

How to interpret today's vote...

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The Second Reading of the Identity Cards Bill is expected to see rebellions by both Conservative and Labour backbenchers against the Bill, whilst the two frontbenches vote for the legislation. This won't be the first time that this has happened during the Parliament – it happened, for example, over the Iraq war – but it remains a relatively rare event.

It seems unlikely that either rebellion will be enormous. On the Labour side, despite doubts amongst a significant minority of MPs about the proposal, the would-be rebellion may have been somewhat defused by the change of Home Secretary. Similarly, any Conservative rebellion has been similarly lessened by the Tory whips allowing Conservative MPs – including frontbenchers – to be absent from the vote.

Nonetheless, it still looks likely that there will be rebellions by both Conservative and Labour MPs, and this very simple briefing paper gives some comparison points for these revolts.

Conservative rebellions

Table 1 shows the issues to have seen the largest Conservative backbench revolts since 1997. We have excluded from the table the activities of the Conservative so-called 'awkward squad' during the 1997 Parliament, and in each case we list only the largest rebellion per issue.[†]

1. Large Conservative backbench rebellions since 1997

<i>Issue</i>	<i>Largest Cons rebellion</i>
Referendums (Scotland and Wales) Bill (97-98)	82
Criminal Justice (Terrorism & Conspiracy) Bill (Allocation of Time) (97-98)	40
Northern Ireland Bill (3 rd Reading) (98-99)	16
Iraq (Cross-party amdt., 18 Mar 03) (02-03)	16
Pensions Bill [Ways & Means] (03-04)	14
Disqualifications Bill (99-00) (Cttee of Whole House)	14
Iraq (Cross-party amdt., 26 Feb 03) (02-03)	14
Football (Disorder) Bill (Allocation of Time) (99-00)	13
Young People and Democracy (SNP/Plaid Opp. Day) (03-04)	11
Anti-Terrorism (Crime & Security) Bill (Programme) (01-02)	10
Commonhold and Leasehold Reform Bill (Report) (01-02)	10
Police (Northern Ireland) Bill (3 rd Reading) (99-00)	10

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[†] For the awkward squad, see P. Cowley, *Revolts and Rebellions: Parliamentary Voting Under Blair*, Politico's, 2002, pp. 197-204.

Almost however large, therefore, tonight's Conservative rebellion will not be the largest since the party went into Opposition. To achieve that feat, 83 Conservative MPs would need to rebel. But the rebellion during the Referendums Bill was atypical, and more recent rebellions have been less substantial. As a result, if more than 16 Conservative MPs cross-vote, it will be the largest Conservative rebellion since the 2001 Parliament began, and if more than 15 do so, it will be the largest since Michael Howard became leader of the Conservative Party.

Labour

Labour rebellions have been more sizeable. Table 2, below, shows the 17 issues to see rebellions of at least 15 Labour MPs since 2001. (As above, we list only the largest rebellion to have occurred on each issue).[‡]

2. Issues witnessing the largest Labour rebellions since 2001

<i>Issue</i>	<i>Largest Labour rebellion</i>
Iraq	139
Top-up fees	72
Foundation hospitals	62
Smacking	49
Faith schools	46
Asylum and Immigration	43
Business of the House	40
Living Wills	34
Trial by Jury	33
Anti-Terrorism measures	32
Gambling	30
Firefighters	27
Community Health Councils	26
Energy Efficiency Targets	26
Enterprise Bill	24
Presumed Consent	19
Europe	15

Unless tonight's rebellion by Labour MPs is significantly larger than everyone expects, it will be unlikely to set any records for the overall level of rebellion. We would instead expect it to nestle somewhere in the middle of this table.

However, it is striking how few of the large rebellions to have occurred since 2001 have been over 'civil liberties' issues. The largest revolt over trial by jury involved 33 Labour MPs, less than half the number to rebel over top-up fees. Similarly, the rebellion over the anti-terrorism legislation involved just 32 MPs. The same is true if we extend our analysis back through to 1997, as in Table 3, which shows the largest rebellions over each of the civil liberties issues to have caused trouble on the Labour benches.

[‡] We have also merged the two separate Asylum and Immigration Bills from the first and the third sessions.

