sessions of the Parliament saw more backbench rebellions by Government MPs than the first two sessions of any post-war Parliament, and included the revolts over Iraq, the largest by Government MPs since the Corn Laws in the middle of the nineteenth century.¹ Despite the election of a former Maastricht rebel as Conservative Party Leader in 2001, overt rebellion by Tory MPs was much less dramatic, but there were still some significant rebellions by Tory MPs against their leadership. And, much more importantly, it was to be the Conservative Parliamentary Party – and the Conservative Parliamentary Party alone – that was to seal Iain Duncan Smith's fate in October 2002.

The apparent cohesion on the Conservative benches was caused in part by two changes in personnel. Throughout the 1997 Parliament a group of Conservative backbenchers – led by Eric Forth and David Maclean - had engaged in a form of parliamentary guerrilla warfare against the Government, often doing so in direct contravention of their own Party's whip.² IDS's first Shadow Cabinet included both Forth (as Shadow Leader of the House) and Maclean (as Opposition Chief Whip). With the so-called 'awkward squad' thus effectively neutered rebellions on the Conservative benches were relatively few in number following 2001. The first two sessions of the Parliament saw 74 occasions when Conservative MPs defied their whips. This equates to roughly one rebellion every ten divisions, about half the rate of rebellion on the Labour benches. Moreover, most of the Conservative rebellions were small. But division still manifested itself on three significant

occasions: over the Adoption and Children Bill, Lords reform, and the invasion of Iraq.

The Adoption and Children Bill

The Adoption and Children Bill began life as a fairly uncontentious piece of legislation. But it was amended by backbench Labour MPs during its Committee Stage to include clauses allowing adoption by unmarried couples. Although the Bill made no distinction between heterosexual or homosexual unmarried couples (and although single gay people were already able to adopt), the issue was thereafter nearly always referred to as one of 'gay adoption' – and it caused division on the Conservative benches.

The Government granted its MPs a free vote on the issue. After much discussion in Shadow Cabinet the Conservatives, by contrast, decided to issue a whip, telling the party's MPs and peers to vote against the legislation. But, faced with opposition from a vocal minority of Conservative MPs, the leadership let it be known that they would allow MPs to be absent from the Commons if the issue caused them difficulties (what became known, somewhat oxymoronicly, as a 'soft three-line whip').

The issue reached the floor of the Commons in May 2002 and four Conservative MPs defied their party's whip and voted in favour of the legislation. Several others, including four Shadow Cabinet members, found convenient reasons to be absent from the Commons. After amendment in the Lords the Bill then returned to the Commons in November, with more damaging consequences. At the second time of asking, the numbers voting against the whip climbed to eight. A further number of Tory MPs also abstained.³ In quantitative terms, this was not especially damaging: eight MPs constituted just five percent of the parliamentary

party. An equivalent rebellion from amongst the ranks of the PLP would have seen 20 Labour MPs defying their whip, and rebellions of that size are now rarely reported. But there was an important qualitative dimension to the Conservative rebels. They included John Bercow, absent from the vote in May but who now resigned from the Shadow Cabinet in order to vote and speak against the Party's line. Michael Portillo and Kenneth Clarke – both of whom had stood against IDS when he won the leadership – also voted against their party whip. The other five – David Curry, Julie Kirkbride, Andrew Lansley, Andrew Mackay and Francis Maude – included four former members of the Shadow Cabinet.

The following day, the newspaper headlines were, in the words of Michael Portillo, 'truly terrible'. The rebellion resulted in a renewed focus on the issue of the Conservative leadership, made even more intense when Iain Duncan Smith held a press conference at Conservative Central Office, during which he claimed that 'for a few, last night's vote was not about adoption but an attempt to challenge my mandate to lead this party'. He then told his party that it had to 'unite or die'.

Yet the split – and the subsequent crisis – was almost entirely self-inflicted and eminently avoidable. It is quite common to see occasions when one major party allows a free vote, but the other enforces a whip. But it is almost always the other way round from the Adoption and Children Bill: governments, who need to get their legislation through, often enforce a whip, even if this reveals division, whilst the Opposition can allow a free vote, thus disguising any division. This is one – indeed, perhaps the only – luxury of Opposition.

