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TERM LIMITS

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ABSTRACT

The literature on term limits has burgeoned in recent years. This paper looks at both the empirical and normative studies, exploring how the term-limit debate is confounded by both fact and value disagreements. We identify four schools of thought with respect to the desirability of term limits and conclude that, because people start from different normative perspectives, findings about term-limit effects can be interpreted in very different ways. Reviewing the literature on electoral impacts, we discovered that term limits have increased turnover most noticeably in the more professionalized legislatures. The length of term limitations and the types of legislatures that adopt them are critical explanatory variables. The implications for the internal workings of legislatures and the balance of power are less well documented by scholars, but there is a great deal of testimony from legislators and lobbyists that term limits have changed their operations in important ways.

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INTRODUCTION

When the legislative term-limit debate began in the early 1990s, political scientists were asked to predict what would happen if the term-limit measures under consideration in the various states passed and to offer opinions on whether term limits were a good or bad idea. At that time, there was very little serious research on legislative term limits from which to draw. Those who entered the fray had to rely largely on their own judgment and intuition, informed by a small literature on executive term limits and related work on incumbency, seniority, voting behavior, and the like.

Almost a decade later, the work specifically on legislative term limits has burgeoned. We now know more about the effects of term limits than we did

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before. But having a more solid factual basis has not changed a lot of minds about the pros and cons of term limits. For the most part, in both academia and politics, positions have hardened in the intervening years. The only exception seems to be certain Republican members of Congress who, to the dismay of their followers, have abandoned their pledge to apply term limits to Congress (and, by implication, themselves). It is unlikely, however, that political scientists or their research had much to do with those conversions. On the whole, experience and self-interest are more persuasive teachers for elected officials than are the best-crafted academic studies.

Our influence on politicians aside, the idea of term limits, whether good or bad, has presented a wonderful research opportunity. Term limits are to political science what war injuries were for medical science in an earlier period. When bombs ripped open the bodies of combatants or caused unusual neurological damage, physicians were able to learn things that would otherwise have required unimaginably unethical experiments. Similarly, the drastic changes that term limits have inflicted on the body politic—especially on incumbency and the seniority system—provide a valuable opportunity to understand more about how legislatures operate and adjust to radical change. Although many political scientists do not share Petracca and Kristol's enthusiasm for the term-limitation movement (e.g. Petracca 1992, 1996; Kristol 1993), they have nonetheless profited professionally and intellectually from the fascinating experiment that it has created in numerous state and local governments.

Although our overall knowledge is better today than it was 10 years ago, as we shall see shortly, progress in this area has not been even. Because most term-limit legislation was written so that the tenure clocks for returning and new members were set identically at the time of enactment, the effects of term limits have been delayed by the time it has taken to rotate old members out and bring new ones in. As a consequence, we tend to know more about the characteristics of pre- and post–term-limitation candidates than we do about the impact of term limits on legislative competence or the balance of power between the governmental branches. Even in the latter category, however, evidence is beginning to emerge as some of the first states with the shortest limits (e.g. California) have finally "termed out" their original members.

The purpose of this essay is not only to summarize the state of knowledge about term limits to date but also to make some points about the big picture. Many predictions were offered in the early days of the term-limit debate. As was pointed out some years back, every term-limit prediction in one direction was matched by a prediction with equal confidence in the counter direction (Cain 1996b).

Some of the things that happened subsequently were as predicted (e.g. turnover rates increased). Some things occurred that, in retrospect, should have been predicted but were not (e.g. the increasing number of special elections as

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members left their offices early to run for other offices or take private-sector opportunities). Some effects, however, were unforeseen simply because they were harder to anticipate, such as the redistribution of power between lower and upper houses and the equilibrium adjustments that legislatures have made to compensate for the changes inflicted by term limits. This serves to remind us about an essential characteristic of our fortuitous political science experiment: It is not completely controlled in the way that pure science demands. Neither, of course, were the injury experiments that advanced medical science, which gives us hope that we will learn much despite the limitations of our design.

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THE PASSAGE OF TERM LIMITS

As institutional innovations go, term-limit laws have spread quite rapidly, especially considering that they were put in place by the separate actions of state and local jurisdictions and were not centrally imposed by the federal government. As of May 1998, 21 states have adopted state legislative term limits, which remain in effect in 18 of those states and have been thrown out by the courts of the other 3. Congressional limits have also passed in many states but have so far been deemed unconstitutional by the US Supreme Court (US Term Limits vs Thornton, 115 S. Ct. 1842, 1995). A study in the early 1990s estimated that 32% of all cities with populations above 250,000 also adopted term limits, as did many county boards (Petracca & Jump 1992). In this essay, we focus mainly on state legislative and proposed congressional term limits because that is where the bulk of political science research has concentrated.

Although we refer to term limitation as a general category, it in fact encompasses a wide diversity of measures. Term limits vary in features that may have causal significance. Most important, there are variations in the length of the limits imposed, ranging from 6 to 12 years. Shorter terms, it would seem, should have more pronounced effects than longer ones, but so far there has not been enough direct attention to this (Cain 1996b). Twelve states limit by consecutive years of service, whereas the others do not. Some states, like California, include a lifetime ban, but others merely require that the office holder rotate out for a period of time. In most states, limits apply to service in a given chamber of the legislature, but in Oklahoma, limits apply to legislative service in either or both chambers. To date, there is no research that tells us which of these differences matter and why.

As the Council of State Governments points out (Chi & Leatherby 1998), the regional distribution of term limits is skewed heavily to the West. Only one western state, Washington, failed to pass legislative term limits by 1998. By contrast, Maine is the only state in the East with term limits in place after the

Massachusetts Supreme Court's invalidation of the Massachusetts term limits in 1997 (Chi & Leatherby 1998). What should we make of this? Above all, this is probably an artifact of the initiative process. In all cases but one, term limits were passed through the initiative process, the only exception being Utah in 1994. Given term limits' unpopularity with sitting members and the high level of general public dissatisfaction with politics, it is not surprising that this reform has a better chance in states where voters get to decide directly than in states where the decisions rest with the office holders themselves.

