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Term Limits in France and the United States: A Comparative History of Policy Debate and Adoption

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Abstract

This article seeks to compare the policy histories of the legislative term limits in France and the United States. Both nations debated, initially adopted, and then ultimately rejected imposing term limits during the foundational moments of their democracies. Reemerging in the 1990s in America, proposals to refresh government through such limits have been successful in the states and have failed at the national level. The idea regained prominence in France when Emmanuel Macron supported it during his 2017 presidential election. Although Macron eventually abandoned the proposal, the revival of this debate is an opportunity to draw broad parallels but identify critical differences between the two nations in the philosophical debates over term limits and the ways that leaders have embraced or abandoned them to fulfill their political goals. We show how the idea circulated between the two nations, without a parallel exchange of evidence about its effects.

Keywords: term limits; legislatures; French politics; American states; democratic reform

Introduction

The policy of reforming government by limiting legislative terms has a history that is both ancient and modern in France and in the United States. The first American governing plan under the Articles of Confederation limited terms through a “rotation-in-office” requirement that never went into effect because the Articles of Confederation were soon replaced by a new constitution. At Philadelphia’s constitutional convention, delegates debated but rejected the idea. In the immediate wake of American constitutional debates, members of the French Constitutional Assembly—which included the “Americanist” faction, deeply influenced by Thomas Jefferson, himself an advocate of the general idea of

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rotation—barred themselves from running for election to the first parliament. Yet, although Maximilien Robespierre and others called for term limits, limits did not become a permanent feature of France’s First Republic.

On both sides of the Atlantic, the debate has reemerged in recent decades. In the United States, the architect of the Republican Party’s historic takeover of Congress in 1994, Newt Gingrich, included term limits as a prominent plank of his “Contract with America” election platform. Gingrich did not, however, succeed in advancing them out of Congress once he took power. In his October 2016 “Drain the Swamp” speech, then-candidate Donald Trump echoed Gingrich’s call for a constitutional amendment imposing term limits on Congress,¹ but like Gingrich, Trump did not expend the tremendous political capital required to move forward an amendment once in office. Despite these failures to adopt term limits at the federal level, the term limits movement has been notably successful in state and local governments. Term limits were passed in 22 states beginning in 1990 and most recently in North Dakota in 2022.² Mayors and city council members in cities including New York, Dallas, Houston, Los Angeles, San Diego, San Francisco, San Jose, Jacksonville, and Memphis face term limits.³ These victories represent the most widespread and sustained instances of success for term limits in either nation in any period, with the political reforms leading to fundamental changes in the policy-making processes and institutional balance of power in these states, though often not for the better.⁴ They represent an example of how populist reforms in the American states often come through the direct democracy, bypassing the desires of elected officials.⁵ The victories have also led to backlash, with term limits being either overturned by courts or repealed by lawmakers in six of the American states that initially adopted them.⁶

The idea has also experienced a modern reemergence in France during the 2017 presidential election campaign of Emmanuel Macron,⁷ when the political and media spheres clashed over the question of whether to impose term limits on members of the French Assembly, the French Senate, and the main town halls. In France, after the first mobilizations in favor of the “single mandate” in the 1990s⁸—a prohibition against holding multiple local or national offices simultaneously, which eventually passed in 2014⁹—the idea of limiting the reelection of parliamentarians resurfaced in 2015. Initially championed by the Socialists,¹⁰ proposals to limit the terms of members of parliament and certain mayors subsequently featured in several of the programs of candidates vying for the 2017 presidential election. Among its “eleven recommendations” to candidates, the French section of the think tank *Transparency International* proposed a “limit of three successive identical mandates for any local or national office.”¹¹ The debate received extensive media coverage at the start of the first five-year term of President Emmanuel Macron, who predicted that it term limits would result in “oxygenating our political life.”¹² The measure would enjoy broad popular support: according to a poll conducted by *Harris Interactive* for *Transparency France* in August 2016, 49% of French people would like to encourage the renewal of political leaders with a time limit on terms of office and 84% would find this measure effective in promoting greater transparency in public life and fighting corruption.¹³ Starting in June 2017, the working group set up on the topic of the status of members of Parliament (MPs), as part of the “*For a New National Assembly*” reform process, began thinking about limiting the reelectability of

parliamentarians¹⁴ before the project fell back into oblivion, overshadowed in part by dense political news linked to the Benalla affair, the Gilets Jaunes crisis, pension reform, and even the COVID-19 health crisis.

The debates taking place in France's National Assembly between 2018 and 2019 echoed the movement for term limits that has been developing across the United States since the early 1990s. The almost simultaneous holding of the same debate in each of these two countries with similar democratic institutional roots provides an opportunity to study each of the proposals for limiting the reelection of MPs in a cross-cutting and comparative way. A sociohistorical analysis of these debates reveals that both have their origins in the discussions that organized the beginnings of representative democracy at the end of the eighteenth century. The technical innovations of the Enlightenment also make it possible to approach the comparative study of French and American debates on term limits through the lens of the circulation of ideas between these two nations.

In this article, we compare the sociohistorical construction of the debates on limiting legislative reelection in France and the United States based on the circulation of ideas and the actors behind them at two critical periods: first at the end of the eighteenth century and then during the contemporary reemergence of the term limits question. We begin at the founding moments of each nation's democratic systems in which the rhetorical and policy history of term limits followed similar paths, perhaps aided by the circulation of ideas. In contrast, we show, the contemporary debates in France and America have been entirely disconnected, with neither nation paying much attention to the prominent debates over term limits in the other and with France in recent years taking few lessons from the significant empirical record of the effects of limits on American state legislatures. Our next section compares the policy history of the movements in each nation. It begins with the clear similarities that appear in the arguments made in favor of term limits, in their consistent and widespread popularity with voters, and in the way in which national leaders in both countries abandoned their push to enact limits once they (and their legislative allies) were elected to office. We then point out the main differences. The modern impetus behind term limits in the United States has come from political conservatives, whereas in France it has been a movement embraced by the left and center but opposed by the right. We offer explanations of why that is the case and trace how it has affected the arguments employed by each side. The other prominent difference is that the legislative term limits movement has been more successful in the United States than in France, which we attribute to institutional differences between the two nations. We conclude by setting these two policy histories in a broader global context in which the idea of term limits—intuitively appealing to many in an era of populist energy—may once again come to the political forefront.

