

Conservatives in Unity Shocker: Conservative Voting in the House of Commons, 2001-05

PHILIP COWLEY and MARK STUART*

It was once famously said that the Conservative Party's secret weapon was loyalty. But when it was last in government, between 1992 and 1997, its secret weapon appeared to have deserted it. By 1993, a mere 19% of the electorate saw the party as united; the percentage fell to single figures for parts of 1996. 'Not since the polls asked the question in the early 1970s has the party been so widely regarded as split', wrote Ivor Crewe in 1996.[†] The blame for this was laid largely, though not exclusively, at the feet of the party's MPs. When the Conservatives gathered for their first party conference following defeat in the 1997 General Election, speaker after speaker was cheered whenever they criticised the parliamentary party and its behaviour. It was a view with which the outgoing Prime Minister was in agreement: 'I love my party in the country,' he said to his biographer, 'but I do not love my parliamentary party'.

Between 2001 and 2005, at a time when Tony Blair was having almost identical thoughts about *his* parliamentary party, with the Parliamentary Labour Party splitting frequently and deeply over almost all areas of policy, what had become of the Conservative Parliamentary Party? Under first Iain Duncan Smith (a former Maastricht rebel, and one of those for whom John Major definitely had little love) and then Michael Howard (a party loyalist par excellence)[‡] how were Conservative MPs behaving?

This briefing paper reports the behaviour of the Conservative Parliamentary Party during the second Blair Parliament, between 2001 and 2005.[§] It updates, and replaces, earlier briefing papers on the subject that we have published during the Parliament.^{**} It covers the party's cohesion when whipped and when voting on free votes, and it examines the overall stance of the party when it came to government legislation.

* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further details are available from www.revolts.co.uk.

[†] I. Crewe, '1979-1996', in A. Seldon (ed), *How Tory Governments Fall* (Fontana, 1996), p. 432.

[‡] Whilst a backbencher, Howard has voted against the party whip on two occasions, both under William Hague's leadership, and both over Northern Ireland, an issue which frequently caused disquiet amongst Conservative MPs during the 1997-2001 Parliament. Howard voted against the Third Reading of the Northern Ireland Bill on 13 July 1999 and against the Second Reading of the Police (Northern Ireland) Bill, on 6 June 2000. See 'Michael Howard, whipped and unwhipped' (from www.revolts.co.uk)

[§] For the 1997 Parliament, see P. Cowley, *Revolts and Rebellions: Parliamentary Voting Under Blair* (Politico's, 2002), Ch. 10.

^{**} 'Still causing trouble: The Conservative Parliamentary party' (available from www.revolts.co.uk) (later published in *Political Quarterly*, 75, 2004); 'Conservative Backbench Dissent Under Iain Duncan Smith', *Conservative History Journal*, Winter 2004/2005; and 'Conservatives in Unity Shocker: Conservative Backbench Rebels, 2001-05' (available from www.revolts.co.uk).

Whipped votes

During the 2001 Parliament, there were 1061 occasions when the Conservative parliamentary party was whipped by its leadership. Out of these, there were just 102 occasions (9.6%) when Conservative MPs voted against their party whips: 41 times in the first session, 33 in the second session, 17 in the third and 11 in the fourth. Conservative rebellions therefore occurred at a rate of roughly one in every 12 divisions, compared with one in every 25 for the Liberal Democrats and one in five for Labour.

The majority of these rebellions occurred under IDS's leadership: 70 of the rebellions occurred whilst IDS was Conservative Party leader, during which rebellion was running at approximately one rebellion every ten votes.* Following IDS's defenestration, however, there were just 30 revolts, approximately one rebellion every 20 votes.

The full list of these rebellions is given in the appendix to this paper, and it is clear most of them were fairly small. They involved a mean average of just three Conservative MPs per rebellion (the median figure is just two). Yet there were three issues that caused more significant revolts. IDS's main problems came over Iraq and the Adoption and Children Bill, Howard's came over Identity Cards.

