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Institutionalizing Democracy

Constraint and Ambition in the Politics of Electoral Reform

Fabrice Edouard Lehoucq

Why do politicians reform the institutions that keep them in power? Why do they relinquish the ability to rig elections? The nonfraudulent 1988 Chilean plebiscite triggered the collapse of General Pinochet's sixteen year dictatorship. The fairness of the 1997 legislative elections in Mexico signaled the end of the PRI's sixty year stranglehold of the state. Fair elections typically result in the end of dictatorship and often a shift in government priorities. However, it is far from clear why incumbents would consent to hold and respect the outcomes of fair elections. Why they would relinquish power is a question of central importance to politics and political science.

This article explores these issues of institutional reform by examining the development of fair electoral practices in Costa Rica. 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. Since 1949 it has held regularly scheduled, fair elections in which all adults are entitled to vote.¹ Competitive party politics took off in 1889, when the incumbent liberals, under pressure of a popular uprising, reluctantly ceded power to an opposition liberal-clerical alliance. By the turn of the century politicians competed in regularly scheduled elections, but they retained the use of violence and fraud to keep or gain control of state offices.² Yet by the late 1940s politicians reformed laws to prevent themselves from stuffing the ballot box.

This article evaluates three explanations of reform in Costa Rica. The most common explanation is that incumbents do whatever is necessary to retain and augment their share of state power. The second contends that class backgrounds, socialization, and international demonstration effects encourage politicians to make choices that run counter to their short-term electoral interests. Finally, an institutionalist perspective explains seemingly irrational choices by looking carefully at the incentives faced by politicians in different arenas. What may appear to be irrational in the legislative arena may be perfectly rational in other institutional environments.

I evaluate these approaches during four periods. In the early 1910s reformers proposed a host of changes, including the introduction of the secret ballot. Slightly more than a decade later reformers succeeded in enacting the secret ballot. Two years later the secret ballot was made effective. Until 1927 parties supplied voters with paper ballots, a provision that empowered parties to monitor the behavior of voters. With

the 1927 reforms the production of ballots was centralized in the secretariat of the interior (*de Gobernación*). During the last reform period politicians enacted the 1946 electoral code that cleaned up the electoral registry and made election administration the responsibility of a semiautonomous court system. Negotiated in an atmosphere of political polarization, this code remains the foundation of electoral legislation in Costa Rica.

By focusing on developments in one country, it is possible to control for a variety of social and institutional factors that shape the outcome of reformist efforts. Throughout the first half of the twentieth century over two-thirds of the population lived in rural areas. During this period the republic had a unitary and presidential system with a unicameral legislature. The continuity of social and political structure makes it possible to identify how institutional arrangements generated the strategic incentives that encouraged some presidents and legislators to reform electoral laws.

The structure of Costa Rican presidentialism encouraged both governments and opposition movements to stuff the ballot box. Office-seeking, sociological, and institutionalist approaches attempt to explain why parties supported or opposed institutional reform. Reelection incentives discouraged most presidents and legislators from supporting reforms that threatened their performance in electoral campaigns. Some presidents and legislators, however, overrode their short-term electoral interests to endorse major institutional reform because, as sociological accounts suggest, reformers tended to come from outside traditional party networks. Nevertheless, reformist presidents succeeded in assembling coalitions to support reform only when, in line with institutionalist approaches, a stalemate existed in congress. In such a stalemate the larger parties had equal access to patronage and power and were less likely to be threatened by institutional reform.³ Presidents embraced reform because their constituency was national in scope and because their ban on consecutive reelection allowed them to focus on their long-term political careers. Unlike locally minded, reelection-driven legislators, presidents could develop reputations as impartial arbiters of the national interest, precisely those qualities that the electorate would remember if they ran for high office in the future. Finally, only the pressure of public opinion and, most important, the threat of being overthrown generated the conditions for wily executives to assemble coalitions in favor of their reform bills.

Democratization and Electoral Reform in Costa Rica: An Overview

By the end of the nineteenth century politicians jostled for power in what was becoming a highly competitive political system. Men at least twenty-one years old were entitled to vote; a vaguely worded property requirement facilitated the enfranchisement of virtually all adult males. An average of 68 percent of all eligible males turned out to vote in presidential elections between 1897 and 1948.⁴

As in other presidential systems, citizens in Costa Rica cast ballots for chief executives and legislators. Presidents were elected to four year terms and could run for reelection, though not consecutively. A candidate needed to attract the support of an absolute majority (more than 50 percent) of electors or, after 1913, of the popular vote to become president. If no candidate won an absolute majority, members of the new congress, half of whom ran for office with the president, were empowered to select the president from the two individuals who received the largest pluralities.⁵ Legislators could stand for consecutive reelection and represented the republic's seven provinces. Until 1913 half of the legislators were selected in midterm elections by the same provincial electoral assemblies elected in the general elections. Throughout the period under study a *de facto* closed-list system of proportional representation was used to select approximately four-fifths of deputies.⁶

Though the 1871 constitution authorized congress to ensure that presidents and legislators were chosen legally, it sealed the preeminence of the executive in electoral matters in three ways. First, electoral laws made local officials, appointed by the secretary of the interior, responsible for compiling lists of voters. Second, these laws made this ministry responsible for the organization and operation of polling stations. Finally, they made the executive responsible for tallying the vote.⁷

In a society without ethnic differences or severe class conflict, the concentration of so much authority in the executive transformed the race for the presidency into the central issue of political competition. As Dana Munro noted long ago, control of the executive led to employment, pork, and the kind of distributive politics typically favored by election-minded politicians.⁸ Loss of the presidency, in contrast, deprived parties of access to such goods and the use of administrative levers to consolidate their hold on state power. Incumbents were therefore discouraged from holding fair electoral contests.

