

The Reputation Politics of Filibustering

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Abstract

I construct a formal model to examine how parties' concerns over their own reputation and the reputation of the opposing party influence filibuster politics in the U.S. Senate. A majority and opposition bargain over policy before rational constituencies who are uncertain about the intensity of each party's preferences. The model reveals three varieties of reputation politics that can rationalize filibusters when parties' immediate policy concerns cannot. "Blame-game" filibusters occur when the majority proposes legislation it knows will be filibustered in order to harm the opposition's reputation. "Majority position taking" occurs when the majority proposes a bill it knows will be filibustered in order to credibly signal the intensity of its preferences by fighting a filibuster. "Opposition position taking" generates filibusters when the opposition filibusters legislation in order to signal the intensity of its preferences. I use the model to examine how the opportunity cost of obstruction, relative party strength, the public visibility of filibusters, and the intensity of constituency preferences influence the frequency of filibusters and the emergence of a supermajoritarian Senate.

Keywords: filibusters, obstruction, reputation, position taking, U.S. Senate

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It is commonly accepted that filibusters affect the public reputation of U.S. senators and their parties. As [Fisk and Chemerinsky \(1997, 194\)](#) observe, for members of both an obstructionist opposition and a determined majority willing to wait out obstruction, “filibusters can be a courageous way of taking a stand, which can be popular with constituents.” Alternatively, obstruction may harm a senator or party’s reputation with a constituency that prefers its representatives to spend valuable legislative time addressing other issues. [Mayhew \(2010, 1147\)](#), summarizing a position expressed in two prominent studies of the filibuster ([Wawro and Schickler 2006](#); [Koger 2010](#)), observes that

obstruction, as well as efforts to contain it, could incur costs or benefits in the realm of public opinion. Position taking might earn points with the public, but ugly spectacles could lose points, and majority strategists [have] to consider whether crack-downs [will] play well.

Most positive theories the filibuster acknowledge reputation as an important factor in explaining its use ([Koger 2010](#); [Wawro and Schickler 2006](#); [Dion et al. 2016](#); [Binder and Smith 1997](#); [Fong and Krehbiel 2018](#); [Koger 2016](#); [Bell 2011](#)).¹ [Bawn and Koger \(2008\)](#) go so far as to derive conditions under which position-taking considerations completely explain filibusters and offer two historical examples. Despite broad acceptance of the importance of reputation and its explicit incorporation into recent theoretical models of obstruction, our understanding of the role of reputation in filibuster politics remains limited. Nearly all theoretical models of obstruction incorporate reputation as an exogenous cost or benefit that a party earns from the act of filibustering itself. That is, a senator or party’s reputation does not arise endogenously from the rational beliefs of third-party observers such as voters or interest groups who observe the legislative bargaining process. Exogenous reputation payoffs in these models implicitly assume that filibusters credibly reveal something meaningful to a third party about the senators who filibuster or combat a filibuster. Relatively little attention

¹A related literature focuses on the persistence of the filibuster as an institution. [Wawro and Schickler \(2010\)](#) review this literature. See also [Reynolds \(2017\)](#) and [Judd and Rothenberg \(2020\)](#) for more recent contributions.

has been paid to examining the conditions under which this assumption is warranted. If reputation is treated endogenously, the factors that systematically influence when, why, and how filibusters have consequences for senators' reputation can be studied by analyzing the beliefs of third-party observers.

I develop a model of legislative bargaining with endogenous reputation to understand the role of reputation in filibuster politics in the U.S. Senate. Two parties, an opposition and a majority, bargain over policy. Parties have opposing policy preferences and vary in terms of the intensity of their preferences. Each party represents a constituency that also has either extreme or moderate policy preferences. A party is rewarded if its own constituency forms favorable beliefs about it. Each party also gains when its opponent suffers harm to its reputation.

The model reveals three varieties of reputation politics that can rationalize filibusters when parties' policy interests alone are insufficient to explain filibusters. In the first variety, the majority party introduces a bill that it knows an extreme opposition will filibuster against the wishes of its moderate constituency. In this version of "blame-game politics" (Groseclose and McCarty 2001; Lee 2016), the majority uses agenda control to expose an extreme opposition to a moderate opposition constituency. In the second variety of reputation politics, "majority position taking," an extreme majority party introduces a bill that it knows will be filibustered so that it can reveal congruence with an extreme constituency by fighting a filibuster. In the third variety of reputation politics, "opposition position taking," an extreme opposition filibusters a bill in order to reveal the intensity of its preferences to its constituency.

I derive conditions under which each variety of reputation politics is viable. Filibusters affect a party's reputation endogenously by credibly revealing information about a party's preferences. The opportunity cost of enduring a filibuster must be sufficiently high such that only parties with extreme preferences are willing to endure obstruction. In order for filibusters to occur in equilibrium, each party must gain either by improving its own reputa-

tion, harming its opponent's, or securing an expected policy victory. This implies that the blame game is only viable for the majority if the opposition believes it can successfully defend the status quo. It also implies that the majority tolerates opposition position taking only if it believes that it can defeat a filibuster or if fighting a filibuster presents the opportunity to engage in position taking itself.

The model admits several substantive implications relating the opportunity costs of obstruction, relative party strength, constituency preferences, and the public visibility of Senate procedures to the frequency of filibusters and the emergence of the 60-vote Senate in the 1970s. First, I find that low costs of obstruction to the opposition plays a central role in explaining the supermajoritarian Senate. Second, the model suggests a negative relationship between the frequency of filibusters and the cost of enduring a filibuster to either party. In particular, as the cost of fighting a filibuster rises for the majority, it becomes less willing to propose a bill that will be filibustered while rising costs to the opposition make it less willing to filibuster. Third, I find that filibusters can occur regardless of the relative strength of the two parties in the Senate. This is a consequence of reputation. Even when the eventual outcome of a filibuster fight is known ahead of time, filibusters can occur due to reputation politics. Fourth, the model suggests that filibusters occur most frequently when the two parties are relatively balanced such that the outcome of a filibuster fight is uncertain ahead of time. Fifth, my results suggest a positive relationship between extreme constituency preferences and the frequency of filibusters. In particular if the majority is sufficiently strong relative to the opposition or if the cost of filibustering is sufficiently high for both parties, an equilibrium in which filibusters occur with positive probability exists only if constituencies are extreme. Finally, the model implies a positive relationship between the public visibility of filibusters and their frequency. In particular, greater visibility makes the blame game a more viable strategy for the majority.

As noted, almost all previous formal models of the filibuster model reputation exogenously. In [Dion et al. \(2016\)](#) and [Atler and McGranahan \(2000\)](#), reputation is one of several

factors absorbed by an exogenous payoff from obstruction while [Bawn and Koger \(2008\)](#) explicitly associate their exogenous obstruction payoff with reputation. [Fong and Krehbiel \(2018\)](#) also acknowledge that signaling is relevant for explaining obstruction but do not explicitly include reputation in their model. They remark in a footnote that signaling can be incorporated into their model by adding exogenous payoffs from the act of obstructing itself ([Fong and Krehbiel 2018, 3](#)) as in [Bawn and Koger \(2008\)](#). [Patty \(2016\)](#) is the only previous model of obstruction in which a party's reputation is endogenous. In his model, an opposition party engages in a knowingly doomed campaign of costly obstruction in order to send a credible signal to a rational third party. As in my model, opposition position taking can account for obstruction when the opposition's immediate policy goals cannot. [Patty \(2016\)](#) assumes, however, that majority both proposes a bill and resists obstruction. While providing novel insights into why and for how long an opposition chooses to obstruct in the interest of improving its reputation, the model is limited in its ability to explain when and why a majority enables obstruction when obstruction enhances its opponent's reputation. My model furthers this rationalization of observed obstruction by identifying conditions under which the majority is willing to propose a bill and defend it against obstruction despite the reputation benefit its opponent enjoys.