Circulation and Cloisonnement

The Circulation of Ideas in Each Nation's Founding Era

In France in 2017, as in the United States in the early 1990s, the debates between advocates and opponents of limiting reelection have their roots in older debates. The main ideas and beliefs guiding the debate on limiting the reelection of

members of parliament have their origins in each nation's constitutional debates of the late eighteenth century.

At the end of the eighteenth century, a broad group of America's Founders that included Jefferson, Madison, and Hamilton argued for term limits on the future members of the national legislature under the Articles of Confederation.¹⁵ The numerous constitutionalist innovations at work and the circulation of ideas made possible by modern means of transport enabled revolutionary ideas to circulate between actors from one continent to another. On May 16, 1791, in France, the question of whether to limit the reelectability of future representatives animated that nation's debate. The French Constituents, led by Robespierre in particular, were inspired by Jefferson's proposal, motivated to combat the absolute monarchic power of divine right then rampant in France. Explicit references to the American debate circulated in the French Constituent Assembly during the debates of May 16. For revolutionaries of the time, the United States was "a first-rate resource when it comes to finding models or recipes for public action that are supposed to be effective."¹⁶

The almost simultaneous holding of the same debate on both sides of the Atlantic raises the question of the existence of a possible circulation between the two situations and its effects on the setting of the agenda of French debate. The era of revolutions was a period of intensified circulation of ideas between the two worlds, with a certain "Americanomania" in France¹⁷ and a "passion for the American Revolution."¹⁸ The technological advances of the time, particularly in terms of transport and printing, enabled ideas to travel across the Atlantic.¹⁹ The visible circulation and great familiarity of French constituents with the new institutions and transatlantic constitutional debates suggest that the question of term limits may have circulated on both sides of the Atlantic. Carine Lounissi explains, for example, that Jefferson himself, a fervent supporter of term limits, reread some of the writings of French revolutionaries:²⁰ "once their works were printed, French authors also called on American networks to facilitate their distribution in Europe or the United States." Jefferson's position as US representative in France also facilitated the importation of his ideas. The French deputy Pétion defended limiting reelection with explicit reference to the United States: "In several American states, it is absolutely necessary that public functions have been interrupted, in order to be re-elected again. I consider this to be the best way."²¹ Thus, in a context of circulation and collaboration on both sides of the Atlantic, made possible by the technological prowess of the time, the French Revolution was imbued with the American constitutionalist spirit, which sought to guarantee the law by limiting legislative power. Debates on limiting the terms of representatives are a case in point.

The favorable context for the question of term limits was not enough for its adoption in both France and the United States. At the end of the day on May 16, 1791, the French Constituents reached a compromise. The constituents (members of the constitutional assembly) would be barred from running for election to the first legislature, but future representatives would not face term limits. Article 7 adopted on that day stipulates that "the members of the legislative body may be reelected in the next legislature; they may not be elected again until after an interval of two years."²² This compromise was short-lived,

however, resulting in a form of accelerated and controlled rotation of representatives in office, and it did not survive the test of its implementation. The respect of a pause interval between two phases of eligibility was very quickly abandoned in practice. The only restriction on reelection that was adopted, to lively applause and almost unanimous approval, was the one that applied to the sitting constituents. The drafters of the constitution were thus excluded from eligibility to serve in the first legislative assembly.²³ However, as early as 1792, former members of the Constituent Assembly as well as members of the first legislative assembly were all declared (re)eligible. Gradually, term limits became an issue that was “not worth considering,”²⁴ a nonissue.

Between August 29 and September 5, 1791, elections were held for the first National Legislative Assembly; all 745 representatives were new in the sense that the constituents were not eligible for office. However, based on the writings of Alexis de Tocqueville, American historian Edna-Hindie Lemay notes a certain continuity in the composition of political personnel from the first year after the *Constituante*. She explains that a double-flow movement between local political and legal-administrative personnel, on one hand, and constituent parliamentary staff, on the other, established a “permanence of men in place²⁵” between the agents of the Ancien Régime and the new. Following the decree that members of the Constituent Assembly could not be reelected, most of them transferred to the local level, returning to the region they had represented at the Estates-General. In many ways, this presaged the contemporary experience in the American states in which many term-limited state legislators run for local office or serve in the governor’s administration when their limits are reached.

Similarly, in France in September 1791, many of the constituents recycled their constitutional experience by being elected to local administrative and legal positions. This transfer to the local level enabled them to pursue long political careers. Edna-Hindie Lemay estimates that over 50% of the deputies of the French Revolution continued their political and administrative-legal careers for 30 to 40 years after the *Constituante*. This figure is a low estimate because a large proportion of deputies’ careers after 1789 are unknown. In fact, counting only those whose careers are known, 73% of constituents pursued a career spanning several decades following the end of the *Constituante*. Far from Thouret’s fantasies that “many of the best deputies, satisfied with having fulfilled their task, will gladly see themselves returned to the heart of their own affairs,” of the 480 deputies whose careers are known, 29% persisted into the Empire, 30% into the fall of Napoleon, and 15% into the Restoration.²⁶

The rhetorical and policy history of term limits followed a similar arc through the founding years of the United States. Because this history is better known and has been covered comprehensively in prior work,²⁷ we simply summarize the major points here. In 1789, as the Continental Congress looked toward forming a new national government, Thomas Jefferson drafted a proposal that limited legislative terms “to prevent every danger which might arise to American freedom by continuing too long in office the members of the Continental Congress.”²⁸ Jefferson’s idea was adopted as part of the Articles of Confederation, the nation’s initial governing plan that was in place from 1781 through 1789. Its Article V specified that “no person shall be capable of being a delegate for more

than three years in any term of six years.” Yet this strict limit was not observed in even the first year that it might have bound legislators. As the young nation struggled to hold together—and leaders of six states were forced from office due to executive term limits—civic groups began to make principled arguments against term limits. In the Constitutional Congress in 1784, delegates from Rhode Island who were due to rotate out of office simply ignored the limits. Although a committee found that they were barred from further service, the legislators fought with “tooth and toenail to retain their seats” and the Congress eventually allowed these lawmakers to continue to serve.²⁹