The Adoption and Children Bill

The Adoption and Children Bill began life as a fairly uncontentious piece of legislation. But during its Committee Stage it was amended by backbench Labour MPs 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 oxymoronically, 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.[†] 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 were by then

* There were an additional two rebellions between the 2001 election and IDS becoming leader.

[†] 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.

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.* 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 42 Labour MPs over asylum legislation attract much attention. All the focus was on the Tories and their internal divisions instead.

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

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

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 – a decision that provoked one Conservative MP to defy his party to vote in a pro-Government direction.*

Identity cards

Michael Howard's most significant backbench rebellion came over the issue of Identity Cards. It had been clear for a long time that there was a significant group within the Conservative Parliamentary Party who were opposed to ID cards. When a Labour backbencher, Nick Palmer, tried to introduce a Private Members' Bill advocating them in January 2002, the Conservatives split 13/21 against Palmer's Bill (albeit on a low turnout) and several other Conservative MPs had indicated their disapproval of the idea by signing hostile EDMs.[†] They included several MPs serving in Howard's frontbench team. Howard's Shadow Home Secretary, David Davis, was also known to be an opponent. But Howard was personally in favour, having tried to introduce a similar scheme when Home Secretary, and also believed that it was important for the Conservatives not to be 'out-flanked' on law and order issues by Labour. This ruled out the party voting against the ID card bill at Second Reading.

The Conservative frontbench, therefore abstained in December 2004 when a reasoned amendment against the second reading of the Identity Cards Bill was moved by the Conservative former Cabinet Minister, Douglas Hogg - but ten Conservative MPs supported Hogg's amendment. One other Conservative – Henry Bellingham – defied his frontbench to vote in favour of the Government in

* Sir Patrick Cormack believed that the Conservative position undermined the integrity of Parliament, by suggesting 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. There were two further, very small, revolts on Iraq by Conservative backbenchers. On 17 May 2004 Tony Baldry and Douglas Hogg were the only two Conservatives to support a Liberal Democrat opposition day motion noting with concern the mistreatment of Iraqi detainees, and on 20 July 2004 David Heathcoat-Amory and Richard Shepherd were the only two Conservatives to support a closure motion at the end of an adjournment debate on the Butler Report into British intelligence failings in relation to weapons of mass destruction in Iraq.

[†] In advance of the vote, we identified at least 24 Conservative MPs, who had publicly indicated their opposition to the scheme during the 2001 Parliament; see 'Identifying Trouble: Backbenchers and ID cards' (available from www.revolt.co.uk)

the aye lobby. Twenty minutes later, the exact same ten Conservative backbenchers voted against the Bill's Second Reading.* Of far greater concern for the Conservative leader, however, was the fact that only 82 Conservative MPs –around just half the parliamentary party - joined Michael Howard in the aye lobby with the Government. In part, a low Conservative attendance was understandable on such votes. When the Conservative frontbench elects to vote with Labour in the division lobbies, far fewer Conservative backbenchers tend to join in; Labour is already assured of victory, why help the other side to win by even bigger margin? But if we assume that around 130 Conservatives would normally vote on a Bill's Second Reading, then that leaves around 50 Conservative MPs unaccounted for. Some may genuinely have had pressing engagements elsewhere, but many others would have been deliberately absenting themselves, an action that was encouraged by the Conservative whips for those known to have difficulties with the issue.

These difficulties resurfaced at the Bill's Report Stage. In the largest Conservative rebellion since Iraq (and the largest under Michael Howard's leadership), fourteen Tory backbenchers supported a Liberal Democrat amendment that would have broken the link between applications for passports and ID cards. Twelve then voted against the Bill's third reading. In total, 21 Conservatives voted against their frontbench advice during the passage of the Identity Cards Bill.†

These figures were almost certainly an under-estimation of the strength of opposition amongst the party's backbenchers. With the election so close, many opponents of ID cards were quite happy to absent themselves from the vote, especially as many doubted the Bill would have time to make it onto the statute book before the election. They were proved right - with the bill falling when Parliament was dissolved. Should a reintroduced bill follow a Labour victory on 5 May, Conservative backbench opposition may well be more determined.

