

MPs' powers of persuasion are shaping the Brexit endgame

This week has been a momentous one for the Brexit endgame in the Commons. There is a growing sense of frustration and bewilderment at the lack of progress being made by MPs.

However, it is worth taking a step back and seeing this week's events in the wider context of the relationship between the government and the Commons which has been evolving and adapting to the unique circumstances of Brexit.

In a UK in a Changing Europe and Bingham Centre for the Rule of Law report [published this week](#), we argued that the Commons had achieved more by persuading the government to change its position than through defeats on the floor of the House.

This week's events appear to have confirmed this argument, as the Commons again refused to take the most radical propositions put forward by MPs, namely the Benn amendment on indicative votes (which was defeated by 314-312), after the government put forward its own concessions.

Amid all the talk of MPs taking over the process, some of the core elements of our exiting arrangements have proved resilient.

As the UK's leading parliamentary scholars have shown (namely Professors Cowley and Russell), it is not possible to assess the influence of MPs by just looking at government defeats in the Commons. While much of the attention has been on the defeat of the deal and the splits within the cabinet, over the past two weeks MPs have achieved two major shifts in the government's position through persuasion rather than through defeats alone.

The government's long held position was that the UK would leave with or without a deal on 29 March 2019. Many had suspected that if the Commons refused to pass the deal, the government would extend Article 50, but ultimately the government only shifted its position after Yvette Cooper and Oliver Letwin put forward their plan to legislate to force the government to enable MPs to vote an extension.

The vote on Thursday, and the Commons' decision to approve a request for an extension, was ultimately a product of the pressure produced by the Cooper-Letwin plan.

The other major shift is the government's proposal, announced by David Lidington at the start of the debate in the Commons, to support a process to hold indicative votes on alternative options on the deal if the third attempt at the meaningful vote fails.

This proposal may well have helped the government avoid defeat on the Benn amendment, as some may have been reassured that indicative votes would happen if the deal is rejected on Tuesday next week.

The government has long resisted the idea that there was any alternative to the package that had been negotiated with the EU. However, implicit in the government's proposal on indicative votes is the fact that MPs will be asked whether they are willing to support the deal if the government changes its position on the future relationship.

For all the talk of the UK's constitutional arrangements buckling under pressure, it is worth noting that MPs have repeatedly

decided to reject proposals that would enable them to take control of the Commons' timetable. This comes at a cost. As a result of MPs rejecting the Benn amendment and accepting the government's compromise, the executive will propose when indicative votes will be and, crucially, how they will work.

For all the criticism of the government's approach, it appears MPs would rather persuade the government to change its policy than set the agenda themselves. And, taking a step back and tallying MPs' wins from this week, on that front they have been broadly successful.

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