Around the turn of the century governing parties were not above jailing second-stage electors to ensure that their candidates became president. Between 1890 and 1910 three of six presidents came to power because incumbents manipulated the provincial electoral assemblies where electors met to select legislators and presidents. By encouraging public officials to manipulate electoral laws for partisan advantage, the structure of presidentialism transformed races for the executive into highly uncertain, fraud-ridden affairs.⁹

Excluded from power, opposition parties fought back by attempting to topple the president through violence. Between 1882 and 1948 opposition movements launched twenty-six rebellions against central state authorities, three of which succeeded in installing new presidents.¹⁰ Chronic political instability, however, encouraged presidents to trade access to congress for consent to their rule. During this same period presidents were much less likely to become targets of coups as the number of opposition politicians in congress increased.

Seeking to deter further rebellions against his rule, President Cleto González

(1906–10) of the National Union Party (PUN) did not prevent the Republican Party (PR) from increasing its representation in Congress in the 1908 midterm elections and from winning the 1909 general elections. Once in power, President Ricardo Jiménez (PR, 1910–14) proposed fundamental changes, including the creation of the secret ballot. Despite the PR's control of both branches of government, reformers were forced to settle for a constitutional amendment that established direct election of all public officials and promulgation of a new, slightly revised electoral law.

Upon returning to the presidency a decade later, Jiménez (1924–28) obtained legislative approval of two new electoral laws. Safeguards against fraud increased in 1925. A tribunal to adjudicate electoral conflicts was created; a national registry of voters was compiled; and, most important, the secret ballot was introduced. The 1927 Law of Elections transferred the responsibility of distributing paper ballots from parties to the secretariat of the interior. Once the government supplied the ballots on election day, the ability of parties to monitor the behavior of voters declined drastically.

Despite these new laws, existing laws did not stop parties and machines from continuing their efforts to stuff the ballot box. Despite the requirement that citizens exhibit photographic identification on election day, governments repeatedly postponed implementation of this reform, ostensibly because legitimate voters would be deprived of their suffrage rights because they had not obtained their photographic identification cards. Even as electoral laws became increasingly restrictive, petitions to nullify electoral results indicated that acts of fraud became more blatant and, by the 1940s, more commonplace in the central provinces of the republic.¹¹

Thus, the promulgation of the 1946 electoral code was a rather remarkable achievement. Under the threat of insurrection by opposition factions who disputed his electoral victory, President Picado (1944–48) sponsored a reform bill that promised to overhaul the electoral registry and make mandatory the use of photographic identification by voters. It also strengthened the newly named national electoral tribunal by making it solely responsible for the organization of the electoral process. Though accounts of the 1948 civil war and the 1949 constituent assembly neglect to discuss the electoral code, it was important in the consolidation of democratic institutions, and subsequent governments have built upon its key arrangements. Indeed, the 1949 constituent assembly strengthened the code's provisions by stripping the congress of the authority to ratify the tribunal's tally of the vote. Since 1949 the supreme tribunal of elections has remained independent of the executive and legislative branches of government.¹²

Explanations of Institutional Change

If institutional arrangements help to generate what microeconomists 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. Economic development or demographic change, for example, can alter the distribution of resources between groups and thus their interest in reform. Politicians can also become aware of opportunities within institutional arrangements to advance their own careers.

Office-Seeking Theories Office-seeking theories suggest that parties are driven by the desire to be reelected. In the words of Anthony Downs, the first exponent of this approach, “parties formulate policies in order to win elections, rather than win elections in order to formulate policies.”¹³ In contrast, the policymaking view sees parties as committed to certain policies. While the former suggests that parties will package themselves to hold public office, policymaking theories suggest that parties will sacrifice votes to remain true to principles.

Though office-seeking theories were not initially formulated as explanations of institutional change, they imply that parties will endorse only reforms that favor their ability to obtain or retain control of public offices. If this approach is valid, parties will support “efficient” reforms—those that benefit all parties—if they expect their political standing to improve with the reforms. But parties are unlikely to back “redistributive” reforms if the changes promise to benefit other parties at their expense.¹⁴ They will also oppose bills whose consequences are uncertain because they fear the redistributive consequences of such changes.