Although the debate over congressional term limits still rages, most of the ferment in the states occurred between 1992 and 1994. After winning in Oklahoma, Colorado, and California in 1990, term limits quickly spread to other states, with 17 measures passing in a span of 3 years. Even though, as we shall discuss shortly, a majority of political scientists are skeptical about the wisdom of term limits, the public's enthusiasm is indisputable. Quite possibly, if all the states had had the initiative option, term limits would have passed everywhere. Aside from perhaps campaign finance reform, no other reform has produced as wide a discrepancy between public and professional political science opinion as has term limits.

What do we know about the bases of public support for term limits? Most of the political science work in this area has focused on micro-level explanations, using survey data. The results vary somewhat by state, but there is a general consensus that partisanship, cynicism, and underrepresentation have had the strongest effects. Party affiliation seems to have mattered most (i.e. there were higher levels of support among Republicans than among Democrats) in California's Proposition 140 vote (Donovan & Snipp 1994), but it was also measurably significant in a National Election Studies (NES) survey asking about support for congressional term limits (Karp 1995, Southwell 1995) and in an aggregate analysis of 13 states that considered term-limitation proposals in 1992 (Boeckelman & Corell 1996). However, partisanship seems not to have been a factor in Wyoming (King 1993) or Florida (Karp 1995).

The evidence that cynicism and alienation influence the term-limit vote is somewhat more consistent. Donovan & Snipp find greater support among young and female voters in California, suggesting that underrepresentation may be the common factor. Southwell (1995) and Karp (1995) find that those who score highly on a political cynicism scale (measuring people's dissatisfaction with the process and outcomes of government) are more likely to vote for term-limit measures. Surprisingly, Karp finds that term-limit support is not related to dissatisfaction with the performance of the legislature specifically or of particular incumbents. Rather, he argues, it is generic distrust of the political system that matters.

Finally, although term limits per se passed in a variety of states with different levels of professionalism and various types of partisanship, there is some

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evidence that the harshness of the limits varied with the turnover rate in the state legislature (Chadha & Bernstein 1996). States that had experienced lower rates of turnover in the years preceding the passage of term limits tended to pass measures that were more restrictive by an index that included both the length of the term and the permanence of the ban. Even so, this accounts for only a small portion of the variance: mostly these laws seem to be motivated by a generic concern and dissatisfaction with the political system.

The finding that term limits are most popular with those who were most disillusioned with and cynical about the political system agrees with journalistic accounts of these measures and ties in with the normative perspective that proponents have taken (see below). Supporters promoted term limitation as the quick and easy solution to a multitude of contemporary political problems, from incumbency advantage to the stifling effects of the seniority system. Term limits became the catch basin for the flow of public discontent unleashed in the post-Watergate period and fed by frustration in the 1980s over divided government.

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THE COMPLEX INTERPLAY OF NORMATIVE AND EMPIRICAL ISSUES

The debate over the desirability of term limits has both an empirical and a normative dimension. Empirically, there are questions about how term limits affect the incentives of legislators, the pool of likely candidates, turnover, reelection rates, and the like. Agreeing about likely effects is hard enough, but people often do not agree on the many values and goals implicit in the debate—e.g. what representatives should do in office, how expert they need to be about policies, and the role of new faces in the legislature. Hence, even when proponents and opponents agree on what the facts are, they do not always agree on what the facts mean, or even on whether they are good or bad. To someone who thinks that less government is better governance, diminished legislative expertise (if that is the effect of term limits) may be a good fact. For those who favor executive-led government over a strict division of power, a well-staffed, knowledgeable legislature is a bad fact—and so on. Discussion about term limits becomes complex because proving a fact cannot convince an opponent whose values fundamentally differ, and asserting a value does not always succeed if people perceive the likely effects to be different.

Four Normative Perspectives

This normative-empirical confusion and its importance to the debate have not escaped the notice of political scientists. Somewhat ambitiously, Kurfirst

(1996) has tried to categorize the different normative perspectives of term-limit proponents into four types.

TERM-LIMIT PROGRESSIVISM Kurfirst's first type of normative perspective on term limits, term-limit progressivism, upholds the progressive movement's ideal of an expert professional legislature but maintains that it has been corrupted by representatives who put their own reelection and the interests of their campaign donors above the public good. Term limitation is a means to an end, namely restoring good government through systematic rotation within the framework of a still professionalized legislature. Kurfirst classifies Petracca as a term-limit progressive.

Kurfirst thought of his scheme as applying to proponents, but we can use it to talk about the critics as well. As Petracca himself has acknowledged, most political scientists are at least skeptical of, if not outright opposed to, term limits. Petracca speculates that this is because political scientists have long been advocates of professionalism and see term limits as a threat to "their self-proclaimed status as professionals; i.e. that the rejection of their advice is taken as a rejection of their professional expertise" (Petracca 1992). He also speculates that party politics and an unwarranted skepticism about the competence of voters play a role. Using the Kurfirst typology, we can locate the term-limit critics—Polsby (1991), Mann (1992), Ornstein (1990), etc—in this first category of legislative progressives. They believe that a strong, competent legislature is an important check on executive power and that, deprived of indefinite terms of office, the legislature will lack the expertise to be an effective player.

Disagreements about term limits among those who share this normative framework are primarily factual. What is disputed is whether term limits detract from legislative professionalism, not whether the detraction from professionalism is desirable. Of course, political actors and scholars do not always remain neatly within the confines of conceptual categories such as these. At times, for instance, Petracca seems to be arguing that the factual fears of political scientists (e.g. that term limits will weaken the committee system and internal leadership) are baseless, and that legislatures will not be greatly weakened. On other occasions, he seems to favor a more amateur legislature (which would put him in a different normative category). Slippage between normative paradigms complicates the debate further.