The rebels

A total of 74 Conservative MPs (about 45 per cent of the party) rebelled at some point between 2001-2005, although only ten Conservative backbenchers (listed in Table 1, below) cast ten or more rebellious votes against the party line.

The most rebellious Conservative MP during the Parliament was Douglas Hogg, who voted against the party line 38 times. Hogg, who once declared that 'every vote is a free vote', would probably have been even more clearly out in front of the rest of the pack were it not for his boycott of deferred divisions. But it is a sign of the difference between the behaviour of Conservative and Labour MPs that even the most rebellious Conservative MP would not make it into a league table of the most rebellious Labour MPs. There are 26 Labour MPs who have rebelled more often than Douglas Hogg. And the most rebellious Labour MP, Jeremy Corbyn, has rebelled on 148 separate occasions, almost four times as often as the most rebellious Conservative.

Richard Shepherd is the Conservatives' second most rebellious MP on 33 votes, with Bob Spink a clear third on 23. The top ten includes one husband-and-wife pairing (Andrew Mackay and Julie Kirkbride), and one member of the 2001

* Later on in the evening, one of them – Nick Gibb – voted against the Bill's Money Resolution.

† Two of them, Henry Bellingham and Ann Widdecombe, doing so in a pro-government direction, with the others voting against when the Conservative frontbench was abstaining.

intake, Andrew Turner (along with Bob Spink, who returned in 2001, having been first elected in 1992).

1. The most rebellious Conservative MPs, 2001-2005

<i>Name</i>	<i>Votes against the whip, 2001-2005</i>
Hogg, Douglas	38
Shepherd, Richard	33
Spink, Bob	23
Bottomley, Peter	15
Mackay, Andrew	13
Winterton, Nicholas	13
Kirkbride, Julie	11
Turner, Andrew	11
Gummer, John	10
Mawhinney, Brian	10

Below these 10, there are ten Conservative MPs who rebelled on between five and nine occasions, four who did so on four occasions and 13 who did so on three occasions. This last group includes Andrew Hunter (but counting only those occasions before he resigned the party whip on 2 October 2002) and Robert Jackson (similarly only counting votes before he crossed the floor on 15 January 2005).^{*} And below them are 19 Tory MPs who rebelled twice and a further 18 who did so once.

Free votes

Although the parliamentary party was largely united on whipped votes, there were revealing divisions on some free votes, especially over Lords reform (under IDS) and over moral issues (under Howard).

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, turning the Conservatives into the more democratic party, and outflanking Labour on the issue. 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.

^{*} The last group also includes Ann Winterton; her three dissenting votes do not, however, include the two occasions when she voted against the Conservatives while not in receipt of the party whip. Winterton had the Conservative whip withdrawn on 26 February 2004 for making an inappropriate joke relating to the deaths of Chinese cockle-pickers in Morecambe Bay. While she was not in receipt of the whip, her turnout was 75 per cent, and she voted with the Conservatives on 47 occasions, and against on only two occasions. Winterton had the whip restored on 31 March 2004 after a belated apology for her remarks.

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.

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 2 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.

2. 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.

Moral issues

Showing slightly more political nous than his predecessor, Michael Howard did not make the mistake of trying to whip Conservative MPs through the lobbies on issues that he knew the party was divided over, and which he felt he could safely leave to free votes. This included a range of moral issues, which caused divisions within the ranks of the parliamentary party under his leadership. He also allowed, as IDS had done, free votes over hunting, where the party was almost totally cohesive in a pro-hunting direction: on the key vote on 19 November 2004, for example, just three Conservative MPs opposed the so-called compromise option (2% of those voting), whilst 143 (98%) backed it. But there were four other main issues which divided Conservative MPs after Michael Howard became Party Leader and where free votes were allowed:

- the Gender Recognition Bill, which gives transsexuals the right to marry in their adopted sex, and to apply for substitute birth certificates showing their new genders.
- the vote on 'presumed consent', during the Report Stage of the Human Tissue Bill, which would have made organ donation automatic unless someone had previously registered their objections.
- the Mental Capacity Bill, which would allow people to set out in advance a wish to refuse treatment if they became mentally incapacitated.
- the Civil Partnership Bill, which establishes 'civil partnerships' for gay couples, giving them the same rights as married couples on such matters as pensions benefits, inheritance tax and life assurance.*

Conservative divisions were most evident over the issues of gender recognition and civil partnership (see Table 3, below). The Second Reading of the Gender Recognition Bill split the Conservative parliamentary party (or at least the third of it that voted) almost down the middle, with 25 Conservative MPs (53%) voting in favour, 22 (47%) per cent against. Third Reading saw a slightly larger turnout (although still under half the parliamentary party), with the majority of those voting (66%) voting against the Bill. Combining the two votes produced a total of 36 Conservative MPs who voted in favour of either Second or Third Reading (or both) and a total of 44 Conservative MPs who voted against either Second or Third Reading (or both). One (John Randall) voted for Second Reading but against Third, whilst another Andrew Murrison cast two contradictory votes at Third Reading (one pro, one anti), a tactic commonly used to register abstention. Randall and Murrison excluded, this means that 45% of Conservatives who voted supported the Gender Recognition Bill, whilst 55% opposed it.

Similarly stark splits were obvious over civil partnerships. Although the Second Reading vote saw the majority of those MPs who voted voting in favour (63%), the Third Reading, albeit on a lower turnout, saw the party split almost right down the middle, with 52% voting in favour and 48% voting against. Two MPs – Iain Liddell-Grainger and John Taylor – switched their votes between Second and Third Reading.[†] Combining these two votes produces 74 Conservative MPs (60%) who voted for the Bill at Second or Third Reading but never against it, and

* We provide a more detailed analysis of these divisions in our paper 'Mapping Conservative Divisions Under Michael Howard' (19 November 2004), available from www.revolts.co.uk.

[†] Liddell-Grainger voted for Second Reading but against Third, whilst Taylor voted against Second Reading but for Third.

49 (40%) who voted against it at either Second or Third Reading, but never for it.*

3. Conservative MPs voting on moral issues under Michael Howard

Issue	Voting				
	Aye		No		Total
	N	%	N	%	N
Gender Recognition: 2R	25	53	22	47	47
Gender Recognition: 3R	20	34	39	66	59*
Gender Recognition (combining 2R and 3R)	36	45	44	55	80
'Presumed consent'	18	28	47	72	65
Mental Capacity: 2R	10	16	54	84	64
Mental Capacity: 3R	11	11	88	89	99
Mental Capacity (combining 2R and 3R)	13	12	96	88	109
Civil Partnerships: 2R	66	63	39	37	105
Civil Partnerships: 3R	43	52	39	48	82
Civil Partnerships (combining 2R and 3R)	74	60	49	40	123

Notes: In addition, Andrew Murrison voted in both lobbies on the Third Reading of the Gender Recognition Bill.

The other issues saw more unity. The issue of 'presumed consent' saw almost three-quarters (72%) of voting Tory MPs opposed. The Second Reading of the Mental Capacity Bill saw the parliamentary party largely united in opposition: 84% of Conservative MPs who voted opposing the measure; the Bill's Third Reading saw a larger turnout (over half the parliamentary party voting), and even more opposition, with 89% opposing. This last vote occurred in the final session of the Parliament – the Bill having being carried over from the third to the fourth session – and by that point the mood amongst many MPs (including some on the government side of the House) had hardened, particularly as a result of the somewhat clumsy handling of the bill by the minister responsible, David Lammy. In between the Bill's second and third reading there were a series of other votes during the Bill's passage, and in all of them the majority of Conservative MPs voted largely together, in attempts to water down or otherwise limit the Bill's