The politics of blame that generates filibusters in my model follows a logic first formalized in [Groseclose and McCarty \(2001\)](#). In the motivating example of their model, Congress may pass legislation that it knows the President will veto in order to expose the President's preferences as unfavorable to the electorate. Only the president (opposition in my model), however, represents a constituency. I build on [Groseclose and McCarty \(2001\)](#) by assuming that both parties represent constituencies who are ignorant of their representative's true preferences. The majority may be eager to trap the opposition into taking an unpopular stand but be unwilling to suffer the harm to its own reputation diverting scarce legislative resources to such an end. The proposer's concern for its own reputation gives rise to majority position taking. [Gibbs and Cameron \(2020\)](#) also identify a version of majority position taking

where a third-party observer's ignorance of the proposer's preferences motivates the proposer to knowingly submit proposals that are rejected by a receiver. In their model, individual legislators or party caucuses introduce bills that they know will be defeated by a veto player in order to signal the intensity of their preferences to their constituency. The veto player in their setup is unaffected by its own reputation and that of its opponent. My model advances this framework by making the veto player (the opposition) sensitive to reputation as well. In crafting its response, the opposition considers how its own reputation and that of its opponent will be affected. It may choose to allow an unfavorable bill to be voted on and enacted into law rather than damage its reputation by filibustering. A similar strategic consideration is present in [Fox and Van Weelden \(2010\)](#) where a partisan overseer can veto an executive's proposal. In their model an overseer takes into account not only how its actions affect its own reputation but also that of the executive.

The paper is organized as follows. I first present the setup of the model. I then describe my equilibrium concept and refinement. This refinement leaves four possible equilibria in which filibusters occur with positive probability. I derive conditions under which each of these exist and explain how reputation politics factors into each. I then use these equilibria to analyze the substantive implications of the model. In carrying out this analysis, I discuss existing theoretical accounts of filibuster use and empirical patterns that the existing literature has documented. Where applicable, I explain why my results conflict with previous theories and suggest how my results can alternatively explain patterns of filibuster use identified in the empirical literature. I conclude by discussing the model's potential normative implications as well as its possible implications for why the filibuster has persisted as an institution.

Model

The two active players in the game are a majority, M , and an opposition, O . For ease of exposition I refer to the actors as “parties” although the two coalitions that these actors represent do not need to sort along party lines. These main actors can be thought of as the leaders of the two coalitions such as a majority and minority leader. The two parties have opposing policy preferences which are known. The majority would like to change an existing status quo while the opposition prefers to keep the status quo in place. I conceive of the status quo and an alternative in binary terms. This encompasses both ideological and distributive policy areas. The Senate can, for example, keep a pro-business policy in place or replace it with a pro-labor policy or choose whether or not to open a military base. Both M and O vary in terms of the intensity of their preferences. Party i can be either a “moderate” or “extreme” type.² Each party is a extreme with probability $1/2$.³ Each party knows its own type *and* its opponent’s type.

Two additional players, a majority constituency, MC , and an opposition constituency, OC , play a passive role. Neither constituency knows the type of either party. Each constituency observes the actions of the majority and opposition and form beliefs about their representative party’s type. Like M and O , the constituencies have either extreme or moderate preferences on the policy issue at hand. The intensity of each constituency’s preferences are common knowledge. Let $\gamma_i \in \{m, e\}$ denote the intensity constituency i ’s preferences where m and e connote “moderate” and “extreme.” To simplify analysis, I assume that $\gamma_O = \gamma_M$ so that constituencies together are extreme or moderate.⁴

Each party is rewarded if its constituency forms favorable beliefs about it. Regardless of a party’s type, if its constituency believes that the intensity of its party’s preferences are congruent with its own, the party is rewarded. Each party is also affected by the beliefs that its opponent’s constituency forms about its opponent. A party desires that its opponent’s

²Formal definitions of type are in the Appendix.

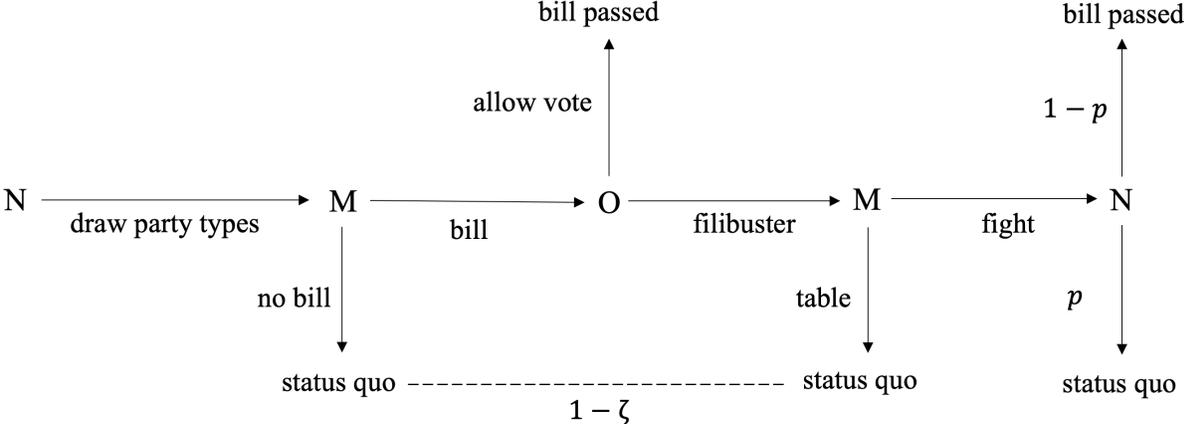
³Results are substantively similar for more general priors. Details available upon request.

⁴Results for $\gamma_O \neq \gamma_M$ are available upon request.

constituency forms unfavorable beliefs about its party. I use the term “constituency” rather than “voter” to emphasize that a representative voter is not necessarily the relevant audience for a party. The constituency may be an interest group, a core of activists, major donors, or a state legislature, for example.

The game is played with the following sequence of moves, illustrated in Figure 1. First, Nature selects each party’s type and reveals these to both parties. The game then enters a legislative stage. At the conclusion of this stage, constituencies form beliefs about their representative’s type, payoffs are realized, and the game ends.

Figure 1: Legislative stage sequence and outcomes



In the legislative stage, the majority first chooses whether to propose a change to the status quo or not. If the majority does not introduce a bill to alter the status quo, the legislative stage ends and the status quo prevails.

If the majority chooses to introduce a bill, the opposition decides whether to filibuster or allow a vote on the bill. If the opposition chooses not to filibuster, the bill passes and the legislative stage ends. Implicitly, the decision to not filibuster results in a vote on the bill that is decided by a simple majority. If the opposition filibusters, the majority decides whether to concede and table the bill in question or fight the filibuster. If it tables the bill, the status quo remains and the legislative action stage ends.

