


ARTICLE

Introduction: Perspectives on Term Limits in Democratic Society

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Discussions of term limits are happening in the United States and abroad. In July 2024, President Biden announced his support for limiting the number of years that federal judges may serve. Surveys suggest that limits for judges are popular with Americans.¹ Relatedly, voters have historically supported term limits for members of Congress, with the most recent survey (from July 2023) finding support among 87%.² For now, limits are unlikely to be imposed on federal judges or members of Congress, but there are recent changes in the states. Voters in North Dakota imposed limits on their state legislators in 2022, and those limits will take effect in 2028. In Michigan, also in 2022, voters shortened the long-standing lifetime limits for their legislators from 14 to 12 years. Discussions or reforms, including the elimination of limits, have also occurred outside of the United States. In Russia, voters seemingly reset the term limits that applied previously to President Vladimir Putin, thereby allowing him to serve in office until 2036. In China, where limits for various leaders including the president were first added to the country's constitution in 1982, limits were abolished in 2018. Although these are prominent examples of limits being lifted, a remarkable number of new limits have been enacted elsewhere, with limits on executives being imposed in 17 countries within the past decade alone. To date, only a handful of countries, most of which are in the Americas, have legislative limits.³ Conversely, nearly every country limits the service of judges.⁴

With these discussions in mind, but especially those in the United States, I organized this special edition of the *Journal of Policy History* that features four original studies of the origins or effects of term limits. Authors were not instructed to focus on a particular nation or historical period or to produce

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findings that favored or disfavored limits. Rather, the special edition was intended to provide scholars the opportunity to enhance existing knowledge of the origins and effects of limits and contribute to ongoing discussions in the United States and, possibly, abroad.

Each article in this edition makes a unique and significant contribution to scholars' knowledge of term limits. This edition begins with an article that compares the history of term limitations in the United States with the history of such limits in France. Noémie Fervat and Thad Kousser show that term limits have long and somewhat similar histories in both countries but that limits' contemporary advocates differ greatly between the two countries. They show that term limits for legislators were regularly and long debated in both America and France during the revolutionary years of the late 1700s. The authors argue that, whereas modern term limits were generally supported by right-wing political elites in the United States, it was left-wing elites who supported limits in France in recent years. Their notable contribution lies in the comparison of historical debates regarding limits across the two countries.

The article by Jordan Butcher complements and builds on that of Fervat and Kousser. Butcher argues that Republicans were historic proponents of congressional and legislative term limits because Democrats controlled Congress and state legislatures most years prior to the 1990s and turnover among incumbents had declined over time. This argument echoes that of Fervat and Kousser, but Butcher presents evidence that limits benefited Republican candidates years after their implementation.

The latter two articles in this edition examine some political and policy effects of legislative term limits. Michael Olson adroitly applies a regression-discontinuity design to legislators serving in competitive districts to determine whether term limits affect polarization. Although another study had found that polarization generally increased after term limits were implemented in legislatures, Olson's study provides new statistical insight by examining the districts wherein legislators have incentives to maintain somewhat moderate roll-call voting records. Olson's findings suggest that Democrats become more liberal and Republicans more conservative, despite representing split districts, because of legislative term limits. This relationship is reasoned to occur because limits may result in more partisan candidates seeking office, reduce cross-partisan socialization, or allow end-term legislators to vote as they wish (i.e., without regard to electoral backlash).

In the final article, Jason Byers and Laine Shay examine the effects of legislative term limits on incarceration rates in the states. They reason that, because term limits empower partisan leaders in state legislatures (due to term-limited legislators having less expertise than term-unlimited ones), state legislatures pursue more-polarized policies whenever there are term limits. This theoretical narrative is related to but differs from the one presented by Olson, who looked for limits' effects on polarization generally. Byers and Shay do not preclude the possibility that polarization itself contributes to incarceration rates but rather argue that term limits magnify the effects of polarization on rates. In a set of tidy analyses that use nearly 2,000 state-year

observations, they find that indeed the correlation between legislative polarization and incarceration is discernibly stronger in term-limited states than in term-unlimited ones.

How might these findings contribute to contemporary discussions of term limits in the United States? Recall that term limits for legislators are popular with survey respondents. The work of Fervat and Kousser demonstrates the enduring popularity of limits, but their work also, along with that of Butcher, shows that the cause of limits may be adopted by political outsiders for the purpose of gaining electoral advantages. Once limits are adopted, as Olson shows, polarization may increase over time. Such polarization ultimately affects public policy, or at least criminal-justice policy, as Byers and Shay demonstrate. Upon reviewing these findings, it is worth asking whether ideological or partisan priming may affect support for legislative term limits. Although partisanship itself has served only as a weak predictor of support for legislative limits, priming appears to affect support for judicial limits.⁵

In general, although legislative term limits were enacted in the United States primarily in the 1990s, scholarship on limits is not diminished in value. As highlighted earlier, states continue to tinker with limits. Moreover, the bulk of research on limits has examined the effects of legislative limits, and there remain substantial opportunities for examining the origins and effects of limits on executives and judges.⁶ There is growing literature on limits on executives abroad, but research on judicial limits remains limited.⁷ Relatedly, there is little research on how limits affect relationships between judges and officials in other branches of government. Research on limits among subnational governments outside of the United States also remains limited. This special edition anticipates additional work in these areas of scholarship.

Notes

¹ Ryan C. Black, Ryan J. Owens, and Patrick C. Wohlfarth, "Considering Constitutional Change: Survey Evidence on Public Attitudes toward Term Limits for Federal Judges," *New Political Science* 45, no. 2 (2023): 335–58.

² Pew Research Center, "How Americans View Proposals to Change the Political System," September 19, 2023, <https://www.pewresearch.org/politics/2023/09/19/how-americans-view-proposals-to-change-the-political-system/>.

³ European Commission for Democracy Through Law, *Report on Term-Limits*, March 18, 2019, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)007-e).

⁴ Tom Ginsburg, "Term Limits and Turnover on the U.S. Supreme Court: A Comparative View. Testimony for the Presidential Commission on the Supreme Court," July 20, 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/07/Ginsburg-Testimony.pdf>.

⁵ Jeffrey A. Karp, "Explaining Public Support for Legislative Term Limits," *Public Opinion Quarterly* 59, no. 3 (1995): 373–91; Robert M. Stein, Martin Johnson, and Stephanie Shirley Post, "Public Support for Term Limits: Another Look at Conventional Thinking," *Legislative Studies Quarterly* 27, no. 3 (2002): 459–80; Anna McCaghren Fleming, Matthew D. Montgomery, and Natalie C. Rogol, "Reforming the Bench: Public Support for Supreme Court Institutional Change," *Political Science Quarterly* 139, no. 2 (2024): 225–48; Aaron M. Houck, Aaron S. King, and J. Benjamin Taylor, "The Effect of Experts on

Attitude Change in Public-Facing Political Science: Scientific Communication on Term Limits in the United States,” *Public Understanding of Science* (2024): <https://doi.org/10.1177/09636625241246084>.

⁶ See Christopher Z. Mooney, “Term Limits as a Boon to Legislative Scholarship: A Review,” *State Politics and Policy Quarterly* 9, no. 2 (2009): 204–28.

⁷ See Alexander Baturo and Robert Elgie, *The Politics of Presidential Term Limits* (Oxford: Oxford University Press, 2019).

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