

Fraud, Electoral Reform and Democracy:
Costa Rica in Comparative Perspective*
(An Introduction)

By

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INTRODUCTION

How and why do politicians reform institutions that preserve their hold on power? Why do they relinquish the ability to rig electoral results? Through a theoretically-informed and empirically rigorous examination of the Costa Rican case, this book explains why laws and institutions permitting the use of fraud were gradually reformed since the early twentieth century, despite the fact that politicians benefited from such arrangements. Our book project also assesses whether and how such reforms change--and were shaped by--the ways presidents, parties and machines interacted with citizens.

Costa Rica is far more important for political and social theory than its size would suggest. As in Chile, England, Sweden and Uruguay, politicians in nineteenth century Costa Rica gradually transformed a competitive, but fraud-ridden republic into a modern democracy. Unlike most countries, its democracy has remained stable since the mid-twentieth century. The last breakdown of democratic institutions occurred in 1948, when government and opposition fought a five-week civil war that ended with the defeat of the former and the promulgation of the 1949 (and existing) constitution.

But, unlike the other countries where the development of electoral competition preceded suffrage reform, Costa Rica has not been wracked by severe economic and social conflicts. This has led numerous observers to suggest that the construction of a political system with (at the very least) fair, regularly-held and competitive elections and universal franchise rights was inevitable. Yet, as this book will show, the very struggle for state power in a comparatively peaceful and consensual society stalled electoral reform and deformed democratic institutions.

Explaining why politicians consolidate democracy, of course, requires accounting for the development of myriad institutions. It implies explaining why judicial institutions emerge that protect civil rights. It entails accounting for why the military becomes subordinate to civilian authorities. It demands suggesting why politicians decide to expand the franchise so that everyone 18 years or older can vote, regardless of gender, levels of education or wealth. And, it requires explaining why they negotiate transformations of laws and institutions to eradicate the use of fraud from electoral competition. To explain how an unreformed, republican system constrains the development of a full-fledged democratic regime, this book focuses on these last two dimensions of democratization.

Institutional change merits systematic reflection because it is surely axiomatic that politicians do not like to alter the rules and laws that allow them to obtain and to retain state power. U.S. politicians, like their counterparts elsewhere, are reluctant to limit and to regulate private campaign contributions, despite public pressure. Members of Mexico's governing party, the Revolutionary Institutional Party (PRI), are just as unwilling as to reform a political system that has allowed them to remain in office since the 1930s. Costa Rican politicians were no different: most of them also

opposed changes to the status quo. That a coalition of presidents and deputies succeeded in transforming the political architecture of Costa Rica despite less than propitious conditions is the central puzzle motivating this book.

Understanding why and how electoral laws were reformed also requires comprehending the nature of, and role played by, electoral fraud in a republican system. By examining petitions to nullify electoral results (demandas de nulidad) submitted to congressional and judicial authorities--a previously unexplored primary source--we can analyze how and where government and opposition subverted the results of the ballot box. More importantly, this and related sources permits charting whether and how the methodology of electoral fraud changed in the aftermath of major institutional innovations. By systematically analyzing the practice of electoral fraud, this book demonstrates how it can be studied to comprehend how local politics shaped and was structured by national-level political competition.

In pursuing these objectives, we also aim to shed light on another, perhaps even more elusive topic. With the spread of democratic government around the world in the latter part of the twentieth century, political scientists and sociologists are newly exploring the relationship between political culture and democratic stability. For quite some time, historians have been concerned with delineating the links between social, largely material, interests, popular cultures and political behavior. We aim to show how a republic becomes democratic by studying how electoral competition and institutional change shaped--and were affected by--the conceptions of politics held by a society comprised largely of peasants, artisans and workers.

THE COMPARATIVE VALUE OF THE COSTA RICAN CASE: THEORETICAL CONUNDRUMS

Like Chile, England, the United States and Uruguay, competitive elections developed in Costa Rica before electoral laws were purged of fraud-enabling mechanisms and suffrage rights were extended to the entire adult population. For the purposes of building theory, this case is also valuable because, unlike many other societies, Costa Rica has not been afflicted by severe class and ethnic cleavages. This makes the country an ideal place to examine how partisan disputes revolving around the control of the state can, in and of themselves, undermine political stability and impede democratization.

The Rhythm and Scope of Democratization

By the end of Tomás Guardia's dictatorship (1870-1882), presidents and opposition movements in Costa Rica slowly began to eschew the use of violence to retain or gain control of the state and began to compete in regularly-scheduled elections for executive and

legislative offices. For example, between 1882 and 1949, 11 presidents (out of a total of 25) were selected in competitive elections, 6 were imposed by their predecessors and 3 came to power through opposition-led rebellions. Since 1949, all presidents have been chosen in competitive, fair and quadrennially scheduled elections.¹

Like Chile and Uruguay, Costa Rica is one of a handful of countries where a nineteenth-century republican system was slowly transformed into a democracy--a political system with (at the very least) fair, competitive elections and universal franchise rights. Presidents in Chile had begun to be selected in competitive elections by the early part of the nineteenth century. Between 1831 and 1924, 18 out of 24 Chilean presidents came to power in competitive and not infrequently fraudulent elections. With the important exception of General Augusto Pinochet (1973-89), 10 out of 14 presidents since 1932 also achieved power in competitive elections. Between 1882 and 1990, 24 out of 36 Uruguayan presidents were selected in competitive elections.²

Table 1 reveals that suffrage rights were gradually extended in these three countries. According to the 1871 constitution, suffrage rights in Costa Rica were limited to men at least 20 years old, who, because of property or employment, had an adequate standard of living. Men at least 18 years old who were either married or "professors of some science" also were entitled to vote. Until 1913, the constitution also stipulated that elections for all public offices were indirect: citizens cast ballots for electors who then held conventions to select presidents and deputies. The secret franchise was adopted in 1925. Gender and other restrictions on the franchise remained in effect until 1949, when the Constituent Assembly made voting rights universal for all Costa Ricans above the age of 20 (a requirement lowered to 18 in 1971).

[Insert Table 1 about here]

The expansion of the franchise also followed the development of a competitive electoral system in Chile and Uruguay. Property restrictions were dropped in practice by 1874 in Chile and most other restrictions were eliminated between 1925 and 1949.³ Illiterates were extended the right to vote in 1970 and, by then, only comprised 13 percent of the population. Meeting in 1918, a Constituent Assembly in Uruguay eliminated all barriers to exercising the franchise, save the gender restriction. And, 14 years later, constitutional reformers extended suffrage rights to women.

Rates of voter participation also gradually increased in all three countries, in part because of demographic shifts that have increased the share of the population above 50. Chart 1 indicates that approximately 9 and 15 percent of all Costa Ricans cast ballots in elections between 1897 and 1940. The percentage of Costa Ricans that have participated in elections since 1940 has steadily increased so that by the 1980s close to one-half of all Costa Ricans went to

the polls on election day. Comparisons with other countries indicate that turnout rates have been greater in Costa Rica than in Chile, but lower than in Uruguay. Until the early 1950s, less than 10 percent of all Chileans cast votes in presidential elections. After this decade, rates of voter participation in Chile began to resemble those in Costa Rica.

[Insert Chart 1 about here]

The gradual democratization of politics in Chile, Costa Rica and Uruguay also makes them stand out on the world stage. Even during the first decades of the twentieth century, the competitive nature of elections in Costa Rica and many other Latin American republics distinguishes them from the vast majority of countries and colonies of European Empires in Africa and Asia. And, in Europe, parliaments in England, Germany and Scandinavia were obliged to share power with monarchies. In the years before World War II, tenuously-built democracies collapsed and were replaced by fascist regimes in many European countries.

Suffrage reform in England, Sweden and the United States occurred slightly earlier than in Chile, Costa Rica and Uruguay, prompting some to speak about first and second waves of democracy.⁴ Table 1 also reveals that universal suffrage rights for white males were declared in the United States by 1856, when the last of the states eliminated property and tax-paying restrictions from the franchise (the constitution allows each state to stipulate its own voting laws and procedures). Though the 15th amendment (1870) to the constitution prohibited denial of the right to vote on the basis of color, African Americans were barred from effectively exercising their suffrage rights in many southern and northern states until the 1960s through the use of literacy tests and poll taxes.⁵ Between 1884-1918, the English parliament began by introducing a uniform franchise and ended by promulgating the existence of a simple residency requirement for voting. Property restrictions were dropped by 1907 in Sweden. In all three countries, the secret ballot was adopted in the last decades of the nineteenth century and suffrage rights were granted to women by the late 1920s.

