

Parliament: More Bleak House than Great Expectations

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'The average division list from the House of Commons', wrote Peter Richards in 1970, 'is not an exciting or revealing document'.¹ Partly as a result, for years the study of backbench voting has been viewed as the political science equivalent of stamp collecting or train spotting. Researching the way MPs voted was a guaranteed conversation stopper at parties, the cue for glazed eyes, and the sudden discovery of someone much more interesting on the other side of the room. But whatever else it was, 2003 could well become remembered as the year when backbench voting became both exciting and revealing.

This was, of course, mainly because of Iraq. As 2002 had come to a close, the former chair of the Parliamentary Labour Party, Clive Soley, warned the government that it faced what he called 'mega problems' with its backbench MPs if it went to war without UN authorisation. Soley's prediction was to come true – with knobs on. As well as producing a string of resignations from the government, the prospect of military action against Iraq was to trigger the two largest backbench revolts by government MPs since the middle of the nineteenth century. At one point it looked possible that a government with a nominal majority of over 160 would require the support of Opposition MPs to get its way. There was even talk – put about as much by his supporters as by his opponents – that the Prime Minister could be forced to resign over the issue.

But it wasn't just Iraq that caused the Government trouble within Parliament – or which made voting in Parliament interesting. Labour MPs caused the Government headaches over a range of domestic issues. This was most obvious over its policy on foundation hospitals, which led to the largest rebellion by Government backbenchers against the Second Reading of a Government Bill since the Shops Bill in 1986 – and which at one point saw the Government's majority reduced to just 17. Problems of a different kind arose over the planned reforms of the House of Lords, which collapsed amid a series of controversial votes in the House of Commons, and which have now hobbled on unresolved since Labour first came to power in 1997.

Small earthquake, no one killed

That said, it wasn't all that exciting. Great expectations had been raised about the positive impact of the introduction of family-friendly hours in October 2002, but some backbench MPs soon began to complain about the new arrangements, especially those involving a late ending on Mondays, followed up by an early start for committees on Tuesday mornings. As the Labour MP Tom Watson commented to the then Leader of the House, Robin Cook, 'I am afraid that many of us think that these family-friendly policies have left us all knackered'.² His views were echoed by 191 MPs (102 of them Labour) who signed EDM 607 in the name of George Howarth, regretting the revised sitting hours, noting that the business of the Commons had been adversely affected, and calling for a review of the arrangements.³ They included 30 MPs who had voted for one or more of the changes.⁴

Other reforms introduced in the first session seemed to have had little impact on the capacity of the legislature to hold the executive to account. Little in the way

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of meaningful legislative business was conducted in the Commons when MPs returned for the new two week period in September. The new carry-over facility was restricted to a very small number of bills, with (see below) the session ending with the same old legislative ping-pong between the Lords and the Commons over key Government bills.⁵

At the end of October the Commons voted (albeit on a very low turnout) to pay most Select Committee chairs an extra £12,500 per annum, following the House's decision in May last year to refer the matter of remuneration to the Senior Salaries Review Body.⁶ Peter Hain, by then the new Leader of the House, claimed that the payments reflected the growth in stature and influence of Select Committees over the past two decades, and that the new money would go some way to creating a career path within parliament as an alternative to ministerial office. Opponents of the measure objected to the creation of two separate tiers of MPs, arguing instead for the money to be spent on extra administrative help for select committees. They also pointed out that the idea of paying committee chairs had originally been part of a package of reforms, which had included taking the power of appointment out of the hands of the whips. But the latter had been voted down the year before.⁷ The new reform therefore created another paid position in the hands of the whips – thus, it was argued, enhancing their powers of patronage yet further.

Lords Reform

Having been forced to abandon its White Paper on the Reform of the House of Lords (*Completing the Reform*, Cm. 5291) in 2002, the Government had handed the issue over to a Joint Parliamentary Committee on the Reform of the House of Lords, chaired by Jack Cunningham. This 24-member body, with 12 members from each House, eventually decided not to decide, merely suggesting that both Houses be offered a series of different options, ranging from a wholly appointed House through to one that was wholly elected.