* There were a further 12 MPs who did not vote at Second or Third Reading but who voted for an amendment moved by Edward Leigh that would have granted siblings the same rights the Bill aims to extend to homosexual couples. Most, but not all, of those backing Leigh's amendment were also opposed to the Bill *per se*, but because a minority of Leigh's supporters were also supporters of the Bill, it would be wrong to classify all 12 of these MPs as opponents of civil partnerships (see P. Cowley and M. Stuart, 'Some not very civil disagreements: the Conservatives and the Civil Partnership Bill', available from www.revolts.co.uk). Accordingly, these 12 have not been classed here as opponents of the measure.

provisions. For example, during its Report stage in December 2004, Iain Duncan Smith, the former Tory leader, put down an amendment which would have ensured that doctors could do nothing intentionally to cause the death of a patient: of the 121 Conservative MPs to vote on it, all except one (Crispin Blunt) supported. Similarly, 90 Conservatives supported an attempt by the Labour backbencher Brian Iddon to remove living wills from the Bill altogether; just 15 Conservatives disagreed.

By the time the Bill returned from the Lords, the Government had accepted a compromise making it explicit that the Bill did not give doctors or third parties the authority to make any decision motivated by a desire to kill the patient. Only five Conservatives – Peter Bottomley, Kenneth Clarke, Stephen Dorrell, Richard Page and Andrew Tyrie – supported the Lords' compromise, while 64 Conservatives opposed it. Iain Duncan Smith again tried to put forward an amendment further curtailing the provisions in the Bill; it attracted the support of 71 Conservatives (plus the newly defrocked Howard Flight), while only three – Kenneth Clarke, Stephen Dorrell and Ian Taylor – opposed it. The only significant disagreement within the parliamentary party came over a Liberal Democrat new clause on the appointment of independent advocates at Report Stage, which 44 Conservative MPs backed, with 20 opposing, but even on this vote more than two-thirds of the MPs to vote were voting in the same lobby. Combining the Second and Third Reading votes produces 13 Conservative MPs (12%) who voted for the Bill at Second or Third Reading but never against it, and 96 (88%) who voted against it at either Second or Third Reading, but never for it.*

There were, therefore, big splits over issues relating to sexuality (broadly defined) – splits that had the potential to split the Conservative parliamentary party down the middle – but more unity when it came to issues to do with the end of life.

Her Majesty's Loyal Opposition?

One of the standard complaints about British politics is that it is too adversarial, that political parties routinely, and unthinkingly, oppose what the other is doing, whatever its merits. In fact, British politics is far more consensual than such critics realise. This consensual tradition continued between 2001 and 2005, with Conservative frontbench opposing the principle of under one-third of the legislation brought forward during Blair's second term.

The Government introduced 144 Bills into the Commons; of these, the Conservative frontbench voted against the principle of the legislation, at either Second and/or Third Reading, of just 46 bills (32% of the total). As Table 4 (which gives the session-by-session figures back to 1997) shows, this was a slightly lower rate of opposition than in Blair's first term between 1997 and 2001.

It is important to note that the Table excludes those occasions when the frontbench gave its MPs a free vote. This happened on several high profile pieces of legislation: over human reproductive cloning in the first session; hunting in both the second and third; gender recognition, civil partnerships and mental capacity in the third and mental capacity (when it was reintroduced) in the fourth. If we include those occasions in which the majority of Conservative MPs to vote opposed the Government – even if their frontbench was not doing so officially –

* Three Conservative MPs - Peter Atkinson, Geoffrey Clifton-Brown, Edward Garnier – voted for the Bill's second reading but against its third.

then the overall figure for opposition rises slightly, to 35%, although this is still lower than in the previous Parliament.*

4. Conservative frontbench opposition to the government, 1997-2005

<i>Session</i>	<i>Government Bills</i>	<i>Bills contested by Conservative frontbench</i>	<i>As % of Government Bills</i>
97-98	53	19	36
98-99	31	15	48
99-00	42	19	45
00-01	28	10	36
Total (97-01)	154	63	41
01-02	39	12	31
02-03	36	15	42
03-04	35	12	34
04-05	34	7	21
Total (01-05)	144	46	32

Note: The figures show the bills on which the Conservative frontbench chose to divide the House at Second and/or Third Reading. They exclude government bills where the Conservative parliamentary Party had free votes, but include Reasoned Amendments on Second or Third Reading.

