

Cato Institute Briefing Paper No. 14: Why Political Scientists Oppose Term Limits

February 18, 1992

Mark P. Petracca

Mark P. Petracca is an assistant professor of political science at the University of California at Irvine and editor of *The Politics of Interests*.

Executive Summary

Six considerations may explain political scientists' open hostility to term limitation: Political scientists were instrumental in promoting the professionalization of legislators. The revisionist approach to democratic theory continues to influence the way most of them view democracy. They are cynical about the attentiveness, general knowledge, and judgmental capacity of the average voter. They are committed to the conservation of leadership. They perceive attacks on professional politicians as a threat to their own self-proclaimed professionalism. And political partisanship may encourage them to oppose term limits.

Political scientists should lend their expertise and skills to the public debate about the wisdom of term limitation. They should bring to that debate the commitment to data collection, vigorous analysis, and well-crafted arguments that is characteristic of a systematic and scholarly approach to political inquiry.

Introduction

The movement to limit the terms of local, state, and national legislators continues to gain momentum across the nation. Yet not everyone is on board the term limitation express. Political scientists and leaders of the Democratic party remain the loudest opponents of that popular reform movement. It is easy to understand why Democratic leaders feel threatened by term limits. Many Republicans and other conservatives are convinced, wrongly I believe, that term limits are the most effective way to rid legislatures of Democratic majorities. Political scientists' strenuous opposition to term limitation is much more puzzling. In this essay I explain why political scientists may be predisposed to oppose term limitation.

The Character of Opposition

Political scientists are openly hostile to term limitation, lambasting the reform and its proponents in language uncharacteristically shrill and harsh. They give little, if any, credence to the idea and no quarter to its advocates. Nelson W. Polsby, a leading student of Congress, refers to term limits as "constitutional mischief." For "students of government like me," he writes, the popularity of term limits is "hard to understand."^[1] Thomas E. Cronin, a widely recognized authority on the American presidency and direct democracy, views term limits as "an illusory quick-fix for a symptom rather than a cure for . . . major problems."^[2] Ross K. Baker, a political scientist with extensive experience working in the nation's capital, calls term limitations "quack therapy for democracy,"^[3] and the ever-quotable Norman Ornstein of the American Enterprise Institute surmises that under term limits, "only bums will run, only bums will rule."^[4]

Although those are all recent indictments, the opposition of political scientists to term limitation is more than a decade old. Thomas E. Mann, currently director of governmental studies at the Brookings Institution and formerly executive

director of the American Political Science Association, argued in 1978 that term limitation constitutes "an infringement on individual liberties, both the liberties of the voters and office holders." Moreover, Mann said, "A limit on congressional tenure . . . is basically antidemocratic. It just does not trust the electorate to decide for itself whether an individual should be returned to office or not." [5]

The strenuous opposition of political scientists to term limitation is far more perplexing than is the opposition of Democratic leaders for at least two reasons. First, political scientists have a predilection to welcome discussions of political reform. The impetus "to do good," says Samuel Huntington, encourages political scientists to promote political reform for the purposes of enhancing liberty, justice, equality, democracy, and responsibility in politics. [6] Yet for some reason, many members of the discipline have rushed to dismiss term limitation, despite its growing popularity as a political reform.

Second, political scientists are typically cautious in arriving at judgments about political phenomena or proposed changes in the political system that cannot be analyzed empirically. Political science journals are filled with circumspect and narrowly drawn conclusions that indicate that "students of government" are hesitant to draw inferences that are not supported by empirical data. Nevertheless, without many data or much systematic analysis, political scientists have hastily rejected term limits as meritless, inefficacious, or dangerous.

Neither a passion for political reform nor a commitment to the canons of scientific inquiry has prevented political scientists from condemning term limitation early, often, and vociferously. At the very least, we might expect them to rejoice at the opportunity to apply their research and analytical skills to an issue that is currently of great concern to the American people. We might expect political scientists to counsel patience and considered study before arriving at ironclad judgments about the politics, efficacy, and impact of term limitation. For the most part, that has not happened. In light of the strategic role the opinions and research findings of political scientists will play in the forthcoming political debate, it is important to understand why they may be predisposed to oppose term limitation.