On 4 February 2003, the Lords rejected all of the elected options, coming out in favour of a wholly appointed Chamber by a margin of three to one. The outcome in the Commons on the same day, however, was less clear-cut. As Table 1 shows, the Commons managed to reject all of the available options for reform. Three – including the 20% elected option that had originally been Government policy in *Completing the Reform* – were rejected on a voice vote. (A extra division occurred in the Commons after the Speaker accepted an amendment in the name of George Howarth calling for the abolition of the Second Chamber). The option that came nearest to succeeding – an 80% elected Chamber – failed by just three votes.

1. The votes on House of Lords Reform, 4 February

	Commons		Lords	
	For	Against	For	Against
Abolition	172	392	N/A	N/A
100% elected	272	289	106	329
80% elected	281	284	93	339
60% elected	253	316	91	318
50:50	No vote	No vote	84	322
40% elected	No vote	No vote	60	359
20% elected	No vote	No vote	39	376
0% elected	245	323	335	110

The reasons for this illogical outcome – the Commons rejected an all-appointed House by 323 to 245, yet ended up with almost exactly that – are many and varied.⁸ The Joint Committee had rejected the idea of a secret ballot (as the House of Commons has now agreed to do when reforming the election of the Speaker), as well as the idea of using an Alternative Vote system. The latter would have forced MPs to rank their preferences, ensuring that one of the options would have been chosen at the end of the voting. The former might have been problematic in terms of accountability but would have prevented pressure being applied to Labour MPs – especially once the Prime Minister had made his own position clear. On 29 January 2003, during Prime Ministers' Questions, Blair came out in favour of an all-appointed House, arguing that the Lords should be a revising chamber, not one that would rival the authority of the House of Commons. Although the votes on Lords reform were technically free, many of the Labour whips – who themselves voted overwhelmingly for an all-appointed House – privately urged MPs to 'support Tony'. It is difficult to estimate how many Labour MPs were persuaded by such calls – but it is certainly enough to have made the difference between the success and failure of the 80% elected option.

There were also problems caused by the way MPs were voting. There was a group of ten MPs (nearly all Labour) who favoured abolition of the upper House and who – once that option had been defeated – then voted against all the other options. There was also the problem of co-ordinating MPs' actions. As McLean et al point out, of those who voted, a majority supported one of the elected options. 'If they could have co-ordinated their preferences on any one of them, it would have been carried'.⁹ There was also a group who voted for 80% elected, but against 60%, even when they knew that 60% was the last elected option remaining, and when the only alternative was no election, something they had already opposed. This group – largely Conservatives – may have genuinely preferred zero election to 60%, but they might also have been motivated by a desire to be able subsequently to criticise the Government for having failed to deliver on its election promise. Then, lastly, there were those MPs who voted the wrong way by accident. At least four MPs are said to have voted against 80% elected by mistake (believing they were voting against 80% appointed). These four alone were enough to have defeated the 80% elected option.

Labour had still not implemented its manifesto pledges of 1997 and 2001 to make the House of Lords more 'democratic and representative'.¹⁰ After the voting, a dejected Robin Cook conceded that it might be a good time to 'go home and sleep' on the events of the day. Few people came out of the episode in a good light. The Commons did not appear able to make what to most outsiders seemed like a simple decision. The Prime Minister had had his position rejected by the House, by the majority of his own MPs, and by four of his Cabinet colleagues and 21 other ministers. The Leader of the House had also seen his own position rejected, and – less noticed, but significant nonetheless – the Conservative leader, Iain Duncan Smith, had seen the majority of the Conservative MPs who voted oppose his party's position. The only winners – albeit largely by default – were those who wanted an all appointed House. They had lost the vote in the Commons by a substantial margin but the outcome was effectively exactly what they wanted.

In the meantime, the partly reformed, and largely appointed Lords, continued to inflict defeats on the Government. The 2002-3 session saw 88 defeats, more than in any one session since 1975-6. As is clear from Table 2, these ranged widely across Government policy. The most important occurred over the Government's plans to abolish trial by jury in certain cases and over foundation

hospitals. By the end of the session, with the Lords initially refusing to give way over either Bill, the Government ran the risk of losing both measures, and the Leader of the Commons, Peter Hain, was forced to make arrangements for the Commons to sit right up until the Queen's Speech. In the end the Lords backed down over Foundation Hospitals but demanded concessions from the Government over jury trials before also allowing that Bill to pass. In addition to these Government defeats, the Lords knocked back the Hunting Bill, despite the fact that MPs had (yet again) decisively voted, this time by 362 votes to 154, in favour of a total ban on hunting with dogs.