The Strengths and Limitations of Existing Explanations

Exploring why Costa Rican politicians began to participate in competitive elections so early, however, possesses its explanatory roadblocks. Analysts typically suggest that the democratization of the Costa Rican political system was inevitable because of an allegedly favorable social structure. This sort of explanation, as E.P. Thompson and Jon Elster argue in different ways, deprives history or political change of a human subject.⁶ It forecloses promising lines of inquiry in favor of theoretical models that fail to shed light on why state officials, parties and machines transform a fraud-ridden republic into an inclusive, democratic system.

Costa Rican traditionalists, for example, argue that their political system is the natural outgrowth of a society that is ethnically homogeneous and has been relatively egalitarian since the colonial period. The absence of mineral wealth deterred large numbers of Spaniards from settling in what is now Costa Rica. Europeans and Indians quickly mixed to develop a society populated by independent, relatively poor farmers that allegedly became the ideal foundation for democratic government.⁷

Another, more contemporary explanation, emphasizes the political consequences of the development of agrarian capitalism by the early nineteenth century. Unlike many of its neighbors, the land suitable for export agriculture was not owned by a small number of families that coerced, with the assistance of a repressive state, peasants to labor on their estates. The Costa Rican oligarchy instead amassed its wealth by investing in the processing and exporting of coffee and related commercial activities. The emergence of a coffee exporting economy by the 1840s actually appears to have fueled the development of a large class of small and medium-sized property-owners that often participated in the emerging rural wage economy. Some, including Víctor Hugo Acuña, contend that it was the rural petty bourgeoisie that championed the struggle for democracy in Costa Rica. Others, especially Lowell Gudmundson, claim that it was the absence of a hegemonic landowning class that allowed democracy to flourish in this country.⁸

A key objective of this book is to move beyond the claim that societies with and without certain class forces make democratization inevitable by showing how the nature of political competition itself is an indispensable part of this story. As the data on presidential succession reveal, Costa Rican politicians did not seriously compete for state power within the electoral arena until the early twentieth century. And, as we will show in the book, violence and death accompanied the painfully gradual process to eradicate the use of fraud from Costa Rican elections. It was far from inevitable that Costa Rican politicians would decide to respect the results of the ballot box, to expand suffrage rights and to eliminate the practice of electoral fraud.

It is precisely these struggles and outcomes, against an allegedly propitious social background, which make the Costa Rican case valuable to comparative analysis. Even without being wracked by the ethnic and class conflicts experienced by so many other societies, democratization was not preordained. The very struggle to retain or to obtain control of executive and legislative branches of government generated insurrections, uncertainty and ongoing political rivalries. An analysis of the Costa Rican case therefore permits comprehending how partisan cleavages centered around control of the state can thwart democratic reform and trigger major political crises. It will shed light on why enough politicians decide to transform electoral institutions that protect (and promote) the interests of so many of their colleagues.

PRESIDENTIALISM AND INSTITUTIONAL REFORM

As in many other Latin American countries, political life revolved around retaining or gaining control of the presidency. For, in control of the executive branch of government, a party could reward its followers with jobs and with beneficial policies. It could also perpetuate itself in power. This is why, from Mexico to Argentina, electoral reform was part of a larger struggle to reduce the powers of the presidency.

Though the 1871 Costa Rican constitution stipulated that all laws needed the approval of the executive and legislative branches of government, it undercut the autonomy of Congress in several ways. It only permitted Congress to hold ordinary sessions during three months of the year. During the remaining months of the year, it empowered the president to call extraordinary sessions of the legislature, when it was constitutionally entitled to set the congressional agenda. When Congress was not in session, the president was also allowed to convene the Permanent Commission, a quasi-legislative body composed of five deputies selected by their colleagues, to seek temporary approval of emergency decrees. These attributes furnished chief executives with the capacity to revoke individual guarantees by suspending the constitutional order--practices that presidents used to great effect before 1910, when their ability to suspend the constitutional order was reformed and the Permanent Commission was dismantled.

Most importantly, the 1871 constitution entrusted the executive with an a great deal of discretionary authority over electoral affairs. Though the constitution authorized Congress to ensure that presidents were chosen in accordance with constitutional precepts and decided whether newly elected deputies joined its ranks, it sealed the preeminence of the chief executive in electoral matters in three ways, all of which were delineated in a specialized body of law. First, electoral laws made local officials, appointed by the Secretary of the Interior (of Gobernación), responsible for the production of lists of voters. Secondly, these laws made this ministry responsible for the organization of polling stations and their operation. Finally, they made the executive responsible for the tally of the vote.

Along with his constitutional prerogatives, these electoral functions endowed presidents with the ability to dominate political competition. Indeed, if a president was willing to risk attempts on his life, he could manipulate these powers for partisan advantage and then ignore the handful of his opponents who managed to obtain seats in Congress. For, as the number of opposition legislators declined, the probability that the incumbent would become the target of coup attempts increased. Between 1882 and 1948, for example, opposition movements launched 26 rebellions against central state authorities--three of which succeeded in installing new incumbents on the presidency.⁹

Collective Dilemmas and Institutional Choices

Government and opposition factions might have preferred to live in a world where it was not possible to rig the results of the ballot box. The threat of violence and civil war would conceivably dissipate and politics, with fixed institutional arrangements, would become a more predictable affair.

Yet, the long-term interests of the political system did not necessarily coincide with the short-term interests of parties and machines. Few liked the idea of surrendering favored practices for a roulette wheel whose results were unknowable, uncontrollable and, in all likelihood, worse. There was no guarantee that, under new electoral laws, every faction would continue to prosper, much less exist. Predictions of defeat could no longer trigger efforts to stuff the ballot boxes, orchestrated either from the presidency or from civil society.

Opposition to electoral reform not only stems from fear of the consequences of institutional change on the partisan balance of power. It is also fueled by the difficulties associated with creating a system that requires collective assent. For the success of an impartially-administered set of electoral laws hinges upon the administrative capacity to detect and to punish violators so that no one has an interest in renegeing upon commitments freely or forcibly made. Unless all parties are going to abide by a new set of rules governing electoral competition, each has an interest to defect from an agreement that it may judge not to be in its interests anyway. The dynamics of such situations thus repeatedly defer long-term solutions to the problem of electoral fraud.¹⁰ Faced with the choices of reforming or not reforming, most politicians opt to rely upon their machines rather than to trust the electorate, even if this meant that political competition could degenerate into violent seizures of power, death and destruction.

Despite the equilibrium of political forces in favor of fraud-ridden electoral contests, some did try to overhaul electoral laws and related constitutional statutes. Along with reformist legislators, President Ricardo Jiménez Oreamuno (1910-4) proposed fundamental changes, including the creation of the secret franchise. After a grueling fight in Congress, he was forced to settle for a constitutional amendment establishing direct elections for all public officials and in promulgating a new, slightly revised electoral law.

Upon returning to the presidency a decade later, Jiménez Oreamuno (1924-8) managed to obtain legislative approval of two new electoral laws. Safeguards against the use of fraud increased in 1925 with the creation of a tribunal to adjudicate electoral conflicts, with the development of a national registry of voters and, most importantly, with the enactment of the secret ballot.¹¹ The 1927 Law of Elections eliminated the ability of local electoral juntas to include or strike names from the Civic Registry and substituted the centralized production of paper ballots within the Ministry of the

Interior for the system of party-supplied ballots favored by machine politicians. This reform also called for the distribution of photographic identification to all citizens.

Despite the promulgation of these laws of the mid-1920s, existing laws permitted incumbents and local political machines to commit acts of fraud on behalf of their candidates. The requirement that citizens needed to exhibit photographic identification on election day was continuously postponed by governments. Along with the provision that allowed citizens to cast absentee ballots in districts where they were not residents (votos a computar), the lack of photographic identification permitted governments and machines to inflate their levels of electoral support and to deflate that of their adversaries.

These facts make the promulgation of the 1946 Electoral Code a rather remarkable achievement. Pushed by President Picado Michalski and his Minister of the Interior, Fernando Soto Harrison, the 1946 Electoral Code outlawed the infamous votos a computar and took measures to ensure that the registry and photographic identification reforms enacted in the mid-1920s were implemented. The 1949 constitution strengthened these reforms by transferring responsibility over electoral matters from the executive branch to the newly created Supreme Tribunal of Elections.

These facts raise an important set of questions: Why did only a handful of presidents push electoral reform? How did they fashion legislative coalitions in support of their efforts? It is important to note that, by "handful," we may be exaggerating the fact that only three presidents oversaw the overhaul of electoral laws. Cleto González Víquez (1906-10 and 1928-32) endorsed substantial reforms of the existing 1893 electoral law largely pushed by Republican Party deputies. It was only Jiménez Oreamuno and Picado Michalski who sponsored major changes in electoral laws. Why?

