

Michael Howard, whipped and unwhipped

PHILIP COWLEY and MARK STUART*

Few of Michael Howard's recent predecessors as Conservative Party leader had much experience of defying the whip. Edward Heath may have metamorphosed into a backbench critic after his defenestration, but before he entered government in the 1950s his record as a backbench loyalist was perfect. Margaret Thatcher voted against the party whip twice before she made it into government – over a clause in the Administration of Justice Bill in 1960 and in favour of corporal punishment in 1961 – but these two isolated rebellions hardly made her a member of the usual suspects. John Major's voting record was spotless before he entered government, and William Hague cast just one vote against the party whip – over a clause in the Local Government and Housing Bill in 1989 – before becoming Norman Lamont's PPS.

By contrast, Iain Duncan Smith had made his name as one of the Maastricht rebels, who gave John Major such headaches in 1992-93, voting against the Maastricht bill on 12 occasions, as well as frequently abstaining. Together with another three votes cast against the whip later in the Parliament, these rebellions meant that before coming leader he had voted against his party's whip five times more than his four predecessors as leader put together.

What of Howard? The purpose of this short briefing paper is to examine his voting since he was elected in 1983. It shows that when the Conservative Parliamentary Party replaced Iain Duncan Smith with Michael Howard in October 2003 they replaced a former backbench rebel with a mainstream party loyalist *par excellence*.

Whipped votes

Howard's voting on whipped votes is not especially exciting. After becoming an MP in 1983 Howard did not vote against his whip until the point in 1984 when he entered the Government as PPS to Sir Patrick Mayhew. From that point, he was bound to support his party line until he left the Opposition frontbench under William Hague. He then cast just two votes against the party line. Both came over legislation to do with Northern Ireland, where Howard disagreed with the way that the Good Friday agreement was implemented.¹

The first came over the Northern Ireland Bill, which dealt with the decommissioning of paramilitary weapons and the associated release of paramilitary prisoners. At Second Reading on 13 July 1999, Howard argued that without a guaranteed timetable of IRA decommissioning 'the Bill does not deserve the support of the House'.² Although he followed the Conservative frontbench in

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

¹ In addition to the two dissenting votes listed, also see Howard's contributions to the debate on the Second Reading of the Disqualifications Bill, 24 January 2000. The Bill changed the anomaly of the Northern Ireland Act 1998, which permitted a member of the Irish Senate to be a member of the Northern Ireland Assembly, but not a member of any other United Kingdom legislature. Although Howard only abstained on the Bill (which was the Conservative party line), he made a speech in which he said that the Bill was 'wrong in principle' (c. 40) and urged that the Bill be rejected (c. 42).

² HC Debs, 13 July 1999, c. 210.

abstaining on Second Reading, by Third Reading, again with the official Conservative line being to abstain, Howard argued that the bill was contrary to the Prime Minister's pledge at the time of the Good Friday Agreement that those who threaten violence would be excluded from the Government of Northern Ireland and that he would vote against Third Reading.³ He was joined by 15 other Conservative MPs.⁴

The second occasion came over the Second Reading of the Police (Northern Ireland) Bill, on 6 June 2000. The Bill reformed the Royal Ulster Constabulary, complete with a new name – the Police Service of Northern Ireland – a new oath, a code of conduct and human rights training for all officers. The Conservative line was to abstain, but Michael Howard and five other Conservative MPs voted against the Bill.

Although on both occasions Howard voted with a small group of Conservative MPs in defying his frontbench line, backbench unhappiness with the policy towards Northern Ireland ran deep on the Conservative benches at this time. At some point during the Parliament, 51 different Conservative MPs – almost a third of the parliamentary party – voted against their party line over the issue.⁵

When the whip is off...

Howard's voting is only slightly more interesting on free votes – those on which the whips do not issue instructions to their MPs.