An Explanation

I identify six reasons that may help explain why political scientists are predisposed to oppose term limitation. That is not to suggest that the public arguments made against term limits by political scientists are unauthentic or disingenuous. Indeed, many of them have a great deal of merit. My point is that other factors, only indirectly related to the merits of term limitation, explain the predisposition of contemporary political scientists to oppose term limitation.

Political Professionalism

Political scientists have been instrumental in promoting the professionalization of state legislatures. [7] Today that goal and the legions of professional legislators it produced are under attack by the advocates of term limitation.

Political scientists were highly successful advocates of the professionalization of state legislatures. "Nowadays," said Alan Rosenthal in 1988, "the dominant ethos in a growing number of state legislatures is that of full-time, or virtually full-time, professionals." [8] The legislatures of California, Illinois, New York, Massachusetts, Michigan, Pennsylvania, and even Wisconsin are classified as professional, and those of another 20 or more states are classified as semiprofessional or nearly professional.

Professional legislatures are now being criticized by the advocates of term limitation, who believe that professional politics is incompatible with the essence and requirements of representative government. [9] The qualities of professionalism and careerism, which political scientists successfully instilled in legislatures throughout the nation, are now the subject of unrelenting scrutiny by activists who would like to return the responsibilities of democratic governance to citizen-legislators.

Three decades of reform supported by political science scholarship are being turned upside down by the critics of "permanent government." That must be terribly unnerving for political scientists committed to professionalization as a cure for high turnover in state legislatures. [10]

Efficiency vs. Participation

The prevalent theory of democracy accepted by mainstream political scientists clashes with many of the classical republican ideals espoused by advocates of term limits. The revisionist approach to democratic theory, fashioned in the aftermath of World War II, continues to influence the way most contemporary political scientists view democracy, notwithstanding noted critiques and recent disavowals.[11]

Democratic revisionism "substituted stability and efficiency" for broad participation and the development of citizenship "as the prime goals of democracy." [12] In contrast, politics in a post-term-limitation democracy would be characterized by high turnover of elected officials, representation by citizen-legislators, enhanced opportunities for political participation, and a greater role for citizens in the initiation and formulation of public policy. That vision of democratic politics is simply not acceptable to political scientists schooled in the theories of democratic revisionism.

Stability and efficiency are not fundamental goals of the term limitation movement. Rather, the movement seeks to promote competitive elections, enhance political representation, encourage responsiveness to policy problems, curtail the unbridled growth of government, and open the political system to a multitude of new participants. Although revisionists have no problem with promoting competitive elections, the sine qua non of modern democracy, the common ground between revisionists and advocates of term limits ends there.

Given the values of stability and efficiency embedded in democratic revisionism, political scientists have a theoretical stake in preserving the status quo, even if it means defending incumbents.

Skepticism about the Voters

Political scientists are reluctant to endorse any political reform that is overwhelmingly supported by the American public. To be sure, there is an element of elitism in that attitude, but elitism is not a very satisfying explanation in this case.

Political scientists, especially those who study the American electorate, are fairly cynical about the attentiveness, general knowledge, and judgmental capacity of the average voter. Such cynicism might even be justified. After all, according to the revisionist theories of democracy, the role of the average citizen was reduced to selecting a leader in a competitive election.

Given what political scientists have discovered about the American electorate, they probably cannot help but be wary of any reform that is highly regarded by the general public. Political scientists are skeptical about what the American public could possibly know about the effects of term limitation, and their skepticism makes it easy for them to oppose term limits.

Political scientists tend to explain popular support for term limitation as uninformed or misled, or both. Polsby's comments are once again illustrative. "The proposal to limit the terms of members of Congress . . . relies heavily for its appeal upon ignorance in the population at large about what members of Congress actually do." [13] Faith in the electorate's ability to choose competent leaders in a competitive election does not extend to voters' ability to intelligently support or oppose institutional reforms. Trust in the electorate is in short supply among political scientists.