2. Government defeats in the House of Lords, 2003-4 session

Issue	Number of defeats
Criminal Justice Bill	22
Licensing Bill	10
Health and Social Care (Community Health and Standards) Bill	10
Courts Bill	8
Community Care (Delayed Discharges etc) Bill	7
Communications Bill	6
Local Government Bill	4
Extradition	4
Sexual Offences Bill	3
Water Bill	3
Waste and Emissions Trading Bill	2
Regulation of Investigatory Powers (Communications Data) Order 2003	2
Crime (International Co-operation) Bill	1
Regional Assemblies (Preparations) Bill	1
Food Supplements (England) Regulations	1
Railways and Transport Safety Bill	1
Northern Ireland (Monitoring Commission etc) Bill	1
Misuse of Drugs Act 1971 (Modification) (No 2) Order 2003	1
Adjournment	1

Iraq

That the Government faced problems over any military action against Iraq had been clear throughout the preceding year.¹¹ Ever since President Bush's 'axis of evil' speech in January 2002, Labour MPs had been concerned about the possibility of the UK being part of any US-led attack of Iraq, especially in the absence of a UN resolution specifically authorising such an attack.

Early in the new year, the Prime Minister spoke on the subject at a private meeting of the Parliamentary Labour Party, after which one of his leading opponents, Bob Marshall-Andrews, claimed that the meeting was 'split down the middle' on the issue. A week later (22 January), 44 Labour backbenchers used an adjournment debate on 'Defence in the World' to express their opposition to the Government's policy on Iraq.¹² An indication of the potential for even greater dissent came in February when 85 Labour MPs were among the 119 signatories to Douglas Hogg's Early Day Motion (EDM 716), which insisted that British forces should not be used against Iraq unless four conditions were met: clear evidence that Iraq posed an imminent threat to peace; a substantive motion in the House

of Commons authorising military action; a second UN resolution specifically authorising British military action; and that other policy options had to be exhausted. Some 60 Labour MPs then supported Dr Tony Wright's EDM (EDM 733) demanding 'an unequivocal confirmation' that any British military action would require the prior approval by a vote in the House of Commons.

On 26 February Chris Smith, the former Culture Secretary, put down an amendment to a Government motion, in which he argued that 'the case for military action against Iraq [is] as yet unproven'. Up until lunchtime on the day of the vote the Labour whips expected 145 Labour MPs to back Smith's amendment, but they were eventually able to dissuade around 20 of the would-be rebels. The rebel amendment was defeated by 393 votes to 199, a government majority of 194. A total of 121 Labour MPs had voted against their whips, along with a sizeable number of abstentions.¹³ The Government motion backing UN efforts to disarm Saddam Hussein (but which did not even mention war) was then carried by 434 votes to 124, but with 60 Labour rebels voting against even this.

At that point, the revolt was the largest since modern British party politics began. It easily broke all the modern records: the 110 Labour MPs who rebelled over agricultural rent reform in 1975, or the 95 who voted against the post-Dunblane firearms legislation. To find a bigger revolt, you had to go back to the Corn Laws. There had been a gasp of disbelief when the result had been announced, but the day after the votes, Graham Allen, a leading critic of the Government over Iraq, claimed that if the Government failed to change policy, there would be worse to follow, which would make February's rebellion seem like a 'tea-party'. Up to 20 Labour MPs were reported as having told their whips that they were prepared to vote against the Government in any vote authorising conflict. Doug Henderson, another leading rebel, predicted that upwards of 150 Labour MPs would rebel unless there was a new UN resolution explicitly authorising war. One newspaper even put the number of potential rebels at 200.