Term-limitation proponents who share the progressive perspective view term limits as a means of getting back to the professional ideal. Things have gotten out of balance, and term limits are simply a necessary means of restoring what was lost.

TERM-LIMIT POPULISM Term-limit populism, Kurfirst argues (1996), rejects the professional legislative ideal in favor of amateurism. The ultimate goal is

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to end political elitism and encourage more citizen participation. At times Petracca belongs in the term-limit populist category, as do Strubble & Jahre (1991). Kurfirst suggests that those who hold this position tend also to believe that representatives should be delegates and not trustees. They may even think that the legislature should not be coequal with the executive branch.

The empirical theory behind the populist position is that term limits open up office-holding opportunities that would otherwise be closed by the incumbency advantage. This in turn brings in new faces and fresh perspectives, which serve to make the legislature more representative of the people. The greater participation by the citizenry in office holding is a good in itself, which more than offsets whatever loss of expertise and institutional memory might occur. One of the reasons, Petracca claims, that political scientists tend to oppose term limits is that they prefer stability and efficiency to participation, and he links this preference to the low regard that political scientists have for the average citizen's abilities and knowledge.

Holding the populist as opposed to the progressive perspective can matter a great deal when judging whether an empirical claim is good or bad, independent of whether it is true or false. For the populists, rotation is important per se, because it indicates that more citizens are being drawn into the process. The higher the turnover, the healthier the system and the more likely it is to respond accurately to the needs of the populace (Petracca & Smith 1990). From the professionalist perspective, an overemphasis on rotation misses an important point about elections, namely that they screen out the more competent candidates from the less competent (Mondak 1995a,b). If the screening mechanism is working properly, more qualified candidates and more competent incumbents will be reelected at higher rates than others in any given election. If so, the cumulative effect of sequential elections is to weed out the less able, i.e. a survival-of-the-politically-fittest effect. Mondak argues that empirical evidence supports this claim. Under term limitation, therefore, an unrestricted repetitive-screening system that on average rewards the ablest with reelection is replaced by a restricted repetitive-screening system that cannot filter out the weak and incompetent as adequately because it has fewer screens. Hence, Mondak predicts that term limits will produce a decline in the quality of congressional representatives.

There are two major components to this argument. The first is the greater weight that populists give to rotation in itself versus the greater importance that Mondak implicitly assigns to competence. The other is Mondak's empirical assertion that reelection is positively correlated with legislative competence. Obviously, if that is not true, then his argument loses validity. Factual disagreements can be verified and resolved, but value differences are harder to resolve. The preference for higher participation over competence or stability is the kind of value judgment that underlies stable, ongoing political disagree-

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ments. Facts will not change people's value judgments. Hence, even if the populists could be persuaded that elections act as competence filters, it might not be enough to offset the participatory value of rotation in their minds.

TERM-LIMIT REPUBLICANISM The third perspective is term-limit republicanism (Kurfirst 1996), best exemplified by George Will (1992). In contrast to the populists, Will deplores political professionalism for destroying the distance between representatives and their followers that is necessary for truly deliberative decisions. Whereas the populists want their representatives to be accurate reflections of public sentiment, term-limit republicans want representatives to be more like trustees, acting on behalf of their constituents' best interests rather than slavishly following public whims. Decisions should be based on merits, not on career considerations and electoral pressures. The purpose of term-limit reform is to promote reason and deliberation by freeing representatives of career considerations and the oppressive need to win reelection—in effect, to insulate representatives to a greater degree from electoral pressures.

Two observations spring immediately to mind. First, one has to marvel that the same reform can arise from two such disparate justifications as populism and republicanism. The populists believe that term limits bring the legislature closer to the people and make it more reflective of the electorate. The term-limit republicans believe that limited tenure frees the representative from constituency pressures. Clearly, what unites these two positions in support of term limits is a fundamental disagreement over the facts—were they to agree on the empirical implications of term limits, they would not be in the same camp. Only their empirical disagreement binds them. This may not be unique in politics, but it is certainly unusual in analytic discourse.

The second observation is that, even granting the republican premise that limited tenure frees the representative from electoral pressures, that does not guarantee that representatives will make better, wiser, more deliberative decisions. Game theorists, for instance, remind us that, in cooperative situations, the incentives of the end game (e.g. the lame-duck term) can be disruptive. Consider the argument of Cohen & Spitzer (1996). If we conceive the relation between voters and their representative to be like a Prisoner's Dilemma, in which constituents cooperate by giving their votes in exchange for legislative assistance in the form of serving the constituent interests, then a legislator in the final period has a strong incentive to defect—i.e. to shirk—since it does not matter what will happen in the next election. Even more ominously, if term limitation flattens the reward structure (i.e. by allowing new members to rise to leadership positions much sooner), it will remove a critical institutional incentive for cooperation within the legislature, namely, the reward of leadership posts in exchange for years of loyalty. With the weakened internal reward structure will come a weakening of cooperative norms and behavior.

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Whether the claim is empirically true or not, it serves to make a valuable point: Will's argument hinges crucially on an empirical prediction that might not be right. Polsby (1993a,b) points out that Will mostly "delves only anecdotally into individual actions, some horrible, some trivial, invariably assigning base motives" and ignores the fact that "Congress as an organizational entity does its work by deliberating" (1993a:1518–19). Limited tenure might not promote deliberation and concern for the public good, and, if it does not, term limits will fail to achieve Will's republican goals.