Sociological Approaches Sociological approaches start from the premise that reforms with long-term benefits can not be explained by the self-interest of politicians. According to proponents of this line of reasoning, parties’ support of such reforms is evidence against office-seeking theories of institutional change. Social and background factors explain why politicians promote democratic reforms. A social class might spearhead institutional change as part of a larger strategy to obtain political power. The adoption of certain reforms in some countries can make them more acceptable in other countries. Reform could simply be the result of the actions taken by visionary leaders.¹⁵

Parties that consistently support electoral reform should also support social reform. Conversely, parties that oppose electoral reform should be against social change. Similarly, the adoption of certain reforms—for example, expansion of suffrage rights—should become more attractive as politicians in advanced countries enact them. All of these factors could together explain why strategically placed individuals endorse reforms not in their short-term electoral interests.

Whether the decisions are made by groups or by visionary leaders, their actions should not be reducible to their interests as members of parties, machines, or other such entities. If they are, then their support of reform could be hubris. Such factors might explain why they hold these preferences but not why they act upon them. The

power of sociological approaches hinges on their ability to explain decisions that are not instrumentally rational for their proponents.¹⁶

A Strategic and Institutional Approach This approach focuses on the relationship between politicians and their rivals. It assumes that reforms require politicians to make these choices and that these choices are shaped by the incentives generated by different public offices. Politicians, even those from the same party, can therefore make dissimilar choices and choices that seem irrational in light of the constraints faced by other public officials.¹⁷

In an analysis of civil service reform in presidential systems, Barbara Geddes argued that legislatures enact far-reaching changes when they are dominated by two or more evenly balanced coalitions because they all have equal access to political patronage.¹⁸ No one party can dominate the distribution of jobs and favors. In what is, in effect, a political standoff, parties may consider reforming what is no longer a beneficial set of institutions. Geddes also claims that additional incentives, such as pressure from constituents, are indispensable conditions for encouraging parties to enact fundamental reforms. Even if prevailing arrangements are not advantageous for any party, uncertainty about the future may become an argument for maintaining the status quo. A less than perfect state of affairs may be preferable to an unknown future.

Electoral Reform: Theories and Evidence

Office-Seeking Perspectives Office-seeking theories explain reasonably well decisions to scuttle reform. Only four of the fourteen presidential administrations between 1890 and 1948 proposed electoral reforms. The ability of office-seeking approaches to make sense of the behavior of presidents and deputies during these four periods of reform, however, is more problematic.

It is certainly true that the PR faction loyal to the perennial presidential candidate and congressional leader Máximo Fernández voted in accordance with the predictions of office-seeking theories. His deputies voted overwhelmingly against the secret ballot in 1912. By voting to retain the public ballot, the *fernandistas* (PR_F) cemented the role that parties played as mobilizers of voters and monitors of their behavior. They were also responsible for killing the president's electoral reform bill in committee in 1913 because, by the last year of Jiménez's first term in office, they had gained the support of other PR deputies to wrest control of the congressional presidency and of key committees from the faction loyal to the president known as the *jimenistas* (PR_J). The possibility of seeking reelection had driven some *jimenista* deputies to abandon the incumbent, who was ineligible for consecutive reelection, and to vote in favor of an electoral law that maintained the status quo.

Elimination of two stage elections in 1912 was, however, in the electoral interests of the *fernandistas*. They, too, wanted to eliminate the time period between the popular and second-stage elections that had allowed incumbents to jail or otherwise harass opposition electors. Parties also had an interest in preventing their agents—electors chosen every four years—from voting against their wishes. In general and especially in midterm elections, electors could increase political uncertainty by unexpectedly voting for candidates other than those endorsed by the party leadership and the electorate at large.¹⁹

Roll call votes suggest that not all PR deputies voted in a narrowly self-interested manner. Though comprising the largest faction of the legislature, the *jimenistas* voted in favor of the secret ballot but split their vote on direct elections for public office. With chi-square results at the .005 level, roll call votes indicate that partisanship is strongly related to support or opposition to these measures. These results are summarized in Tables 1 and 2. The votes of *jimenista* deputies on these measures suggest that they did not vote in their narrow self-interest. By voting to establish the secret ballot, they supported a reform that promised to increase political uncertainty and therefore to undermine their ability to retain control of the state. And by splitting their support for the amendment on direct elections the *jimenistas* again showed that they were not simply concerned with retaining control of public offices. President Jiménez's strong support of electoral reform also does not make sense from an office-seeking perspective because, as the leader of the PR, he should have opposed any measure that might lead to the PR's electoral defeat. Thus, some politicians overrode their interest in reelection to make counterintuitive choices.

Table 1 Roll Call Vote on the Secret Ballot, 1912

<u>Vote on the Amendment</u>	<u>Party Affiliation</u>		Total
	PR _r	PR _i	
In favor	5	17	22*
Against	12	5	17
Total	17	22	39

With 1 Degree of Freedom, the chi-square result is: 8.934 (Asymp. Sig [2-sided] = .003).

*This does not include the one vote in favor cast by the lone Civil Party deputy. Constitutional amendments require the support of two-thirds of all deputies in two separate legislative sessions to be enacted.

Sources: Party affiliations are from: *La República*, April 7, 1912. Vote totals are from: Ordinary Session No. 22 (June 4, 1912), art. 5, *La Gaceta*, 131 (June 13, 1912), p. 713.