If the majority fights the filibuster, the opposition’s filibuster is successful with probability p , which is common knowledge. The parameter p captures the relative strength of each side independent of its intensity of preferences. A high value of p may represent a highly cohesive opposition or a slim majority relative to the cloture threshold. From the perspective of the party leadership who decides whether to initiate or fight the filibuster, a low value of p can represent an opposition that may have a highly motivated core but possesses fringe members who may be bought off by amendments to the bill or other concessions from the majority. From the perspective of the leadership choosing to initiate a filibuster, these are random events that determine the success or failure of obstruction. If the filibuster is unsuccessful, the majority’s bill passes. The conclusion of the filibuster ends the legislative stage.

If the legislative stage ends with a filibuster fight or if the opposition allows a vote, constituencies observe the entire sequence of actions taken by both parties in the legislative stage of the game. If there is no change to the status quo and no filibuster fight, constituencies observe the sequence of legislative action with probability ζ . With probability $1 - \zeta$ constituencies do not learn whether the status quo prevails due to the majority’s unwillingness to introduce a change to the status quo or due to the majority tabling a bill in the face of a filibuster initiated by the opposition. This is represented in Figure 1 by the dashed line connecting the two outcomes scaled by $1 - \zeta$. This captures the idea that the passage of new laws and protracted filibusters are more visible events than the non-introduction of bills or the quiet tabling of motions. As [Dion et al. \(2016, 569\)](#) note,

Legislative procedures typically garner very little press. Quorum calls, the pairing of members, motions to recommit—all of these can play a significant role in the legislative process, but they are hardly the stuff of front-page headlines. The exception, of course, is the filibuster [...].

I assume that it is costless to both introduce a bill and initiate a filibuster, although in my analysis I ignore equilibria that are not robust to an infinitesimal cost of bill introduction. Each party pays a direct cost only if the opposition initiates a filibuster and the majority

fights back. Moderate parties suffer a larger cost than extreme parties from enduring a filibuster. Moderates have a stronger preference to move on and address other issues which the filibuster takes valuable time away from. I assume that extremists parties pay no cost during a filibuster while moderate parties suffer $c_i > 0$. A several scholars have observed, that the cost of filibustering in the contemporary Senate arguably very low in most cases (Binder and Smith 1997; Koger 2010; Bell 2011). In my analysis, I examine the model's implications when the opportunity cost of filibustering for moderates is near zero.

Parties value their own reputation as well as their opponent's reputation. Reputation is earned endogenously from constituency beliefs. Let μ_i denote constituency i 's belief about its representative party i . Formal definitions of these beliefs as mappings from information sets are provided in the Appendix. To specify how constituency beliefs affect each party, I define a *congruence function*:

$$k_i(\mu_i; \gamma_i) = \begin{cases} \mu_i & \text{if } \gamma_i = m \\ 1 - \mu_i & \text{if } \gamma_i = e \end{cases}$$

Each function returns a value between zero and one that indicates each constituency's confidence that the intensity of its party's preferences are congruent with its own. For example if the opposition constituency has extreme preferences, $\gamma_O = m$, and believes the opposition is also extreme, $\mu_M = 1$, the congruence function is maximized: $k_O(1; m) = 1$. If the opposition constituency has moderate preferences and it retains its prior belief about the opposition, $\mu_i = 1/2$, the congruence function returns $k_O(1/2; e) = 1/2$.

Party i earns a payoff from its own and its opponent's reputation of

$$r(k_i, k_{-i}) = \alpha k_i - \beta k_{-i}$$

where arguments in the congruence function are collapsed to ease notation. This function is strictly increasing in its first argument, own reputation, and decreasing its second argument,

opponent reputation. The real scalar $\alpha > 0$ represents the degree to which a party values its own reputation and $2\beta > 0$ represents the value a party places on its opponent's reputation. I assume that $\alpha \geq 2\beta$ so that a constituency values its own reputation at least as much as its opponent's.⁵

If a party's preferred policy prevails in the legislative stage, it earns a policy payoff of q . Otherwise a party earns policy payoff of 0. The majority earns this payoff if it proposes a bill that is not filibustered or if it fights a filibuster and wins. The opposition realizes this policy payoff if the majority does not propose a change to the status quo, if the majority tables after the opposition initiates a filibuster, or if the majority fights a filibuster but loses the battle to the opposition. Note that if the two parties engage in a filibuster battle, the opposition receives an expected policy payoff of pq while the majority earns an expected policy payoff of $(1 - p)q$. I further assume that $q > \alpha + 2\beta$. This assumption ensures that a party will take a guaranteed policy victory if one is available. This rules out an implausible case in which a majority is unwilling to introduce a bill that a moderate opposition will allow a vote on in order to prevent a moderate majority from demonstrating congruence with a moderate constituency.

Equilibrium

My solution concept is weak perfect Bayesian equilibrium and I restrict attention to pure strategy equilibria.⁶ I define pure strategies for parties formally in the Appendix. I impose several additional refinements to pure strategy equilibria which I define formally in the Appendix. The first of these concerns equilibrium strategies. I restrict attention to equilibria such that on the equilibrium path of play, each party's strategy is a mapping from only its own type. This rules out the possibility that a party can directly reveal its opponent's type

⁵Assuming 2β instead of β simplifies presentation of results.

⁶I use weak perfect Bayesian equilibrium (also known as *weak sequential equilibrium*) because constituencies may not observe parties' actions if no bill is introduced or the bill is tabled. Perfect Bayesian equilibrium requires observed actions.

through its own actions on the equilibrium path. In the equilibria I consider, parties may play strategies that set its opponent up to take an action that reveal its type but I do not allow direct signaling of an opponent's type.⁷ Second, I impose a restriction on off-path beliefs that prevents one party from directly revealing its opponent's type off of the equilibrium path and rules out equilibria that exist only under punitive off-path beliefs. Third, I restrict the set of equilibria I consider further by focusing on equilibria that are robust to small perturbations of the model's parameters. This rules out equilibria that exist only on a knife edge where at least one party is exactly indifferent between playing its equilibrium strategy and deviating. This rules out intuitively unappealing equilibria in which the majority takes actions that result in a filibuster when the same payoff can be earned by not submitting a bill.

I show in the Appendix that these restrictions rule out all but four possible pure strategy equilibria in which filibusters are initiated with positive ex ante probability. In the first of these equilibria, a *policy-battle (PB) equilibrium*, both types of the majority introduce a bill and fight a filibuster while both types of the opposition filibuster. In the second, an *opposition-separating (OS) equilibrium*, both types of the majority introduce a bill and fight a filibuster while only the extreme opposition filibusters. In the third, a *majority-separating (MS) equilibrium*, the extreme majority introduces a bill and fights a filibuster, the moderate majority does not introduce a bill, and both types of the opposition filibuster. The fourth equilibrium, a *MS-OS equilibrium*, combines separating strategies from the MS and OS equilibria. The extreme majority introduces a bill and fights a filibuster, the moderate majority does not introduce a bill, the extreme opposition filibusters, and the moderate opposition allows a vote. Formal definitions for each equilibrium are provided in the Appendix. I refer to these four equilibria collectively as *filibuster equilibria*. In the rest of this section I characterize necessary and sufficient conditions for each equilibrium to exist and discuss

⁷Groseclose and McCarty (2001) and Fingleton and Raith (2005) employ similar refinements for games in which the sender knows a career-concerned receiver's type and bargaining takes place before a third-party observer.

how reputation factors into filibuster politics in each. In the subsequent section I analyze these equilibria to produce substantive results.

Policy-Battle Equilibrium

In a policy-battle (PB) equilibrium, both types of majority introduce a bill, both types of opposition filibuster, and both types of majority fight the filibuster. I refer to this as a “policy-battle” equilibrium because both parties engage in a filibuster fight solely for the purpose of securing a policy victory.