TERM-LIMIT LIBERTARIANISM The last of the four perspectives is that of the term-limit libertarians (Kurfirst 1996). Their position is similar to the populists' in its opposition to a professionalized, strong legislature. However, there is an important difference between their reasons for opposing professionalism; whereas the populists value participation and closeness to the people, the libertarians want the legislature to be less effective in order to preserve a minimalist government. A number of the conservative polemical studies illustrate this point (Bandow 1996, Crane 1991, Fund 1990), using the following argument. There is broad electoral support for a conservative agenda that would reduce the size of government. The translation of that broad support into political victories (particularly before 1994) has been slowed by the incumbency advantage. Moreover, the careerism of contemporary legislative politics attracts those who are predisposed to solve problems through government and distorts the perspectives of those who get elected to office. Careerists are less likely to have life experiences and thus are less competent to run a fiscally solvent state. If representatives are doing their job properly, they do not need a great deal of technical policy or parliamentary expertise. They need mainly to be able to grasp the big picture. By limiting terms, one eliminates career incentives and changes the mix of people who run for office. The end result will be people in office who run government more efficiently.

Libertarians oppose the professional legislative model because they assume that there is an empirical connection between tenure and a preference for larger government (Payne 1991). Amateurism is valued not so much for its own sake as for the types of policies it is likely to produce. As noted earlier, professionalists and populists disagree about the comparative value of participation versus competence, but both, unlike the libertarians, are neutral regarding the types of policies they want to see a legislature pass. By contrast, libertarians explicitly base their institutional preferences on their policy preferences and on their assumptions about the connection between the two. Like Will's term-limit republican position, the libertarian position rests on disputable facts. Is it true that tenure in office biases lawmakers towards proactive government?

Some recent work in political science suggests maybe not (Stein & Bickers 1994, Alvarez & Saving 1997, Moore & Hibbing 1996). All three studies find

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that there is no relation between a district representative's tenure in office and the district's level of federal spending. On the other hand, mean tenure of the state's federal delegation may affect a state's share of federal money. Noting that there was press speculation that Washington State voters rejected congressional term limits for fear that their state would be punished by having a less experienced delegation, Moore & Hibbing (1996) find evidence in the House of Representatives that the mean tenure of the state's House delegation (but not its Senators) is related to the state's per capita federal outlays. So the factual hypothesis on which the libertarian position rests is not clearly proven or unproven at the moment.

There is, then, a complicated overlay of empirical fact and value underlying the position for and against term limits. It is helpful to separate these out in order to ascertain the fundamental sources of conflict. The intricacy of fact and value relations also implies that, even if political scientists were to learn all that they could about term limits and their effects on the political system, they would not necessarily close the gap between the different sides of the term-limit question. Indeed, some factual findings could actually exacerbate differences because the same finding could be read in different ways; proof that term limits weaken legislative competence would strengthen opposition among the professionalists (and possibly even the deliberationists), but the same evidence would strengthen support for term limits among populists and libertarians. In short, knowing more in this case might sharpen and not lessen disagreements.

THE ELECTORAL EFFECTS ASSESSED

A number of the predictions made about term limits had to do with their potential for affecting the electoral system. Term-limit professionalists (i.e. those who wanted to save the modern, professional legislature from the corrupting effects of electoral insulation) predicted that term limits would increase turnover and competitiveness, thereby weakening the incumbency effect and offsetting the influence of special interests and money.

Term-limit populists went one step further, arguing that term limits would change the incentives of those who might consider running for office, creating new opportunities for non-careerists, previously underrepresented in legislatures. Leaving aside the normative issues about whether these would be good or bad effects, the empirical question is whether these predictions are correct.

Seemingly, the most straightforward prediction would be that limiting terms should increase the rate of legislative turnover. In the simplest sense of eliminating incumbents who stay on past a certain number of years, this is true by definition. But in the sense of altering the mean tenure of representatives, the matter is not so straightforward. Whether the limit imposed by law

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changes average tenure rates will depend on such factors as the length of the term, the rate of turnover in the legislative body before term limits, and the opportunities for advancement perceived by incumbents. Depending on these characteristics, term limits can have either a dramatic or null impact on average turnover.

Trying to get an early handle on the impact that term limits would have on state legislatures and Congress, a few political scientists looked at the experience local governments had with term limits (Cain 1996a, Fay & Christman 1994). Because many of the local jurisdictions adopted 12-year limits and the rate of turnover in these bodies was high to begin with, it should come as no surprise that term limits did not affect mean turnover at the local level very much. The Cain study found that the mean time in office in a sample of California cities and counties that adopted term limits was already less than the legal limit the law imposed. The main target of these measures seemed to be the career politicians who remain in office for decades and seemingly could be removed only by means of term limits.

Fay & Christman (1994) also conclude that local government limits, "unlike limits on congress and state legislators, will have little effect; the turnover rates already are high" (Fay & Christman 1994). They found that only 2.3% of 2177 elected city officials in California and 2% of the 296 California county supervisors that they studied remained in office 20 years after they were first elected. Only 14.6% of the city officials and 27% of the county officials were still in office after 10 years. Revealingly, supervisors elected in the most populous counties had a measurable tendency to stay in office longer.

As we move from local governments to state legislatures, it is important to note differences in the types of state legislatures and how these affect turnover rates. Professional legislatures (full-time with a large staff) tend to have lower pre–term-limit turnover than do citizen legislatures (part-time, small staff). One study found that in professional legislatures, the percentage of members remaining in lower chambers after 6 years was 63% and after 12 years was 40%, but the numbers for citizen legislatures were 48% and 19%, respectively (Moncrief et al 1992). In upper chambers, the figures were 69.5% and 40% for professional legislatures and 54% and 26% for citizen bodies. The authors predicted, quite reasonably, that term limits would affect professionalized legislatures more.

Not surprisingly, therefore, Proposition 140 (the California initiative that imposed six- and eight-year limits on the State's Assembly and Senate Representatives) has had a dramatic impact on legislative turnover in California. Petracca (1996) reports that, between 1972 and 1992, the average turnover (i.e. the percentage of new members entering the legislature) was 20% in the Assembly and 12% in the State Senate. Since the passage of Proposition 140, the corresponding figures for the Assembly and State Senate are 36% and 17%, re-

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spectively (Petracca 1996). Another study of the California legislature also reports a 20% increase in the number of incumbents seeking voluntary retirement and an increase in the number of special elections from an average of 1 per year between 1980 and 1989 to 10 per year between 1990 and 1993, including 16 in 1993 alone (Caress 1996).