At the Philadelphia constitutional convention in the summer of 1787, the idea of rotation in office still had strong resonance with many state delegations. After all, term limits had been included in not only the Articles of Confederation but also a few early state constitutions. Pennsylvania’s 1776 revolutionary constitution imposed term limits on the members of its lower house—a measure called out as “one of the life guards of liberty”³⁰—and Delaware, New York, and Virginia’s new state constitutions all imposed term limits on their upper houses.³¹ In Philadelphia, the “Virginia Plan” for the new federal government included legislative term limits, as did the proposal offered by delegates from states as diverse as New Jersey, South Carolina, and Massachusetts. Yet the term limits provision was removed from the Virginia Plan as it advanced, and “[a]fter brief debate on different occasions throughout the summer, neither mandatory rotation nor ineligibility for office was included in subsequent drafts of the constitution for the House, Senate, or the presidency.”³²

Because of this omission, term limits remained a major controversy in the debate over the constitution’s adoption. The Antifederalists focused on what they saw as a critical defect in the proposed governing plan, with Thomas Jefferson writing to James Madison in 1787 that “I dislike, and greatly dislike [in the Constitution] the abandonment in every instance of the principle of rotation in office.”³³ In Massachusetts’ ratification debate the following year, Elbridge Gerry argued that “There is not provision for a rotation, nor anything to prevent the perpetuity of office in the same hands for life; which by a little well timed bribery, will probably be done, to the exclusion of men of the best abilities from their share in the offices of government.”³⁴ The Federalists, however, advocated just as strongly and explicitly for rejecting mandatory rotation in office in the new constitution, in part because of their concern that term limits would weaken and constrain the new government. Their leader, Alexander Hamilton, spoke forcefully against them at New York’s ratifying convention: “Sir, in contending for a rotation, the gentlemen carry their zeal beyond all reasonable bounds. I am convinced that no government, founded on their feeble principle, can operate well... . [R]otation would be productive of many disadvantages: under particular circumstances, it might be extremely inconvenient, if not fatal to the prosperity of our country.”³⁵ The new constitution was adopted, without term limits, and the idea went dormant for two centuries.

Comparing the Founding Debates

At the end of the eighteenth century, the main argument among French Reformers was the fear of the absolute power. Although elections were seen as

a means of designating those most capable of governing, they were not, for all constituents, the most reliable means of guarding against the risk of elective office being monopolized by a minority of individuals. For some, the possibility of constantly seeking citizens' approval through election represents a risk of monopolizing power. Faced with the main advocates of indefinite reelection, other revolutionaries such as Robespierre and Prugnon saw the limitation of parliamentary and local reelection as the only truly effective tool against the danger of monopolization of power. Term limits were viewed as the only way to avoid falling back into the tyrannical power of a single man or a minority of elected representatives being constantly reelected. Robespierre warned that the unlimited possibility of reelection could lead to a monopolization of elective office, without guaranteeing the rotation of ideas necessary to represent the interests of the people. Prugnon insists on this point: "The history of all revolutions presents us with dominating, invading beings who end up exercising the most terrible of all despotisms, the one that wears the costume of freedom." Under these conditions, limiting reelection was presented as the only safeguard against all risks of authoritarian drift. It would help to "limit the ambitions" of men in that, sure of returning to the ranks of the citizenry at the end of their service, they would dedicate their time in office to "the esteem and love of the citizenry."³⁶

On the other hand, the rejection of term limits in France can be understood by putting the debates back into the "spirit of 1789." Following on from the Declaration of the Rights of Man and of the Citizen, drafted some time earlier, the notion of liberty was at the heart of the discussions. These discussions were part of a complex balancing act between the freedom of citizens, on one hand, and defining potential tools for limiting the powers of representatives on the other. For the French revolutionaries, the transfer of sovereignty to Parliament made it sovereign in its own right and therefore beyond "any kind of constitutionality control." Indeed, freedom of suffrage was a priority for a majority of the constituents, guaranteeing *good* and *fair* political representation. Limiting the reelection of members of parliament was viewed as tantamount to depriving citizens of part of their freedom and thus depriving the representative system of its legitimacy. In addition, authorizing an outgoing elected official to stand for reelection means allowing representatives to face the judgment of those they represent; the election and its repetition provide the possibility of sanction or reward. The people would then be able to judge the quality of their elected representatives by reelecting them if they approve or, on the contrary, by excluding them from reelection if they are disappointed. As Camille Desmoulin pointed out some time before the debate, "confirmation and reelection are necessary consequences of the election."³⁷ Ultimately, this rejection of term limits can be understood in the French revolutionaries' "legicentrist"³⁸ perception of the system: by transferring sovereignty to representatives, the representative system and the principle of election make legislative power the very guarantee of liberty for all. Consequently, there is no need to limit eligibility.