On occasions the Conservative frontbench line would alter during the passage of a bill. For example, in the first session, they voted with the Government on the Second Reading of the Anti-Terrorism, Crime and Security Bill, but abstained on Third Reading. In the second session, they abstained on the Second Reading of the Criminal Justice Bill, but voted against on Third Reading; they abstained on the Labour backbench reasoned amendment to the Health and Social Care (Community Health and Standards) Bill, voted against on Second Reading, and abstained on Third Reading; in the third session, they abstained on the Labour backbench reasoned amendment to Second Reading of the Asylum and Immigration (Treatment of Claimants etc) Bill, voted for Second Reading, and abstained on Third Reading; they abstained on the Second Reading of the Child Trust Funds Bill, but voted for the bill on Third Reading. And in the fourth session, they abstained on the reasoned amendment to the Second Reading of the Identity Cards Bill, voted in favour of Second Reading, but then abstained on Third Reading. What rarely happens, however, is that the party switches positions completely. This did happen once, although it was when the party had been given a free vote: a majority of Conservative MPs to vote voted for the Second Reading of the Gender Recognition Bill, but by Third Reading (and on a slightly higher turnout), a majority voted against.

* There is one other caveat. As always, the final session was truncated by the forthcoming election. As a result, the Government announced lots of bills, but many of them never got vote on. If we only include those bills to have a Second or Third Reading, rather than all Bills, then the number of bills drops from 34 to 25, and the percentage contested rises to 28% in the final session.

Conclusion

The Conservative Parliamentary Party was not in an especially rebellious mood between 2001-2005. There were relatively few rebellions – fewer, for example, than there were under Hague* – and rebellion decreased after Howard took over the leadership towards the end of the Parliament. But this was in part because Howard was more willing to allow leeway within the parliamentary party, offering it free votes on issues where he knew it was divided and where he thought it was safe to do so. Michael Howard's MPs were just as divided on issues of sexuality as Iain Duncan Smith's – but those divisions did not become anywhere near as problematic because Howard did not try to whip the parliamentary party when there was no need to do so. Even on ID cards, where Howard judged a free vote was not appropriate, the whips were willing to allow widespread absence in order to keep the level of overt rebellion to a minimum. The days when the parliamentary party's behaviour drove party leaders to distraction have gone – but they can still give a few headaches from time to time.

* See *Revolts and Rebellions*, pp. 204-205. Conservative backbench rebellions between 2001-2005 were also smaller on average – roughly half - than those between 1997-2001.

Appendix

Conservative rebellions, 2001-2005

No., 2001-	No., session	Title	Date	Size	Div. no.	Split*
		<i>1st session</i>				
1	1	Draft Life Sentences (NI) Order	11-Jul-01	2	19	
2	2	Draft Life Sentences (NI) Order	11-Jul-01	2	20	
3	3	European Communities (Amendment) Bill (Third Reading)	17-Oct-01	1	38	
4	4	Local Government Finance	14-Nov-01	1	61	
5	5	Football (Disorder) (Amendment) Bill	14-Nov-01	2	63	1&1
6	6	Anti-Terrorism, Crime and Security Bill	19-Nov-01	3	65	
7	7	Anti-Terrorism, Crime and Security Bill	19-Nov-01	10	66	
8	8	Human Rights Act 1998 (Designated Derogation) Order	21-Nov-01	5	70	2&3
9	9	Anti-Terrorism, Crime and Security Bill	21-Nov-01	4	73	
10	10	Anti-Terrorism, Crime and Security Bill	21-Nov-01	3	75	
11	11	Anti-Terrorism, Crime and Security Bill	21-Nov-01	2	76	
12	12	Anti-Terrorism, Crime and Security Bill	21-Nov-01	2	77	
13	13	Anti-Terrorism, Crime and Security Bill	26-Nov-01	2	81	
14	14	Anti-Terrorism, Crime and Security Bill	26-Nov-01	2	84	
15	15	Anti-Terrorism, Crime and Security Bill	26-Nov-01	3	86	
16	16	Anti-Terrorism, Crime and Security Bill	12-Dec-01	2	108	
17	17	Care System	16-Jan-02	1	136	
18	18	Local Government Finance	30-Jan-02	2	149	
19	19	Education Bill	06-Feb-02	1	158	
20	20	Office of Communications Bill [Lords]	06-Mar-02	5	184	
21	21	Office of Communications Bill [Lords]	06-Mar-02	2	186	
22	22	Commonhold and Leasehold Reform Bill [Lords]	11-Mar-02	10	190	
23	23	Budget Resolutions and Economic Situation	23-Apr-02	2	218	
24	24	Adoption and Children Bill	16-May-02	4	244	
25	25	Nationality, Immigration and Asylum Bill	11-Jun-02	2	265	
26	26	Nationality, Immigration and Asylum Bill	11-Jun-02	1	266	
27	27	Nationality, Immigration and Asylum Bill	11-Jun-02	2	267	
28	28	Nationality, Immigration and Asylum Bill	12-Jun-02	1	268	
29	29	Nationality, Immigration and Asylum Bill	12-Jun-02	1	271	
30	30	House of Lords Joint Committee (Govt motion)	19-Jun-02	5	277	