Projecting the turnover effects of term limits onto Congress is a trickier enterprise for all the obvious reasons. Any such counterfactual prediction would depend heavily on its assumptions. Nonetheless, the exercise is revealing, even if the final numbers should be taken lightly. Reed & Schansberg (1995) looked at historical turnover rates for congressional cohorts at points subsequent to their initial election. Applying 6- and 12-year limits, they project that the average length of stay among representatives would decrease from 13 to 3.8 years for the 6-year limit and to 6.1 years for the 12-year limit. Even more important, they warn of the problem of freshman superclasses, created by the lumpiness of cohorts turning over at the end of their terms. This means that there would be periods when the House would be particularly inexperienced. This problem has led one scholar to propose a staggering of terms in order to spread out the superclasses and facilitate intercohort learning (Cohen 1995, Cohen & Spitzer 1996). Reed & Schansberg (1994) also claim that if a three-term limit were imposed on Congress, Republicans would receive a slight boost—between 5 and 14 seats. Gilmour & Rothstein (1994) also project modest gains for the Republicans, especially under a three-term limit.

As various critics of these analyses have pointed out, it could well be that these mathematical models underestimate the true turnover rate, given their somewhat restrictive assumptions. In particular, there could be secondary effects that increase the turnover rate, such as the higher value of other opportunities or the diminished value of holding office in the House without career expectations. Francis & Kenny (1997) make this point in their study of state legislatures; they find that the direct effects of eight-year term limits lead to an expected turnover rate of 36%, but when the indirect effects are added, the number increases to over 50%. In addition, term limits at the lower levels (local governments and state legislatures) will likely increase the pool of potential congressional challengers, which could affect congressional turnover rates further (Fett & Ponder 1993).

Apart from turnover, many term-limit proponents also predicted that there would be more competitive races in a term-limited world than in one without term limits for at least two reasons: first, there would be more open seats; second, incumbency advantages could be cumulative (e.g. if name recognition grows with years of service). The growth of the incumbency advantage in Congress is well documented [see the seminal studies of Erikson (1971) and Mayhew (1974)]. Cox & Morgenstern (1993) argue that the same trend appears in the state legislatures, a phenomenon they linked statistically to the size of a

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legislature's operating budget—which is likely to be another measure of legislative professionalism.

There is some evidence now that term limits have increased the competitiveness of races. Once again, the best work on this point has been done in California. Daniel & Lott (1997) use a multivariate model to test whether term limits (controlling for other effects, such as redistricting, running in a presidential election year, the tenure of the incumbent, etc) affected various measures of competitiveness, including whether the incumbent was defeated, the number of candidates running, the absolute margin between the two top candidates, and the number of unopposed races. In all cases, the term-limit effect was statistically significant, indicating that there was a change in these indicators toward more competitiveness after the passage of Proposition 140. They conclude, "By any measure, term limits have coincided with large changes in the level of political competition, and these changes occurred even before term limits have even forcibly removed one politician from office" (Daniel & Lott 1997:182).

As mentioned above, term-limit populists and libertarians predicted that, in addition to increased turnover and more new faces in the legislature, there would be new types of people elected to office. Groups that had been historically underrepresented, for instance, would be able to take advantage of the new openings, resulting in a more representative legislature. Moncrief & Thompson (1992), however, concluded that the effects on women and minorities are likely to be more mixed. Despite more opportunities for women and minorities to be elected in greater numbers, there is an offsetting negative effect, namely that some women and minorities have had to give up newly acquired positions of power sooner than they would have otherwise. For instance, they found that women who stayed in office longer than 12 years had a 54% chance of being in the leadership of lower houses of state legislatures and a 71% chance of attaining leadership in the upper houses. Petracca (1996), predictably, focuses more on the first effect than the second. He finds that the percentage of women elected to the California Assembly rose from 18% to 25% as a result of term limits. On the other hand, he finds little change in the number of women elected to the State Senate after the passage of Proposition 140.

Petracca (1996) also examines the legislators' occupational backgrounds before and after term limitation and notes that there have been some changes. His data show a dramatic decrease in the number of legislators who call themselves full-time legislators, from 36% in 1986 to 3.4% in 1995. On the other hand, he finds an increase in the number of local government officials holding legislative office. So although fewer are willing to call themselves full-time legislators, there are still many who are following a traditional political career path up the ladder. There also seems to be a significant increase in the number of legislators who call themselves business owners, but it is hard to tell

whether that is a fashionable listing in an antipolitics era or a trend that reveals something about the opportunities and incentives of serving in a term-limited world.

The increased number of local elected officials in the California legislature brings to mind a very important point. A number of the predictive term-limit analyses assumed a static model of ambition—that people built up human capital that allowed them to get reelected to the same office continuously over time. If the possibility of continuous reelection is removed, these analyses reasoned, static ambition would be thwarted, and the door would be opened for nonprofessionals. But if the ambition is not static but progressive, then careerists will still see running for a term-limited office as desirable, both because it gives them a step up the ladder and because skills acquired in one office are transferable to other offices (Garrett 1996).

A political career can still be pursued in a term-limited world if one is willing to seize opportunities to move to different offices when they become open. The problems with the amateurization hypothesis are that it assumes a wrong theory of ambition and underestimates other forces in the political system that favor those with political experience and connections. The local government official will have an advantage over the mere citizen in terms of name recognition, fund-raising connections, familiarity with the law-making process, and knowledge of how to run a campaign (Weintraub 1997). It is clear that term limits will produce more rotation in professionalized legislatures. However, term limits will not deprofessionalize politics in those states nor open up an era of amateurization.