Writing in *The Times* (5 November 2002), Peter Riddell called IDS's decision 'both wrong and tactically inept'. It is not obvious that the first part of Riddell's complaint is valid. In many ways issuing a whip was the more logical and consistent position to take. It is difficult logically to justify dealing with these

sorts of issues – so-called ‘issues of conscience’ – as a breed apart from other issues.⁴ That is why the Liberal Democrats had (largely unnoticed) imposed a whip, believing the subject to be a human rights issue, and having included it in their 2001 manifesto. But the Liberal Democrats could do this safe in the knowledge that they were not split on the issue. The second part of Riddell’s complaint is therefore certainly valid. For the Conservatives, this was clearly tactically inept. To impose a three-line whip, when there was no pressing need to do so, and when it was clear that there were serious divisions within the party, was crass in the extreme. No one noticed the 19 Labour MPs who voted with the Conservatives over adoption, nor, because of the furore, did the following day’s much larger rebellion of 43 Labour MPs over asylum legislation attract much attention. All the focus was on the Tories and their internal divisions instead.

Lords reform

In January 2002 the Shadow Cabinet had come out in support of a largely elected Second Chamber. To be called the Senate, eighty per cent of its 300 members were to be elected, with just 20 per cent appointed. It was the exact opposite of the Government’s plans contained in the White Paper, *Completing the Reform*. At first, it appeared that the new policy was a tactically sophisticated piece of repositioning. As the journalist Rachel Sylvester pointed out: ‘it turns the Conservatives into the more democratic party, leaving Mr Blair clinging to his cronies, and clearly differentiates Mr Duncan Smith from William Hague, who gave up his desire to propose a mainly elected Lords after opposition from Tory peers’ (*Telegraph*, 10 January 2002). Even Labour MPs praised the Tory leader’s change of policy, one commenting anonymously to *The Times* (15 January 2002): ‘Iain Duncan Smith is more in line with the parliamentary heartbeat than the White Paper’. Irvine’s White Paper then fell under the cumulative weight of Conservative, Liberal Democrat and Labour backbench pressure, and the

Government mounted a retreat, referring the issue of Lords reform to a Joint Committee of both Houses in June 2002.⁵

The problem for the Conservative leadership was that a belief in the wisdom of the Party's position was not shared by all of its Parliamentarians. When the policy was first announced Sir Patrick Cormack claimed that the proposals would split the party unless Tory MPs were allowed a free vote. Many Tory peers including a former Foreign Secretary, Lord Howe of Aberavon, and a former Home Secretary, and Lord Waddington of Read, as well as the Hull-based academic, Lord Norton of Louth, also opposed the plans, arguing instead for an all-appointed Second Chamber, one supposedly dominated by experience and expertise. When the motion to refer the issue to a joint committee was debated in the Commons on 19 June 2002, one Conservative MP, Andrew Tyrie, claimed that 'three quarters of the present parliamentary party support majority election for the House of Lords'. But later on in the debate, Andrew Turner rose to represent 'that one quarter' and five Conservative MPs, including Turner, then voted against the party line.⁶

But the splits within the party went deeper than this vote indicated. In February 2003 the Commons considered eight different options for reform of the Lords, including total abolition, and ranging from 100 per cent elected to 100 per cent appointed. As is well known, the Commons failed to agree on any of the options, rejecting each one in turn. (In the House of Lords, peers predictably supported a wholly appointed Chamber, by a margin of three to one.) Few people came out of the episode well. The Commons did not appear to be able to make what to most people seemed like a simple decision. The Prime Minister had had his favoured position (a largely appointed Lords) rejected by the House, by the majority of his own MPs, by four of his Cabinet colleagues and 21 other ministers. And the Leader of the House had seen his favoured position (a largely elected

House) rejected too. Less noticed, but equally embarrassing, was the rebuff delivered by Conservative MPs to Iain Duncan Smith.