Table 2 Roll Call Vote on Direct Elections, 1912

<u>Vote on the Amendment</u>	<u>Party Affiliation</u>		<u>Total</u>
	<u>PR_f</u>	<u>PR_i</u>	
In favor	16	13	29
Against	1	11	12
Total	17	24	41

With 1 Degree of Freedom, the chi-square result is: 7.672 (Asymp. Sig [2-sided] = .006). One cell has an expected count of less than 5 (the minimum expected count is 4.98).

Sources: For party affiliations, see Table 1. Votes are from: Ordinary Session No. 21 (June 3, 1912), art. 4, *La Gaceta*, 128 (June 9, 1912), p. 667.

Much the same happened in subsequent periods, including the mid 1920s when Jiménez returned to the presidency amid widespread allegations of fraud. When no candidate obtained the absolute majority of votes needed to be declared winner, initial results indicated that the Agricultural Party (PA) held a bare majority in congress and could select its candidate. In a series of deft and controversial maneuvers the PR and Reformist Party (PR_f) allied to form majorities on two provincial electoral councils entrusted with the tally of the vote and annulled enough votes to deprive the PA of a legislative majority. The PR and PR_f each obtained an additional deputy and were able to muster the bare number of deputies to select Jiménez as president.²⁰

As office-seeking theories would predict, the PA proposed a reform bill. Having just lost a bid to gain control of the presidency, it possessed an interest in institutional change. Exactly as a narrow focus on reelection suggests, it recommended only measures extensive enough to prevent another of its candidates from being cheated of an electoral victory.²¹ Contrary to office-seeking perspectives, however, the president endorsed their bill. Despite having been the beneficiary of fraud, he called for a major overhaul of electoral laws, including the establishment of the secret ballot and the extension of suffrage rights to women.

In line with office-seeking theories, however, congress opposed expanding suffrage rights to women because the doubling of the size of the electorate injected too much uncertainty into political calculations. Curiously, most deputies quickly approved the secret ballot in 1925. In contrast to the early 1910s, the measure did not become embroiled in a partisan debate. Indeed, both the legislative record and newspapers do little more than reveal the passage of the measure in a voice vote. However, parties retained the right to distribute paper ballots to voters and thus

could still monitor the behavior of “their” voters by asking them to display their ballots to party observers upon entering polling stations.

A year before his second term as president was to expire, Jiménez again confounded office-seeking perspectives by proposing another reform bill to close the loopholes in the 1925 electoral law.²² Though the absence of roll call votes makes it difficult to determine how each party reacted to the president’s bill, the overall behavior of the congress suggests that deputies found it unsettling. They delayed debating it. They argued that a single government-produced ballot with the names of all parties and candidates would disenfranchise illiterate men. Opponents of centralized ballot production contended that illiterate voters would be unable to mark ballots because they could not read them.

There was some truth to antireform arguments. According to the 1927 population census, approximately a third of all men twenty-one years and older were illiterate.²³ Yet parties did not oppose this change out of concern for uneducated voters. Stripping parties of their ability to distribute paper ballots threatened their capacity to monitor and control the behavior of voters. In election races that were already quite competitive a genuinely secret ballot promised to increase the uncertainty over the outcome.

In passing the 1927 law deputies voted for a bill they did not want. Curiously, they did not attack the president or his proposals, even when Jiménez threatened to veto the bill being considered in congress. Along with the president’s decision to continue to reform electoral laws, the behavior of the legislative majority clashed with the interests both had in maximizing their control over state offices. Deputies’ behavior obviously had little to do with their interest in reelection. Parties delayed, ignored, and otherwise tried to scuttle the 1927 reform bill because they did not want to lose control over voters. Electoral interests convinced the president to acquiesce in postponing the use of mandatory identification cards for voters so that the electoral registry would have the time to produce and distribute the cards. Subsequent governments, including Jiménez’s third and final presidential term (1932-36), repeated the postponement.

Despite this omission, the electoral reforms of the mid 1920s fundamentally changed the nature of political competition. Though electoral fraud continued to be denounced after these reforms, accusations declined, controlling for the size of the population and the electorate. However, the electoral laws of the mid 1920s seem to have encouraged parties to expand their repertoire of illegal actions by altering ballots, stuffing the ballot box, and holding elections publicly.²⁴ Both the reduction in the overall magnitude of fraud and the increase in its gravity were consequences of the intensification of electoral competitiveness, a trend itself fueled by enactment of the secret ballot.

Electoral fraud continued to undermine confidence in democratic practices by giving losers a ready-made excuse to impugn the outcome of elections. Since, *ex*

ante, no one knew whether fraud was sufficiently widespread to throw an election, it heightened the possibility that conflict over results could spiral into armed confrontation between rivals for control of the presidency. Confrontation became increasingly likely after of the 1944 presidential election, when President Rafael Angel Calderón (1940–44) used the powers of his office to help the Victory Bloc, an alliance of the governing National Republican Party (PRN) and the smaller Popular Vanguard Party (PVP), the country's Communist Party. Though the numbers of questioned votes were smaller than Teodoro Picado's margin of victory, opposition forces were convinced that they lost the elections because of officially sanctioned fraud.²⁵ The ambiguous election fomented the opposition of hardliners committed to overthrowing a regime they claimed would never willingly relinquish public office.