Conservation of Leadership

Political scientists are committed to the conservation of leadership. Their commitment leads them to oppose term limits on the grounds that such limits would needlessly squander that valuable political resource. "The leadership question," as one scholar put it, probably dominates American politics as does no other.[14]

The absence of quality leadership in American politics is repeatedly bemoaned, and the institutional constraints that make the emergence of new leaders so difficult are subject to frequent criticism. To solve the problems of policy stalemate, divided government, or political gridlock, America needs better leaders and more of them.[15]

Political scientists worry that term limits would squander quality leadership by forcing elected officials out of office,

whether they were effective leaders or not, and quickly use up America's supply of able leaders. Advocates of term limits are convinced neither that quality leadership is in short supply nor that career legislators are quality leaders. In addition, in the tradition of the Anti-Federalists, advocates of term limits are in no hurry to overcome the limits on governmental activity produced by the separation of powers doctrine. Divided government just is not an urgent problem for them. To the contrary, many welcome the constraints the division of powers imposes on government's ability to act precipitously.

Hence, there is a fundamental clash between political scientists and advocates of term limitation over the availability of quality leadership in America and the need to make positions of political leadership easier to attain.

A Threat to Academic Professionalism

The current attacks of supporters of term limits on the value of professional politicians may be perceived by political scientists as a threat to their own self-proclaimed status as professionals. The discipline of political science has worked very hard during the postwar era to bolster its professional stature in academic, policymaking, and political circles.[16] Indeed, the professionalization of political science has been a long-standing goal of the American Political Science Association. As a result, a great many political scientists have been taught to admire and respect the qualities attributed to all professionals. They are not alone. Lawyers, doctors, accountants, and maybe even politicians view professionalization positively because it confirms their own self-image and status.[17]

Political scientists appreciate the knowledge and expertise that differentiates professionals from amateurs, in their own profession as well as in politics. They also have an empathic understanding of how difficult it is to become a professional. For the most part, political scientists gain the expertise essential for successful careers through long years of study, training, and "doing" political science. Consequently, they are in a position to value the expertise a legislator gains from the experience of legislating.[18]

Professional politicians and career legislators are the direct targets of the term limitation movement. Supporters of term limits share Daniel Boorstin's aversion to government by professionals. "The representatives of the people . . . must be wary of becoming professional politician[s]. The more complex and gigantic our government, the more essential that the layman's point of view have eloquent voices. . . . We must find ways to help our representatives preserve their amateur spirit," advises Boorstin, Librarian of Congress Emeritus.[19] Many people believe term limits are one way to accomplish that goal. However, term limitation challenges the indisputable value of professionalism and thereby the status and prestige of professional political scientists.

Political Partisanship

Politics, or more appropriately partisanship, may also encourage political scientists to oppose term limits. By most accounts, political scientists are predominately liberal in their political leanings. Like the leadership of the Democratic party, they are worried that term limitation will drastically alter the liberal Democratic composition of state legislatures and Congress. "It is Republicans, naturally enough," says Baker, "who seem to be the most enthusiastic puffers of term limitation, since they have the most to gain, at least in the short term, from an indiscriminate clean-out of the nation's deliberative bodies." [20] Although that concern is salient, it is probably misplaced.

Term limits will force both Democratic and Republican incumbents to retire earlier than they might otherwise. Turnover will be higher than it has been for the past few decades. Some districts, be they state legislative or congressional, will replace Democratic incumbents with Republicans, but others will replace Republican incumbents with Democrats. The legislative pot will certainly be stirred by the imposition of term limits. However, barring a national realignment of party identification to the advantage of Republicans or a sudden change in the boundaries or composition of current legislative districts, there is no reason to believe the turnover induced by term limitation will significantly alter the partisan composition of state legislatures or the House of Representatives. With few exceptions, incumbents of one party or the other will most probably be replaced by new legislators from the same party. There will no doubt be some marginal changes in the composition of legislatures induced by term limits and the relative pacing of retirements,[21] but even liberal Democrats should welcome the early retirement of some of their entrenched brethren.

Turnover in legislative personnel does not necessarily translate into turnover in the partisan control of any legislative

body, unless district boundaries are changed.[22] As a result, Democrats have little to fear and Republicans little to anticipate from term limits. Liberal political scientists should not let partisan worries color their evaluation of term limitation.