Theories, Approaches and Hypotheses

Political scientists possess two main types of theories to explain the behavior of parties and politicians. Office-seeking theories suggest that parties are driven by the desire to hold office. In the words of Anthony Downs, the first exponent of this approach, parties develop policies to win elections, not the other way around.¹² Policy-making theories propose the exact opposite: parties seek office to transform their preferences into public policy. Though similar in formulation, these theories lead to rather different sorts of expectations. Policy-making theories, for example, imply that parties are accountable to constituencies. Unless they deliver on their promises, they will lose electoral support. By assuming that parties will do whatever is necessary to obtain and hold public office, office-seeking accounts suggest that parties hold no ideological allegiances. They search for support wherever they can get it. They are pragmatic or, in the words of their critics, opportunistic.

In an economically underdeveloped society, one can safely assume that parties and locally-based machines are essentially driven by the desire to hold public office. The two most comprehensive surveys of Costa Rican politics before the mid-twentieth century lambast politicians for creating parties that are little more than vehicles to promote their careers and possessing few ideological commitments.¹³ And, as Dana Munro noted long ago, states in Central America offered individuals jobs, pork and all the other types of political influence typically conferred by public authority.¹⁴ Even in Costa Rica, where the vibrancy of a coffee-exporting economy siphoned demand for jobs that were so present in the other Latin American republics, control of public office allowed parties, machines and politicians to distribute infrastructural projects and public contracts to reward their followers and to maximize their electoral support.

Not surprisingly, parties with large shares of legislative seats typically oppose reform because they have an interest in maintaining laws that allow them to defile the results of the ballot box. Machine representatives, whether in or out of the majority party, vote against change because proposed reforms promise to eliminate the basis of their survival. Both remain enemies of institutional change because they fear the consequences of losing control of the state. Despite the threats it poses to political stability, an equilibrium in favor of the status quo exists because politicians prefer to hedge their bets by stuffing the ballot box rather than relying upon it to select the occupants of public offices.

By emphasizing the desire to maximize their power, office-seeking models of party or machine behavior do explain why most politicians are not very excited about disturbing the status quo. But they cannot explain why some presidents did break ranks with their counterparts and members of their party. Nor is it clear if they can explain the behavior of legislators during key periods of reform, when enough of them decided to back change.

A way to begin resolving this puzzle is by underscoring the dilemmas faced by incumbents who want to become reformers. By changing the rules regulating access to key public offices, they risk destroying the ability of their party and machines to dominate political life. They also endanger their own political careers: if they succeed in rewriting laws and statutes, they can be thrown out of office. Their opponents will welcome the chance to evict them from power and their former allies will scorn them.

Reformers typically become unpopular because institutional change requires switching bases of support. By changing the rules that protect their initial backers, they are appealing to independents and even to their adversaries. In the act of doing so, however, they can be left in a political vacuum: detested by all, their governments can become paralyzed by the inability to build coalitions to enact new laws, which only magnifies their unpopularity. In countries where political parties already possess incentives to renege on their commitments to democratic institutions,

half-hearted reforms can further destabilize incipient and fragile regimes.

A host of factors, sociological and otherwise, can explain the impetus toward reform. A social class might spearhead institutional change as part of a larger strategy to obtain political power. A new generation of leaders can act upon, in positions of power, preferences rejected by their elders. The adoption of certain reforms in some countries can make them more acceptable in many other countries. Or reform could simply be the result of the actions taken by visionary leaders.

Some of these explanations have more merit than others. Though some parties tried to combine a demand for electoral reform with class-based reforms, such projects dissipated by the early 1910s, when the Republican Party largely abandoned calls to help peasants and workers. Furthermore, during this and subsequent periods, friends of electoral reform could not be distinguished from its foes by their respective positions on social reform and property rights. Support for or opposition to electoral reform also does not seem to have broken down around generational lines.

The international diffusion of ideas about the practice of republican politics did influence debates about electoral reform. As we shall see, proponents of the secret franchise and the extension of suffrage rights to women referred to such changes in other countries. While these developments influenced public discussion of reform, they did not blunt the opposition of anti-reform forces who ignored or openly rejected such arguments. And, while key reformers like Jiménez Oreamuno may have been extraordinarily gifted individuals, they had to struggle in a world populated by politicians concerned with reelection and the distribution of pork. Both powerful ideas and remarkable individuals helped the cause of reform, but they did not determine when, why and how presidents and legislatures agreed to transform the rules governing access to state power.

Existing research on political reform suggests that significant political change may occur to avert a crisis, which we define as a situation where the balance-of-power among relevant groups threatens to undergo fundamental and rapid change. Alternatively, reforms can be propelled by governments with electoral mandates. In decision theoretic terms, others suggest that politicians create or reform institutions to stabilize an uncertain environment, provided they do not highly discount the future.¹⁵

In her insightful analysis of institutional reform in presidential systems, Barbara Geddes develops these insights into a set of more tractable propositions. Through a study of civil service reform in Latin America, she argues that legislatures enact far-reaching reforms when they are dominated by two or more evenly balanced coalitions and when they face "additional incentives" like pressure from constituents. Only in such conditions, Geddes contends, do presidents in "stable, well-institutionalized, less

fragmented and more disciplined party systems" succeed in transforming institutional arrangements.¹⁶

As we will see, these propositions are broadly confirmed by the history of electoral reform in Costa Rica. They, however, need to be altered and built upon to make sense of electoral reform. In Geddes' model, the survival of presidents depends, in part, on their ability to placate an autonomous military. In our model, threats to stability stem from political competition itself: in their struggle for power, rival parties and factions threatened using violence as a way to extract concessions from each other. Indeed, modifying this assumption is part of our effort to specify, in more detail, what Geddes refers to as the "additional incentives" that prompt politicians to reform institutions.

Reform bills will be endorsed, we hypothesize, by incumbents in danger of being deposed and expecting to perform well in future elections. As the threat of being overthrown increases, chief executives may fear the consequences of inaction more than those of reform. For, unless important sectors of the opposition believe that they will be allowed to compete in fair contests, they may back the efforts of opposition hardliners to replace the government by force. Incumbents then may have little choice but to become reformers: despite the dilemmas associated with doing so, institutional change may be the only way to survive in office.

The threat of overthrow, however, is not sufficient to spur reform. No incumbent will become a reformer if support of institutional change is tantamount to signing a suicide note. He must also have an incentive to gamble that abandoning allies will produce new and more reliable coalition partners, either by fusing factions of the old regime with those of the opposition or by simply attracting the support of opposition sectors. All such calculations hinge upon beliefs that, under new and fairer rules of electoral competition, the incumbent will find a place under the sun. And doing so requires creating or becoming part of a political movement that is popular.

In addition to being under pressure to do so, presidents will reform electoral laws if such efforts promise to improve their standing with the public. Becoming popular by constructing an image of political neutrality and fairness, we suspect, are indispensable for assembling coalitions of independent, pro-government and opposition deputies to overcome the resistance of majority party and machine representatives in Congress. As supporters of the existing government, pro-government deputies endorse bills that promise to increase their standing with the public. Deputies independent of parties and/or machines for election will back efforts to increase their ability to win genuinely competitive elections. Even if they dislike efforts to eliminate fraud-free electoral procedures, opposition legislators vote in favor of reform because doing so increases their ability to elect like-minded colleagues to public office.

**ELECTORAL FRAUD, POLITICAL CULTURE AND POLITICAL MOBILIZATION:
PATTERNS AND ISSUES**

Little is known about the ways in which presidents, parties and machines exploited loopholes in electoral laws to manufacture fraudulent votes. With one exception, all of the research on Costa Rican politics concentrates upon the struggle for the presidency and sticks to sketching the alliances formed (and broken) by principal candidates. By far the best attempt to explore Costa Rican electoral politics does note that fraud was extensively practiced in the 1920s, but concentrates upon understanding why the Reformist Party--a non-Marxist worker's party--failed to build long-term support among workers and peasants.¹⁷

Presidents, using the powers conferred by the executive branch of government, and their parties presumably worked with local machines to pack lists of voters with several names for each supporter and failed to eliminate the names of the deceased. Estimates suggest that anywhere between 40,000 and 60,000 false identification cards--consisting approximately of a fourth to a third of the electorate--existed by the mid-1940s.¹⁸ They also seemingly instructed electoral officials, all named by the Minister of the Interior, to manipulate the tally of the vote.