The new president proposed a reform of the electoral code. The reform bill made photographic identification cards mandatory, purged electoral rolls of the names of dead or nonexistent individuals, and placed the administration of elections in the hands of a semiautonomous court system. Most deputies from the PRN, the majority and largest party in congress, fought this bill, as predicted by office-seeking theories. The proposed bill contained no loopholes to prevent the opposition from defeating an official candidate. The PRN also presented over three-fourths of the amendments to the bill and took other actions to delay its discussion in congress. Office-seeking theories also explain why the opposition, centered around the Democratic Party (PD), supported it. Despite the fact that the PVP was part of the progovernment alliance that ruled congress, it, too, endorsed the reform bill. The bill increased the probability that smaller parties like the PVP would send representatives to congress by changing the formula for allocating seats in their favor.²⁶ So, while the PVP wanted to remain in power, it also wanted to increase its share of legislative seats. Office-seeking theories, however, do not explain why a president endorsed a bill that threatened his party's control of both branches of government.

Office-seeking theories account reasonably well for most opposition to far-reaching institutional reforms. Most politicians fought measures that were likely to augment the uncertainty of electoral competition by reducing the ability of parties to engage in fraud or control the electorate. They delayed and gutted bills they disliked. Indeed, most presidents and deputies never confronted these issues because they simply did not raise them. Nevertheless, why did some politicians support reform?

Sociological Approaches Attempts to combine demands for electoral reform with class-based appeals dissipated by the early 1910s, when the PR largely abandoned peasants' and workers' social struggles. During this and subsequent periods parties that supported and opposed electoral reform held indistinguishable positions on social reform and property rights. Regardless of their position on the ideological spectrum, all parties were interested in attracting the support of as many voters as possible. Even parties with more conservative social policy positions never called for

restricting the franchise because alienation of voters in highly competitive races was counterproductive.²⁷

The international diffusion of democratic ideas influenced debates about electoral reform. Many of the PR and PRf deputies behind suffrage reform in the mid 1920s argued that it was unfair to deny literate women the right to vote when illiterate men could vote, especially when advanced nations were destroying such barriers. However, international influences failed to reduce opposition to reform or change opponents' views.

Parties' office-seeking interests overrode the support of some of their members for the secret ballot in the early 1910s. In the mid 1920s equally hard-nosed reasons can explain why deputies finally backed a reform with very little debate. Legislators could establish the secret ballot without guaranteeing that voting would be held in private by permitting parties to continue to supply voters with ballots.

Such mundane power concerns were responsible for defeating the amendment to extend suffrage rights to women. Though patriarchal attitudes made many men unreceptive to empowering women, they were not the only reasons why a majority of legislators defeated this amendment to the 1925 reform bill. Without a broad-based woman's movement, politicians could defeat this measure without angering constituents. Furthermore, partisan politics became a decisive force once the president, a well-respected leader of the PR, endorsed it. Though chi-square results indicate that the relationship between partisanship and votes on the measure is statistically significant only at the .16 level for all parties, the level of significance improves to .06 if we drop the PR from the test (see Table 3). Although the PR's leader was the

Table 3 Roll Call Vote on Female Suffrage Rights, 1925

<u>Vote on the Amendment</u>	<u>Party Affiliation</u>			<u>Total</u>
	<u>PA</u>	<u>PR</u>	<u>PRf</u>	
In favor	5	7	3	15
Against	14	9	1	24
Total	19	16	4	39

With 2 Degrees of Freedom, the chi-square result is: 3.630 (Asymp. Sig [2-sided] = .163). Two cells have expected counts of less than 5 (the minimum expected count is 1.54). When the PR is dropped, the Chi-Square is: 3.45 (Asymp. Sig [2-sided] = .063) with 1 Degree of Freedom.

Sources: For party affiliations, see *Diario de Costa Rica*, May 1, 1924. Votes are from: Extraordinary Session No. 96 (February 24, 1925), art. 2, *La Gaceta*, 54 (March 6, 1925), p. 402.

chief sponsor of this reform and the president, it split its vote even as the PRf supported the reform. Moreover, over 70 percent of the PA opposed the amendment. The struggle for women's suffrage rights was doomed once it became identified as benefiting one side in a partisan dispute about the distribution of state power.

Sociological approaches help explain why individuals like Jiménez persisted in their efforts to reform electoral laws. It is clear that Jiménez was an altogether different politician from most of his contemporaries. When he was first elected president, he had distinguished himself as a jurist and an intellectual; his forays into politics did not begin until 1906, when he became a deputy for the first and only time.

A similar story can be told about Picado. He, too, was not a traditional party politician. He held intellectual credentials; he had served as secretary of public education, a post typically held by a man of letters. Picado was committed to reform, despite the enormous pressure brought to bear on him to drop it.²⁸ His crucial role in completing the decades-old struggle for electoral reform has been obscured by the post-civil-war historiography that treats him as the PRN's stooge.

While extraordinarily gifted individuals like Jiménez played key roles in electoral reform, they had to struggle against politicians concerned with reelection and the distribution of pork. Such interests explain why Jiménez, despite his deft political maneuvers, did not succeed in eradicating electoral fraud. Both powerful ideas and remarkable individuals contributed to reform, but they did not determine when, why, and how presidents and legislatures transformed the rules governing access to state power.