With no new UN resolution forthcoming, the Prime Minister let it be known that he would resign if the vote went against him. Given that he could rely on the votes of the Conservatives (who were largely, but not wholly, in support of the Government), this was extremely unlikely to happen.¹⁴ But to win the vote only because of the support of the Conservatives would have been extremely embarrassing and damaging. The Government's motion for the main Iraq debate on 18 March offered support to the troops in the Gulf, blamed the French for blocking moves to a new UN resolution, cited legal advice authorising war, and stated that the Government should 'use all means necessary' to disarm Saddam Hussein. Chris Smith's amendment argued that 'the case for war against Iraq had not yet been established, especially given the absence of specific United Nations authorisation', but nonetheless pledging 'total support for the British forces engaged in the Middle East'.

During the debate, Blair argued that it was not the time for the international community to falter in the face of twelve years of non-compliance from Saddam Hussein, and in an effort to limit the revolt, he offered two assurances – that he would press President Bush to call for further progress to be made on the Middle East peace process (the so-called 'route-map'), and that humanitarian aid and a proper programme of reconstruction would be delivered to Iraq in the post-conflict period. After a ten hour debate, the rebel Labour amendment was defeated by 396 votes to 217, a Government majority of 179. The Government's motion endorsing military action was then passed decisively by 412 to 149. Some 139 Labour MPs backed the Labour rebel amendment (18 more than in February); 84 then also voted against the Government's own motion.

By all accounts, it was a traumatic day, especially on the Labour benches. Some Labour MPs broke down in tears in their offices after voting for the Government. Others drank heavily before summoning up the necessary resolve to drag themselves through the division lobbies. And it could have been much worse for the Government. Thirty Labour MPs had voted against the government who did not do so a fortnight before. If all of the previous rebels had stuck with the revolt, it would have taken the total number of cross-votes to over 150 – perilously close to the point at which the Prime Minister would have had to rely on Conservative votes to win. The Government were saved from this by 13 Labour MPs who rebelled in February but who decided to vote with the Government (four) or to abstain (nine) in March. Of these 13, eight were from the 1997 or 2001 intakes.

In the run-up to the vote intense pressure had been placed on Labour MPs to try to make them back the Government. The day before the vote, seven members of the Cabinet trawled the Commons tea-room. 'It was an extraordinary sight; ministers and whips outnumbered backbenchers by two to one', according to one rebel. Individual ministers were asked to act as a 'friend' to the rebels, and over the weekend telephoned many of the 121 Labour rebels from the February vote to try to persuade them into abstaining or voting against the amendment.¹⁵ Another 50 potential rebels were also contacted in this way. At a hastily arranged (and packed) meeting of the PLP on the Tuesday morning, Blair also rallied the doubters, including Hugh Bayley, a former minister, Mike Gapes and Barbara Follett, who indicated publicly that they had been swayed by the Prime Minister. Some Labour MPs had meetings with four Cabinet ministers in a day, while Tony Blair set up camp in the Commons tearoom (a rare event), seeing waverers in groups of three. One rebel Labour MP commented: 'There was a lot of tea and jobs on offer'.¹⁶ Right up until the vote, the whips were feeding Labour MPs into meetings with the Foreign Secretary, Jack Straw. It was also widely reported that Cherie Blair, the Prime Minister's wife had spoken to one or two Labour MPs before the vote.¹⁷

But three factors helped make this pressure effective, limiting the size of the revolt. First, the issue became one of a vote of confidence in Blair's leadership. He used all the personal authority at his disposal to persuade the House of Commons of the rightness of his cause. Behind-the-scenes, the Labour whips made it clear what would happen if the Prime Minister lost the vote, arguing with recalcitrant backbenchers: 'Do you support regime change in Baghdad or Downing Street?' They were helped in this by the actions of some of the Campaign Group, who began to talk openly of a change in the leadership of the party. On 24 February, Alice Mahon, a leading opponent of war declared: 'It's our party. Leaders come and go, but it's our party'. On 11 March some Labour left-wingers tried to arrange a special conference to unseat Blair, a move which represented a step too far for most Labour backbenchers, especially those who may have been anti-war but who remained pro-Blair.

Second, on 10 March the French inadvertently came to the Blair's aid when President Chirac indicated that France would vote against a fresh UN resolution, 'whatever the circumstances'. This gave the Labour whips (and the *Sun* newspaper) the opportunity to engage in a bout of French-bashing. Labour MPs were asked: 'Do you support Jacques Chirac or Tony Blair?' A number of MPs – one estimate puts the figure at 20 – were persuaded to stay in post and/or to support the Government in the lobbies due to what they regarded as the French use of an 'unreasonable veto'.¹⁸ At the very least, this gave wavering Labour MPs an argument (however flimsy) with which to justify their support of the Government.