31	31	Estimates (London Underground)	27-Jun-02	1	285	
32	32	Police (Reform) Bill	10-Jul-02	1	304	
33	33	Police (Reform) Bill	10-Jul-02	1	306	
34	34	Adoption and Children Bill	04-Nov-02	8	345	
35	35	Nationality, Immigration and Asylum Bill	05-Nov-02	1	349	
36	36	Nationality, Immigration and Asylum Bill	05-Nov-02	1	350	
37	37	Nationality, Immigration and Asylum Bill	05-Nov-02	1	351	
38	38	Nationality, Immigration and Asylum Bill	05-Nov-02	3	353	
39	39	Nationality, Immigration and Asylum Bill	05-Nov-02	3	354	
40	40	Nationality, Immigration and Asylum Bill	05-Nov-02	1	360	
41	41	Nationality, Immigration and Asylum Bill	05-Nov-02	1	361	
		<i>2nd session</i>				
42	1	Communications Bill (Nat Reasoned Amdt. Second Reading)	02-Dec-02	1	15	
43	2	Convention on the Future of Europe (Deferred Division)	04-Dec-02	3	17	
44	3	Criminal Justice Bill (Second Reading)	04-Dec-02	6	19	
45	4	Regional Assemblies (Preparations) Bill	18-Dec-02	1	36	
46	5	Defence in the World	22-Jan-03	1	59	
47	6	Police (Northern Ireland) Bill	10-Feb-03	5	86	
48	7	Northern Ireland Decommissioning Order	11-Feb-03	1	87	
49	8	Iraq	26-Feb-03	14	96	
50	9	Iraq	26-Feb-03	1	97	
51	10	Draft Social Security Regulations (Deferred Division)	12-Mar-03	3	113	
52	11	Northern Ireland Assembly Elections Bill	17-Mar-03	4	115	
53	12	Iraq	18-Mar-03	16	117	
54	13	Iraq	18-Mar-03	3	118	
55	14	Criminal Justice Bill	02-Apr-03	2	158	
56	15	NI Assembly (Elections & Periods of Suspension) Bill (2nd Reading)	12-May-03	8	183	3&5
57	16	NI Assembly (Elections & Periods of Suspension) Bill	12-May-03	9	184	3&6
58	17	NI Assembly (Elections & Periods of Suspension) Bill	12-May-03	9	185	3&6
59	18	NI Assembly (Elections & Periods of Suspension) Bill	12-May-03	8	186	3&5
60	19	NI Assembly (Elections & Periods of Suspension) Bill (3rd Reading)	12-May-03	8	187	3&5
61	20	Criminal Justice Bill	19-May-03	1	203	
62	21	Criminal Justice Bill	20-May-03	2	208	
63	22	Iraq	04-Jun-03	1	217	
64	23	Race Relations (Seamen Recruited Abroad) Order (Deferred Division)	18-Jun-03	1	241	
65	24	Social Security (Job Centre Plus Interview) (Deferred Division)	16-Jul-03	3	293	