Many of these themes appeared in America's founding debates as well. America's revolutionaries were also deeply concerned with the accumulation of power in a small set of officials and determined not to see the emergence of homegrown royalty after their rebellion against England's king. For these

reasons, the Antifederalists were especially concerned that the new constitution did not impose rotation on the Senate and president, worrying that the upper house could become “a fixed and unchangeable body of men” and that the system would enable a president to become “a king for life.”³⁹ The Antifederalist writer Brutus made arguments similar to those of the French revolutionaries—and echoing Aristotle, who argued for term limits that allowed “All over each and each in turn over all”—that rotation would bring the benefit of moving leaders into the role of constituent and vice versa. He wrote that rotation “would give opportunity to bring forward a greater number of men to serve their country, and would return those, who had served, to their state, and afford them the advantage of becoming better acquainted with the condition and politics of their constituents.”⁴⁰

The opponents of term limits in the new United States also made arguments based on the same principles that would soon be embraced by French opponents of the idea. Voicing their concern with the mandatory rotation in office set in place by the Articles of the Confederation, the Republican Society in Pennsylvania in 1784 focused on how this system denied an essential liberty to voters. It argued that “the privilege of the people in elections, is so far infringed as they are thereby deprived of the right of choosing those persons whom they would prefer.”⁴¹ In the debate over ratification of the Philadelphia constitution, preserving a primary liberty of the voters was again a central argument among the Federalists. New Yorker Robert R. Livingston held that “The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This rotation is an absurd species of ostracism—a mode of proscribing eminent merit, and banishing from station of trust those who have filled with the greatest faithfulness.” Livingston went on to argue that term limits would also remove the incentives for legislators to perform well in office to avoid sanction when they faced reelection: “Besides, it takes away the strongest stimulus to public virtue—the hopes of honors and rewards.”⁴²

Cloissenment during Modern Reform Movements

In contrast to the striking circulation of ideas and parallels between France and the United States in their early histories with term limits, the modern debates in each nation have been separate and distinct. There has been a *cloissonnement*—a “partitioning”—between the two nations in which ideas did not flow across the Atlantic, and there was no recognition in one nation of the reemergence of term limits in the other. In the United States, there has been a widespread revival of term limits since 1990. Legislative term limits were enacted in 22 states from 1990 through 2022, put in place in cities across the country and proposed at the national level by congressional Speaker Newt Gingrich in the 1990s and by Donald Trump in 2016. Their adoption in the states—staggered over time, with a large “control group” of states that did not enact limits—created a perfect testbed to explore their effects. Political scientists have generated a huge amount of empirical scholarship on the effects of term limits on the competitiveness of elections, on the representativeness of those who are elected after

term limits, on how limits changed the legislative processes of the bodies that implemented them, and on how legislative outputs and the balance of power between branches of government have shifted since the adoption of limits.⁴³ Any nation considering whether to enact term limits in recent years could look to their record of concrete effects in the American states to guide its debate.

When the issue arose again in France, however, little attention was paid to the American experiment with term limits. At the end of the twentieth and the beginning of the twenty-first century, the question of limiting the reelection of members of parliament and mayors reappeared on the political and media scene in France. There, the issue was initially relegated to the margins of political discourse, before becoming a visible public issue in the mid-2010s, attracting a certain amount of attention in the media arena. It went so far as to feature on the platform of the majority of candidates running for the 2017 presidential election⁴⁴ and to become central to the institutional reforms underway at the start of President Emmanuel Macron's first five-year term (2017–2022). Although the same arguments can be found on both sides of the ocean, there is little evidence that in 2017, as term limits emerged at the forefront of the French political agenda, there was any a clear circulation of knowledge about term limits from the United States. Despite the wealth of experience with the implementation of term limits across so many states, French leaders on both sides of the issue did not draw on the lessons from these experiences. The only instances in which French members of parliament drew upon the American experience was to note the failure of congressional term limits in 1995. Unlike what we observed at the end of the eighteenth century, there was no circulation of institutional reform projects between France and the United States.⁴⁵ No press article examined the American experience with term limits in France. The US case was mentioned only once during the 2017 parliamentary discussions on the institutional reform project launched at the start of Emmanuel Macron's first five-year term,⁴⁶ and this mention was to note the difficulty of implementing such limitations. Rather than viewing the example of the United States as a “first-rate resource when it comes to seeking models or recipes for public action,”⁴⁷ as they did at the founding of the First Republic, French advocates and opponents of term limits alike focused only on their own nation's governance history during the 2017 debate.

Comparing and Contrasting the Modern Term Limits Movements

Similarities between Each Nation's Modern Movements

Although each nation's contemporary experience with term limits has occurred in *cloissonnement*, it is still possible to identify clear similarities as well as intriguing differences between these modern term limits movements. Both movements were a reaction against the lengthening of legislative careers that occurred over the course of the twentieth century and especially a few individual careers such as those of Francois Fillion (a mayor for 20 years and member of parliament for 36 years, including 24 as a minister), Jacques Chaban-Delmas (mayor of Bordeaux and member of parliament for over 50 years, including 15 as

president of the National Assembly),⁴⁸ John Martin (Speaker of the Maine House for nearly 20 years and the longest serving legislator in the state's history), and Willie Brown (Speaker of California's Assembly for 15 years).⁴⁹ Each leader became a focal point of the term limits movement in their nation or state.

We also find the same argumentative mechanisms on both sides of the Atlantic. In France, the majority of candidates in the 2017 presidential contest and some members of parliament saw limiting reelection as a bulwark against the crisis in the legitimacy of the institutions of political representation. From this point of view, recodifying the length of parliamentary terms would improve the representativeness of elected representatives and thus enhance the legitimacy of parliamentary institutions. Those in favor of limiting reelection put forth three main arguments: the idea of *rotation* and accelerated renewal; the idea of *diversifying* political representatives along gender and social lines; and, last, the idea of combating the *professionalization* of elected representatives, and therefore the risk of corruption, thereby turning the mandate into a vocation rather than a profession. In his program for the 2017 presidential election, Emmanuel Macron justified the planned reform of institutions: "Our representatives don't look enough like us... . Half of France's population is made up of women, a good quarter of young people, and a good fifth of French people of more or less distant foreign origin... . Yet we don't see enough of these faces, this diversity, these different backgrounds on the benches of Parliament!"⁵⁰ Similarly, the Haut Conseil à l'Égalité entre les Femmes et les Hommes (High Council for Equality between Women and Men) has issued an opinion on the project, stating that "accumulation over time is more often a matter for men, [limiting reelection] is an opportunity to accelerate parity." Similar arguments were made for term limits in the United States. Term limits were directed at counteracting the movement toward legislative professionalism that had come in many states over previous decades, and for better and for worse they did reverse many of the effects of professionalism.⁵¹ Limits in the United States also sought to increase diversity, although national studies have found that they did not significantly increase the representation of women or produce major shifts in the racial and ethnic composition of state legislatures.⁵²