The experience of California is illustrative. The lower house has more people who are learning on the job, but the leadership positions are going to those with prior governmental experience. Moreover, many are leaving the lower house to run for State Senate seats, Congress, and constitutional offices when the opportunity arises—hence the big rise in the number of special elections. There may be more inexperienced legislators in the Assembly, but are they inexperienced would-be professionals who are looking to move up, or are they a new breed of amateurs who are ready to get off the political track as soon as their terms are up? Recent experience suggests the former. Clearly, the next round of research needs to address this issue in more detail.

Effects on the Operation of the Legislature

A great deal of the term-limit controversy hinges on whether term limitation weakens or enhances legislative competence. Except for the libertarians, who view effective government as the enemy, most proponents believe that term limits will at least preserve and even possibly improve legislative effectiveness. The critical concept at the core of this debate is expertise. Term-limit critics argue that expertise is central to the effectiveness of a strong legislature;

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without experienced members who have expertise in policy areas, the legislature cannot hope to compete effectively with the executive branch. Also, experience fosters familiarity between the members, encouraging norms of collegiality and reciprocity. Some term-limit proponents do not acknowledge a connection between experience, expertise, and effectiveness, believing that the legislature's internal norms only interfere with the legitimate ties between members and their constituents. Others, as we have said, concede the causal relationship but want it severed in order to limit the total amount of governmental activity.

Another way to think of legislative competence is in terms of a learning curve about legislative procedures, political skills, and policy knowledge. We could, of course, separate these three dimensions, expecting to find some variance across them and among new members. A former county supervisor who gets elected to the state legislature is likely to have fairly well-developed political skills and a head start in terms of familiarity with certain issue areas (local taxes, schools, etc) compared with a local businessman who has never held office before. Even regarding legislative procedures, the local official will see more parallels between the processes used in the county board and the new processes to be learned in the legislature than will the businessman or housewife with no prior elected-office experience. So, in one sense, the increasing numbers of local government officials who have chosen to run for legislative seats are an equilibrating adjustment that recaptures some of the lost experience caused by senior members terming out.

Given the knowledge with which individual representatives start, the second consideration is how quickly new members get up to speed in these three areas: legislative procedures, political skills, and policy knowledge. Those who acquire the relevant skills and knowledge rapidly are said to have steep learning curves, and those who acquire these things more slowly have flatter ones. Another way of framing the debate between term-limit proponents and opponents who believe in effective legislatures is as a dispute over the likely shapes of representatives' learning curves. If the learning curves are steep, or can be made steeper by throwing members into positions of greater responsibility sooner, then term limits might not weaken legislative competence—indeed, they might even strengthen it, as George Will predicts, by giving members the incentive to learn faster. If there are real constraints on how quickly people can get up to speed in a legislative environment, then term limits could be enormously detrimental to legislative effectiveness. As with the electoral effects, much will depend on the exact features of the limits adopted and of the political culture on which the limits are imposed; shorter terms require steeper learning curves, and professional legislatures in larger states require longer learning curves than do small state legislatures, comprised of citizen legislators, or local city councils.

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One reason many political scientists were skeptical about the claim that term limits would give us greater electoral responsiveness with little loss of legislative competence is the strong evidence that learning the ropes in a professionalized legislature takes time and effort. The best example of this is Hibbing's (1991) study of congressional careers. Hibbing found that legislative involvement (measured by a variety of indices) seemed to be correlated with tenure in office and "that there is now even more variation in legislative involvement from early-career stages to late than there was thirty years ago." This was particularly true of the measures of legislative specialization and efficiency, even though the norm of apprenticeship had waned considerably in Congress and opportunities to hold leadership positions were given to members earlier in their careers. Hibbing concluded that, if term limits were imposed on Congress, it would result in "a devastating loss of legislative acumen, expertise and activity." Moreover, he believed his evidence showed that "simply doling out formal positions to the junior members who remain after the senior members have been exiled will in no way take up the slack created by these legislative departures" (Hibbing 1991:180).

As before, congressional scholars are constrained to speculate about the effects that term limits would have, because they have not yet been and may never be imposed on Congress. Hence, we must look where the light already shines to discover more about the impact of term limits on legislative competence. We must look at those state legislatures that now have had several years of experience with term limits. To date, little formal political science research has been done on this subject. With the exception of a recent dissertation (Noah 1998), no one has yet systematically studied the effects of term limits on legislative learning curves. There is, however, a growing body of testimony from the legislators and their professional organizations that political scientists can use as a point of departure. We review some of this work to point out some possible hypotheses that are worth exploring. The point of this exercise is not to argue that the testimony of state legislators and staff is unbiased but rather that it constitutes a body of information for political scientists, who can then try to develop more impartial tests of the theses offered.

It is fair to say that most veteran state legislators and leaders give a gloomy analysis of the effect of term limits on their work environments. Leaving aside for the moment the strong possibility that this assessment is at least partly the resentment of those who feel cast aside, it is incumbent upon our profession to check out the validity of these claims. Hansen (1997a:50) summarizes their views as follows:

> Legislative leaders in states with term limits give a sobering view of what term limits may mean to legislatures: no institutional memory in elected officials; discord among legislators who try to maneuver for leadership positions; disrupted balance of power in which the executive branch becomes, by

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default, stronger; state agencies where career officials need merely out-wait lawmakers with whom they disagree; special interest lobbies more capable of wielding influence over inexperienced lawmakers; a loss of rural and minority influence.

But legislators also reveal another side to this story; namely, that adjustments have been made to cope with the changes term limits have brought upon them. For the moment, however, we examine each of these claims more closely.

TERM LIMITS HAVE DESTROYED INSTITUTIONAL MEMORY AND EXPERTISE

A number of legislators complain that the terming out of experienced, senior members has severely diminished institutional memory and policy expertise. Only senior staff, to the extent that they remain, can draw from the experiences of previous legislative sessions. Massachusetts Representative John McDonough said, "I think institutional memory is very important, to have people who remember as far back as possible to avoid mistakes and to have people who were witnesses to what has happened before" (Hansen 1997b). Schrag (1996), in his assessment of term limits in California, suggests that there has been a decline not only in legislators' knowledge about policy but in the quality of the information available to them. "Previously, committee bill analyses were, for the most part, objective statements that laid out the arguments on a bill.... Now they tend increasingly to be taken verbatim from the lobbyists pushing or opposing the measure, or simply from fantasy" (Schrag 1996:28).

