TERM LIMITS AND POLITICAL CONFLICT

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To understand the purpose of a social institution it is sometimes useful to examine a society in extreme circumstances. A good example of such a society is civil-war torn Bosnia. Bosnia throws light upon the social institution of term limits. In March of 1994 the Croats and Muslims of Bosnia announced that they would end their war and together form a new country under a new constitution. A key aspect of their new constitution is a “rotating” presidency. The Bosnian presidency will rotate between the two groups—Muslim, Croat, Muslim, Croat . . . etc. If we accept for the moment that rotation in office and term limits are closely related, as I will argue below, it is clear that Bosnia has much to teach us about term limits. The extreme which Bosnia represents is an extreme of conflict. Conflict almost surely must play a role in explaining Bosnian term limits. The civil war illustrates that both the Muslims and Croats have reason to fear exploitation from the other group. One explanation for the rotating presidency is that it limits the possibilities for exploitation. The Croats are less likely to use the presidency to exploit the Muslims if they know that next period the Muslims will be in a reciprocal position (and vice-versa). The Roman orator Cicero argued for rotation in office on these grounds, writing that “he who commands should reflect that in a short time he will have to obey.” The rotating presidency can be understood as a means of sharing power temporarily, analogous to the contemporaneous power sharing inherent in proportional representation or in the institution of two differently elected houses of government. I argue that the desire to contain conflict and reduce exploitation can explain support for term limits in the United States as well as in Bosnia.

The rotating presidency and term limits are closely related because of the effect of open seat elections on the rotation of political power. Open seat elections are much more competitive than elections with incumbents—this means that open seat elections increase the rotation of political power. Consider, for example, rotation in the American Congress. Over the 1960-1990 period House seats switched party 5.0% of the time when an incumbent ran and 25.7% of the time in an open election. In the Senate, parties rotated 15.5% of the time when an incumbent ran but 42.7% of the time when the election was open. The probability of a rotation of power is five times more likely in the House and nearly three times more likely in the Senate.
in an open election than in an election with an incumbent. These statistics are another illustration of the size of the personal incumbency advantage.\textsuperscript{4}

Term limits will increase the number of open seat elections. Thus, term limits will increase the rotation of political power. The difference between the rotating presidency and term limits is therefore one of degree—the rotating presidency mandates that power rotates, term limits increase the probability that power rotates.

Much of the literature on U.S. term limits has focused on the effect of term limits on the individual politician. Term limits, it is argued, will (or will not) make politicians more representative, more responsive, harder working, more concerned with national policy, less concerned with redistributive or local issues etc.\textsuperscript{5} In contrast to this approach, I assume that term limits have no effects on individual politicians per se. Instead I emphasize the effect of term limits on the distribution of power between conflictual coalitions. Conflict in the United States is at a much lower level than in Bosnia. By conflictual coalitions I mean only coalitions which have different and sometimes opposing beliefs, goals, and interests.

An advantage of the conflict theory of term limits is that it can explain the demand for term limits in a wide variety of contexts including term limits on the presidency, Congress, governors, and mayors. Other theories often have difficulty explaining term limits at one or more of these levels. It is difficult to believe, for example, that presidential term limits in the United States or in Bosnia were imposed to prevent shirking. Or that term limits on mayors are meant to produce more "citizen-mayors." The conflict theory predicts that term limits will be demanded whenever personal incumbency advantage is strong and conflictual coalitions are of similar strength.\textsuperscript{6} Circumstances such as these may be found at any level of government or even in non-government institutions like clubs or unions.

Many people argue that term limits are the solution to a problem created by incumbency advantage and long average tenure. But if lengthy tenure creates problems, why do voters continually reelect their politicians? And, why do voters often vote for term limits and at the same time reelect their politicians? These questions are difficult to answer in any theory which suggests that term limits are primarily a constraint placed upon politicians by voters. In the conflict theory, term limits are a constraint groups of voters place upon themselves. Term limits force future politicians to step down from office and in so doing the groups which these politicians represent lose the advantages of incumbency. Term limits can be thought of as an implicit agreement to limit the use of personal incumbency advantage. All groups, even a group in the majority today, can gain from term limits because of the fear of being in the minority in the future.

Consider the historical record concerning presidential term limits. Thomas Jefferson started the tradition in American politics that no president would run for a third term.\textsuperscript{7} Given the great divisions in the United States between the North and the South, the agricultural and the industrial, the religious and the secular, and so forth, this tradition can be understood as an implicit agreement to rotate power. No coalition wanted to break Jefferson's "focal point" because each believed that