

Not much discipline? Divisions on the Children's Bill

PHILIP COWLEY and MARK STUART*

Tuesday night saw three separate Labour backbench rebellions during the Report Stage of the Children Bill. It also saw even more dramatic splits, which went largely unreported, within the ranks of the Liberal Democrats.

Labour rebellions

The first of the three backbench revolts saw nine Labour MPs support a Liberal Democrat clause that would have given the new Children's Commissioner the function of 'promoting and safeguarding the rights and interests' of children rather than the Government's preference for 'promoting the awareness of the views and interests' of children. The second saw 13 Labour backbenchers – six of them from Welsh constituencies – support a different Lib Dem clause which would have handed powers over consideration and representation of children in Wales to the Children's Commissioner for Wales. And in the third, and largest of revolts, 49 Labour MPs (including the two tellers) supported an amendment by David Hinchliffe, the Chair of the Health Select Committee, which would have outlawed the physical chastisement of a child on the grounds that it constituted reasonable punishment. All three amendments were defeated; Hinchliffe's, which saw the largest rebellion, went down by 75 votes to 424.

The three rebellions involved a total of 55 Labour backbenchers. These MPs are listed in Table 1. Most of the rebels had rebelled before during the 2001 Parliament, but for five MPs – John McFall, Judy Mallaber, John Mann, Sandra Osborne and Greg Pope – this was their first dissenting vote of the Parliament.

Clause 56

Labour whipped most of the Report Stage votes, but allowed a free vote on Clause 56, which allowed reasonable chastisement of a child if it did not result in actual bodily harm. The media have regularly referred this as permitting parents to administer 'a light tap' to their children.

On a free vote, 43 Labour MPs supported removing Clause 56 (these MPs are also listed in Table 1). The amendment was lost by 208 votes to 284, a 'Government' majority of 76. Fourteen of the 43 had not voted against the Government in the earlier rebellions on the issue. They included five members of the Government: two Cabinet ministers (the Home Secretary, David Blunkett, and Paul Boateng, the Chief Secretary to the Treasury), the Minister of State for Health, John Hutton, along with his PPS, Clare Ward, and Mark Hendrick, PPS to Margaret Beckett. John Denham, the former Health and Home Office Minister, also voted to remove Clause 56. In other words, several of the Health and Home Office ministers (past and present) on whose patch this change in the law will fall were opposed to its introduction.

* Both authors are based at the University of Nottingham. This briefing note draws on research funded by the Economic and Social Research Council, and is available from www.revolt.co.uk

Combined, these whipped and unwhipped votes brought to 69 the number of Labour MPs who preferred a more liberal approach to physical punishment.

Lib Dem splits

Largely unnoticed, however, the real divisions of the night were amongst Lib Dem MPs. The Lib Dems are often willing to issue instructions to their MPs, even when the other parties allow free votes, but on this occasion they allowed free votes on both the key divisions of the night. Given the splits within the party that these votes revealed, this is perhaps hardly surprising.

The vote on Hinchliffe's proposal for an outright ban saw the Lib Dems split 25/18 in favour of an outright ban on smacking. The vote on Clause 56 saw the Liberal Democrats split almost perfectly down the middle: 22 supported its removal, 23 supported its introduction.

Of the 25 Lib Dems in favour of an outright ban, 18 wanted to remove Clause 56, but six voted for its retention (along with one abstention). And of the 18 against a total ban, 13 voted to keep Clause 56, but four voted for its deletion (along with one abstention). Three MPs who abstained over the outright ban – Simon Hughes, Andrew Stunnell and Steve Webb – then voted to keep Clause 56. These MPs are listed in Table 2.

Issues like corporal punishment are often (somewhat lazily) described as issues of 'conscience', and are frequently said to be 'cut across party lines'. In fact, the issues are much more likely to cut *down* party lines than *across* them. Even on the free vote on Clause 56, the divisions within the PLP were not huge, whilst the Conservative Parliamentary Party were 100 per cent united on both votes (against Hinchliffe's new clause and Clause 56).

The exception is the Liberal Democrats, where these issues have the potential to divide the party in a way which is just not true of the other parties. One previous study described Liberal Democrat MPs as 'solidly liberal'.[†] It is difficult to concur. The one thing the Liberal Democrats rarely are on these votes is solid. The splits over smacking are merely the latest in a line of issues – including gun control, hunting, and euthanasia[‡] – to reveal significant division within the Lib Dems.

[†] M. Read et al, 'Why Did They Do It? Voting on Homosexuality and Capital Punishment in the House of Commons', *Parliamentary Affairs*, 47, 1994, pp. 374-86.