Lemma 1 (PB Equilibrium) *A PB equilibrium exists if and only if $pq \geq c_O$ and $(1 - p)q \geq c_M$.*

Endogenously, reputation has no bearing on legislative bargaining in a PB equilibrium. Both types of each party take the same actions in equilibrium and constituencies retain their prior beliefs about their representative party. Equilibrium requires that the expected policy payoff to both parties is sufficiently high relative to the cost of enduring a filibuster.

Opposition-Separating Equilibrium

In an OS equilibrium, the majority introduces a bill and fights a filibuster regardless of its type. The majority constituency therefore learns nothing new about its party’s type. The opposition separates with the extreme opposition filibustering and the moderate opposition allowing a vote. The opposition’s type is revealed in equilibrium. Reputation politics plays a role in strategic decision-making in the OS equilibrium. The opposition takes into account its own reputation in crafting its response to a proposed bill and the majority takes into account the opposition’s reputation when deciding whether to introduce a bill and fight a filibuster.

If constituencies are moderate, the OS equilibrium exhibits blame-game politics. The opposition constituency forms unfavorable beliefs about the opposition if it observes a fili-

buster. If the opposition allows a vote, its constituency forms favorable beliefs and rewards the opposition for its restraint. The majority benefits from the damaged reputation the extreme opposition suffers from filibustering. While it is harmed by the gain in reputation that the moderate opposition earns from allowing a vote, it secures a guaranteed and immediate passage of the bill if the opposition is moderate.

If constituencies are extreme, the OS equilibrium exhibits opposition position taking. With extreme constituencies, the extreme opposition relishes the opportunity to filibuster in order to signal its type even if its chance of defeating the bill is low. The moderate opposition in this case accepts harm to its reputation because it is unwilling to endure the cost of filibustering the majority's proposal. The majority is more than happy to expose the moderate type and secure free passage of the bill. When considering whether to propose a bill to an extreme opposition, it takes into account the harm it will suffer by providing the opposition with a platform from which it can position take. In order for it to be willing to allow this, the majority must be sufficiently confident that it can defeat the filibuster and secure a policy victory.

Lemma 2 (OS Equilibrium) *An OS equilibrium exists if and only if either*

1) *Constituencies are extreme and*

$$(1 - p)q \geq c_M + \beta$$

$$pq + \alpha \leq c_O$$

2) *Constituencies are moderate and*

$$(1 - p)q + (1 - \zeta)\beta \geq c_M$$

$$pq - \alpha \in [0, c_O]$$

In order for the opposition to take the filibuster bait in the blame game when constituencies are moderate, p must be sufficiently high such that the expected policy value of defending the status quo exceeds the harm it suffers to its reputation: $pq - \alpha \geq 0$. Blame-game filibusters also require that the moderate opposition is unwilling to bear the opportunity cost of filibustering in addition to the harm its reputation suffers: $pq - \alpha \leq c_O$.

For the majority, blame-game politics alone can be a sufficient incentive to engage in a costly filibuster battle. Even if the opposition's filibuster is guaranteed to succeed, $p = 1$, the majority gains by harming the opposition's reputation. The value of fighting the opposition's filibuster is represented by $(1 - \zeta)\beta$. Blame-game filibusters require that filibuster fights are sufficiently more visible to constituencies than the simple initiation of a filibuster followed by majority tabling. If constituencies can identify minor dilatory motions and differentiate between no bill and tabling when the status quo does not change, a filibuster battle does no additional harm to the opposition's reputation than the initiation of a filibuster.

For opposition position taking to be credible when constituencies are extreme, the moderate opposition must be unwilling to suffer the opportunity cost of filibustering. This requires $c_O \geq pq + \alpha$. The majority must also be willing to accept the gain that the extreme opposition enjoys to its reputation. This requires that $(1 - p)q$ is sufficiently high. If the opposition is likely to prevail, the majority has no reason to suffer the opportunity cost of enduring a failed fight against the filibuster while allowing its opponent a venue in which to grandstand. Unlike the majority, the opposition is willing to filibuster even if it is a *fait accompli* that it will fail in its effort to defend the status quo.

The penalty in terms of its opponent's reputation that the majority suffers is represented by β . Unlike in the blame game, the viability of opposition position taking does not depend on filibuster fights being more visible than more mundane procedures that do not result in a change to the status quo. The majority only introduces a bill if it expects to change the status quo. The opposition constituency always observes any change to the status quo, whether through a defeated filibuster or an unobstructed simple-majority vote. The ma-

majority's alternative is to not introduce a bill and accept the status quo. This deprives the extreme opposition of its platform from which to position take. In this case the OC retains its prior belief about the opposition regardless of whether it observes the specific procedures that leave the status quo intact.

Majority-Separating Equilibrium

In a MS equilibrium, the opposition always filibusters regardless of its type. The opposition constituency learns nothing new about the opposition in equilibrium. The extreme majority submits a bill and fights the opposition's filibuster while the moderate majority does not submit a bill. In equilibrium the majority constituency learns the majority's type. If constituencies are extreme, the MS equilibrium exhibits majority position taking. The majority is rewarded for fighting the filibuster even if its effort is unsuccessful. In this case the opposition's determination to defend the status quo provides the majority with a costly way to signal its congruence with its constituency. If constituencies are moderate, the majority suffers harm to its reputation if it fights a filibuster. The extreme majority fights a filibuster in the hope that it can change the status quo against the objections of its constituency.

Lemma 3 (MS Equilibrium) *A MS equilibrium exists if and only if $pq \geq c_O$ and either*

- 1) *Constituencies are extreme and $c_M \geq (1-p)q + \alpha$*
- 2) *Constituencies are moderate and $(1-p)q - \alpha \in [0, c_M]$*

In order for majority position taking to be credible, the opportunity cost of fighting a filibuster must be sufficiently high: $c_M \geq (1-p)q + \alpha$. Additionally, position taking signaling requires that the opposition filibusters a proposal by the majority. The majority cannot fight a filibuster that the opposition does not initiate. Unlike opposition position taking where the majority's decision to submit a bill or not determines whether or not the opposition is given a platform from which to position take, the opposition's decision to filibuster has no bearing on the majority's ability to signal. This is a consequence of the majority's agenda

control. If the opposition decides to allow a vote, the majority constituency observes that the majority introduced a bill it expected to be filibustered and infers that the majority is extreme. The opposition’s decision to filibuster is therefore influenced only by its policy interest in defending the status quo. In order for the opposition to engage in a costly filibuster, its expected policy payoff from filibustering must be sufficiently high relative to the cost of filibustering: $pq \geq c_O$.

If constituencies are moderate, the majority harms its reputation by fighting a filibuster. A MS equilibrium may nonetheless exist. In equilibrium, the extreme majority endures a filibuster in order to alter the status quo despite the hit it takes to its reputation if $(1 - p)q \geq \alpha$. In a sense this is a “profile in courage” where the extreme majority pursues a policy agenda it believes in against criticism from its constituency.

MS-OS Equilibrium

The MS-OS equilibrium combines strategies from the MS and OS equilibria. The moderate majority does not introduce a bill while the extreme majority introduces a bill and fights a filibuster. The moderate opposition allows a vote and the extreme opposition filibusters. Additionally, the moderate opposition filibusters if the moderate majority introduces a bill. This deters the moderate majority from submitting a bill when facing a moderate opposition.