Another similarity between the two nations is that term limits have, throughout the modern debate, been consistently popular with the broad public. As we noted in the introduction, public opinion surveys in France showed strong support for enacting term limits in 2016. Polls have also often found majority sentiment in favor of the idea in United States, but the most compelling evidence of public support has come from the votes held in 17 states on legislative term limits initiatives. In only one of those states did the term limits lose; Washington voters rejected it, 54%-46%, in 1991,⁵³ a surprising result that nonetheless did nothing to stem to the populist fervor to pass it in 11 other states the following year. Overall, in the 16 states that voted to enact term limits through propositions that have not been overturned or repealed, the proposals were supported by, on average, 66.7% of voters casting a ballot on the measure.⁵⁴ Term limits remain popular today, with 63.4% of voters in North Dakota supporting them in 2022 and the movement having a moment on the social media platform TikTok in the fall of 2023.⁵⁵

A final similarity between the modern movements is that, at the national level, both movements faded from within. Term limits were embraced as campaign issues but abandoned once their leading advocates won office. Macron used it as an advertisement for change during his insurgent campaign in 2017 and then did not expend the political capital to move it forward in the face of strong opposition in France's Senate. Unsurprisingly, the theme disappeared from the program in the presidential or legislative elections five years later in 2022, once members of Emmanuel Macron's party had successfully entered the political system. In other words, "it is wrong to associate certain actors with essentialist preferences for certain electoral systems,"⁵⁶ as their choice depends less on ideological considerations than on a desire to preserve or achieve a position in the field of political representation. Analysis of the determinants of electoral reform establishes a "clear link" between belonging to the majority and a low propensity to support reform projects.⁵⁷

The American experience followed a similar pattern. Newt Gingrich included a proposed constitutional amendment—the "Citizen Legislature Act" that would have imposed 12-year term limits on both House and Senate members—as a focal plank of his party's series of campaign pledges known as the "Contract with America."⁵⁸ His Republican party won the House in the 1994 elections, and Gingrich took the speakership in 1995, but this campaign proposal "flopped spectacularly" once it loomed as a governing reality. A constitutional amendment to limit terms lost badly in the House that Republicans themselves controlled, with "the proposal rejected by some of the same folks who signed off on the contract." Several lawmakers signed personal pledges to limit their own number of terms but then reneged on these pledges.⁵⁹ After Donald Trump embraced term limits in his "Drain the Swamp" speech during the 2016 campaign, it disappeared from his legislative agenda once in office. In America as in France, term limits have served as an attractive campaign issue but the appeal of the idea becomes significantly less attractive to the ruling party once it captures office.

Differences between Each Nation's Modern Reform Movements

A notable difference in terms of partisan stance can be observed between the two modern movements. On the American side, the measure was promoted more by the Republican right, which saw it both as a natural extension of its "small government" philosophy and as a means of weakening the Democrats' control over state and national legislatures in the 1990s. In France, on the other hand, the project has been primarily supported by left-wing parties. In this sense, the theme of the debate is divisive: it fosters opposition between a group identified as *reformers* and another identified as *conservatives*. The defense of the project to limit terms is recurrent in the parties of the socialist and environmental left but also those on the far left⁶⁰ (LFI with Jean-Luc Mélenchon) or on the side of the majority since 2017 (LREM and MoDem). Conversely, opposition to the project is voiced primarily by the various right-wing parties, such as Le Rassemblement National of Marine Le Pen or Les Républicains-majority Senate under the presidency of Gérard Larcher (LR) as well as by antisystem parties extremely far to the left (Nouveau Parti Anticapitaliste, NPA).

On the side of those opposed to term limits, we first find the idea that limiting reelection would be an antidemocratic reform in that it would run counter to the absolute freedom to stand for election. The project's main opponents cite Article 6 of the Declaration of the Rights of Man and of the Citizen, which states that all citizens, equally and without distinction, may participate in the formation of the law. From this point of view, limiting reelection is interpreted as an ineligibility measure that contributes to the inequality between citizens in the expression of the law. Gérard Larcher, president of the French Senate *Les Républicains*, states in a *Le Figaro* article that the proposal is an "attack on two major political freedoms: the freedom to stand for election, and the freedom of voters to vote for whomever they wish."⁶¹ But of course the positions that each political side took in France can also be explained by their political position and their governing principles. The right has held power for much of the postwar era in France, cementing themselves as the political insiders. The centrist Macron and his allies on the left have often been outsiders, making term limits and their reduction in the power of incumbency much more attractive to them.

In the United States, elite support for term limits has typically come only from leaders of the Republican Party, whereas opposition has been mobilized by politicians in the Democratic Party. As in France, this can be explained by each party's political positioning. Democrats held control of the House continuously from 1955 until Gingrich's victory in 1994. From Reconstruction through 1994, Democrats had always held a majority of state legislative seats, and they still controlled a majority (3,847 Democrat-held seats to 3,391 Republican seats) even after the GOP won significant gains in that year.⁶² Because Republicans were the legislative outsiders in America, they took up the cause of term limits (as early as 1985), whereas Democrats consistently opposed it. In Congress, Republicans formed the *Committee on Limiting Terms (COLT)*,⁶³ for the first time officially formulating the introduction of a limit on the reelection of members of Congress and setting the stage for its inclusion in the *Contract with America*. Democrats, in Congress and across the states, opposed the idea, knowing they would be forced to end their legislative careers, thus opening seats for the partisan opposition.⁶⁴

The second, and perhaps most consequential, difference between the history of both nations is that the modern term limits movement was far more successful in the United States than in France. This is due, quite clearly, to the presence of federalism and to direct democracy in America. Federalism allowed many of the states the autonomy to pass term limits when there was not a consensus to do so at the national level. Direct democracy, where it was available, provided the mechanism to do so without being blocked by incumbent politicians whose careers were at stake. Recognizing that citizen initiatives would give reformers the opportunity to bypass lawmakers, the major organization behind this movement, US Term Limits, worked almost exclusively through the direct democracy process. Nearly every term limit law that was enacted came through this process, with the sole exception of Louisiana. (And it is telling that this state's legislatively enacted term limits are the least restrictive in the nation, allowing 12 years of consecutive service in each house.) Of the states that allow the initiative, only three—Alaska, Illinois, and Mississippi—did not enact term limits.⁶⁵