Aside from buying votes, how opposition parties and machines committed acts of fraud is even more of a mystery. Until photographs became an indispensable part of identification cards in the late 1940s, the cards of deceased or nonexistent persons were also used by opposition parties. Identification cards also were purchased from impoverished individuals by all parties to improve their standing at the polls. During the early 1940s, the market rate of voter identification cards oscillated between 2 and 20 colones a piece--approximately 2 to 5 days pay, at the minimum wage, for agricultural laborers on coffee estates during 1943.¹⁹

Through analysis of petitions to nullify electoral results and other materials, we determine whether political behavior changed in response to the innovations legislated by presidents and Congressmen. Purchasing voter identification cards, for example, was most likely a practice that accelerated in the aftermath of 1927 electoral reform. If so, it must have made electoral campaigns less dependent upon the use of brute force and more dependent upon governments and capitalists that could fund such efforts. Charting reactions to reforms will help cast light this perennial issue of politics; how and whether behavior changes in response to electoral reform is at the core of reflection on the origins of modern political systems.²⁰

If electoral politics was steeped with fraud, we must also understand how a society largely comprised of peasants, artisans and workers gradually changed its conceptions of electoral fraud,

republican institutions and the relationship between the two. This is obviously not an easy task because so little has been written about these topics. Inferring values, attitudes and the like is also difficult from petitions to nullify electoral results because these sources are highly partisan. A way to extract less controversial information from them is to focus on what they unambiguously offer: allegations of electoral fraud where the boundaries between acceptable and unacceptable types of behavior are invoked. Charting the shifts in this cultural frontier should permit diagramming changes in popular conceptions toward electoral politics. Scrutiny of the justifications made on behalf of such acts, as well as the arguments made against them, will also disclose why and, most importantly, how Costa Ricans viewed the operation of their political universe.

It is equally important to ascertain whether certain views about what was acceptable in politics prove resistant to legal changes negotiated from above. Existing research on popular political culture since the late nineteenth century, for example, indicates that liberal intellectuals and state officials had sought to shape the attitudes of peasants, artisans and workers. In fields as diverse as civic education and public hygiene, liberal intellectuals and politicians disseminated a nationalist political discourse and modern techniques of public health and sanitation. As Iván Molina and Steven Palmer point out, these were part of larger efforts undertaken by state officials to "civilize" political culture, that is, to imbue it with the values and cultural forms of liberal, Western society.²¹

These remarks should not be taken to mean that citizens were nothing more than passive recipients of projects and changes emanating from the state apparatus. This may very well be true; but, it is difficult to confirm because peasants and artisans typically leave no records of their political views. Yet, subaltern groups have their spokesmen, appointed or otherwise, which often publish newspapers and even send representatives to Congress. It was the Democratic Independent Party, led by the radical liberal deputy, Félix Arcadio Montero, that was the first to demand electoral reform. Their 1893 platform, the first published in Costa Rica, contained a list of economic and social demands as well as a call for "alternability in power" and "the direct vote."²²

It is also important to discover whether fraud obeyed a spatially-based logic. Standard images of the countryside suggest that voters were corralled to polling stations, where important landowners, owners of coffee exporting firms and gamonales (machine politicians) held sway. This is certainly the image conjured by Communist Deputy Luis Carballo during debates to repeal the secret franchise (established in 1925) in the mid-1940s. He claimed that

public voting only reinforces the powerful; amplifies the power of the individual who can purchase votes; and strengthens the power of the plantation owner who has an interest in the triumph of his candidate because he benefits from such a victory.

Confident that his candidate will win in his district and on his plantation, he ensures that his candidate receives enough votes to obtain the favors he desires.²³

While this portrait of the rural politics is evocative, its accuracy remains unknown. It is not clear, for example, if politics in all rural areas was this fraudulent. Nor is it obvious how (and whether) local machines and landlords interacted, before and especially after the establishment of the secret ballot, to manufacture majorities for their candidates.

It is equally important to ascertain whether ballot rigging was different and more prevalent in rural than in urban areas. It stands to reason that inhabitants of the city were less subject to control by social and political superiors than their rural counterparts. A handful of studies suggest that workers were a key constituency of nineteenth-century liberals seeking to create citizens out of what were essentially urban artisans.²⁴ So, if anything like the free play of political forces existed in pre-reform Costa Rica, it should be here. Comparisons of the nature and magnitude of fraud in rural and urban Costa Rica should help shed light on whether politics worked differently in these arenas and why.

Our effort to comprehend the spatial distribution of electoral fraud also examines differences between center and periphery. The core of Costa Rica, consisting of the Provinces of Alajuela, Cartago, Heredia and San José, is known as the Central Valley and contains most of the country's population, which is mestizo in character. Outlying provinces, encompassed by Guanacaste, Limón and Puntarenas contain even more ethnically complex populations. Guanacastans are descendants of Native Americans and Africans; a large share of people from Limón are second- and third- generation Black Jamaicans or members of indigenous groups.

For example, as portrayed by Carlos Luis Fallas in his testimonial novel, Mamita Yunai, indigenous peoples in remote parts of Limón were given false identification cards and herded to a polling station, whose members were all related to the local police chief and whose exact location remained a guarded secret until election day.²⁵ By comparing types and the magnitude of electoral fraud between center and periphery, this book should cast light on the other key spatial dimension of Costa Rican society.

Whatever the actual extent of fraud, it occurred in a polity where rates of voter turnout were continuously expanding. Our own effort to reconstruct the size and nature of the electorate, based on census results and electoral results, indicates that, as a proportion of the total population, the ranks of voters increased from 9 percent in 1897 to 19.6 percent in 1944. And, turnout went from 57.5 in 1897 to 91.5 percent of eligible voters in 1944.²⁶ As students of, for example, the historical decline of U.S. voter turnout rates point out, it is not at all obvious what the impact of fraud is on levels

of electoral participation.²⁷ Was this expansion in rates of voter turnout in Costa Rica, however, real?

Despite the manufacture of fraudulent votes, it would not be surprising to discover that larger and larger numbers of Costa Ricans began to vote. Such increases should come as no surprise because many small and medium-sized property-holders--whose numbers swelled with the surge in the development of a coffee exporting economy--were being mobilized by parties and machines on election day.²⁸ Suffrage rights, after all, in pre-reform Costa Rica were broad: though they excluded women, they only contained a very general property requirement. And, as our estimate of the voting age population roughly equals the number of registered voters, such a requirement meant little in practice. In an environment of often competitive elections, we suspect, politicians faced intense pressure to mobilize (and to invent) as many voters as they could on election day.

METHODOLOGICAL REFLECTIONS

This book is both comparative and historical in scope. It is comparative because it juxtaposes four attempts at electoral reform to shed light on our hypotheses. Comparisons between four periods, that is, the years between major reforms, will allow us to identify shifts in behavior and to determine whether proposed reforms achieved intended effects. And this book also is comparative because we seek to place developments in Costa Rica in world perspective to underscore the central implications of our findings for the study of democratization.

It is historical because we chart these changes, and their impact, through time. Our notion of history, however, is not of a compilation of events and individual actions described in minute detail. Nor can it be conceived of as a collection of individuals incapable of moving because of the burdens of time and place. Rather, to continue with our metaphor, it can be imagined as a collection of travelers loaded with luggage whose movements are restricted and rechanneled. The centrality of time, and of its analysis, will be revealed in our study of fraud and of the latter's impact on the direction reform takes.

To assess the usefulness of our hypotheses about institutional change, we will analyze the years preceding the enactment of the constitutional and electoral reforms of 1913, 1925, 1927 and 1946. To judge their success, these reforms will be compared with the proposals made by presidents and with their ability in eradicating the stuffing of the ballot box. Particular attention will be paid to newspaper reports and minutes of congressional sessions where observers and politicians acknowledged that proposed changes would not prevent the manufacture of fraudulent votes. Based upon these comparisons, we then determine whether the most extensive reforms were preceded by hypothesized conditions and whether the least extensive were not.

Costa Rican newspapers and U.S. diplomatic records will shed light on the balance-of-power between incumbents and their opponents. These sources will be scrutinized for reports of instability, including plots to overthrow the government. They furnish accounts written by journalists, politicians and other observers that discuss likely supporters and opponents of their bills and the consequences of promoting, being indifferent to, or of opposing electoral reform. We will focus on articles critical of presidents to determine whether and why they conceded that a president was popular and whether their authors believed that his reform bills were likely to be passed.

To identify reform proponents and opponents, we then read summaries of Congressional sessions published in La Gaceta, minutes of these sessions available in the Congressional Series, National Archives of Costa Rica (NACR) and newspaper reports on electoral reform debates. Reports on Congressional sessions will allow us to compile roll call votes on key amendments and reform bills as a whole. We will employ these results to determine which parties and/or party factions consistently favor or block electoral reform.

We want to stress that the extensive use of newspapers is indispensable to any study of Costa Rican politics and society. As Rodrigo Facio Brenes, the most distinguished economist of Costa Rica noted long ago, politicians, intellectuals, government officials and the like rarely published memoirs or book-length studies on issues of public affairs.²⁹ Instead, they sent their thoughts to newspapers, which frequently published the official correspondence of elected and public officials and in-depth (and multi-part) analyses of issues of public concern. In any event, access to the private archives of politicians is not possible because they are not available.