And third, Blair had effectively given the House of Commons the opportunity to decide whether British forces went to war. Although the formal prerogative power to declare war remained with the Crown, there had still been an important *de facto* change: had the vote gone against war, the Prime Minister would have resigned and British soldiers would not have gone into battle. The Government's decision to concede a vote on war – although largely a reflection of the Prime Minister's weakness – did have the effect of satisfying one of the basic demands of many Labour MPs that the House of Commons should decide this crucial matter. The Commons did not take its chance to stop war – but it was given it. Military action began 28 hours after March's vote.

Other battles

If they been confined to Iraq, then the Government's problems with its backbenchers would have been serious enough.¹⁹ But instead the Government faced backbench dissent across a range of other issues. The second session of the Parliament saw Labour MPs defy their whips on 65 separate occasions. As one concerned Minister put it immediately after the Iraq rebellion in March: 'We're not only facing the danger that Iraq will give some MPs a rebellion habit, it's also that they are not giving us the benefit of the doubt anymore. People are asking us questions about where quite ordinary policies are going as if we have a hidden agenda'.²⁰ Blair was driven to make an appeal for unity at the weekly meeting of the PLP on 9 July, when he urged his MPs not to let indiscipline destroy the Party's chances of a historic third election victory, adding that 'we are better at putting ourselves out of office than the Tories'. Labour backbench dissent covered the whole gamut of Government policy but three issues in particular provoked sizeable revolts.

In April, 30 Labour MPs sought to remove clauses from the Criminal Justice Bill that would have made a defendant's bad character admissible as evidence in most criminal cases, and in May, 33 Labour backbenchers twice voted against the abandonment of trial by jury in complicated serious fraud cases, or where there was deemed to be a danger of a jury being interfered with. When the Bill came back from the Lords in November, there were a further nine rebellions, in various attempts to prevent the Government from over-turning amendments made in the Lords. The Fire Services Bill, which sought to impose a settlement on the firefighters' dispute, saw 27 Labour backbenchers vote against both its Second and Third Readings. A later revolt, essentially over the broader right of public sector workers to take industrial action, saw 41 Labour MPs defy their whips.²¹

Other than Iraq, however, the Government's biggest problems came over the Health and Social Care (Community Health and Standards) Bill, which sought to establish Foundation Hospital Trusts. In May 2003, 65 Labour MPs supported a reasoned amendment declining to give the Bill a Second Reading.²² This was the largest rebellion against the Second Reading of a Government Bill by government MPs since the ill-fated Shops Bill in 1986.²³ In July, the Government's majority fell to 35 as 62 Labour backbenches supported a Report stage amendment in the name of David Hinchliffe, the Chairman of the Health Select Committee, calling for the removal of the foundation hospitals from the bill. When the Bill returned from the Lords in November, 62 Labour MPs (emboldened by a UNISON-sponsored motion that had defeated the Labour leadership at the Party Conference in October) voted to remove the foundation hospital clauses from the Bill. This time the Government's majority fell to 17 – the lowest on a whipped vote since 1997. The Bill then returned to the Lords, who initially dug their heels in, and when it then came back to the Commons, a smaller group of 35 die-hard

Labour backbench opponents again voted against the foundation hospitals clauses.

In order to limit the size of the rebellion – and to stave off possible defeats – the Government was repeatedly forced into giving concessions to its backbench critics. They introduced a cap on the income that the new foundation hospitals could earn from private patients; they ensured that NHS pay arrangements applied to foundation hospitals (alleviating the fear that they might unfairly poach staff from other NHS hospitals by offering better pay and conditions); they promised to make all hospitals foundation trusts within five years, and they improved the arrangements for local consultations. When John Reid faced the Commons before the crucial vote in November, he was quite open (indeed, almost boastful) about the extent to which the Bill had been amended as a result of backbench pressure. He then added another major concession, agreeing to a review of the operation of the first wave of trusts after twelve months.