Table 1 shows the voting of Conservative MPs on the five votes. (The Commons did not divide on three of the options). Conservative MPs were almost unanimous in their Opposition to abolition (just two Tories, Nick Gibb and Bill Wiggin, voted in favour of abolishing the second chamber) and more divided on some of the other options. The one commonality is that the majority of Conservative MPs opposed all five of the options presented to them. This included the 80 per cent elected option, the party's official policy. Over half the Conservative MPs who voted - 75 as against 73 - rejected the position advocated so publicly by Iain Duncan Smith.

Table 1: Conservative MPs' voting on Lords Reform, 4 February 2003

	For		Against	
	N	%	N	%
Abolition	2	1	146	99
Fully appointed	59	40	87	60
Fully Elected	59	43	79	57
80% elected/20% apptd	73	49	75	51
60% elected/40% apptd	50	34	97	66

The following day, at Prime Minister's Questions, IDS accused the Prime Minister of breaking his 2001 election manifesto to make the House of Lords more democratic. The charge was certainly valid. Blair had announced his support for a largely appointed House in the week of the vote, thus swaying some of his MPs and scuppering the likelihood of a largely elected Lords succeeding. But it was a difficult charge for IDS to make stick, given that half of his parliamentary party had not supported his own policy.

Iraq

In the run-up to the war on Iraq, the Conservative frontbench was extremely supportive of the Government. Ironically, one effect of this was to increase the size of Labour's anti-war rebellion, both because it meant that Labour rebels would not have to vote in the same lobby as Conservatives (something which they hate) and because it made it almost impossible for the Government to have been defeated over the issue (thus allowing Labour malcontents to rebel, safe in the knowledge that they would not bring down the Prime Minister).

Conservative anti-war sentiment was confined to a minority of Conservative MPs (during the 2002/3 parliamentary session, a total of 21 Conservative MPs rebelled over the issue), but it was a vocal minority, and, just as over the Adoption and Children Bill, there was a qualitative dimension to the rebellion. The former Chancellor of the Exchequer, Kenneth Clarke was particularly vociferous in his opposition to war, arguing during the 26 February debate that the 'revolting nature of the Iraqi regime' was not a sufficient legal basis for war. He was joined by Douglas Hogg, another former Cabinet Minister, who co-sponsored the cross-party anti-war amendments, around which opposition to the war was to coalesce. The largest Conservative rebellion came on 18 March 2003, when 16 Conservatives joined 139 Labour MPs (and an assortment of MPs from the minor parties) voting in favour of the anti-war amendment. Three Conservative junior frontbench spokesmen - Jonathan Sayeed (Environment), Humfrey Malins (Home Affairs) and John Baron (Health) resigned from their frontbench positions, as John Randall had earlier resigned as a Conservative whip, in order to speak out against the war.

After the end of hostilities, the Conservative leadership appeared to backtrack on their initial support for the Government, calling for a public inquiry into the

circumstances in which the Government chose to go to war. At this point, one more Conservative MP – Sir Patrick Cormack – voted in a pro-Government direction, believing that it undermined the integrity of Parliament to suggest that the Intelligence and Security Committee could not conduct ‘a rigorous, honest and open inquiry’ into the handling of intelligence on weapons of mass destruction.

IDS

When William Hague radically altered the Conservative Party’s constitution in 1998 the headline reform was the involvement of the party’s grassroots in the selection of the leader. But the revised rules still gave a hugely privileged position to the party’s MPs. The MPs effectively acted as gatekeepers. They – and they alone – decided whether to call a vote of confidence in the leader. They – and they alone – then participated in that vote. And then, they – and they alone – whittled down the choice of any new leader to two. Moreover – as the more prescient pointed out at the time – there was no compulsion on the parliamentary party to put two candidates forward to the members at the final stage of the process.⁷ The changes to the rules were not well-understood, and as a result, IDS’s entire leadership was conducted under the cloud of ill-informed comment both about the process by which he was elected and the possibility of ousting him.