To chart the extent, nature and geographic distribution of fraud before and after major reforms, we collect information from newspaper reports, U.S. diplomatic despatches and especially from petitions to nullify electoral results presented to legislative and judicial authorities (demandas de nulidad) since the late nineteenth century. Codified in 1908 as an amendment to the 1893 Law of Elections, petitions to nullify electoral results were authored by individuals and parties who believed that fraud had robbed them of an electoral victory. Though generalizing from these petitions must be done with care because of their partisan origin, they contain a wealth of information about the magnitude, methodology and spatial location of electoral fraud never before systematically explored by historians and social scientists. The greatest--and, we repeat, untapped--value of these petitions is, however, their detailed accounts of how local political authorities, party hacks and machine operatives manipulated the results of the ballot box.

Using these sources, we also will be able to identify the reasons why individuals engaged in acts of, condoned or opposed electoral fraud. These petitions, after all, are explicitly concerned with documenting perceived violations of electoral laws. Though partisan in origin, they are transcripts of moral outrage that

identify the limits of socially as well as legally acceptable forms of political behavior and the diverse ways in which these limits were violated. By depicting the nature of electoral fraud over five decades, we will be able to chart how electoral reform transformed and ultimately eradicated the practice and culture of fraud in Costa Rica. More importantly, we will be able to show how the demands, thoughts and beliefs of ordinary Costa Ricans contributed to the reform of electoral laws in Costa Rica.

To gauge the effects of electoral fraud and reform on voter turnout rates, we compile electoral statistics published in newspapers and La Gaceta to fill in the gaps and correct for the inconsistencies of existing studies.³⁰ We then plan to compare them with the results of the 1892, 1904 (only covering the City of San José), 1927 and 1950 censuses to fashion a portrait of the size and nature of the electorate in pre-reform Costa Rica.

THEORETICAL GUIDEPOSTS

Our thinking has been nourished by two research traditions that, despite some rather obvious possibilities for mutual exchange and growth, remain largely unknown to each other. One is concerned with the role played by political institutions in society and has witnessed a revival within recent years under the rubric of the "new institutionalism." The other, even more recent intellectual project, is the study of the electoral process in pre-democratic, republican Latin America. By wrapping both with an interest in democratization, this book hopes to draw these literatures closer together to answer substantive questions about the formation of modern political systems.

In the past decade or so, there has been a renaissance of studies about the impact of institutional arrangements on political behavior. Reacting against pluralist and Marxist models of politics that conceptualize the state as a creature of interest groups, a dominant class or of a mode of production, political sociologists and scientists argue that states do not always protect the interests of hegemonic social classes and, even when they do, their motives for doing so may not stem from preserving the power of a such groups.³¹ States, in fact, often take steps to improve their own ability to survive by increasing tax rates or by insulating themselves from social demands.

This book builds upon this insight by borrowing from--and, hopefully, contributing to--the "new institutionalism." At the core of this approach is the search for "micro-foundations" and hence a rigorous theory of institutional development. The use of game theory, whether in normal or extended form, and other tools in the arsenal of the micro-economist permits showing why politicians, in their struggles for power, find themselves making similar choices when faced with roughly similar situations. And it is institutions that are responsible for establishing the regularity of circumstances

that encourage politicians to make the same decisions over an extended period of time. By punishing violators and rewarding the compliant, they generate expectations about the behavior of rivals. Institutions, in other words, fix time horizons so that agents can plan and invest for the future.

As we emphasize in the beginning of this introduction, a key puzzle for such approaches is why institutions change. If institutional arrangements help to generate what micro-economists call equilibria, that is, a set of mutually beneficial agreements from which no one has an incentive to defect unilaterally, a change in conditions must be responsible for their transformation.³² Economic development or demographic change, for example, can alter the distribution of resources among groups and thus their interest in change. Alternatively, politicians can become aware of possibilities within prevailing institutional arrangements to advance their own careers. It is precisely such changes, endogenous to the political system itself, which we explore in this book.

Despite the obvious importance of electoral reform to theories of institutional change, little work exists on how such approaches can answer perennial questions about the development of nonfraudulent institutions or even about electoral reform and fraud itself. A handful of works explore the ebb and flow of suffrage reform and electoral fraud in the United States.³³ The most studied electoral reform is, of course, the First Reform Bill of 1832. The analysis of electoral practices in England is perhaps the most developed of any country; Frank O'Gorman's comprehensive treatise on the English electoral system before the first great reform conveys the impression that a well-developed historiography exists on matters that require a thorough and laborious examination of a multitude of primary sources.³⁴

What is true for the electoral politics of first world countries is even more so for the economically underdeveloped countries of Latin America. Though Latin American countries have had republican systems since their independence from Spain and Portugal in the 1820s, comparatively little attention has been paid to the "nuts and bolts" of political action in this region by historians.³⁵ Historians of Latin America have sidelined these topics in favor of research on peasants, workers, race, gender relations and other topics of social history.³⁶

Critics would no doubt respond by pointing out that the history of dictatorship, civil war, coups d'etat and the like in Latin America make a study of electoral competition irrelevant, outside of a few places like Chile, Costa Rica and Uruguay, to making sense of basic patterns of development. That the franchise was frequently restricted and that voting was typically fraudulent further limits the generalizability of findings presented in a book like ours. Yes, they might agree, electoral politics, like all other aspects of the human experience, merit examination. But, they would probably add, only as a complement to more enduring economic and social issues.

Happily, not everyone agrees. Over the past ten years or so, there has been a revival of studies on the history of electoral politics. Even in as violent a place as nineteenth-century Colombia, Eduardo Posada-Carbó discovers that electoral fortunes of candidates and parties shaped their decision to start, to pursue and to end a civil war.³⁷ No better example of the importance of electoral politics, however, is furnished than by Richard Graham's masterful study of nineteenth century Brazil. In a society with an Emperor until 1889 and with large sectors of its agricultural economy based upon slave labor, struggles to obtain control of local, state and national-level offices were typically competitive, often violent and included an electorate estimated to be "...50.6 percent of all free males, 21 years of age or older, regardless of race or literacy."³⁸ The fight for seats in parliament, in fact, determined which factions and parties controlled the cabinet and thus shaped national-level policies. What is important about these and related studies is that electoral politics has included large numbers of participants and decisively impacts upon the behavior of the state. It is thus is an integral--if neglected--part of Latin American history.

These remarks, of course, do not imply that elections were the only way to obtain public office. Nor do they mean that balloting procedures and the tally of the vote complied with standards demanded by electoral observers of the late twentieth century. The aforementioned studies of Colombia and Brazil, as well as our own on Costa Rica, emphasize how the decision to rebel or to form coalitions with military officers hinged upon performance in the electoral arena itself. As the number of votes and public offices obtained in elections increased, the willingness of party leaders to entertain other ways of influencing public policy decreased. The riskiness associated with bringing down a government through the force of arms itself encouraged parties and factions to manufacture as many votes as possible so as to avoid having to plan for such contingencies.

The study of electoral competition in a proto-democratic or republican system integrates the study of local and national politics. As suggested by our hypotheses on electoral reform, the congealing of a set of interests around the stuffing of the ballot box mired attempts to liberate electoral competition from the control of machines. It no doubt consolidated a set of linkages between localities and the center of state authority whereby the former exchanged electoral support for jobs, patronage and other policies favored by coffee growers and exporters. We hope that our study of these anti-democratic practices can explain how politics worked in an unreformed republican system and affected the political system as a whole.

AN OVERVIEW OF THE BOOK

In **Chapter One**, we delineate the links between a society dominated by coffee exporters and small- and medium-sized property

holders and a fragile, republican consensus about the nature and goals of the state in an agro-export economy. We do so by analyzing state revenues and expenditures to fashion a portrait of the role of the state in society. We then identify the nature and chart the growth of the electorate since the late nineteenth century to characterize the constituency which politicians, parties and machines sought to mobilize, control or persuade in their efforts to retain or gain control of the state. Since politics revolved around control of the executive branch of government, we identify its dynamics and its principal outcome: the fraud and violence then so characteristic of electoral competition in Costa Rica.

Chapter Two focuses on the dilemmas faced by politicians when institutional reformers began to occupy legislative office and even capture the presidency. We start by surveying the efforts to reform electoral laws since the late nineteenth century, largely spearheaded by the Republican Party. The chapter then swiftly moves to examining the projects sponsored by this party once its candidate, Jiménez Oreamuno, won the 1909 presidential election. Despite the fact that a majority of deputies belonged to the Republican Party, we show how a split within this party, stemming from alternative conceptions of the impact of reform on political careers, blunted the far-reaching efforts of reformers to enact the secret franchise, to create direct elections for all public offices, to democratize local and provincial government and, finally, to promulgate a new electoral law.