Institutionalist Approaches To explain why some presidents succeed in enacting far-reaching reforms, it is necessary to model their choices and not just postulate their political or other interests. Geddes' model predicted that a necessary condition of redistributive reforms is a balance of power in the legislature. If the larger parties all have equal access to patronage and power, none will be threatened by institutional reforms that all expect to help them equally.²⁹

Because no party possessed an outright majority during three of the four periods of Costa Rican reform, none proposed reforms that benefitted only their interests. Pro- and antigovernment forces were balanced in the legislature that established the secret ballot. In 1925 the PR and the PRf, in a coalition known as the Fusion, held 37 and 14 percent of legislative seats, respectively. The opposition PA held 49 percent of the seats. Two years later, when centralized ballot production and other measures made the secret ballot effective, the distribution of power was split among four factions. After the 1926 midterm elections the PR split into two wings. One controlled 26 percent of all seats, and the other, 33 percent. The PA's strength dropped to 26 percent, while the PRf held 16 percent.

The legislature that passed the 1946 electoral code was split among three parties, one split into two factions. The *calderonistas* (PRN_C) held 41 percent of congres-

sional seats. Those more interested in reform included the PD, with 26 percent of the seats, and PRN deputies (22 percent) who were independent or loyal to the president. The PVP held the remaining nine percent of seats.

A legislative standoff was barely absent (or barely present) in 1912 when congress failed to establish the secret ballot. The *jimenista* faction held 58 percent of the legislative seats. Its chief rival, the *fernandistas*, held 40 percent of the seats; the Civil Party held the remaining seat. A two-thirds majority needed to amend the constitution agreed to eliminate two stage elections, an "efficient" reform favored by all parties. The redistributive reform won a simple but fell short of a two-thirds majority.

Additional pressure helps explain why the most far-reaching reforms were enacted in 1927 and especially in 1945. In the early 1910s Jiménez did not appeal to public opinion to overcome the resistance of legislators. Newspapers did not report statements by him on this topic. By the mid 1920s, however, the president was widely quoted in the press about the necessity of reform. When initial reactions from congress and other political leaders were unfavorable, he came very close to attacking them. In one interview he was particularly blunt when he claimed that there were only two reasons for opposing the secret ballot: "the eternal struggle of the past against the present and...the interests of parties."³⁰

Deputies retaliated against the president by delaying action on the bill. However, they never publicly opposed it. The delays, in turn, prompted a spate of newspaper articles chiding the entire political class for not debating the bill. The president vetoed a bill in 1925 that left the door open to padding electoral rolls and weakening the secret ballot. Only when legislators compromised and enacted most of his requests did the president finally sign the bill.³¹ Two years later he threatened to veto a new reform bill unless legislators maintained his provision that citizens be able to vote in absolute privacy. Still, no politician confronted the president, even though the committee that wrote the bill expressed its anger by collectively resigning. After a stormy session in which deputies persuaded committee members to withdraw their resignations, they agreed to incorporate most of the president's suggestions.³² In a preelection year no party wanted to take responsibility for blocking democratic reform or to take an action that deprived citizens of their right to vote.

In the 1946 reform of the electoral code the threat of a civil war, rather than public opinion, hardened Picado's nerve in the face of *calderonista* opposition. After his highly disputed election, certain opposition sectors began to plot the overthrow of his government. Opposition moderates, led by the former president Cortés (1936–40), preferred to negotiate an agreement with the government. Urged on by his secretary of the interior, Picado sponsored a bill that aimed to regain his adversary's confidence in electoral institutions. Unless opposition moderates were placated, they could very well support the efforts of the hardliners to bring down the government by force.³³

The additional incentive of the threat of civil war helps explain why the 1946 reform eliminated executive fraud in elections. And the political crisis provoked by Jiménez's second, controversial election to the presidency prompted him to negotiate with the opposition to produce what became the 1925 electoral law. The elimination of the threat of insurrection against Jiménez's government, ironically, restricted his ability to spearhead further reforms in either 1925 or 1927. Unlike Picado two decades later, Jiménez could not use the threat of hardline revolt against his government to persuade undecided or nervous members of the ruling bloc into tolerating institutional change. Picado's formation of a makeshift coalition of legislative supporters, the PVP, and opposition deputies to overcome *calderonista* opposition to reform was in fact aimed at preventing his opponents from uniting to overthrow his government.

Political Ambition and Institutional Reform

The threat of civil war can not be the only reason why governments transform electoral institutions. Incumbents are unlikely to become reformers if institutional change results in suicide. If institutional reform means defeat, then incumbents will play chicken.

To support reform, incumbents must also have an incentive to gamble that they will be able to form a new and more reliable coalition, either by fusing factions of the old regime and the opposition or by attracting the support of the opposition sectors. Such calculations hinge upon incumbents' positive expectations of new and fairer rules of electoral competition. Positive expectations about future electoral performance may therefore be a necessary condition to enact reforms that redistribute power among key parties. Such expectations will appeal to the ambitious and encourage them to create a constituency for reform where none may exist.