3. Largest Civil Liberties Rebellions since 1997

<i>Issue/Bill</i>	<i>Largest Labour rebellion</i>
Freedom of Information Bill (99-00)	36
Trial by Jury (Criminal Justice Bill) (02-03)	33
Anti-Terrorism, Crime & Security Bill (01-02)	32
Criminal Justice (Terrorism and Conspiracy) Bill (97-98)	29
Criminal Justice (Mode of Trial) (No. 2) Bill (99-00)	29
Human Rights Act 1998 (Designated Derogation) (00-01)	15
Terrorism Bill (99-00)	13
Draft Terrorism Act (Proscribed Orgs) (Amdt.) 2001 (00-01)	12
Football (Disorder) Bill (99-00)	11
Anti-Terrorism, Crime and Security Act Review (LibDem amdt) (03-04)	7

As is clear from the Table, none of the preceding civil liberties rebellions since Labour came into office in 1997 has broken the 40 barrier. The largest was that on the Freedom of Information Bill, which comprised 36 Labour MPs. As a result, it would only take a rebellion by 37 Labour MPs over ID cards to be the largest Labour rebellion on a civil liberties issue since 1997.

Moreover, few of the larger civil liberties rebellions occurred at Second or Third Reading; most have occurred during Report Stage or during consideration of amendments made in the Lords. Table 4 shows the largest civil liberties rebellions at Second or Third Reading since 1997.

4. Largest Civil Liberties Rebellions at Second or Third Reading since 1997

<i>Bill</i>	<i>Stage</i>	<i>Lab rebellion</i>
Criminal Justice (Mode of Trial) (No.2) Bill (99-00)	<i>2nd</i>	29
Criminal Justice (Mode of Trial) (No. 2) Bill (99-00)	<i>3rd</i>	28
Criminal Justice (Terrorism & Conspiracy) Bill (97-98)	<i>2nd</i>	19
Anti-Terrorism, Crime & Security Bill (01-02)	<i>3rd</i>	17
Anti-Terrorism, Crime & Security Bill (01-02)	<i>2nd</i>	4
Football (Disorder) Bill (99-00)	<i>3rd</i>	3
Criminal Justice Bill (02-03)	<i>3rd</i>	3
Football (Disorder) Bill (99-00)	<i>2nd</i>	1
Criminal Justice Bill (02-03)	<i>2nd</i>	1
Criminal Justice (Mode of Trial) (No. 2) Bill (99-00)	<i>2nd</i>	1

Note: italics indicate a vote on a Reasoned Amendment rather than Second Reading per se.

It would therefore only take a rebellion by 29 Labour MPs to equal the largest Labour rebellion at Second or Third Reading on a civil liberties issue since 1997; whilst it would only take a rebellion by 17 Labour MPs to equal the largest Labour rebellion at Second or Third Reading on a civil liberties issue in this Parliament.

Summary comparisons

Conservative

- If 17 or more Conservative MPs vote against their whip, it will be the largest Conservative rebellion since the 2001 Parliament began.
- If 16 Conservative MPs vote against their whip, it will be the largest rebellion since Michael Howard became leader of the Conservative Party (and the joint-largest since 2001, equalling that over Iraq).
- If 15 Conservative MPs vote against their whip, it will be the largest Conservative rebellion since Michael Howard became leader.
- If 14 Conservative MPs vote against their whip, it will be the joint-largest Conservative rebellion since Michael Howard became leader, equally that since the Pensions Bill.

Labour

It will take 72 cross-voting Labour MPs to equal the record for domestic legislation since 1997 or 139 for all issues, which seems extremely unlikely. More realistically:

- If 37 or more Labour MPs vote against their whip, it will be the largest Labour rebellion on a civil liberties issue since 1997.
- If 36 Labour MPs vote against their whip, it will be the joint largest Labour rebellion on a civil liberties issue since 1997, equalling that over the Freedom of Information Bill.
- If 30 Labour MPs vote against their whip, it will be the largest Labour rebellion at Second or Third Reading on a civil liberties issue since 1997.
- If 29 Labour MPs vote against their whip, it will be the joint largest Labour rebellion at Second or Third Reading on a civil liberties issue since 1997, equalling the Criminal Justice (Mode of Trial) (No.2) Bill.
- If 18 Labour MPs vote against their whip, it will be the largest Labour rebellion at the Second or Third Reading of a civil liberties issue since 2001.
- If 17 Labour MPs vote against their whip, it will be the joint largest Labour rebellion at the Second or Third Reading of a civil liberties issue since 2001, equalling the Anti-Terrorism, Crime and Security Bill.