In **Chapter Three**, we ask whether and, if so, how electoral fraud changed in the aftermath of the establishment of direct voting for public offices. We argue that it did not: because the recent effort to overhaul electoral laws was not a great success, parties were still responsible for furnishing voters with ballots and the franchise remained public. Parties and machines still possessed the ability to monitor and conceivably punish voters; control over the electorate and even coercion remained, we hypothesize, a staple of electoral politics in Costa Rica. Documenting the extent, nature and geographic distribution of fraud will permit casting light on this hypothesis. Doing so also will permit ascertaining whether urban and rural, center and periphery spawned different types and levels of ballot rigging. Finally, we begin to assess the impact of fraud and reform on popular culture and political discourse toward the end of this chapter.

In **Chapter Four**, we identify the principal defects of existing legislation and discuss efforts to remedy electoral laws during the mid-1920s. Once again, Jiménez Oreamuno was president and, in fact, was elected amidst accusations of fraud in 1924. Nevertheless, he sponsored two reform bills over the next four years, each of which became electoral law. The most notable achievements of the 1925 and 1927 Laws of Elections was the establishment of the secret franchise, of a national registry of voters and of an electoral tribunal to adjudicate conflicting interpretations of electoral law and results. We compare the partisan distribution of power in the legislature

before each of these reforms with those of the early 1910s to understand why and how the president succeeded in gaining congressional support for these innovations in the mid-1920s.

In **Chapter Five**, we study how incumbents, parties and machines developed new ways of manufacturing fraud between the mid-1920s and the late 1940s. We suspect that the elimination of public voting transformed the practice of fraud by making it dependent upon the purchase and illegal production of electoral identification cards--a loophole open by the 1927 reforms and not closed by subsequent governments. Again, our aim is to delineate the extent, nature and geographic distribution of fraud as well as to assess the extent to which popular attitudes toward reform and fraud changed in the aftermath of new electoral laws. Special attention will be paid to determining whether increasing rates of voter turnout were real and their impact on the conduct of electoral politics.

In **Chapter Six**, we analyze efforts to reform the 1925 and 1927 electoral laws between the mid-1920s and mid-1940s. Our principal goal is to explain why the incumbent, President Picado Michalski (1944-8), succeeded in gaining legislative approval of a far-reaching Electoral Code. His support of a bill that promised to weaken his party's control of both the executive and legislative branches of government remains paradoxical since he belonged to a party widely suspected of having placed him on the presidency through the massive use of fraud. Whatever the validity of this claim, it is important to determine whether our hypothesized conditions were present and therefore explain a set of decisions that effectively eliminated the practice of fraud from Costa Rican politics.

We also discuss how, paradoxically, the promulgation of the Electoral Code did not stem the polarization of political competition. Instead, it paved the way for an opposition victory in the hotly-contested 1948 elections, one which pro-government forces could not accept, and the outbreak of civil war. In the aftermath of the opposition's victory in the war, popularly-elected delegates attended a Constituent Assembly in 1949 that, among other things, extended voting rights to women. It also strengthened the 1946 Electoral Code by creating the Supreme Tribunal of Elections--the sole body currently responsible for the organization of elections, the interpretation of electoral law and the tally of the vote.

In the **Conclusions**, we present the principal findings of our research as well as their strengths and limits. By comparing the major periods of electoral reform, the discussion will center upon how useful our hypotheses were in explaining the ebb and flow of institutional innovation. It will also focus on to what extent the various electoral laws curtailed the use of fraud and how such changes impacted on popular attitudes toward republican institutions, fraud and the relation between the two. The conclusion then places the Costa Rican case in comparative perspective by underscoring the importance of the study of institutional change for studies of

democracy. It will also identify the ways in which our research can be expanded to grasp the role played by electoral fraud and reform in Costa Rican and Latin American politics, more generally. Finally, it will present the findings of our study most relevant for understanding contemporary processes of democratization.

TABLE 1

Suffrage Reform
(Selected Countries)

| <u>Country</u> <u>Indirect</u> | <u>Date When Restriction was Dropped</u> | | | | |
|-----------------------------------|--|-----------------------------------|---------------------------------|--------------------------------|---------------|
| | <u>Literacy</u> <u>Reqmnt.</u> | <u>Property</u> <u>Reqmnt.</u> | <u>Gender</u> <u>Reqmnt.</u> | <u>Public</u> <u>Ballot</u> | <u>Ballot</u> |
| Chile | 1970 | 1874 | 1949 | 1874 | 1925 |
| Costa Rica | 1871 | 1949 | 1949 | 1925 | 1913 |
| England | 1884- 1918 | 1884- 1918 | 1928 | 1872 | - |
| Sweden | - | 1907 | 1919 | 1866 | 1908 |
| U.S. (Remains effect) | 1970-75 | 1800-86 | 1920 | 1888-96 | in |
| Uruguay | 1918 | 1918 | 1932 | 1918 | 1918 |

Sources: For the Latin American cases, see Dieter Nohlen, ed., Enciclopedia Electoral Latinoamericana y del Caribe (San José: IIDH, 1993). For the European cases, see Thomas T. Mackie and Richard Rose, eds., International Almanac of Electoral History, 3rd ed. (Washington, D.C.: CQ Press, 1991). For the U.S., see The CQ Guide to US Elections, 3rd ed. (Washington, D.C.: CQ Press, 1994).

Note: Suffrage restrictions are those in effect for chief executives and legislative office in presidential systems. Only one exception exists: elections remain indirect for the US presidency, but for no other office in this country. Franchise requirements in parliamentary systems are for the national legislature.

ENDNOTES

1. We call competitive here what are in fact presidents selected in a nonfraudulent or fair elections and those who achieved power through unconstitutional compromises reached by candidates who did participate in contested elections. Of this total, 5 served in office as legal designates for brief periods of time. See Fabrice Edouard Lehoucq, "The Origins of Democracy in Costa Rica in Comparative Perspective," unpub. Ph.D. Dissertation, Duke University, 1992, pp. 64-5.

2. Ibid, p. 12. For a penetrating essay on Chilean exceptionalism that has powerfully influenced our thinking, see Arturo and J. Samuel Valenzuela, "Los orígenes de la democracia: reflexiones teóricas sobre el caso de Chile," Estudios Públicos (Santiago de Chile), No. 13 (Spring 1983): 5-39.

3. One of the few studies that exists on electoral reform in Latin America is on the 1874 changes in Chile by J. Samuel Valenzuela, Democratización via reforma: la expansión del sufragio en Chile (Buenos Aires: IDES, 1985). The rate of illiteracy in Chile cited in the next sentence is from Timothy R. Scully, Rethinking the Center: Party Politics in Nineteenth & Twentieth Century Chile (Stanford: Stanford University Press, 1992), p. 142.

4. Samuel P. Huntington, The Third Wave: Democratization in the Late Twentieth Century (Norman: University of Oklahoma Press, 1991). Also, see John Mark off, Waves of Democracy: Social Movements and Political Change (Thousand Oaks, Calif.: Pine Forge Press, 1996).

5. States could impose such restrictions because the constitution empowers each of them to set many of their own electoral laws. Only the vigorous enforcement of the 24th amendment, which barred the denial of the right to vote in any federal election "by reason of failure to pay a poll or other tax" and the 1965 Voting Rights Act effectively destroyed the legal basis of such restrictions imposed on African-Americans after 1876. See especially Chandler Davidson, "The Voting Rights Act: A Brief History," and J. Morgan Kousser, "The Voting Rights Act and the Two Reconstructions," in Bernard Grofman and Chandler Davidson (eds.) Controversies in Minority Voting: The Voting Rights Act in Perspective (Washington, D.C.: Brookings, 1992) as well as Chandler Davison and Bernard Grofman (eds.) Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990 (Princeton: Princeton University Press, 1994).

6. Thompson's polemic, The Poverty of Theory, revised edition (London: Merlin Press, 1995), was directed at French structuralist Marxism--an approach that exercised its influence among Central American historians and sociologists during the 1970s and 1980s. For Elster's critique of such models, see his "Marxism, Functionalism and Game Theory: The Case for Methodological Individualism," Theory and Society, Vol. 11, No. 4 (July 1982): 453-82. Also, see his Making

Sense of Marx (New York: Cambridge University Press, 1986) and Nuts and Bolts for the Social Sciences (Cambridge: Cambridge University Press, 1989).

