

BOX 7.2 The Senate Floor as Public Square

The U.S. Senate is unique among world legislatures in the way it conducts its business. Every senator, regardless of party, seniority, or service on the relevant committee, has an opportunity to weigh in on scheduling decisions as well as the terms of debate and amendment under which legislation is considered on the floor. In a chamber that relies heavily on unanimous consent agreements to structure floor action, an objection by even a single senator can necessitate a time-consuming cloture process or potentially defeat a measure. No other legislature grants individual lawmakers, including those in the minority, the kinds of parliamentary rights and privileges afforded to every senator. In this decentralized and nonhierarchical parliamentary setting, a reasonable person might ask how the Senate can function at all, especially in today's polarized political environment.

To answer that question, it might help to conceptualize the Senate floor as a public square (or what economists call a *commons*). Any senator has numerous opportunities to occupy the floor for any length of time to press any number of concerns he or she might have. In this setting, senators might be tempted to draw upon the full range of their parliamentary powers in service to their individual goals. For example, they can object to any consent requests that do not benefit them or their constituents directly. Heavy use of senators' procedural rights may constitute *individually rational* behavior, but what happens when many senators, or even a small handful of them, adopt this strategy? The result is often legislative gridlock and institutional paralysis. The pursuit of individually rational strategies, then, can lead to *collectively irrational* outcomes, such as the inability of the Senate to process its workload, address the concerns of constituents, finance the operations of government, and pay the nation's debts. Government shutdowns, debt defaults, policy drift, and the diminishment of Congress in the eyes of the American public are natural by-products of a Senate unable to function.

Economists have a name for individually rational behavior that produces collectively irrational results: *tragedy of the commons*. Biologist Garrett Hardin developed this concept in 1968 to explain deficiencies in how free market economics understood the incentives that farmers, ranchers, fishermen,