The problem here is that we lack comprehensive data, and what follows is based on a partial database of free votes (especially in the early parliaments of Howard's time as an MP). There were, for example, more abortion votes in April 1990 than the one listed below. Moreover, since he became party leader, Howard has not voted in several of the issues on which Conservative MPs have been given free votes – he missed the vote on the Gender Recognition Bill, for example. But still his voting is fairly straightforward on those voted where we do have data:

- Howard voted against the death penalty (see, for example, 17 December 1990, and 21 February 1994) – although he was not one of a handful of Conservative MPs on 17 June 1991 to support removing the death penalty from the army in time of war, instead supporting its retention.
- He voted in favour of the Obscene Publications (Protection of Children) Bill (24 January 1986), along with the majority of Conservatives who voted, but did not vote on either of Clare Short's Private Members' Bills to ban Page 3.
- On divorce he voted against the abolition of time limits on 13 June 1984, and was one of those Conservatives who rejected parts of – though only parts – of Lord Mackay's reforms in the 1990s, voting for both the 'one year' and 'six months' clauses (24 April 1996).
- On embryo research, his position changed. On 15 February 1985, he voted in favour of Enoch Powell's Unborn Children (Protection) Bill, which would have prohibited embryo research, but on 24 April 1990 he voted to legalise embryo research. This, though, was a *volte face* undertaken by plenty of his

³ Div. 238, Northern Ireland Bill, Third Reading, 13 July 1999, cc. 290-292.

⁴ Philip Cowley, *Revolts and Rebellions: Parliamentary Voting Under Blair*, Politico's, 2002, p. 193.

⁵ Cowley, *Revolts and Rebellions*, pp. 191-192, 205.

colleagues: just 23 Conservatives had voted against Powell's Bill (compared to 171 who supported it); by April 1990, 187 were prepared to vote for legalisation, with 146 against. He later supported research into degenerative diseases using embryonic stem cells (19 December 2000).

- 24 April 1990 also saw him vote to reduce abortion time limits down to 24 weeks.
- He voted against banning hunting (14 February 1992, 28 November 1997, 17 January 2001, 18 March 2002, 16 December 2002; 15 September 2004), and supports self-regulation (17 January 2001, 18 March 2002).
- He voted in favour of the War Crimes Bill (19 March 1990).
- He voted against lowering the age of consent to 16, but did support its reduction to 18 in 1994 (21 February 1994), and voted against further attempts to reduce it to 16 (10 February 2000, 28 February 2000).
- He voted in favour of the Civil Partnerships Bill, which established civil partnerships for gay couples (12 October 2004 and 9 November 2004),
- On Sunday trading, he was a pro-deregulator, voting in favour of total deregulation and then (when that had failed) in favour of partial de-regulation. He opposed merely tinkering with the existing law (8 December 1993).
- Despite being the Minister to push through the Major Government's firearms legislation, he opposed further tightening of the legislation under Labour (11 June 1997, 18 June 1997)
- He opposed pro-Euthanasia legislation (10 December 1997), and (indirectly) supported Ann Winterton's Medical Treatment (Prevention of Euthanasia) Bill, to prevent doctors intentionally bringing about the death of their parents by action or omission (28 January 2000). He also voted in favour of Iain Duncan-Smith's amendment to the Mental Capacity Bill (14 December 2004) that would have prevented doctors from taking any action that would hasten the end of a patient's life. The same Bill also saw him back Ann Winterton's clause that insisted that nothing in the Act would authorise the withdrawal of palliative care.

Given this record, from the (liberal) left it will be easy enough to make Howard out to be the archetypical right-winger, blue in tooth and claw, and extreme (even though on most of these issues Howard will be more in tune with the public than the liberals). Yet the remarkable thing about this voting record is how often it places Michael Howard in the centre of gravity of his parliamentary party. On almost all of these issues, Howard has been voting with the majority of other Conservative MPs (or, more accurately, the majority of those to vote).

He is consistently out of line only over capital punishment. But even here, he was not resolutely anti-capital punishment (witness his vote over the army) and even this puts him less obviously out of line with the Conservative Parliamentary Party than most people realise. By the time of the votes in 1994 (the last votes on the issue), the Conservative party split almost right down the middle over the issue (150 voting for restoration, with 126 opposed). Howard's voting, therefore, is almost exactly that of the 'average' Conservative MP of this period.