Interestingly, a MS-OS equilibrium requires that constituencies are extreme. If constituencies are moderate, the blame game prevents the extreme majority from separating from the moderate majority. If the majority constituency observes that a bill has been tabled, it infers that the majority is moderate because it expects the extreme majority to fight a filibuster. The moderate majority therefore earns the same reputation and policy payoff from both introducing no bill and introducing a bill only to table it. By introducing a bill and tabling it in response to the opposition’s filibuster, the moderate majority harms the opposition’s reputation with probability ζ . Its equilibrium strategy of not submitting a bill does no harm to the opposition’s reputation.

Lemma 4 (MS-OS Equilibrium) *A MS-OS equilibrium exists if and only if constituencies are extreme, $c_O \geq \alpha + pq$, and $c_M \geq (1 - p)q + \alpha - \beta(1 - \zeta)$.*

The MS-OS equilibrium features both majority and opposition position taking. The MS-OS equilibrium can therefore exist for any value of p . As in the MS equilibrium, the majority's agenda control deprives the opposition of any say in providing an extreme majority with a platform from which to position take. If the opposition allows a vote in an effort to undercut majority position taking, the majority constituency infers that the majority is extreme as only the extreme majority introduces a bill in equilibrium. In the MS-OS equilibrium, majority position taking comes at the cost of allowing its opponent to position take as well. Because parties value their own reputation at least as much as their opponent's, the extreme majority is always willing to fight in order to signal its own type even though this also allows the extreme opposition to position take.

For opposition position taking to be credible, the opportunity cost of filibustering to the moderate opposition must be sufficiently high relative to the expected policy payoff from defending the status quo and the reputation gain that filibustering brings. Formally, this requires $c_O \geq \alpha + pq$. For majority position taking to be credible, c_M must be sufficiently high such that the moderate majority is unwilling to fight a filibuster.

Analysis

In this section I analyze the model's substantive implications. In particular I assess how variation in the model's parameters influences the probability of a filibuster and the proportion of votes necessary to pass legislation. The model focuses on legislative bargaining on a single policy issue for which the majority and opposition have opposing preferences. Accordingly, it is somewhat limited in its ability to explain the frequency of filibusters. Outside of the model, the frequency of filibusters may be influenced by variation in the quantity of policy issues on which parties disagree. Nevertheless, the model permits analysis of the probability

that a filibuster may occur on any single issue over which the two parties have opposing preferences. The model also allows me to analyze the probability that the opposition allows a vote on a bill that it opposes. The observed outcome in this case is an “unobstructed simple-majority vote” (USMV) on a bill. The model reveals conditions under which USMVs are not possible in equilibrium. Under such conditions, the Senate is supermajoritarian or a “60-vote Senate.” Accordingly, the model can be used to identify salient factors in explaining the emergence of the 60-vote Senate in the 1970s.

Remark 1 (Equilibrium outcome probabilities)

- *In a PB equilibrium*

filibusters occur with probability 1.

- *In a MS equilibrium,*

filibusters occur with probability 1/2.

no bill is proposed with probability 1/2.

- *In an OS equilibrium,*

filibusters occur with probability 1/2.

USMVs occur with probability 1/2.

- *In a MS-OS equilibrium,*

filibusters occur with probability 1/4.

USMVs occur with probability 1/4.

no bill is proposed with probability 1/2.

Note that the probability of a filibuster is maximized in a PB equilibrium. The 60-vote Senate exists outside of OS and MS-OS equilibria. In the OS and MS-OS equilibria, the moderate opposition is unwilling to engage in a filibuster fight with the majority. In the OS

equilibrium, both types of majority fight the filibuster. The moderate opposition therefore allows a vote. In the MS-OS equilibrium, only the moderate majority is willing to fight the filibuster. The moderate opposition can therefore credibly threaten to filibuster a bill proposed by the moderate majority. The moderate majority responds by not submitting a bill. Because the extreme majority fights a filibuster, the moderate opposition allows a vote on a bill proposed by the extreme majority.

Opportunity costs of obstruction

I first examine the implications of variation in the cost of enduring a filibuster to both parties. The following Lemma, illustrated in Figure 2, identifies conditions in terms of these costs such that each type of filibuster equilibrium is unique.

Lemma 5 *The unique filibuster equilibrium is*

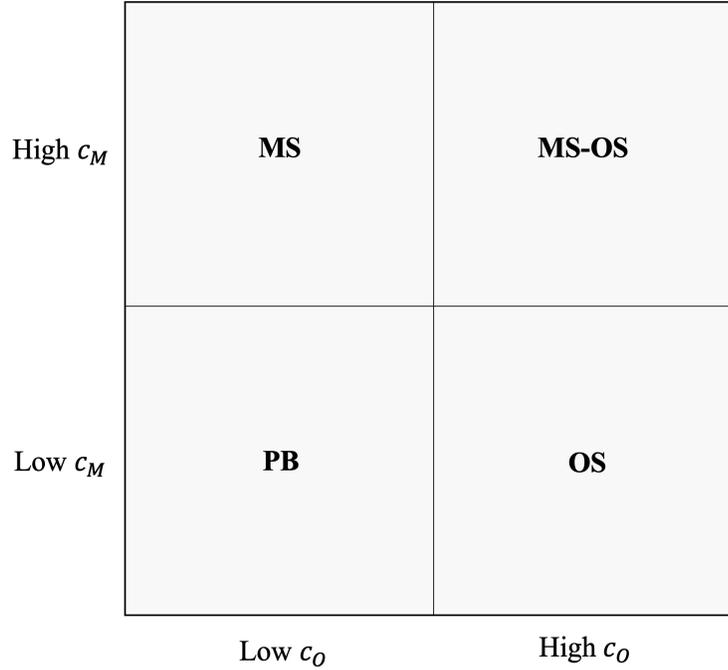
- *PB if c_M and c_O are sufficiently low.*
- *MS-OS if c_M and c_O are sufficiently high.*
- *MS if c_M is sufficiently high and c_O is sufficiently low.*
- *OS if c_M is sufficiently low and c_O is sufficiently high.*

My first result identifies the conditions under which the Senate is supermajoritarian. Note in Lemma 5 that if c_O is sufficiently low neither the OS or MS-OS equilibrium exists. Because USMVs occur only in these equilibria, the Senate is supermajoritarian if c_O is sufficiently low.

Proposition 1 *The Senate is supermajoritarian if c_O is sufficiently low.*

Lemma 5 suggests a relationship between the costs of enduring a filibuster and the probability of a filibuster. The equilibrium that maximizes the probability of a filibuster, a PB

Figure 2: Filibuster equilibria and opportunity cost



equilibrium, exists only if c_M and c_O are sufficiently low. For c_O sufficiently low, an increase in c_M may undermine a PB equilibrium and bring a MS equilibrium into existence. For c_O sufficiently high, a rise in c_M may undermine an OS equilibrium and bring a MS-OS equilibrium into existence. In both cases the equilibrium probability of a filibuster falls due to a rise in c_M . For c_M sufficiently low, a sufficiently large increase in c_O destroys a PB equilibrium and creates an OS equilibrium. For c_M sufficiently high, a rise in c_O may undermine a MS equilibrium and bring a MS-OS equilibrium to existence. In both cases the equilibrium probability of a filibuster falls as c_O rises. The result in Lemma 5 thus suggests that rising costs of enduring a filibuster to either party lower the probability of a filibuster.

