

**Molly E. Reynolds.** *Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate.* Washington, DC: Brookings Institution Press, 2017. 282 pp. (\$29.99 paper).

In the deeply polarized climate that characterizes modern-day US politics, it is not uncommon for observers of Congress to assume that supermajority coalitions are necessary in the Senate to produce policy change. This assumption is prefaced on the notion that the filibuster is always (or nearly always) looming on non-trivial measures, and therefore majorities must secure the sixty votes necessary to invoke cloture. Molly Reynolds' *Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate* brings much-needed perspective to this conventional wisdom. In particular, Reynolds points to the emergence of provisions in statutory law over the past five decades that have moved the Senate incrementally towards majoritarian governance, placing limits on dilatory tactics that protect certain measures from minority obstruction. This book explores how the Senate has been able to implement these provisions, which Reynolds refers to as "majoritarian exceptions," within certain policy domains, how the exceptions have come to be used, and what their consequences are for emerging policies.

While informed commentary on Senate decision-making acknowledges the existence of some majoritarian exceptions, like that present in the budget reconciliation process, these exceptions are often treated as mere footnotes unworthy of being incorporated into serious theoretical accounts of lawmaking. Reynolds rightfully points to the err of this omission, documenting how the Senate has become a more actively majoritarian body in ways that fundamentally shape legislative outcomes. Reynolds offers a principled rubric for identifying majoritarian exceptions that accounts for statutory restrictions on floor debate, dilatory motions, committee obstruction, and amendments, and she finds over 160 such provisions during the period of 1969-2014 (with nearly 1,000 proposed). Studying statutory efforts to limit minority obstruction offers unique insight into the evolution of the body in that we can observe nuanced issue- and context-specific characteristics of both successful and, importantly, unsuccessful proposals.

Reynolds argues that majoritarian provisions (1) create easier pathways for Senate majorities to pursue their policy goals, and (2) yield electoral benefits, via legislative successes, that help Senate majorities to maintain their control of the chamber. She investigates how these principles inform the adoption of a common type of exception that delegates proposal power to an actor either inside or outside of the chamber, coupled with final evaluation of the proposal by the Senate body under limited debate. Reynolds posits that delegation exceptions often target policy areas that involve diffuse benefits and concentrated costs, motivating legislators to reduce the "traceability" of these decisions. Issue salience, Reynolds argues, creates additional incentives to delegate these decisions, and since the desire to minimize traceability on such issues may also affect the electoral calculations of at least some minority members, the stage is set for achieving the supermajority coalitions often necessary for passing legislation in the modern era. However, minority cooperation, as the argument goes, is less likely on issues "owned" by the majority party, since minority party members receive comparatively fewer

electoral gains/penalties from policy decisions made in these domains and they may be reluctant to help majority party members obscure the associated costs. Leveraging an impressive dataset, Reynolds finds evidence corroborating the theorized effects of salience and issue ownership.

Reynolds proceeds to discuss the conditions under which majoritarian exceptions are used. The theoretical argument is elegant and parsimonious. In short, exceptions are exploited when they advance the policy preferences of pivotal actors. Furthermore, this model points to meaningful differences in outcomes when decisions are made with and without the use of exceptions. In particular, using exceptions can generate policy change under spatial conditions that would otherwise result in gridlock via regular order. And since the majority party leadership is ultimately responsible for structuring the use of exceptions, exceptions can be expected to yield outcomes that systematically advantage Senate majorities. This is unsurprising given that exceptions lower the threshold for passage to requiring only the support of majority party members. While one can pick nits about certain assumptions of the spatial model (e.g., de facto closed rule for reconciliation, status quo locations/distributions, etc.), the predictions are intuitive and substantiated by a rigorous mixed-methods analysis of reconciliation practices. The novel finding that majorities are especially likely to utilize reconciliation to claim credit for accomplishments and avoid blame – through the expansion/contraction of federal programs – in states where majority party incumbents are defending seats, offers compelling evidence of the electoral considerations that underlie the use of exceptions. Reynolds concludes the book with an exploration of the creation of another set of exceptions, executive branch oversight exceptions, that follows essentially the same spatial logic.

Reynolds' documentation of the many majoritarian exceptions introduced in recent decades is nothing short of impressive. It is undoubtedly an important contribution in itself. Moreover, her arguments about when majoritarian exceptions are used by Senate majorities, once adopted, strike me as unobjectionable. I, too, am convinced by her related arguments regarding the ways in which exceptions influence policy outcomes. However, I remain somewhat more skeptical about the proposed mechanics at play in the initial adoption of exceptions, and delegation exceptions in particular. The adoption of exceptions is a fascinating and complicated phenomenon, considering that majority coalitions must overcome the very dilatory tactics they seek to restrict.

While the notion that exceptions are motivated by electoral considerations seems innocuous enough, the foundations of the traceability argument require some leaps of faith. This argument hinges on the assumption that exceptions are associated with proposals that involve large and discernible costs to electorally-relevant constituents. Otherwise, there is little reason to think that majorities would want to *avoid* the returns to policy successes that are likely to follow rules changes that restrict minority obstruction, especially in the issue areas they "own." For some issue areas this assumption is easier to imagine (e.g., deficit/debt reduction) than others (e.g., health care), and this premise attributes vast knowledge to a public that is both able to recognize programmatic changes and assign responsibility to Senate majorities. Rather, it seems entirely possible to me that spatial principles apply to delegation exceptions in the same fashion they do for executive oversight. Perhaps issue ownership, for instance, is merely tapping

dimensions generating inter-party divisions; on issues that divide the parties, exceptions are less likely to pass given the (likely) need for minority party support.

Minor quibbles aside, this is an extraordinarily well-written and exceptionally thorough book that promises to shift our understanding of Senate legislating in important ways. Some treatments of congressional procedure can be dry and cumbersome, but not this one! This book offers important contributions to the study of the Senate, by pushing the scholarly literature to more seriously consider the mechanisms that reduce the thresholds for successful legislating. In addition, this project forwards the conversation regarding the role of the parties in the Senate, and the efficacy of the majority party in particular, and offers useful insights into procedural change more generally. In sum, *Exceptions to the Rule* is a must-read for any student or interested observer of congressional politics.

Ryan J. Vander Wielen  
*Temple University*