7. Perhaps the most influential version of this thesis remains: Carlos Monge Alfaro, Historia de Costa Rica (San José, 1966). Other notable examples include: José Albertazzi Avendaño, "Unos apuntes simples sobre la democracia costarricense," Don José Albertazzi y la democracia costarricense (San José: UACA, 1987 [originally published in 1940]); Eugenio Rodríguez Vega, Apuntes para una sociología costarricense (San José: EUNED, 1979 [originally published in 1953]); José Francisco Trejos, Origen y desarrollo de la democracia en Costa Rica (San José: Trejos, 1939). Useful surveys include Chester J. Zelaya, "Democracia con justicia social y libertad," in Chester J. Zelaya (ed.), ¿Democracia en Costa Rica? cinco opiniones polémicas (San José: EUNED, 1983) as well as Marc Edelman and Joanne Kenen, "La culture politique du Costa Rica," Les Temps Modernes, No. 517-518 (August/September 1989). The principal English-language proponents of this explanation are James L. Busey, Notes on Costa Rican Democracy (Boulder: University of Colorado Press, 1962); Charles D. Ameringer, Democracy in Costa Rica (New York: Praeger, 1982); John A. Booth, "Costa Rica: The Roots of Democratic Stability," in Larry Diamond, Juan J. Linz and Seymour Martin Lipset (eds.), Democracy in Developing Countries: Latin America (Boulder: Lynne Rienner, 1989); Samuel Z. Stone, The Heritage of the Conquistadors (Lincoln: University of Nebraska Press, 1991).

8. For Acuña's views, see the book he wrote with Molina Jiménez, Historia social y económica de Costa Rica, 1750-1950 (San José: Editorial Porvenir, 1991). Also, see Lowell Gudmundson, "Lord and Peasant in the Making of Modern Central America," in Evelyne Huber Stephens and Frank Safford (eds.) Agrarian Structure and Political Power in the Period of Export Expansion (Pittsburgh: University of Pittsburgh Press, 1995). The classic statement of this position, of course, is Barrington Moore, The Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World (Boston: Beacon Press, 1966). For a similar sort of study with a larger sample of cases, see Dietrich Rueschemeyer, Evelyne Huber Stephens and John D. Stephens, Capitalist Development and Democracy (Chicago: University of Chicago Press, 1992). For Moorean interpretations of Central America, see Enrique Baloyra-Herp, "Reactionary Despotism in Central America," Journal of Latin American Studies, Vol. 15, No. 2 (1983); David Kauck, "Agricultural Commercialization and State Development in Central America: The Political Economy of the Coffee Industry from 1838 to 1940," unpubl. Ph.D. diss., University of Washington, 1988; Jeffrey Paige, "Coffee and Politics in Central America," in Richard Tardanico (ed.), Crisis in the Caribbean Basin (Beverly Hills: Sage, 1987); Héctor Pérez Brignoli, "Crecimiento agroexportador y regímenes políticos en Centroamérica: un ensayo de historia comparada," in Héctor Pérez Brignoli and Mario Samper (eds.), Tierra, café y sociedad: ensayos

sobre la historia agraria centroamericana (San José: FLACSO, 1994); John Weeks, "An Interpretation of the Central American Past," Latin American Research Review, Vol. 21, No. 3 (1986).

9. This and the previous two paragraphs draw from Fabrice Edouard Lehoucq, "The Institutional Basis of Democratic Cooperation in Costa Rica," Journal of Latin American Studies, Vol. 28, No. 1 (May 1996): 329-55. A more detailed examination of the workings of the Permanent Commission is Orlando Salazar Mora, "La Comisión Permanente y la suspensión del orden constitucional," Revista de Ciencias jurídicas (San José, Costa Rica), No. 44 (May-August 1981).

10. By framing issues in this way, we are using some elementary game theoretic notions to identify the issues that merit empirical analysis. For a defense of this strategy, see Randall L. Calvert, "The Rational Choice Theory of Social Institutions: Cooperation, Coordination, and Communication," in Jeffrey S. Banks and Eric A. Hanushek, eds., Modern Political Economy: Old Topics, New Directions (Cambridge: Cambridge University Press, 1996), pp. 216-67. The fundamental text of this literature remains Mancur Olsen, The Logic of Collective Action: Public Goods and the Theory of Groups (Cambridge: Harvard University Press, 1965). Also, see Russell Hardin, Collective Action (Baltimore: Johns Hopkins University Press, 1982). A recent attempt to grapple with this problem is Michael Lichbach, The Rebel's Dilemma (Ann Arbor: University of Michigan Press, 1995) and his The Cooperator's Dilemma (Ann Arbor: University of Michigan Press, forthcoming).

11. Some useful notes on the origin of a national registration system are contained in Rafael Villegas Antillón, "El Registro Civil y el proceso electoral en Costa Rica," Estudios CIAPA, No. 2-3 (1980).

12. This remark is from Anthony Downs, An Economic Theory of Democracy (New York: Harper & Row, 1957). This paragraph draws from Michael Laver and Norman Schofield, Multiparty Democracy: The Politics of Coalition in Europe (New York: Oxford University Press, 1994).

13. Orlando Salazar Mora, El apogeo de la república liberal en Costa Rica, 1870-1914 (San José: EUCR, 1989) and Jorge Mario Salazar Mora, Crisis liberal y estado reformista: análisis político-electoral, 1914-1949 (San José: EUCR, 1995). Also, see their Los partidos políticos en Costa Rica (San José: EUNED, 1992).

14. Dana Gardner Munro, The Five Republics of Central America (New York: Russell, 1918), pp. 185-203. To judge from bibliographies, it is a pity that so few studies of twentieth century Central American

politics have relied upon this classic. It remains a foundation of ideas, observations and hypotheses about the political trajectories of Central America countries.

15. The decision theoretic propositions stem from George Tsebelis, Nested Games: Rational Choice and Comparative Politics (Berkeley: University of California Press, 1990), chap. 4. The previous claims are made by John T.S. Keeler, "Opening the Window for Reform: Mandates, Crises and Extraordinary Policy-Making," Comparative Political Studies, Vol. 25, No. 4 (January 1993): 433-486. An account that emphasizes the importance of institutional arrangements for theories of reform is Jack Knight, Institutions and Social Conflict (Cambridge: Cambridge University Press, 1992), esp. chap. 6.

16. Barbara Geddes, Politician's Dilemma: Building State Capacity in Latin America (Berkeley: University of California Press, 1994). The quotations appear on pp. 99, 187.

17. Mario Samper K., "Fuerzas sociopolíticas y procesos electorales en Costa Rica, 1920-1936," Revista de Historia (Heredia/San José, Costa Rica) (Número especial 1988): 157-222. More traditional work include: Rafael Obregón Loría, Conflictos militares y políticos en Costa Rica (Alajuela: Museo Juan Santamaría, 1981 [originally published in 1951 by la Imprenta "La Nación"]) and the studies by Eduardo Oconitrillo García, especially Alfredo González Flores: estadista incomprendido (San José: Editorial Costa Rica, 1980), Julio Acosta: el hombre de la providencia (San José: Editorial Costa Rica, 1991) and Un siglo de presidentes (San José: EUNED, 1982). Works that attempt to produce a "new political history" are: Orlando Salazar Mora, El apogeo de la república liberal, Jorge Mario Salazar Mora, Crisis liberal y estado reformista as well as their Los partidos políticos en Costa Rica.

18. Lehoucq, "The Origins of Democracy in Costa Rica in Comparative Perspective," pp. 181, 318-9.

19. Ibid, p. 181.

20. The rapidly emerging canonical text about such effects is Robert Putnam, Making Democracy Work: Civic Traditions in Modern Italy (Princeton: Princeton University Press, 1993). Putnam discovers that subnational regions that most effectively attend to the demands of their citizens are also those whose citizens most highly rate the performance of their governments. While our effort to assess the impact of electoral reform will not be as rigorous as Putnam's, we too are concerned with citizen evaluations of institutional change. And, unlike Putnam, we will be able to shed light on the sources of

institutional change because political arrangements are not held constant in our research project.

21. On the development of a national political discourse in Costa Rica, see the pioneering essay by Steven Palmer, "Getting to Know the Unknown Soldier: Official Nationalism in Liberal Costa Rica, 1880-1900," Journal of Latin American Studies, Vol. 25, No. 1 (February 1993): 45-72. Also, see Víctor Hugo Acuña O., "Nación y clase obrera en Centroamérica en la época liberal," in Iván Molina Jiménez and Steven Palmer (eds.) El paso del cometa: estado, política social y culturas populares en Costa Rica (1800-1950) (San José: Plumsock Mesoamerican Studies & Editorial Porvenir, 1994), pp. 145-66. On efforts to hygenize the popular sectors, see Steven Palmer, The Social Clinic, unpub. ms., San José, 1996.

22. "Programa de Gobierno," El Independiente Democráta, No. 69 (2 October 1893), cited in Arnoldo Mora, Los orígenes del pensamiento socialista en Costa Rica (San José: DEI, 1988), pp. 42-3. Mora claims that this was the first socialist party in Costa Rica. Molina Jiménez disagrees in "El desafío de los historiadores: a propósito de un libro de Arnoldo Mora," Revista de Historia, No. 18 (July-December 1988) as does Salazar Mora, El apogeo de la república liberal en Costa Rica, pp. 144-8.

23. Constitutional Congress, Extraordinary Session No. 8 (27 September 1945), article 4, La Gaceta, No. 227 (10 October 1945), pp. 1778-9.