66	25	Iraq	16-Jul-03	1	294	
67	26	Local Government Finance (England) (Deferred Division)	10-Sep-03	1	303	
68	27	Implementation of Common Fisheries Policy (Deferred)	17-Sep-03	2	315	
69	28	NI (Monitoring Commission etc.) Bill (Allocation of Time)	17-Sep-03	5	316	
70	29	NI (Monitoring Commission etc.) Bill, CWH, Clauses 2 & 3	17-Sep-03	1	320	
71	30	NI Ireland (Monitoring Commission etc.) Bill, Third Reading	17-Sep-03	2	321	
72	31	Recovery Plan for Cod & Northern Hake Stock (Deferred)	22-Oct-03	1	334	
73	32	Criminal Justice Bill	18-Nov-03	2	374	
74	33	Criminal Justice Bill	18-Nov-03	2	375	
		<i>3rd session</i>				
75	1	Child Trust Funds Bill (Second Reading)	15-Dec-03	2	8	
76	2	Delegated Legislation: Section 5, EC (Amdt) Act 1993	15-Dec-03	1	9	
77	3	Asylum and Immigration (Treatment of Claimants etc) Bill	17-Dec-03	1	17	
78	4	Higher Education Bill (Second Reading)	27-Jan-04	1	38	
79	5	Northern Ireland Arms Decommissioning Act (1997) 2004 Order	11-Feb-04	7	52	
80	6	Anti-Terrorism, Crime & Security (Repeal of Part 4 of 2001 Act)	01-Mar-04	4	59	3&1
81	7	Asylum and Immigration (Treatment of Claimants etc) Bill (Report)	01-Mar-04	1	61	
82	8	Asylum and Immigration (Treatment of Claimants etc) Bill (Report)	01-Mar-04	2	62	
83	9	Asylum and Immigration (Treatment of Claimants etc) Bill (Report)	01-Mar-04	4	63	
84	10	Asylum and Immigration (Treatment of Claimants etc) Bill (Third Reading)	01-Mar-04	2	67	
85	11	Pensions Bill [Ways and Means]	02-Mar-04	14	70	
86	12	Young People and Democracy (SNP/Plaid Cymru Opposition Day)	09-Mar-04	11	82	
87	13	Higher Education Bill (Report) Lab B/B amdt on variability	31-Mar-04	1	123	
88	14	Iraq (LibDem Opposition Day Motion)	17-May-04	2	176	
89	15	Pensions Bill (Report)	18-May-04	1	180	
90	16	Civil Contingencies Bill (Third Reading)	24-May-04	2	186	
91	17	Closure Motion (Iraq)	20-Jul-04	2	234	
		<i>4th session</i>				
92	1	Debate on the Address (LibDem amdt: use of royal prerogative)	01-Dec-04	2	3	
93	2	Identity Cards Bill (Con b/b reasoned amdt. on Second Reading)	20-Dec-04	11	23	10&1
94	3	Identity Cards Bill (Second Reading)	20-Dec-04	10	24	
95	4	Identity Cards Bill [Money Resolution]	20-Dec-04	1	26	
96	5	Gambling Bill (Third Reading)	24-Jan-05	6	43	
97	6	European Union Bill (Second Reading)	09-Feb-05	3	78	
98	7	Identity Cards Bill (Report) (No link passports and ID cards)	10-Feb-05	14	84	

99	8	Identity Card Bill (Third Reading)	10-Feb-05	12	85	11&1
100	9	Constitutional Reform Bill (Report)	01-Mar-05	1	108	
101	10	Road Safety Bill (Report)	08-Mar-05	1	118	
102	11	Draft Electoral Law (NI) Act 1962 (Amdt) Order	15-Mar-05	1	143	

Note: * in some cases, the party's frontbench line was to abstain, and rebels, defying that line, voted in both the aye and no lobbies. Such cases are indicated in the final column of the table.