To the populists and libertarians, these developments, if true, are not normatively problematic. Populists would say that being responsive to what the people want is more important than recalling what was done in the past, and libertarians would say that the less legislators know about the past, the better. This trend—less institutional memory and expertise—is a problem only for deliberationists and professionalists, who want the legislature to be transformative, to borrow Polsby's term (Polsby 1975). It is conceivable that institutional memory could be measured by member surveys. Ideally, the design would be dynamic, so that we could track the acquisition of institutional memory, since it is possible that new members now start with less but acquire it more rapidly. The latter is plausible because two of the adjustments that state legislatures have made to term limitation are to expand training and new-member orientation for freshman legislators and to give them committee assignments that groom them for leadership earlier than in the past. Arkansas, Michigan, and Colorado have expanded their training, bringing in former representatives and policy experts from the state to offer orientation talks (Hansen 1997b).

The National Conference of State Legislatures has developed recommendations that exemplify how legislatures can adjust by speeding up the learning

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process. They suggest (*a*) reorganizations that encourage earlier specialization and modernization of facilities that provide information; (*b*) more up-front training of members and more demands on staff to develop the institutional memory and policy expertise that is lacking; (*c*) stable, routinized paths to leadership that give new members apprenticeship roles; and (*d*) upgrading staff capabilities. Any future studies by political scientists need to examine not only the disruptions caused by term limits but also the efficacy of the adjustments that legislatures make to maintain effectiveness.

TERM LIMITS HAVE CAUSED A DECLINE IN COLLEGIALITY AND COOPERATION

A second concern expressed by legislators and journalists is the apparent decline in collegiality and norms of cooperation. Normatively, this is less controversial than the previous point. Except perhaps for the most radical libertarians, few if any would wish bickering and bitter partisan struggles on a legislative body. The questions, then, are whether collegiality and cooperation have been undermined by term limits, and if so, why?

Logically, the connection could go either way, i.e. toward greater or less collegiality. The argument for the former is that new legislators who come to office are blank slates, without the grudges and legacies of past disputes. The argument for less collegiality is that people who interact with one another over time are more likely to develop understandings about reciprocity, civility, and cooperation. Game theorists remind us that the incentives for cooperation in repeat game situations are stronger than in single-play games or terminal periods (Cohen & Spitzer 1992, 1996). The testimony of state legislators and journalists is strongly on the side of declining collegiality.

The California Assembly is a paradigmatic case. Schrag (1996:26) describes the post–term-limit 1995 session in the Assembly as "the most mean-spirited and unproductive in memory, a unique combination of instability, bad behavior, political frenzy and legislative paralysis." In one year, California had three Assembly speakers, two Republican Assembly leaders, two Republican Senate leaders, and three recalls. Schrag reports a higher level of partisanship, exacerbated by the attitude of new members that people in government have "screwed it all up; I'm going to fix it" (1996:27). Another veteran reporter blames the growing divisiveness on the poisonous mixture of term limits and district nesting; term limits create the incentive to find new offices to run for, and nesting (the alignment of two Assembly districts with each Senate district) directly pits colleagues against one another for those positions (Block 1993).

However, California is by no means the only state that reports a decline in collegiality. Former Michigan House Speaker Paul Hillegonds has said, "There is much more jockeying for leadership and much less collegiality.... This has an impact on the leader's ability to hold his caucus together and work on consensus building" (Hansen 1997a:50). Arizona's minority leader Art

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Hamilton reports that, in his state, "there is a clear loss of collegiality and much more contentiousness between the House and Senate" (Hansen 1997a:50). Similar observations have been made about the Michigan and Maine legislatures (Bell 1998, Brunelle 1997).

This, then, is another area that cries out for systematic research. The increasing-partisanship hypothesis can be tested by examining party-line votes before and after term limitations. Collegiality, for instance, might be measured in terms of rates of cosponsorship of bills. But regardless of whether these are the best indicators and tests, our point is simply that it is, in principle, possible to measure term-limit–induced changes in collegiality and cooperation.

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TERM LIMITS HAVE CAUSED CHANGES IN CAREER INCENTIVES AND POLICY HORIZONS Deliberationists and libertarians had high hopes that term limits would change legislative incentives for the better. Freed from the need to pursue a political career and the attendant obsession with reelection, proponents (e.g. Will) hoped that legislators would spend less time on casework, pork barreling, and credit claiming and more time deliberating in the public interest or thinking of ways to keep government small. The key consideration is the incentives of a limited versus a potentially unlimited stay in office. Critics argue that term limitation proliferates the number of lame ducks, who then make lame policies. Proponents argue that limited tenure liberates the legislator from the necessity of pleasing voters when it is not in the public interest.

Once again, the verdict from state legislators is negative. Most believe that career and policy incentives have taken a turn for the worse. Gurwitt (1996) reports that legislators in the six-year tenure go through a predictable career cycle, "learning their way around in the first term; concentrating on legislating in their second; and shifting their attention to whatever job they hope to hold next in their third." Being a lame duck not only diverts the representative's attention, some claim, but it also makes it harder to get the attention of other representatives; in the words of Arkansas Speaker Bobby Hogue, "You take a freshman coming into this arena, and the first year, he's got to find out what's going on, the second, he might have a little influence over the bureaucracy, the third year he's a lame duck so why should the bureaucrats listen to him anyway" (Hansen 1997a:53). Knowing this tends to compress the legislator's time horizons. Says one Nebraska Senator, "if you've only got so many years, then you can't take on some projects that will be long term" (Hansen 1997a:53).