Proposition 2 *The equilibrium that maximizes the probability of a filibuster exists only if c_O and c_M are sufficiently low.*

Several previous studies of the filibuster have argued that over the course of the 20th century, scarce floor time became more valuable to the majority as the Senate’s workload

increased. The authors of these studies associate rising opportunity costs to the majority of enduring a filibuster with an increase in the frequency of filibusters over time and the emergence of a 60-vote Senate in the 1960s (Oppenheimer 1985; Binder and Smith 1997; Koger 2010; Sinclair 1989; Binder, Lawrence and Smith 2002). My results suggest that the direct effect of c_M on the probability of a filibuster and USMV in a single issue area is negative. This is a consequence of the majority leaving items off of the agenda that will be filibustered due to high opportunity costs. Bawn and Koger (2008) and Koger (2010) acknowledges this agenda effect of c_M as well. Despite this, Koger (2010) joins Oppenheimer (1985) and Binder and Smith (1997) in arguing that majority opportunity costs contribute to both a higher frequency of filibusters and a 60-vote Senate. The model, however, implies that independently raising c_M only raises the probability of filibusters and never lowers the probability of USMVs to zero.

This conflict between the model’s implications and these previous theories may be reconciled by considering the mechanism through which these theories attribute supermajoritarianism and an increase in filibustering to a rise in c_M . Koger (2010) argues that as the cost of enduring a filibuster rises, majorities become less willing to wait out a filibuster which reduces the cost of filibustering to the opposition. This argument can be expressed in the model in two ways. First, an extreme reduction in the cost of filibustering for the opposition occurs endogenously if an increase in c_M undermines the PB equilibrium and brings the MS equilibrium into existence. In a PB equilibrium, the moderate opposition suffers c_O when it filibusters a bill proposed by the moderate majority. In a MS equilibrium, the moderate opposition suffers no cost from filibustering a bill proposed by the moderate majority because the latter is unwilling to fight a filibuster. However, in a MS equilibrium, the moderate majority’s unwillingness to endure a filibuster prevents it from submitting a bill in the first place. This endogenous drop in the cost of filibustering to the opposition brought about by a rise in c_M therefore cannot account for an increase in filibustering. It similarly cannot explain the 60-vote Senate as the moderate opposition filibusters all bills in both a PB and

MS equilibrium.

Alternatively, an increase in c_M may exogenously correlate with a decrease in c_O . [Koger \(2010\)](#) argues that as enduring filibusters became more costly to the majority in the 1960s, the majority shifted its tactical approach to combating filibusters from attrition to cloture. The attrition tactic sought to defeat filibusters by forcing the opposition to hold the floor for an extended period of time in the hope that it would eventually become too exhausted to continue. Increasingly unwilling to sacrifice the time necessary to break the will of the opposition, the majority turned to the less time-consuming tactic of seeking cloture votes. Such a tactical shift in the face of a rising opportunity cost of time had the effect of lowering the cost to the opposition of filibustering.⁸ Additional institutional reforms and changes in the political environment may have put further downward pressure on c_O in the 1970s. Increasing polarization and partisanship arguably reduce the opportunity cost of filibustering to the opposition by shrinking the menu of potential bills that parties can cooperatively enact. The introduction of the “tracking” system in 1970 allowed the Senate to have more than one bill pending as unfinished business. As [Binder and Smith \(1997, 15\)](#) argue, the tracking system made filibustering “less costly to the filibustering senators—other senators would no longer be forced to hold the floor continuously to block legislation.” Following this logic, [Binder, Lawrence and Smith \(2002, 411\)](#) conclude that “filibustering should increase after the introduction of tracking.”

The influence of c_O on the 60-vote Senate and probability of a filibuster implied by the model is consistent with these existing theories of the filibuster. From [Proposition 1](#), a decline in the cost of filibustering to the opposition leads to the emergence of a 60-vote Senate. [Lemma 5](#) suggests that a decline in c_O raises the probability of a filibuster under united government as the moderate opposition is willing to defend any change to the status quo.

My results also disclose a new implication of rising c_M and falling c_O . For high c_M ,

⁸The reduced willingness of the majority to endure a protracted filibuster plausibly raises p as well. I address this in the following section.

filibusters and USMVs reveal the majority's type to its constituency. For low c_O , both types of the opposition filibuster, removing the informational content of filibusters for the opposition constituency. This suggests that in the contemporary Senate, the majority's concerns over its own reputation may be the dominant form of reputation politics. Majority position taking may lead to ostensibly inefficient filibusters that the majority does not expect to defeat. Fear of damaging its reputation by combating filibusters it believes it can defeat may keep items off of its legislative agenda. Additionally, the opposition's concern for its own reputation and the majority's concern over its opponent's reputation may be less of a factor in the contemporary Senate than in earlier eras. The blame game and opposition position taking are untenable if c_O is sufficiently low. This implies that the majority should be more reticent to propose bills it believes will be successfully filibustered and that opposition position taking should be less of a factor in constraining its legislative agenda.

While it is plausible that in the contemporary Senate c_O tends to be lower than in earlier eras, occasions may still arise when c_O is sufficiently high to make opposition position taking or blame-game politics credible. The motivating example in [Patty \(2016\)](#) is the 16-day government shutdown in 2013 brought about by Republican obstruction of an appropriations continuing resolution. In this episode, it was clear at the time that the ultimate outcome of this episode would be a "reopening [of] the government at the same funding levels as were in force prior to the shutdown" ($p \approx 0$). My model implies that obstruction in such a circumstance requires opposition position taking and therefore c_O to be sufficiently high. In this particular case, the sheer economic cost of the shutdown suggests a sufficiently high cost to make opposition position taking credible.

Relative party strength

[Binder and Smith \(1997, 17\)](#) suggest that relative party strength influences the frequency of filibusters. They argue that increasing partisanship and internal cohesion of the two parties may have contributed to the increase in filibustering after the 1970s. According to their

argument, a more cohesive party is more confident that it can prevail in a filibuster battle and therefore more willing to engage in one. [Binder, Lawrence and Smith \(2002, 409-10\)](#) extend this argument, positing two scenarios:

As majority party strength increases and with it the threat to the policy status quo, the incentive of the minority party to filibuster should increase as it seeks to preserve the status quo. Alternatively, increases in minority party strength might fuel an increased reliance on the filibuster, as it would become easier and more likely for the minority to succeed in blocking action through a filibuster [...].

[Binder, Lawrence and Smith \(2002\)](#) limit the scope of their analysis to filibusters that are mounted and resisted solely for policy concerns.⁹ Accordingly, their claims can be evaluated in the context of the model by examining how changes in p affect parties' incentives in a PB equilibrium and whether this works to undermine a PB equilibrium or support its existence. In the model, a rise in the strength of the majority party, all else equal, is represented by a decrease in p . Conversely, a higher p represents a stronger opposition.

The results of the model confirm their second claim that as p rises and the opposition becomes more likely to prevail, the opposition has a stronger incentive to use a filibuster to defend the status quo. More precisely, the opposition is willing to filibuster in a PB equilibrium for a strictly larger set of q and c_O as p rises. This rise in p , however, makes the majority less willing to challenge the status quo. It is willing to propose a bill for a strictly smaller set of q and c_M . It therefore does not follow that a stronger opposition leads to more filibusters. A rise in p may induce the opposition to filibuster when it was unwilling to previously but such an increase may also remove the majority's incentive to introduce a bill it knows will be filibustered. The model's implications for their first claim are similar. As p falls and the majority gains confidence that it can defeat a filibuster, the majority becomes more

⁹They state this explicitly: "...our conjectures about filibusters assume that senators mount them with the intent of winning on policy grounds..." ([Binder, Lawrence and Smith 2002, 416](#)).

willing to challenge the status quo as [Binder, Lawrence and Smith \(2002\)](#) suggest. However, because the opposition necessarily becomes less likely to successfully defeat a filibuster, it has a weaker incentive to filibuster as the expected payoff from filibustering, pq , declines. Thus as the relative strength of the majority party increases, filibusters may become either more or less likely depending on which effect dominates. A PB equilibrium can be destroyed or brought into existence by a change in p .