The near-perfect correlation between the presence of direct democracy and the presence of legislative term limits in the American states shows just how critical that process has been to the movement in the United States. Even at times when there was strong public support for federal limits and when it was embraced by leaders such as Newt Gingrich and Donald Trump, there was no realistic route to passage because the necessary constitutional amendment would require supermajorities in Congress. Modern American legislators, quite simply, have been unwilling to impose limits on their own service. So too were the lawmakers who helped design the first legislative bodies in revolutionary America and France and who had clear ambitions to serve in those bodies; that neither nation fully embraced term limits at its founding moment can also be attributed to the reelection-seeking desire that is a constant among political leaders of any nation and in any era. Finally, in modern France the structure of government combined with the goals of lawmakers may have doomed Macron's proposal. Members of his parliamentary coalition, once in office, did not appear eager to pursue the passage of term limits, and with no popular initiative process present in France,⁶⁶ the alternate route to passage that was so critical in the American states was effectively blocked.

Conclusion

This article brings together the parallel and surprisingly interwoven histories of legislative term limits in France and the United States. In the French-speaking social sciences, there is a vast body of work, on a variety of subjects, focusing on the Franco-American exchange⁶⁷ but only a newly emerging study of the comparative analysis of term limits.⁶⁸ In the contemporary American debate, few reformers or scholars look across the Atlantic. We seek to make this comparison to highlight early exchanges of ideas, identify current political patterns that supersede specific partisan histories, and allow each case to shed light on the other. Comparative scholarship can fruitfully inform contemporary debates. The work of John Carey on the experience of term limits in Latin America informed debates over term limits in the American states in the 1990s, and his later empirical work on the states informed Mexico's constitutional amendment allowing legislative reelection in 2014. In 2019, the European Commission on Democracy through Law (the Venice Commission) issued a study of term limits at the request of the Organization of American States, drawing on many of the works cited in this article.⁶⁹ This sort of renewal of the circulation of ideas on term limits around the globe can add richness and perspective to a consequential policy debate.

Notes

¹ Thad Kousser, "If You Want a More Powerful President Trump, Impose Term Limits on Congress," *Monkey Cage* (blog), *The Washington Post*, October 19, 2016, <https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/19/if-you-want-a-more-powerful-president-trump-impose-term-limits-on-congress/>.

² See Ballotpedia, North Dakota Constitutional Measure 1, approved November 8, 2022, [https://ballotpedia.org/North_Dakota_Constitutional_Measure_1_Term_Limits_for_Governor_and_State_Legislators_Initiative_\(2022\)](https://ballotpedia.org/North_Dakota_Constitutional_Measure_1_Term_Limits_for_Governor_and_State_Legislators_Initiative_(2022)).

³ See Table 3 on p. 16 of Patrick J. Egan, “Term Limits for Municipal Elected Officials: Executive and Legislative Branches,” prepared for the New York City Charter Revision Commission, June 2010, <https://as.nyu.edu/content/dam/nyu-as/faculty/documents/egan.municipal.termlimits.2010.pdf>.

⁴ For comprehensive studies of the effects of term limits in the American states, see John M. Carey, Richard G. Niemi, and Lynda W. Powell, *Term Limits in the State Legislatures* (Ann Arbor: University of Michigan Press, 2000); John M. Carey, Richard G. Niemi, Lynda W. Powell, and Gary F. Moncrief, “The Effects of Term Limits on State Legislatures: A New Survey of the 50 States,” *Legislative Studies Quarterly* 31, no. (2006): 105–34; Karl T. Kurtz, Bruce Cain, and Richard G. Niemi, eds., *Institutional Change in American Politics: The Case of Term Limits* (Ann Arbor: University of Michigan Press, 2007; and Thad Kousser, *Term Limits and the Dismantling of State Legislative Professionalism*. (Cambridge: Cambridge University Press, 2005).

⁵ For work showing that direct democracy often facilitates populist reforms in the American states that would otherwise have been resisted by elected officials, see John Phippen, Shaun Bowler, and Todd Donovan, “Election Reform and Direct Democracy: The Case of Campaign Finance Regulations in the American States,” *American Politics Research* 30 (November 2002): 559–82.

⁶ National Conference of State Legislatures, “The Term-Limited States,” updated August 3, 2023, <https://www.ncsl.org/about-state-legislatures/the-term-limited-states>.

⁷ Noémie Févrat and Guillaume Marrel, “La non-rééligibilité en France et aux États-Unis.” *Temporalités. Revue de sciences sociales et humaines* 36 (November 2022): article 10049, <https://doi.org/10.4000/temporalites.10049>.

⁸ Jacques-Antoine Gauthier, “Législatives 97. “Une pétition en faveur du mandat unique,” *Libération*, sec. “Elections,” May 3, 1997, accessed November 14, 2023, https://www.liberation.fr/france-archiv/1997/05/03/legislatives-97-une-petition-en-faveur-du-mandat-unique_206732/.

⁹ Organic law n°2014-125 of February 14, 2014.

¹⁰ Michel Winock and Claude Bartolone, *Refaire la démocratie. Groupe de travail sur l'avenir des institutions*, 3100, Assemblée Nationale, 2015.

¹¹ Transparency International France, *Renouvellement de la classe politique. Limiter dans le temps le cumul des mandats* (2017), <https://transparency-france.org/wp-content/uploads/2016/10/Limiter-dans-le-temps-le-cumul-des-mandats.pdf>.

¹² Aurélien Helias, “Emmanuel Macron veut ‘offrir’ subsidiarité et non-cumul à la Constitution sexagénaire,” *Le Courrier des Maires*, October 8, 2018, <https://www.courrierdesmaires.fr/article/emmanuel-macron-veut-offrir-subsidiarite-et-non-cumul-a-la-constitution-sexagenaire.18852>.