For example, when IDS was first elected leader in September 2001, it was frequently claimed that the grassroots of the party had overturned the decision of the party’s MPs. John Kampfner, for example, claimed that if the choice had been left to Conservative MPs then ‘Clarke would be leader’ (*New Statesman*, 11 November, 2002). In July 2001, in the last ballot of Conservative MPs, Kenneth Clarke topped the poll, with 59 votes, compared to IDS’s 54 and Michael Portillo’s

53. (Michael Ancram and David Davis had already been eliminated in earlier rounds). It is this result that forms the basis of Kampfner's complaint, repeated after IDS's fall by those who wanted to argue that his election showed the folly of allowing the grassroots to be involved in the choice of leader. But if the decision had been left solely to Conservative MPs and there had been no subsequent ballot of the grassroots membership, then Portillo would have been eliminated from the contest and there would then have been a final run off between Clarke and IDS. In those circumstances, who knows where Michael Portillo's backers would have gone? It is far from certain that many of them they would have gone to Clarke, and it is therefore quite possible that IDS would have won any ballot confined solely to the party's MPs.

Similarly, there was a great media hoo-hah when David Davis announced on the BBC's Question Time that he would 'never' run against IDS for the leadership of the party. But the new rules allowed Conservative MPs to vote out their incumbent leader without anyone needing to challenge him: they allowed for a challenge without requiring a challenger. It meant that Davis's pledge was at the same time both true and utterly meaningless (as Davis knew full well). He would never challenge Duncan Smith, because no individual could challenge Duncan Smith.

More serious was the failure to understand that there was no requirement for a ballot of the grassroots. A membership ballot only became necessary if there was more than one candidate for the leadership. It was quite possible for the Conservative Parliamentary Party to stitch the process up; if Conservative MPs could agree on one candidate, then there was no need for any ballot of the membership. This lay behind comments made by both Michael Heseltine and Leon Brittan, that they desired a change of leader without the mess of a protracted leadership contest.

Eventually, that was exactly what happened. The requisite 25 signatures of MPs were delivered to Sir Michael Spicer, the Chairman of the 1922 Committee, to initiate a vote of confidence. IDS lost that vote of confidence by 90 to 75, a result that was closer than some had predicted, but still an overwhelmingly negative verdict on an incumbent leader. And then, with breathtaking speed, Michael Howard appeared as the 'unity' candidate for the leadership. All the potential rival candidates declared that they would be supporting Howard. With just one candidate, there was no need for a ballot of MPs, let alone the grassroots, and Howard became party leader.

The whole process had been initiated, and then decided, by the party's MPs, with no grassroots involvement at all. For all the talk of the decline of Parliament, parliamentarians remain in an extraordinarily privileged position in most British political parties – and nowhere is that more obvious than in the Conservative Party.

Biography

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¹ P. Cowley and M. Stuart, 'When Sheep Bark: The Parliamentary Labour Party since 2001', *British Elections and Parties Review*, 2004, 14.

² P. Cowley, *Revolts and Rebellions: Parliamentary Voting Under Blair*, London, Politico's 2002, pp. 197-204.

³ A total of 35 Conservatives were absent from the vote. Many newspapers therefore talked of 35 abstentions, even though it was clear that many of these 35 were simply away from the Commons on other business.

⁴ See, for example, P. Jones, 'Members of Parliament and Issues of Conscience', in P. Jones (ed), *Party, Parliament and Personality*, London, Routledge 1995.

⁵ See P. Cowley and M. Stuart, 'Parliament: More Revolts, More Reform', *Parliamentary Affairs*, 2003, 56, pp. 192-195.

⁶ The other four were Peter Bottomley, Michael Fallon, Andrew Rosindell, and Bob Spink.

⁷ P. Cowley and S. Quayle, 'The Conservatives: Running on the Spot', in A. Geddes and J. Tonge (eds), *Labour's Second Landslide*, Manchester University Press, 2002, p. 52.