Their conjecture that rising cohesion of *both* parties may account for a rise in the frequency of filibusters after the 1970s can potentially be rationalized by the model. This simultaneous rise in party cohesion in the 1970s may have plausibly led to more balanced parties, represented by intermediate values of p . The PB equilibrium requires that the two parties be relatively balanced so that both believe they can outlast their opponent. [Figure 3](#) illustrates this. Moreover, because the PB equilibrium maximizes the probability of a filibuster, their conjecture may hold even without restricting attention as they do to an environment without reputation.

Proposition 3 *The equilibrium that maximizes the probability of a filibuster does not exist if the opposition is sufficiently strong or sufficiently weak.*

It is also possible that stronger parties may push p towards 0 or 1, especially as cloture became the dominant tactic to defeat filibusters in the 1970s ([Koger 2010](#)). Such a shift in p makes policy-battle filibusters less viable. [Wawro and Schickler \(2006\)](#) make a similar point. They argue that the introduction of a cloture rule in 1917 reduced the frequency of filibusters by reducing uncertainty about the outcome of a filibuster. Like [Binder and Smith \(1997\)](#) and [Binder, Lawrence and Smith \(2002\)](#), [Wawro and Schickler \(2006\)](#) largely bracket off reputation in their analysis of the filibuster. While the model corroborates their conjecture that policy-battle filibusters require the expected result of a filibuster to be sufficiently uncertain, it also reveals that such uncertainty is not necessary for filibusters to occur in equilibrium. Due to position taking and the blame game, at least one filibuster equilibrium

can exist for *any* value of p . Moreover, because the MS-OS equilibrium can exist for any p , the model implies that USMVs can occur for any value of p .

Proposition 4 *An equilibrium in which filibusters and USMVs occur with positive probability can exist for any p .*

These results imply that one should not generally expect a robust monotonic relationship between relative party strength and either the frequency of filibusters or the 60-vote Senate. The model instead suggests a “U-shaped” relationship, if any, in which filibusters are most likely when parties are balanced and less likely when either party is sufficiently strong. While null or mixed empirical findings should not be taken as evidence for the veracity of this implication of the model, it is worth noting in their quantitative analyses of filibuster use, [Binder, Lawrence and Smith \(2002\)](#) and [Dion et al. \(2016\)](#) find a positive relationship between majority party strength and filibusters while [Koger \(2016\)](#) finds no significant relationship.

The model yields more precise implications for the type of filibusters that can occur when one party is much more likely to prevail than the other. Somewhat obviously, if the ultimate result of obstruction is a *fait accompli*, reputation politics must, at least partially, explain filibusters. For at least one party, reputation payoffs are necessary for a filibuster equilibrium to exist. Less obviously, the type of reputation politics that explains filibusters depends on whether the opposition or majority is sufficiently strong.

If obstruction is likely to fail, the opposition only filibusters in order to position take. As illustrated in [Figure 3](#), the only equilibria that can exist in this case are OS and MS-OS. The blame game is not viable because without the possibility of preventing a change to the status quo, the opposition is unwilling to suffer damage to its reputation. This implies that if p is sufficiently low, filibusters can occur only if constituencies are extreme. Moreover, filibusters should always improve the reputation of the opposition when the filibuster is unlikely to succeed.

Figure 3: Possible filibuster equilibria

High-intensity constituencies	<p style="text-align: center;">MS-OS OS</p>	<p style="text-align: center;">MS-OS OS MS PB</p>	<p style="text-align: center;">MS-OS MS</p>
Low-intensity constituencies		<p style="text-align: center;">MS PB</p>	<p style="text-align: center;">OS</p>
	Weak opposition	Balanced parties	Strong opposition

If the filibuster is likely to succeed, the majority fights a filibuster only to either position take or play the blame game. If constituencies are moderate, the only possible filibuster equilibrium is the OS equilibrium, as illustrated in Figure 3. Because constituencies are moderate, the majority cannot position take. This rules out MS and MS-OS equilibria. The opposition is willing to accept harm to its reputation in the OS equilibrium because it is certain that obstruction will prevent a change to the status quo. If constituencies are extreme, an OS equilibrium does not exist because the majority is unwilling to allow the opposition to position take without the possibility of changing the status quo. The only value of fighting a filibuster to the majority when the filibuster is guaranteed to be successful is position taking.

It follows that filibusters never harm the majority's reputation when the opposition is sufficiently strong. Moreover, if filibusters have no effect on the majority's reputation, they must harm the opposition's reputation. While it is possible that filibusters also help the

opposition's reputation when a filibuster is likely to succeed, all filibusters in this case are associated with either a decline in the opponent's reputation or an improvement in the majority's reputation.

Constituency preferences

Several scholars have suggested that increasing polarization and the growing prominence of interest groups, activist organizations, and campaign funding organizations in American politics have contributed to an increase in filibustering (Sinclair 1989; Binder and Smith 1997; Mayhew 2010). Two mechanisms are at work in these arguments. First, the proliferation of interest groups expands the number of issues on which constituencies demand Congressional action. This creates more opportunities for disagreement between the two parties and therefore more opportunities for obstruction (Sinclair 1989). Second, greater polarization and organization of extreme constituents imposes pressure on parties to demonstrate loyalty in existing issue areas (Mayhew 2010). This latter effect can be represented in the model by considering the implications of switching constituency preferences from moderate to extreme.

The model suggests two ways in which that the transition from moderate to extreme constituencies can result in a higher probability of a filibuster. First, as Figure 3 illustrates, if the opposition is sufficiently weak relative to the majority such that filibusters are unlikely to be successful, filibuster equilibria exist only if constituencies are extreme. If constituencies are moderate and the filibuster is likely to be unsuccessful, the opposition is unwilling to harm its reputation in a feeble defense of the status quo. When constituencies are extreme, the opposition is eager to filibuster in order to position take. The majority is willing to tolerate such position taking either because it too can position take or because the weakness of the opposition guarantees a policy victory.

Proposition 5 *If the opposition is sufficiently weak, a filibuster equilibrium exists only if constituencies are extreme.*

Second, if the opportunity cost to both parties of enduring a filibuster is sufficiently high, filibusters occur only if both parties can position take. In a high-cost environment, a transition from moderate to extreme constituencies can bring a filibuster equilibrium into existence where one did not previously exist.

Proposition 6 *If the cost of filibustering to both parties is sufficiently high, a filibuster equilibrium exists only if constituencies are extreme.*

The shift from moderate to extreme constituencies also takes blame-game filibusters off the table. The majority may propose legislation that the moderate opposition will accept in order to make the moderate opposition look bad. This variant of the blame game however does not result in filibusters. When constituencies are extreme, filibusters make the opposition look good. Because of this, the majority may be more reticent to engage the opposition in a filibuster fight as constituencies become extreme. At the same time, the newfound opportunity to position take itself may lead the majority to challenge the status quo when it would not have previously.