Jiménez appears to have pursued this strategy. He was politically ambitious; indeed, he won the presidency on three occasions. Like no other politician of the old republic, he sensed that, in a society with universal adult male suffrage, only a sustained period of dictatorship could extinguish the appeal of democracy. Unlike many of his contemporaries, he never joined a coup coalition.³⁴ Instead, he concentrated on building the public persona of a wise statesman. By the end of his second term he became known as a democratic reformer, a reputation upon which he capitalized for the rest of his life.

Picado and especially his ambitious secretary of the interior Soto were similar. Both understood that President Calderón's heavy-handed tactics deprived the opposition of congressional and other public positions. Opposition hardliners subsequently became dedicated to overthrowing Picado through the use of force. To prevent opposition moderates from making common cause with them, Picado and Soto floated a reform bill to convince moderates that they could expand their share of legislative

seats and even obtain the presidency by competing in regularly scheduled elections. The 1946 electoral code was therefore part of a broader strategy whereby Picado and Soto sought to stabilize their government by distancing themselves from the *calderonistas* and by forging a consensus with opposition moderates around fair electoral procedures.³⁵ Despite *calderonista* opposition, Picado not only gained legislative approval of the code, but also allowed the opposition to capture nearly one-half of the seats contested in the 1946 midterm elections. According to a U.S. diplomatic dispatch, Picado “enormously increased his personal prestige. Prior to the elections the opinion was almost universal that Picado was no more than a ‘prisoner’ of [the *calderonistas*]. However, the President’s reiterated insistence upon the freedom of elections, his obviously impartial decision in the many complaints presented to him, and his calm and collected way of organizing the Government machinery to avoid violence have won him praise from all sides.”³⁶

Unfortunately, a series of contingent events polarized political competition. The death of the key opposition leader, former president Cortés, in March 1946 removed the leader of opposition moderates; no other opposition figure possessed the following and hence the credibility to negotiate with the government. In the 1948 election, after a campaign filled with threats and acts of violence, the opposition defeated Calderón’s bid to return to the presidency. Arguing that opposition control of the electoral registry had deprived thousands of PRN followers of the right to vote, the PRN-dominated congress annulled the presidential election in early March 1948. While pro- and antigovernment moderates struggled to solve this succession crisis, opposition hardliners defeated the government in a five week civil war.³⁷

After the civil war opposition hardliners organized a de facto junta that ruled the country until executive power was turned over to the PUN candidate, Otilio Ulate, who had allegedly won the 1948 elections. Dominated by the PUN, a national constituent assembly produced a new constitution that left the reforms negotiated during Picado’s government intact. Indeed, convention delegates built upon these innovations by making the supreme tribunal of elections entirely responsible for the tally of the vote. Since their creation, the 1946 electoral code and tribunal have become among the most respected institutions of Costa Rican society and politics.³⁸

Conclusions and Implications

The transformation of electoral rules is one of the core problems faced by reformers in institutionalizing democracy. Institutions are responsible for establishing regularity that encourages politicians to make the same decisions over time. Consequently, coalitions of interests develop to protect them. Politicians in democracies win office under prevailing institutional arrangements and have invested their political resources in ways of organizing parties and in mobilizing voters adapted to them.

Office-seeking theories are therefore very useful in making sense of the timing of electoral reform. In Costa Rica, almost three-quarters of all presidents and legislatures never proposed major reforms that would have altered the balance of power among parties. Only a handful of presidents supported reform. Even fewer succeeded in assembling legislative coalitions to approve their bills. Office-seeking theories offer a convincing explanation why it took so long to establish the secret ballot and make it effective. They also suggest why it took so long to eliminate fraudulent activities from electoral competition.

Cross-party coalitions formed to enact reforms only when the consequences of reform were expected to benefit all parties equally. For example, two-thirds of all deputies amended the constitution to require the direct election of all public offices because direct election eliminated the ability of second-stage electors, selected every four years, to vote against the preferences of parties (and of voters) in general and especially midterm elections. This efficient reform also prevented presidents from stealing elections by jailing opposition electors.

A handful of presidents, nevertheless, broke out of the equilibrium of regularly scheduled but fraud-ridden elections. As sociological approaches suggest, they tended to be political outsiders, even if they did not represent the emergence of new generations or class actors. Neither Jiménez nor Picado, the two presidents who did the most for electoral reform, was a party hack. They were national figures who used their reputations to appeal to larger sectors of a growing and increasingly important electorate.