Despite all these concessions, a total of 87 Labour MPs voted against their Government over the issue of foundation hospitals at some point during the Bill's passage through the Commons. The maths of this is staggeringly simple. Without any extra Labour MPs being prepared to vote against their whips, 87 cross-voting MPs is sufficient to defeat the Government. If those opposed to Foundation Hospitals had been able to persuade all of those who were prepared to vote against their whips over the issue to do so together, then the Government would have been defeated.

There was a hard core of 40 Labour MPs who voted against the Government in each of the three main revolts. But this group alone was not large enough to bring about a government defeat. And the problem for those opposed to the Government's plans was that the other 47 rebels – a majority of those who were prepared to vote against the Government – were not as consistent in their opposition. Of the 80 Labour MPs who voted against the Government over foundation hospitals in May or July, over a quarter (24) did not do so in November. There can, of course, be good reasons for the composition of a rebellion changing 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 – changes which were then delivered. Others are prepared to vote against the Government only when there is no chance of defeating it – in other words, to bark, but never to bite. But the end result was that instead of a rebellion of 87, and an almost certain Government defeat, the number of cross-votes in any one rebellion never exceeded 65.

If the Bill's survival caused concern in the Government Whips' Office, one other aspect of the Bill's passage caused concern elsewhere. Prior to devolution, its proponents were keen to argue that the so-called West Lothian question was not a genuine problem. Even if one accepted the theoretical problems of Scottish (and sometimes Welsh) MPs being able to vote on issues concerning the English, whilst English MPs were unable to reciprocate, its practical impact was – so we were told – limited. As William Miller argued:

There has never ever been any occasion on which the Conservatives have had a majority in 'England and Wales', but Labour has had a majority in parliament as a whole. In short the situation postulated in the West Lothian question, always unlikely because there are so few Scottish MPs, has never occurred in practice.²⁴

But such arguments assumed that parliamentary parties were unitary actors – that all the MPs of one party would vote together. Instead, of course, political

parties routinely split and splinter. Because of this it is quite possible for the West Lothian Question to have a substantive impact, even when – as in the current situation – the Government does not depend for its overall majority on the votes of Scottish (or Scottish and Welsh) MPs. This happened in November’s foundation hospital vote.²⁵ The policy applied directly only to England, but the Government got its way because of the votes of its Scottish (and Welsh) MPs. The Government’s majority was just 17, but there were 43 Scottish MPs voting with the Government. From the Opposition frontbench Tim Yeo raised a point of order: ‘The Government’s greatly reduced majority has been obtained through Scottish members of Parliament: What advice do you have for those of us whose constituents will regard this as a constitutional outrage?’²⁶ Scottish and Welsh Labour MPs argued that policy did (indirectly) concern them – an argument that they shared with the SNP and the Liberal Democrats – but the vote still remained the first high profile example of the West Lothian Question in practice.

When taken together with the 76 revolts in the first session, the 65 revolts in the second session of the Parliament meant that by November 2003 the Government whips had now faced a total of 141 separate backbench revolts since the 2001 election. This was more than by Government MPs in the first two sessions of *any* other post-war Parliament; and, as Table 3 shows, this remained true even when these 141 revolts are expressed as a percentage of the number of divisions to have taken place. The Government whips have been facing a rebellion by their own backbenchers roughly once every five votes, a higher rate of rebellion than that faced by Government whips in any other post-war Parliament.

3. Frequency of rebellion by Government backbenchers in the first two sessions of all post-war Parliaments

Parliament	Rebellions as a % of divisions
2001	18.8
1983	17.4
1970	16.2
1992	16.1
1974O	13.7
1987	12.3
1959	12.2
1979	7.8
1974F	7.3
1945	5.6
1997	5.0
1966	3.8
1950	2.1
1955	1.5
1951	0.4
1964	0.3

Indeed, such is the frequency with which Labour MPs are now rebelling that even some of the larger revolts began to go unreported. The sizeable rebellion in mid-November over the Fire Services Bill, in which 41 Labour MPs voted against their

whips, went almost entirely unreported in the media. The same applied to a range of large revolts over the Criminal Justice Bill in November.