Visibility of filibusters

Finally, blame-game filibusters require that filibustering is sufficiently visible to constituencies. In the contemporary Senate, most filibusters are quiet affairs conducted by procedural motions rather than the extended speeches late into the night of earlier eras. This change is attributable in part to the development of the tracking system (Binder and Smith 1997) and tactical shift of the majority towards combating filibusters through cloture (Koger 2010). It is more difficult for the majority to expose the extreme opposition when filibusters are nearly indistinguishable from unobstructive procedural motions. Accordingly, the model suggests that since the emergence of the silent filibuster in the 1970s, the politics of blame plays a less significant role in filibuster politics than in earlier eras due to tracking.

The effect of this institutional and tactical shift that made filibusters less visible, however,

may be attenuated by changes in the media and technological environment that occurred in the decades after the emergence of the modern filibuster. The introduction of C-SPAN2 and cable news in the 1980s and the internet and social media in the 1990s and 2000s provided constituencies with greater access to information about Senate business. A dilatory motion that would have not been covered by a physical newspaper in the late 1970s can now be observed on C-SPAN2, identified as a filibuster, and promulgated on cable news and Twitter. This information environment may therefore plausibly make the blame game a viable strategy for the majority in an era where filibusters are no longer waged by extended floor speeches. This implication of the model is consistent with the empirical finding in [Mixon, Gibson and Upadhyaya \(2003\)](#) that the presence of C-SPAN2 cameras in the Senate correlates with a higher frequency of filibusters.

Conclusion

In this paper I have presented a model in order to analyze the role of reputation in Senate filibuster politics. Previous formal models of legislative obstruction have either incorporated reputation exogenously ([Bawn and Koger 2008](#); [Dion et al. 2016](#)) or abstracted away from legislative bargaining between a majority and opposition in order to understand how endogenous reputation influences the opposition's decision to obstruct ([Patty 2016](#)). My model is the first model of obstruction in which the beliefs of rational constituencies affect the payoffs of two parties who actively engage in legislative bargaining. The model reveals three varieties of reputation politics that influence legislative bargaining outcomes in the U.S. Senate. First, the majority may engage in blame-game politics by introducing bills it knows will be successfully filibustered in order to expose the opposition as more radical than its constituency prefers. Second, the majority may credibly position take to its constituency by fighting a filibuster. Third, the opposition can also position take by filibustering a bill even if the filibuster is ultimately unsuccessful at blocking legislation.

The model's substantive results suggest several empirical implications. Because all filibusters feature majority and opposition position taking under divided government, the model implies that filibusters should be associated with an improvement in each party's reputation under divided government. It also implies that because credible signaling requires that the opportunity cost of enduring a filibuster is sufficiently high, the probability of a filibuster on an issue that the two parties disagree on should be positively correlated with opportunity costs to both parties under divided government. Under united government, the model suggests that the probability of filibusters is decreasing in the cost to each party as only parties with extreme preferences are willing to engage in protracted filibusters when costs are high. Although filibusters can always occur regardless of how strong one party is relative to the other because of reputation politics, the model shows that under united government, the equilibrium that maximizes the probability of a filibuster exists only when parties are balanced. While a robust empirical prediction from this result is complicated by equilibrium selection, it suggests that filibusters may be more likely when the ultimate policy outcome of a filibuster is uncertain. My results also imply that under united government, if filibusters are unlikely to be successful, filibusters should be associated with an improvement in the opposition's reputation. If filibusters are likely to be successful, filibusters weakly improve the majority's reputation. Finally, the model implies that under both united and divided government, the supermajoritarian Senate is a product of a low cost of filibustering to the opposition. Under divided government, a low cost of enduring a filibuster to the majority is also sufficient for a 60-vote Senate as majority position taking becomes less credible.

Assessing these hypotheses empirically in future research presents several challenges that will need to be overcome. The model is agnostic with respect to the specific constituency whose beliefs parties consider important. While a party's approval among voters who identify with that party is an intuitive dependent variable to consider, a measure of reputation among interest group activists or donors may be preferable if parties consider the opinions of these groups more important. Identifying the proper audience is a substantive question

beyond the reach of the model's implications. Additionally, the model only admits predictions for the probability of a filibuster on a particular issue on which parties have conflicting policy preferences. While related to the frequency or number of filibusters often studied in the empirical literature on filibusters, these are two distinct concepts. It is quite possible that a greater frequency of filibusters over time may be observed due to a proliferation of disagreement even if the model implies that the probability of a filibuster on any particular issue should be decreasing. The sharp distinction I draw between united and divided government may also be limited to the period after the 1960s when parties became more internally cohesive and partisan. Of all the model's substantive empirical implications, the relationship between the cost of filibustering and the 60-vote Senate seems the most straightforward to assess. The empirical analysis of the modern Senate in [Koger \(2010\)](#) provides some existing evidence for the veracity of this implication of the model. It is not a direct test, however. As discussed, in [Koger \(2010\)](#) the declining cost to the opposition is inferred from a rising cost to the majority of enduring the filibuster and its resulting greater unwillingness to wage protracted battles to defeat filibusters. The model can rationalize this relationship only if one assumes an exogenous negative correlation between the majority and opposition's opportunity cost implied by an unmodeled tactical shift.

This suggests a potential extension of the model to better understand how reputation politics factors into the strategic approach that parties take toward waging and combating filibusters. The model is concerned explicitly with the legislative decisions that lead to a filibuster. Once both sides agree to engage one another, the outcome is determined simply by a costly lottery. It is therefore silent about the duration of filibusters and the tactics that parties employ during a filibuster. Allowing parties to choose how much time or effort they expend to wage or combat a filibuster as in previous theoretical models of obstruction ([Patty 2016](#); [Bawn and Koger 2008](#); [Fong and Krehbiel 2018](#); [Dion et al. 2016](#)) is a natural extension to the model.

Another natural extension to the model would consider a more general policy space. For

simplicity I assume that the policy space is binary. A model with a richer policy space as in [Fong and Krehbiel \(2018\)](#), [Atler and McGranahan \(2000\)](#), or [Groseclose and McCarty \(2001\)](#) could more clearly disclose the significance of reputation politics in shaping legislative bargaining outcomes. The current model is not particularly adept at identifying the degree to which bargaining breaks down due to the presence of a third party. Because there is no compromise proposal, filibusters can occur in a version of the model without third-party observers, as illustrated by the PB equilibrium in which reputation concerns are endogenously irrelevant. Such an extension would also reveal how the threat of a filibuster in the presence of third parties shapes policy outcomes by potentially encouraging compromise.

Finally, while the model is primarily focused on explaining the use of filibusters, it suggests possible implications for constituency welfare and the persistence of the filibuster as an institution. Episodes of legislative obstruction when the ultimate policy result is known ahead of time with near certainty are intuitively inefficient. Scarce legislative time is diverted from serious governance towards pure position-taking. The model suggests that despite this ostensible inefficiency, performative filibusters may benefit constituencies by revealing information about parties that can help constituencies select representatives who are more closely aligned with their interests. Evaluating this apparent trade-off between policy efficiency and information is an interesting topic for further study of the normative implications of the filibuster as an institution. Relatedly, while the institution of the filibuster may frustrate the policy ambitions of majorities, the model reveals a potential reason why majorities have been reluctant to change Senate rules to do away with the filibuster. The filibuster provides a mechanism through which the majority can credibly reveal its own preferences to a sympathetic constituency and expose its opponent as having preferences that conflict with its constituency.

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