

## BOOK REVIEW

### **Legislative Term Limits: Public Choice Perspectives**

Bernard Grofman (ed.)

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**reviewed by Edward J. Lopez**

Legislative term limits have so far forced social scientists to shrug in a bit of uncertainty. We simply cannot say with any benefit of experience what effects legislative term limits will have in the political economy. The reason is painfully clear: term limits have been in effect in legislatures for at most seven years, and sufficient time series useable for their evaluation are not yet available. The result, as Bernard Grofman writes in the introduction to this admirable collection of essays, is that studying term limits gives social scientists plenty of hypotheses in search of a paucity of data.

Grofman's is an ambitious volume, consisting of 14 original essays along with six reprints and revisions. While thick, its many facets are well worth exploring and neatly organized into four sections. Each section is assigned a specific aspect of term limits: 1) their effects on legislator incentives/behavior; 2) their impact on legislative turnover and party balance; 3) voter preferences and the term limits movement; and 4) lessons from term limits in non-legislative settings. Hence, the volume is dedicated (with the exception of the third section) to formulating testable hypotheses about the effects of term limits before the data come in.

As relatively straightforward as this task may seem, the collection produces an unexpected degree of diversity (and, dare one say, adversity) among its contributors. But it is a healthy diversity, illustrating fundamental points about the puzzles that term limits present. The essential point to be taken from the volume is important for all social scientists to understand: there is no ex-ante agreement on the impact that term limits will have—on anything. The closest that the literature can get to a consensus is that term limits will unambiguously decrease tenure (increase turnover) in the legislature. But even this seeming truism will not come true in the case of a very lengthy term limit. Now try an area like federal spending, or the value of holding office, or the quality of candidates attracted to run for office,

or the relative strength of interest groups and legislative staff. You will find a different answer motivated by a different argument under nearly every economic and political stone upturned.

This is the current state of the public choice literature on term limits: uncertainty, disagreement. And Grofman has captured it well in this volume. Among its 31 contributors, there are 18 political scientists, ten economists, one law professor, one law student, and a lobbyist. These diverse authors generate a similar diversity of opinions and projections, again reflecting the larger literature on term limits. For example, even among those who normatively favor term limits, their reasoning is often at odds with one another. Also, those who oppose term limits often use variants of the proponents' argumentation. For example, Andrew Dick (Economics, UCLA) and John Lott (Chicago School of Law) use a prisoners dilemma framework to argue that term limits are a Pareto improvement over an inefficient Nash equilibrium. On the other hand, Linda R. Cohen (Economics, Cal-Irvine) and Matthew L. Spitzer (Law and Social Sciences, Cal Tech) use a similar prisoners dilemma to argue that term limits would exacerbate the last period problem.

This variety of analytical perspectives brings to light another trait of the book. While the purpose is to generate positive hypotheses about the workings of term limits in the political economy, the issue, for whatever reasons, is a partly a normative one. Any hypothesis on the effect of term limits on, for example, government spending will at least be partially informed by the normative stance of the analyst. Without the arbitration of the data, libertarians, conservatives and liberals can each generate different hypotheses, using whatever theoretical means necessary, to reach their preferred positions on term limits. One gleans a sense of this moving through the volume's various chapters.

Perhaps the most interesting point of the entire volume, to which I alluded earlier, comes out of the essay by Bruce Cain (Political Science, Berkeley). He calls attention, although not explicitly, to the ratio of average turnover in a given legislature to the length of term limit imposed. Lengthier term limits will not bind in legislatures with shorter average tenure. Insofar as legislatures have high turnover (e.g., Mississippi with 49% turnover in 1992 and Wyoming with 47%, by my count), they experience little professionalism and would be affected relatively little by even a strict regime of term limits. On the other hand, states whose legislatures are professionalized (e.g., Maryland with 5% or Delaware with 11% turnover),

would be strongly affected even by relatively loose term limits. This illustrates the most important general point to be had from the volume: the effect of term limits will differ under different institutional environments. Coming full circle, this is also the source of disagreement in the public choice literature on term limits. Different scholars emphasize different institutions, and therefore generate different effects of term limits.

With all of this genuinely interesting material from which the social scientist has much to learn, the volume unfortunately has unwelcome attributes, mostly attributable to the baggage that normative analysis carries. In science, as in the world, there are trade-offs. Normative studies tend to forsake accepted theoretical tenets in favor of the preferences of the author. In the Grofman volume, several chapters take this step regarding the expected effects of term limits. The essay by Amihai Glazer (Economics, Cal-Irvine) and Martin P. Wattenberg (Political Science, Cal-Irvine), for example, seems to ignore the logic of concentrated benefits and dispersed costs in favor of explicitly value-laden conjectures about how the authors' preferred ideal-type legislator would behave under term limits. What they achieve is more subjective commentary than testable hypothesis.

Overall, the main contribution that Grofman seeks to provide is achieved. He provides a rich collection of scholarship from an array of perspectives, and therefore the collection is reflective of the public choice debate over term limits. The effect is to provide a source from which empirically minded scholars can draw information (and steal hypotheses!) when looking at the important issue of term limits. Moreover, important thematic points such as the centrality of institutions can be taken from the volume as a whole. In the end, the volume tells us precious little about the specific realities of term limits. But it presents a basket full of questions, with which the empirically minded social scientist will have a ball once the data arrive. I certainly will.

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