It was common for those rebelling to be dismissed as the 'usual suspects', implying that their opposition has been predictable, only to be expected, and should not therefore be taken seriously. But by November 2003 the number of Labour MPs to have voted against the party whip since 2001 had reached 197.²⁷ As a proportion of those who had been on the backbenches at any point since 2001, almost two-thirds (65%) had rebelled. It is difficult to dismiss two-thirds of the backbench MPs as 'the usual suspects'. Moreover, the number of 'regular rebels' during this period was actually fairly small. Out of almost 200 rebels, there are just 30 who have rebelled in more than half of the issues to have caused trouble since 2001.

Perhaps more worrying for the Government, it was also clear that the rebellious habit had already spread to the newly elected MPs. Of the 40 new Labour MPs (including the two by-election entrants since 2001), 23, 58% of the 2001 intake, had voted against their whip during the first two sessions. By the end of the second session of the last parliament, by contrast, just 19% of the 1997 intake had rebelled.

Conclusion

The idea, fashionable just a few years ago, that the Government whips face an acquiescent parliamentary party – in which Labour MPs sit around like lemons, mindlessly supporting the Government – is now just laughable. By the end of the second session, the 2001 Parliament had witnessed more backbench rebellions by Government MPs than at the comparable point of any post-war Parliament. In just over two years it has seen almost two-thirds of its backbenchers vote against it. The year 2003 alone saw the largest revolt at Second Reading for almost twenty years and the largest rebellion of all since the middle of the nineteenth century.

The year ended with the Queen's Speech, which contained plenty to cause further headaches for the party managers in the coming year. As well as the formal abolition of the post of Lord Chancellor, proposals on the House of Lords included the removal of the remaining 92 hereditary peers, a measure that may face strong opposition in the Commons – given that it had rejected a fully appointed House less than twelve months before. The Lords went so far as to pass an amendment to their 'Humble Address', regretting 'the decision of Your Majesty's Government to abandon the search for cross-party consensus on constitutional reform'.

But most attention focussed on the issue of University top-up fees, which managed to antagonise Labour MPs from heartland seats (who feared that working class students will be deterred from going to university, especially to 'elite' universities) and those who held more middle-class constituencies as a result of the Blairite landslides (and who feared the electoral consequences of visibly hammering their voters). It also appeared to go against promises made in Labour's election manifesto in 2001.²⁸ The scale of Labour backbench Opposition had become clear throughout the early parts of 2003, with droves of Labour MPs signing one or more of the three anti-top up fees EDMs, and within days of November's Queen's Speech, over 150 Labour MPs had signed EDM 7, tabled by Ian Gibson:

That this House recognises the widespread concern about the effects variable tuition fees and the perception of debt may have on access to

universities, particularly among students from families on modest or lower middle incomes; notes that there are alternative models of funding higher education, which the Department for Education and Skills has considered and which do not involve variable top-up fees; and calls on the government, therefore, to publish full details of these alternatives to facilitate proper, informed debate and understanding before proceeding with legislation to reform the higher education funding system.

Most of those signing had 'form' – having been willing to vote against the Government before – and the majority had a long-standing, and often-expressed, opposition to the policy. Although the EDM was deliberately widely drawn (and did not actually reject the Government's policy) the scale of opposition was clear. The Bill's Second Reading was originally scheduled for before Christmas, but was postponed until the New Year to give Ministers and Whips – and Charles Clarke's 'seminars' – time to try to persuade Labour backbenchers of the policy's merits. And, just as over Foundation Hospitals, the Government immediately began offering concessions to backbenchers as part of the process of persuasion.

Despite suffering a horrendous year, the Government reached the end of the 2003 session still undefeated in the Commons, the first Government to be undefeated since that elected in 1966. Observers looking ahead to 2004 were not convinced that that record would last.