[‡] See, for example, P. Cowley et al, 'Mr Blair's Loyal Opposition? The Liberal Democrats in Parliament', *British Elections and Parties Review*, 10, 2000, pp. 100-115.

Table 1. Labour divisions on smacking

<i>Name</i>	<i>'rights and interests'</i>	<i>Wales</i>	<i>Anti-'reasonable punishment'</i>	<i>Remove Clause 56 (free vote)</i>
John Austin			•	•
Kevin Barron			•	
Roger Berry			•	•
Harold Best	•		•	•
David Blunkett				•
Paul Boateng				•
Martin Caton	•	•	•	•
David Chaytor			•	
Michael Clapham			•	•
Harry Cohen			•	
Tony Colman			•	•
Robin Cook		•		
Jeremy Corbyn			•	•
Jim Cousins			•	•
Valerie Davey			•	
Denzil Davies				•
Hilton Dawson*	•	•	•	•
John Denham				•
Jim Dobbin			•	•
Huw Edwards	•	•		•
Bill Etherington			•	•
Paul Flynn			•	
Win Griffiths*			•	•
John Grogan				•
Mark Hendrick				•
David Hinchliffe			•	•
Kelvin Hopkins			•	
John Hutton				•
Eric Illsley			•	•
Lynne Jones			•	•
Martyn Jones	•	•		•
Terry Lewis			•	•
Ian Lucas				•
Chris McCafferty			•	•
John McDonnell			•	•
John McFall		•		
Alice Mahon			•	•
Judy Mallaber			•	
John Mann		•		
B. Marshall-Andrews			•	•
Julie Morgan	•	•	•	•
George Mudie		•	•	
Doug Naysmith			•	
Edward O'Hara			•	
Martin O'Neill			•	

Sandra Osborne			•	
Albert Owen	•	•	•	•
James Plaskitt				•
Kerry Pollard			•	•
Greg Pope			•	
Stephen Pound				•
Ken Purchase			•	
Andy Reed			•	
Phil Sawford			•	
Brian Sedgemore			•	
Jim Sheridan				•
Debra Shipley	•	•	•	
Marsha Singh				•
Dennis Skinner			•	
Llew Smith			•	•
Paul Stinchcombe			•	•
David Taylor			•	•
Desmond Turner			•	
Bill Tynan				•
Rudi Vis	(•)		•	
Clare Ward				•
Bob Wareing			•	
Betty Williams	•	•	•	•
Tony Wright (Cannock)		•		

Note: Rudi Vis is recorded as having voted in both lobbies in the first division; it is not yet clear whether this is an error on the part of *Hansard*, a mistake by the MP, or a deliberate abstention.

Table 2. Lib Dem divisions on smacking

<i>Name</i>	<i>Ban?</i>	<i>Clause 56</i>
Richard Allan	Ban	Remove
Norman Baker	Anti-ban	Keep
John Barrett	Ban	Remove
Tom Brake	Ban	Remove
Colin Breed	Anti-ban	Remove
Annette Brooke	Ban	Remove
Malcolm Bruce	Anti-ban	Remove
Paul Burstow	Ban	Remove
Vincent Cable	Anti-ban	Keep
Patsy Calton	Ban	Remove
Menzies Campbell	Anti-ban	Keep
Alistair Carmichael	Ban	Remove
Brian Cotter	Anti-ban	Remove
Edward Davey	Anti-ban	Keep
Sue Doughty	Ban	Remove
Don Foster	Ban	Remove
Andrew George	Ban	Keep
Matthew Green	Ban	Keep
Mike Hancock	Ban	Keep
Evan Harris	Ban	Keep
Nick Harvey	Anti-ban	Keep
David Heath	Anti-ban	Keep
Paul Holmes	Ban	Remove
Simon Hughes	-	Keep
Paul Keetch	Anti-ban	Keep
Charles Kennedy	Ban	Remove
Archy Kirkwood	Ban	Remove
Norman Lamb	Anti-ban	Keep
David Laws	Anti-ban	Keep
Michael Moore	Anti-ban	Keep
Mark Oaten	Anti-ban	Keep
Lembit Opik	Anti-ban	Remove
John Pugh	Anti-ban	Keep
David Rendel	Ban	Remove
Bob Russell	Ban	-
Adrian Sanders	Ban	Remove
Robert Smith	Anti-ban	Keep
Andrew Stunnell	-	Keep
Matthew Taylor	Ban	Keep
Sarah Teather	Ban	Remove
John Thurso	Anti-ban	-
Jenny Tonge	Ban	Remove
Paul Tyler	Ban	Keep
Steve Webb	-	Keep
Roger Williams	Ban	Remove
Phil Willis	Ban	Remove