Measuring oversight capability and the time horizons of policy making are not simple tasks, and perhaps this is why there are no recorded attempts by political scientists to do so. In theory, the casework literature in the 1980s provides some guidance about oversight. It turns out that a good deal of oversight is informational, and its success in influencing the bureaucratic decisions as opposed to winning political credit is questionable (Cain et al 1987). Nonethe-

less, the ability to ask questions about a bureaucracy is important. The problem with the time-horizon hypothesis is that it rests on the static ambition theory—i.e. that people are not acting to maximize their political chances for other offices. Those doing future work in this area may want to consider whether the prospects of a career in another office counteract lame-duck incentives to some degree.

TERM LIMITS CAUSE POWER SHIFTS Two types of power shifts are reported by legislators. The first is from one house to the other or from one branch to another. As we noted earlier, certain populists tend to prefer executive-led government to a division of power. At first glance, it would seem that libertarians should prefer coequal branches as the best means of preserving checks and balances and guaranteeing minimal government. In reality, they tend to see the legislature as the culprit in big government, relying heavily on the postwar experience with divided government (i.e. Democratic legislatures and Republican executives). In theory, however, weakening the division of power and placing more power in the hands of the executive branch could be an even more potent recipe for expanded government than the current system.

The shifting of power from lower to upper houses is one of the surprising effects of term limits. In the words of one California legislator, "it's hard to quantify it, but lobbyists are clearly going to the Senate for their serious conversations. You have to conclude that the psychological center of the legislature has shifted" (Gurwitt 1996:16). In the golden era of the California legislature, the Assembly was the incubator of policy innovation and the springboard for ambitious lawmakers (Muir 1983). The State Senate was the sleepy backwater for the less ambitious. Term limits have changed all that. The standard career path now flows from the Assembly to the Senate: the lower house is where lawmakers learn their craft, and the upper house is where they practice it.

In a sense, this is another example of legislative resiliency. Term limits have given new meaning to bicameralism. In an era of unlimited terms, bicameralism seemed an outmoded institutional vestige. Given the Court's "one person, one vote" decisions in the 1960s, one could no longer justify having two houses by the need to represent different constituencies, since both now have to be based on the equal-population principle. After the enaction of term limits, a state with two houses—one with a 6-year and the other an 8-year limit—offers a combined 14-year track. The combined tenure of a two-house career track more than accommodates the span of the average legislative learning curve.

The other important shift that might have been caused by term limits is from legislators to interest groups (Polsby 1991). We have already cited several legislators and journalists who believe that lobbyists and interest groups have

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been empowered by term limits, either in the sense that their expertise is more heavily relied on or because new legislators lack the institutional knowledge and expertise to counteract them. However, lobbyists themselves find the new environment somewhat unsettling because they do not always know who their friends and enemies are with so many new faces (Capell 1996).

There needs to be a more refined discrimination between types of interest groups. Groups that rely heavily on stable relationships, trust, and the exchange of information are weakened by term limits, whereas those that rely on campaign contributions are in no worse a position, and possibly even a better one, to influence legislative decision making. Common Cause concluded recently, "Proposition 140 promised a new breed of citizen legislators, independent of special interests and accountable to constituents. The reality is far different. Freshman are raising record amounts of money because they will be in positions of power the longest" (Hansen 1997a:55). Future work needs to differentiate between types of special interest more closely.

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TERM LIMITS HAVE UNDERCUT LEGISLATIVE LEADERSHIP In one sense, this is a corollary of the earlier principle about expertise and institutional knowledge and thus does not deserve extensive separate treatment. However, finding and training leaders is particularly critical in a system that relies on the decentralization of power into committees and subcommittees. It demands a deep bench, so to speak, in order to have enough individuals to take on the many leadership assignments in an elaborated committee structure and strong incentives at the disposal of those at the top to pull together diverse coalitions in order to get action. As noted above, the loss of experienced leadership is primarily the concern of the professionalists, who want the legislature to be transformative. Legislatures tend to draw their leaders from the most experienced and senior members; in 1993, the average length of service was 12 years for lower houses and 11 years for state senates, and only two states, Arizona and Maine, had leaders with less than 6 years. Clearly, 8- and 6-year term limits would drastically change the experience profile of legislative leaders.

One of the important tasks for political scientists is to examine more closely the strategies that legislatures adopt to compensate for the loss of the pool of experienced legislators. In some cases, particularly citizen legislatures in small states, the system may operate adequately without experienced and strong leadership. This is unlikely to be the case in larger states that have a history of strong, centralized leadership. There the challenge is to find a system that grooms leaders more rapidly. A couple of states, Wyoming and Florida, have for some years used an apprenticeship system that culminates in a one-term speakership. Such an apprenticeship would include giving members significant posts in their early terms so that they are ready when their time comes (Hodson et al 1995).

It may also include a designated-heir system. In the Wyoming Senate, for instance, future leaders move from vice president to majority floor leader to president. In the Florida system, candidates declare themselves candidates for the speakership for the succeeding biennium two weeks after the November election and are chosen a year and a half before they actually are sworn in. Will such systems prove to be effective ways of countering term limits? Will they work in the seven lower houses that have six-year terms? These are questions that political scientists should address in the future.

CONCLUSION

Political scientists have good reason to be suspicious about term limits. In both the normative and empirical assumptions that proponents make, there is much to quarrel with. However, the public verdict is in, and wherever the initiative process allowed these measures to be placed on the ballot, they have passed. Term limits are a fact of life at the state and local levels. The battle over Congress may go on for some time (although it is settled for now by US Term Limits vs Thornton, 115 S. Ct. 1842, 1995), but one cannot rule out the possibility of a constitutional amendment succeeding in the future. In the meantime, it is important for our profession to switch gears and learn what we can from this fortuitous natural experiment. Legislatures will probably prove resilient in the face of problems presented by term limits. Their coping strategies should be. The concept of a strong, transformative legislature is not necessarily dead if the proper coping strategies are implemented and if the features of term limits are reasonably crafted.

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