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- ¹ Peter G Richards, *Parliament and Conscience* (George Allen and Unwin), 1970, p. 179.
- ² HC Debs, 6 February 2003, c. 448.
- ³ A later EDM from Howarth, calling for a review, was signed by 220 MPs.
- ⁴ We are grateful to Daniel Boyce for this information.
- ⁵ The two Bills carried over to the third session were the Planning and Compulsory Purchase Bill and the European Parliamentary and Local Elections (Pilots) Bill.
- ⁶ The annual cost – based on payment of £12,500 to 25 Committees – was estimated at around £420,000 a year.
- ⁷ See Philip Cowley and Mark Stuart, 'Parliament: More Revolts, More Reform', *Parliamentary Affairs*, April 2003, p. 198.
- ⁸ Well discussed in Iain Mclean, Arthur Spirling and Meg Russell, 'None of the Above: The UK House of Commons Votes on Reforming the House of Lords, February 2003', *Political Quarterly*, July-September 2003.
- ⁹ Mclean et al, 'None of the Above', p. 304.
- ¹⁰ *Because Britain Deserves Better*, 1997, p. 32; *Ambitions for Britain*, 2001, p. 35.
- ¹¹ Cowley and Stuart, 'Parliament', pp. 191-192.
- ¹² Forty-two Labour MPs voted in the aye lobby, with a further two acting as tellers for the noes, in order to ensure a division.
- ¹³ The figure is normally listed as 122, since 122 Labour MPs (including tellers) voted in favour of the amendment. But one – Andy Reed – voted in both lobbies, in order to cast a deliberate abstention. He subsequently resigned from his position as PPS to Margaret Beckett, the Environment Secretary.
- ¹⁴ The Conservatives were not without their own rebels. A total of 21 Conservative MPs defied their party whips over the issue, and four Conservative frontbenchers resigned over it.
- ¹⁵ Nicholas Watt, 'Ministers pile pressure on rebels', *The Guardian*, 18 March 2003.
- ¹⁶ See, for example, Andrew Grice and Paul Waugh, 'Thirty dramatic hours that shook Westminster – and put Parliament back at the heart of the nation's affairs', *The Independent*, 19 March 2003; Toby Helm and Andrew Sparrow, 'Buttered up in the tearoom and a caning in the head's study', *Daily Telegraph*, 19 March 2003; Patrick Wintour, 'A day for whips, knives and arm-twisting', *The Guardian*, 19 March 2003. Also Peter Stothard, *30 Days. A Month at the Heart of Blair's War* (HarperCollins, 2003), pp. 88, 94-95.
- ¹⁷ Anne Perkins, 'Cherie Blair ends taboo by canvassing MPs', *The Guardian*, 19 March 2003.
- ¹⁸ Randeep Ramesh (ed), *The War We Could Not Stop* (Faber and Faber, 2003), p. 50
- ¹⁹ Analysis of backbench behaviour in this paper draws on research funded by the ESRC. For more information, see: www.revolts.co.uk.
- ²⁰ Tom Baldwin, 'Leader leaves old friends behind', *The Times*, 19 March 2003.
- ²¹ An earlier rebellion, during the report stage of the Local Government Bill, had seen 17 Labour MPs object to the Bain Review's linkage between reform of the fire service and the then on-going negotiations on firemen's pay.
- ²² The subsequent Second Reading voted also attracted a rebellion of 31.
- ²³ Paul Regan, 'The 1986 Shops Bill', *Parliamentary Affairs*, April 1990.
- ²⁴ William Miller, 'The Periphery and its Paradoxes', in Hugh Berrington (ed), *Britain in the Nineties: The Politics of Paradox* (Frank Cass, 1998), p. 170.
- ²⁵ It was widely (but erroneously) reported to have happened after July's vote – when the Government had sneaked in with a majority of 35 but with 41 Scottish Labour MPs voting in the Government lobby. But there were also three Scottish Labour, nine Scottish Liberal Democrats and five SNP MPs in the other lobby. The

logic that argues that it is wrong to Scottish MPs to vote with the Government also precludes them from opposing it. If *all* Scottish MPs had been removed from the vote, the Government would have won with a majority of eight. As the Liberal Democrat Chief Whip, Andrew Stunnell, pointed out, it 'was not the Scottish jackboot that forced foundation hospitals on us. It was New Labour' (*Telegraph*, 12 July 2003).

²⁶ See HC Debs, 19 November 2003, c. 856.

²⁷ Of these, one had since died, one had been expelled from the party, and one had joined the Liberal Democrats. Which is the worse fate?

²⁸ 'We will not introduce 'top-up' fees and have legislated to prevent them (*Ambitions for Britain*, p. 20). The Government's response is that because the fees will not come into effect until the next Parliament the manifesto commitment is being honoured.