24. See the essays in Molina Jiménez and Palmer, eds., El paso del cometa, especially the one by Acuña, "Nación y clase obrera en Centroamérica durante la época liberal (1870-1930)." The thoughts in this paragraph are also based upon the latter's, "Clases subalternas y movimientos sociales en Centroamérica (1870-1930)," in Víctor Hugo Acuña (ed.) Historia General de Centroamérica, IV (Madrid: FLACSO-Quinto Centenario, 1993), pp. 255-323.

25. Carlos Luis Fallas, Mamita Yunai, second ed. (San José: Editorial Costa Rica, 1986), pp. 51-9. This particular practice became known as "un chorreo."

26. These figures stem from our "Voters, Turnout and Electoral Statistics: Methodological Reflections and Long-Term Trends, 1892-1950," unpub. ms. Virtually everyone eligible to vote was registered to vote during this period. Our estimate of the economically active male population 20 years or older stays within a few percentage points of the total number of registered voters. A more complete portrait of the electorate will be presented in the next chapter.

27. Howard W. Allen and Kay Warren Allen, "Vote Fraud and Data Validity," in Jerome Clubb (et. al.), Analyzing Electoral History (Beverly Hills, Calif.: Sage Publications); Philip E. Converse, "Change in the American Electorate," in Angus Campbell and Philip E. Converse (eds.) The Human Meaning of Social Change (New York: Russell Sage Foundation, 1972); and, Paul Kleppner, Who Voted? The Dynamics of Electoral Turnout, 1870-1980 (New York: Praeger Publishers, 1982).

28. See Víctor Hugo Acuña O. and Iván Molina Jiménez, Historia económica y social de Costa Rica, (1750-1950); Lowell Gudmundson, "Peasant, Farmer, Proletarian: Class Formation in a Smallholder Economy, 1850-1950," Hispanic American Historical Review, Vol. 69, No. 2 (Month 1989): 221-57; and Mario Samper K., Generations of Settlers: Rural Households and Markets on the Costa Rican Frontier, 1850-1935 (Boulder: Westview Press, 1990).

29. Rodrigo Facio Brenes, La moneda y la banca central en Costa Rica (San José: Editorial Costa Rica, 1973 [originally published in Mexico, D.F. by the Fondo de Cultura Economica in 1946]), pp (check the introduction).

30. Results from elections before and during the early twentieth century can be found in: Orlando Salazar Mora, "Tres décadas de la historia electoral, 1889-1919," Avances de Investigación, No. 18 (Centro de Investigaciones Históricas, Universidad de Costa Rica, 1986). Incomplete results of the subsequent period are in Jorge Mario Salazar Mora, Crisis liberal y estado reformista, anexos 1-12, pp. 307-20. The most thorough overview of Costa Rican elections is Bernard Thibaut, "Costa Rica," Enciclopedia electoral Latinoamericana y del Caribe (San José: IIDH, 1993), pp. 183-209. A problem with these compilations is that sources remain unclear. Sometimes newspaper reports are cited; on other occasions, official results are used without, however, indicating whether they are final results.

31. The sociologist most responsible for reminding her colleagues of this fact is Theda R. Skocpol. Though dated, Peter Evans, Theda Skocpol and Dietrich Rueschemeyer (eds.), Bringing the State Back In (Cambridge: Cambridge University Press, 1985), still conveys the excitement surrounding the recognition that states are often autonomous. For an intellectual history of return of institutions in US political science, see David Brian Robertson, "Politics and the Past: History, Behaviorism, and the Return to Institutionalism in American Political Science," in Eric H. Monkkenon (ed.) Engaging the Past: The Uses of History Across the Social Sciences (Durham: Duke University Press, 1994), pp. 113-53. A more recent attempt to establish the micro-foundations of state behavior is Margaret Levi, Of Rule and Revenue (Berkeley: University of California Press, 1988).

32. For a discussion of how institutions sustain equilibria, see Kenneth A. Sheplse, "Institutional Equilibrium and Equilibrium Institutions," in Herbert Weisberg (ed.), Political Science: The Science of Politics (New York: Agathon Press, 1986) and his "Studying Institutions: Some Lessons from the Rational Choice Approach," in James Farr, John S. Dryzek and Stephen T. Leonard (eds.) Political Science in History: Research Programs and Political Traditions (Cambridge: Cambridge University Press, 1995), pp. 276-95. Also, see Calvert, "The Rational Choice Theory of Social Institutions."

33. For a recent overview, see Peter H. Argersinger, Structure, Process and Party: Essays in American Political History (New York: M. E. Sharpe, 1992).

34. Frank O'Gorman, Voters, Patrons and Parties: The Unreformed Electoral System of Hanoverian England, 1734-1832 (Oxford: Clarendon Press, 1989). Also, see Theodore K. Hoppen, Elections, Politics and Society in Ireland, 1870-1980 (Oxford: Clarendon Press, 1984).

35. This point is also made, most recently, by Francois-Xavier Guerra, "The Spanish-American Tradition of Representation and its European Roots," Journal of Latin American Studies, Vol. 26, No. 1 (February 1994): 1-35.

36. See the review article by one of the field's most prominent historians, Florencia E. Mallon, "Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History," American Historical Review, Vol. 99, No. 5 (December 1994): 1491-1515. Also, see her Peasant and Nation: The Making of Postcolonial Mexico and Peru (Berkeley: University of California Press, 1995).

37. Eduardo Posada-Carbó, "Elections and Civil Wars in Nineteenth-century Colombia: The 1875 Presidential Campaign," Journal of Latin American Studies, Vol. 26, No. 2 (May 1994): 621-49. The revival of interest in electoral politics is evidenced by Vincent A. Peloso and Barbara Tanenbaum, eds., Liberals, Politics and Power: State Formation in Nineteenth Century Latin America (Athens: University of Georgia Press, 1996) and Posada-Carbó, ed., Elections Before Democracy: The History of Elections in Europe and Latin America (New York: St. Martin's Press, 1995).

38. Richard Graham, Politics and Patronage in Nineteenth Century Brazil (Stanford: Stanford University Press, 1990), p. 108. As Graham admonishes, it is not clear how many of these men actually voted. What is important is that large numbers of men were voting, despite the existence of income, occupation, residence and even age requirements.

Lehoucq, Fabrice and Ivan Molina (2002) *Stuffing the Ballot Box: Fraud, Electoral Reform, and Democratization in Costa Rica*. Cambridge and New York: Cambridge University Press. CrossRef Google Scholar. Ocontrillo Garcia, Eduardo (1982) *Un siglo de politico costarricense: cronica de 24 campanas presidenciales*, 2nd edn. San Jos  : Editorial Universidad Estatal a Distancia. Google Scholar. Lehoucq, Fabrice (1992) "The Origins of Democracy in Costa Rica in Comparative Perspective" TM. PhD dissertation, Duke University. Google Scholar. Lehoucq, Fabrice (1997) *Lucha electoral y sistema politico en Costa Rica, 1948-1998*. San Jos  : Editorial Porvenir. Google Scholar. Keywords: democracy, community, representation, federalism, districting, apportionment, constitution, judicial review, comparative law, communitarianism, liberalism, individualism. Suggested Citation: Suggested Citation. Aroney, Nicholas, *Democracy, Community and Federalism in Electoral Apportionment Cases: The United States, Canada and Australia in Comparative Perspective*. *University of Toronto Law Journal*, Vol. 58, 2008, University of Queensland TC Beirne School of Law Research Paper No. 07-24, Available at SSRN: <https://ssrn.com/abstract=1086553>. Fraud, Electoral Reform, and Democratization in Costa Rica. June 2002. DOI: 10.1017/CBO9780511510250. makers interested in electoral fraud and institutional reform. Fabrice E. Lehoucq is research professor, Division of Political Studies, Centro. de Investigaci  n y Docencia Econ  micas (CIDE), A.C., M  xico, D.F. Regime Transitions in Comparative Perspective. Valerie Bunce, *Leaving Socialism and Leaving the State: The End of Yugoslavia, the Soviet Union and Czechoslovakia*. Ruth Berins Collier, *Paths Toward Democracy: The Working Class and Elites in Western Europe and South America*. Donatella della Porta, *Social Movements, Political Violence, and the State*. This pioneering study of electoral fraud and reform focuses on Costa Rica, a country where parties gradually transformed a fraud-ridden political system into one renowned for stability and fair elections by the mid-twentieth century. Lehoucq and Molina draw upon a unique database of more than 1,300 accusations of ballot-rigging to show that, independently of social structural constraints, parties denounced fraud where electoral laws made the struggle for power more competitive. They explain how institutional arrangements generated opportunities for several executives to assemble legislative co... Conclusion: ballot-rigging and electoral reform in comparative perspective; Index. Dewey Decimal. 324.9728605.