¹³ Alexandre Rousset, “Sondage: 90% des Français veulent limiter le nombre de mandats des députés,” *Les Echos*, June 8, 2017, <https://www.lesechos.fr/2017/06/sondage-90-des-francais-veulent-limiter-le-nombre-de-mandats-des-deputes-172810>.

¹⁴ *Pour une nouvelle Assemblée nationale: Première conférence des réformes. Propositions des groupes de travail* (Assemblée Nationale, 2017).

¹⁵ In 1782, Hamilton and Madison were part of a committee that proposed rotation in office for members of Congress under the Articles of Confederation and Jefferson was a consistent voice in favor of them. See Mark P. Petracca, “A History of Rotation in Office,” in *Legislative Term Limits: Public Choice Perspectives*, ed. Bernard Grofman (Boston: Kluwer Academic Publishers, 1996), 257.

¹⁶ Thomas Frinault et Christian Le Bart, “L'exemplarité de l'étranger,” *Revue française de science politique* 59, no. 4 (2009): 629–31, <https://doi.org/10.3917/rfsp.594.0629>.

¹⁷ Joyce Appleby, “America as a Model for the Radical French Reformers of 1789,” *The William and Mary Quarterly* 28, no. 2 (1971): 267–86, <https://doi.org/10.2307/1917311>.

¹⁸ Jean-Jacques Chevallier, *Histoire des institutions et des régimes politiques de la France de 1789 à 1958*, 9e édition (Paris: Dalloz, 2009), 47.

¹⁹ Transatlantic thought at the end of the eighteenth century is at the heart of research by Carine Lounissi, who offers a history of the intellectual reception of the American Revolution in France. She is interested in the “Americanists,” the thinkers who wrote about and promoted the American Revolution in the few years preceding the French Revolution. Based on archival material, she highlights the existence of a form of collaboration between certain French authors, such as Mably and Cerisier, and major players in the American Revolution, including Franklin and Jefferson. In particular, she shows that the writings of these American political actors were not subjected to severe

monarchical censorship in France and that it was their circulation that partly enabled certain authors of the French Revolution to think critically about the regime and society. See Carine Lounissi, "The First French 'Americanists' of the 1770s and 1780s, the American Revolution and Atlantic History: Beyond Mirages in the West," *Revue française d'études américaines* 173, no. 4 (2022): 60–77; Carine Lounissi, "Publier sur la Révolution américaine en France (1778–1788): Entre diplomatie culturelle et censure monarchique.," *Mémoires du livre/Studies in Book Culture* 11, no.1 (2019), <https://doi.org/10.7202/1066938a>.

²⁰ Deputy Jean-Nicolas Démeunier benefited from Jefferson's proofreading of his *Essay on the United States* in 1786. Jefferson also offered a number of proofreadings to François Soulès, a man of letters and author of an essay on America.

²¹ M. Laurent and M. Madival, Archives parlementaires de 1787 à 1860, tome 8–17, 19, 21–33. Assemblée nationale constituante, 26, Du 12 mai au 5 juin 1791 / impr. par ordre du Sénat et de la Chambre des députés (Assemblée nationale, 1875), 148, <https://gallica.bnf.fr/ark:/12148/bpt6k49541x>.

²² See "Constitution of 1791," in *The Constitutions and Other Select Documents Illustrative of the History of France 1989–1907*, Original Sources, <https://www.originalsources.com/Document.aspx?DocID=ZVK21Q2EQ91NQDA>.

²³ For an in-depth discussion of the debate over term limits in France from the eighteenth through the twenty-first centuries, see Noemie Frevrat, "One Mandate Too Many? The Re-election of Members of Parliament and Mayors in France and the Tricky Issue of Its Challenging" (PhD diss., Avignon University, 2024).

²⁴ Journal Officiel, June 18, 1919, 2740.

²⁵ Edna Lemay, "La composition de l'Assemblée Nationale Constituante: Les hommes de la continuité?" *Revue d'Histoire Moderne & Contemporaine* 24, no. 3 (1977): 341–63.

²⁶ See the work of Lemay that is cited above.

²⁷ See Mark P. Petracca, "A History of Rotation in Office," 247–77.

²⁸ This quotation is taken from Julian F. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, NJ: Princeton University Press, 1950), 411.

²⁹ See Petracca, 258; Edmund C. Burnett, *The Continental Congress* (New York: Macmillan, 1986).

³⁰ See Clinton Rossiter, *Seedtime of the Republic: The Origin of the American Tradition of Political Liberty* (New York: Harcourt, Brace, and Co., 1953), 418.

³¹ See Petracca, 255–56.

³² Petracca, 258.

³³ Quoted in Merrill D. Peterson, ed., *The Portable Thomas Jefferson* (Middlesex, England: Penguin, 1975), 430.

³⁴ Quoted in Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States [1888]* (New York: Da Capo Press, 1968), 15

³⁵ Quoted in Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution [1888]* (New York: Burt Franklin, 1968), 799

³⁶ M. E. Laurent and M. J. Madival, Archives parlementaires de 1787 à 1860, tome 8–17, 19, 21–33. Assemblée nationale constituante, 26, Du 12 mai au 5 juin 1791 / impr. par ordre du Sénat et de la Chambre des députés (Assemblée nationale, 1875), 119.

³⁷ Camille Desmoulin, *Révolutions de France et de Brabant* 71, April 4, 1791, 261.

³⁸ Philippe Raynaud, "Constitutionnalisme," in *Le juge et le philosophe: Essais sur le nouvel âge du droit*, ed. Armand Colin (Paris: Institut Villey, 2020), 76, <https://www.cairn.info/le-juge-et-le-philosophe-9782200628901-p-69.html>.

³⁹ Quoted in Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates* (New York: New American Library, 1986), 350.

⁴⁰ Quoted in of Herbert J. Storing, ed., *The Anti-Federalist* (Chicago: University of Chicago Press, 1981), 190

⁴¹ Quoted in Gordon S. Wood, *The Creation of the American Republic 1776–1787* (Chapel Hill: University of North Carolina Press, 1969), 439.