The Challenge to Political Science

Political scientists could well oppose term limits because empirical studies show them to be inefficacious or harmful. Certainly, there are many assertions made along those lines. If true, they would be the best foundation on which to build the case against term limitation; they would also be the most legitimate ones for political scientists to pursue given the canons of scholarly inquiry endorsed by the discipline. However, most reasonable students of government willingly concede that the data from which to arrive at confident judgments about term limitation are not yet available.[23] As one scholar recently admitted, "Discussions of the pros and cons of term limits have largely been conjectural to date." [24] Right now debate is based primarily on scholarly speculation and instinctive evaluation. There is nothing wrong or inappropriate about either, as long as we do not confuse them with the analysis of empirical evidence (where empirical evidence can be used to test claims about the impact of term limitation). So far, little research on the impact of term limitation has been undertaken, although some progress is being made in research design and data collection.

Political scientists' current opposition to term limitation is neither self-indulgent nor entirely without foundation. Political scientists have raised some very important empirical questions about the effects of term limits on political recruitment, political parties, the dynamics of legislative decisionmaking, legislative leadership, the representation of minorities and women, the influence of special interest groups and legislative staff, the further aggrandizement of executive power, and the conditions necessary for effective political governance.[25] Those and other questions need to be raised, investigated, and analyzed. Political scientists should be encouraged to take up the challenge, to lend their expertise, skills, and maybe even some passion to the public debate about the wisdom of term limitation. They should do so with the commitment to data collection, vigorous analysis, and well-crafted arguments that is characteristic of a systematic and scholarly approach to political inquiry.

Notes

[1] Nelson W. Polsby, "Constitutional Mischief: What's Wrong with Term Limitations," *American Prospect* (Summer 1991): 40-43; Nelson W. Polsby, ". . . No, It'll Shift Power to the Unelected," *Los Angeles Times*, September 29, 1990.

[2] Thomas E. Cronin, "Term Limits--A Symptom, Not a Cure," *New York Times*, December 23, 1990, p. E11.

[3] Ross K. Baker, "Quack Therapy for Democracy," *Los Angeles Times*, October 19, 1990, p. B7.

[4] Norman Ornstein, "Only Bums Will Run, Only Bums Will Rule." *Los Angeles Times*, November 13, 1990, p. B11.

[5] Thomas E. Mann, *Limitina Presidential and Congressional Terms* (Washington: American Enterprise Institute, 1979), p. 23.

[6] Samuel P. Huntington, "One Soul at a Time: Political Science and Political Reform," *American Political Science Review* 82 (March 1988): 4.

[7] See Charles S. Hyneman, "Tenure and Turnover of Legislative Personnel," *Annals of the American Academy of Political and Social Science* 195 (January 1938): 21-31; Duane Lockard, "The Legislature as a Personal Career," in *Strengthening the States*, ed. Donald G. Herzberg and Alan Rosenthal (Garden City, N.Y.: Doubleday, 1971), pp. 14-24; Jerry Calvert, "Revolving Doors-Volunteerism in State Legislatures," *State Government* 52 (Autumn 1979): 174-81; and Alan Rosenthal, "Turnover in State Legislatures," *American Journal of Political Science* 18 (August 1974): 609-16.

[8] Alan Rosenthal, "Better Legislators, Poorer Results," in *State Government*, ed. Thad L. Beyle (Washington: Congressional Quarterly Press, 1988), p. 88.

[9] See Mark P. Petracca, "The Poison of Professional Politics," Cato Institute Policy Analysis no. 151, May 10, 1991, pp. 1-31.

[10] See Peverill Squire, "Career Opportunities and Membership Stability in Legislatures," *Legislative Studies Quarterly* 13 (February 1988): 65-82.

[11] See Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (1942) (New York: Harper Colophon Books, 1975), p. 269. For a more recent example, see Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge, Mass.: Harvard University Press, 1981).

[12] Jack L. Walker, "A Critique of the Elitist Theory of Democracy," *American Political Science Review* 60 (June 1966): 289.

[13] Nelson W. Polsby, "Congress-bashing for Beginners," *Public Interest* 100 (Summer 1990): 19.

[14] See Bert A. Rockman, *The Leadership Question* (Pittsburgh, Pa.: University of Pittsburgh Press, 1984).