⁴² See Elliot, 292–93.

⁴³ These literatures are summarized in Thad Kousser, “Term Limits and State Legislatures,” in *Democracy in the States: Experiments in Election Reform*, ed. Caroline Tolbert, Todd Donovan, and Bruce E. Cain (Washington, DC: Brookings Institution Press, 2008) pp. 117–33.

⁴⁴ Seven of the eleven candidates have pledged their support for “a limit of three successive identical terms of office,” according to the “Eleven Recommendations” addressed to candidates by *Transparency International France*: François Asselineau, Jacques Cheminade, Nicolas Dupont-Aignan, Benoît Hamon, Emmanuel Macron, Jean-Luc Mélenchon, and Philippe Poutou.

⁴⁵ For a complete treatment of the circulation of ideas during each nation’s founding moment and the lack of circulation in the modern era, see Noemie Fevrat, “One Mandate Too Many?”

⁴⁶ The report *For a new National Assembly - First reform conference. Propositions des groupes de travail*, Assemblée Nationale, 2017, mentions on page 33, “It is worth noting that in the United States, the Supreme Court has held that term limits for members of Congress can only occur through an amendment to the Federal Constitution.”

⁴⁷ Thomas Frinault et Christian Le Bart, “L’exemplarité de l’étranger,” *Revue française de science politique* 59, no. 4 (2009): 629, <https://doi.org/10.3917/rfsp.594.0629>.

⁴⁸ See Fevrat, “One Mandate Too Many?” chap. 1.

⁴⁹ See Kousser, *Term Limits and the Dismantling of State Legislative Professionalism*, chap. 1.

⁵⁰ Emmanuel Macron, *Programme. En Marche! Presidential Election - April 23 and May 7, 2017*, p. 26.

⁵¹ Kousser, *Term Limits and the Dismantling*.

⁵² See Carey, Niemi, and Powell (2006, 115) on minority representation and Robert A. Bernstein and Anita Chadha, “The Effects of Term Limits on Representation: Why So Few Women?” in *The Test of Time: Coping with Legislative Term Limits*, ed. Rick Farmer, John David Rausch, Jr., and John C. Green (Lanham, MD: Lexington Books, 2003), 147–58, on womens’ representation.

⁵³ Jay Mathews, “Term Limits Rejection Surprises Experts,” *The Washington Post*, November 7, 1991, <https://www.washingtonpost.com/archive/politics/1991/11/07/term-limit-rejection-surprises-experts/5add9267-59da-4d2c-a923-91baafb78781/>.

⁵⁴ This figure calculated by the authors based on data on each state reported in National Conference of State Legislatures (2024).

⁵⁵ See this National Public Radio video posted on TikTok, November 8, 2023, <https://www.tiktok.com/@npr/video/7299140981016874282> in February 2024.

⁵⁶ Thomas Ehrhard et Cédric Passard, “Réformes électorales et changements institutionnels dans un contexte de démocratisation. Le choix du scrutin uninominal sous la Troisième République en France,” *Swiss Political Science Review* 24, no. 2 (2018): 140–60, <https://doi.org/10.1111/spsr.12298>, 141.

⁵⁷ Damien Bol, “Electoral Reform, Values and Party Self-Interest. *Party Politics*,” 22, no.1 (2016): 93–104, <https://doi.org/10.1177/1354068813511590>.

⁵⁸ See Republican National Committee, *Republican Contract with America*, Teaching American History, September 27, 1994, <https://teachingamericanhistory.org/document/republican-contract-with-america/>.

⁵⁹ Carl Hulse, “Republicans Revive a Debate on Term Limits,” *The Washington Post*, February 3, 2023, <https://www.nytimes.com/2023/02/03/us/republicans-term-limits-house.html>, A13.

⁶⁰ Manuel Cervera-Marzal, “La France insoumise, un ‘mouvement’ qui n’en a que le nom? Effacement symbolique et transformations pratiques de la forme partisane,” *Politix* 138, no. 2 (2022): 45–70, <https://doi.org/10.3917/pox.138.0045>.

⁶¹ Guillaume Tabard, “Limitation des mandats dans la durée: Quels élus seraient concernés?” *Le Figaro*, February 27, 2018, <https://www.lefigaro.fr/politique/2018/02/27/01002-20180227ARTFIG00224-limitation-des-mandats-dans-la-duree-quels-elus-seraient-concernes.php> <https://www.lefigaro.fr/politique/2018/02/27/01002-20180227ARTFIG00224-limitation-des-mandats-dans-la-duree-quels-elus-seraient-concernes.php>.

⁶² Sam Howe Verhovek, “The 1994 Election: State Legislatures: Republican Tide Brings New Look to State Legislatures,” *New York Times*, November 2, 1994, <https://www.nytimes.com/1994/11/12/us/1994-election-state-legislatures-republican-tide-brings-new-look-legislatures.html> in February 2024.

⁶³ Still active today, this group claims to be the oldest *term-limits* defense organization.

⁶⁴ Kurtz, Cain, and Niemi, *Institutional Change in America*, 30.

⁶⁵ See Kousser, *Term Limits and the Dismantling*, chap. 1.

⁶⁶ See Marthe Fatin-Rouge Stefanini, “The Legal Limits of Direct Democracy in France,” in *The Legal limits of Direct Democracy: A Comparative Analysis of Referendums and Initiatives across Europe*, ed. Henri Ibi, Anna Forgacs, and Edward D. Moeckli (Cheltenham, UK: Elgar Publishing, 2021), 107–33.

⁶⁷ Daniel Sabbagh and Maud Simonet, *De l'autre côté du miroir: Comparaisons franco-américaines* (Rennes: Presses Universitaires de Rennes, 2018), <https://www.decitre.fr/livres/de-l-autre-cote-du-miroir-9782753573154.html>.

⁶⁸ See Fevrat, “One Mandate Too Many?”

⁶⁹ See European Commission for Democracy through Law, *Report on Term Limits*, published 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).

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