However, gifted politicians did not singlehandedly transform institutional arrangements. Existing rules acted as constraints that restricted what politicians could and could not do. Indeed, the rules for amending the constitution (approval of amendments by absolute majorities of all deputies in two different congressional sessions) and passing laws (approval by a majority of deputies present) empowered proponents of the status quo to defeat reform bills. Only a relatively equal distribution of power among legislative factions created the conditions in which presidents could transform the republic's institutions. Moreover, a constituency for reform must exist alongside institutional arrangements that permit political entrepreneurs to build coalitions in favor of change. As in most Latin American presidential systems, Costa Rican chief executives were constitutionally prohibited from holding office for consecutive terms but could run again after being out of office for one term. This rule created an opportunity for the president, in contrast to locally minded legislators, to appeal to the common interests of the entire electorate.³⁹ Presidents alone possessed an interest in spearheading the democratization of electoral politics, because they alone ran in nonconsecutive national elections. Reformers could mask their self-interest in reelection by concern with the common national interest in electoral reform. Jiménez won presidential elections three times in no small measure because of his support for reform. After he and other reformers failed to achieve reform in

the early 1910s, he used his office to introduce the secret ballot and make it effective in the 1925 and 1927 electoral laws. But he also had to accept postponement of several key reforms, including an untainted registry of voters, photographic identification cards, and a truly autonomous system of courts to arbitrate conflicts over electoral law and election results. These conclusions are consistent with the findings of other scholars who contend that reforms can be propelled by governments with new or invented electoral mandates.⁴⁰

Only the threat of civil war made it possible for the president to complete electoral reform. Despite the opposition of the dominant faction of his party, Picado assembled makeshift coalitions of pro- and antigovernment legislators to enact the 1946 electoral code. Fearing the consequences of civil war more than the loss of state power, a handful of majority party legislators endorsed reform. Opposition deputies supported reform to increase their party's chances of election. Picado thus mustered a bare majority to approve the electoral code that remains the cornerstone of Costa Rica's electoral system.

NOTES

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1. See John A. Booth, *Costa Rica: Quest for Democracy* (Boulder: Westview Press, 1998); Fabrice Lehoucq, *Lucha electoral y sistema político en Costa Rica, 1948-1998* (San José: Editorial Porvenir, 1997); Bruce Wilson, *Costa Rica: Politics, Economics and Democracy* (Boulder: Lynne Rienner, 1998); Jonathan Hartlyn and Arturo Valenzuela, "Democracy in Latin America since 1930," in Leslie Bethell, ed., *Latin America: Politics and Society since 1930* (New York: Cambridge University Press, 1998), pp. 3-66; John A. Peeler, *Building Democracy in Latin America* (Boulder: Lynne Rienner, 1998); Jeffrey Paige, *Coffee and Power: Revolution and the Rise of Democracy in Central America* (Cambridge, Mass.: Harvard University Press, 1997); Deborah J. Yashar, *Demanding Democracy: Reform and Reaction in Costa Rica and Guatemala, 1870s-1950s* (Stanford: Stanford University Press, 1997).

2. Fabrice Lehoucq, "The Institutional Foundations of Democratic Cooperation in Costa Rica," *Journal of Latin American Studies*, 26 (May 1996), 329-55; Fabrice Lehoucq, *Instituciones democráticas y conflictos políticos en Costa Rica* (San José: EUNA, 1998).

3. Barbara Geddes, *Politician's Dilemma: Building State Capacity in Latin America* (Berkeley: University of California Press, 1994), pp. 94-95.

4. See Iván Molina and Fabrice Lehoucq, "The Size of the Costa Rican Electorate during the Old Republic (1897-1948)" (unpublished ms., CIPEC, Indiana University, 1997).

5. After 1926 a runoff election was held when no party won an absolute majority. The threshold was lowered to 40 percent in 1936.

6. Some races during this period were not governed by proportional representation, and closed lists became necessary only after 1946. Few voters chose to vote outside of party lists before closed lists became the legal norm in 1946. See Fabrice Lehoucq, "The Origins of Democracy in Costa Rica in Comparative Perspective" (Ph.D. diss., Duke University, 1992), pp. 62-63, 71-73.

7. The president, with the support of the Permanent Commission (an agent of Congress), could also declare states of siege; until 1910 the executive typically declared states of siege during election campaigns. See Orlando Salazar Mora, "La Comisión Permanente y la suspensión del orden constitucional," *Revista de Ciencias Jurídicas*, 44 (May-August 1981).
8. Dana Gardner Munro, *The Five Republics of Central America* (New York: Russell, 1918), pp. 185–203.
9. Orlando Salazar Mora, *El apogeo de la república liberal en Costa Rica, 1870–1914* (San José: EUCR, 1989), pp. 171–241.
10. Lehoucq, "The Institutional Basis of Democratic Cooperation in Costa Rica."
11. Iván Molina and Fabrice Lehoucq, "Political Competition and Electoral Fraud: A Latin American Case Study," *Journal of Interdisciplinary History*, 30 (Autumn 1999), 199–234.
12. Rubén Hernández Valle, *Derecho Electoral Costarricense* (San José: Editorial Juricentro, 1990).
13. Anthony Downs, *An Economic Theory of Democracy* (New York: Harper & Row, 1957), p. 28. Also see Michael Laver and Norman Schofield, *Multiparty Democracy: The Politics of Coalition in Europe* (New York: Oxford University Press, 1994).
14. George Tsebelis, *Nested Games: Rational Choice and Comparative Politics* (Berkeley: University of California Press, 1990), ch. 4.
15. For a representative of this approach, see Seymour Martin Lipset, "The Centrality of Political Culture," *Journal of Democracy*, 1 (Fall 1990); Seymour Martin Lipset, *Three Lectures on Democracy* (Norman: University of Oklahoma Press, forthcoming).
16. See Michael Hechter, *Principles of Group Solidarity* (Berkeley: University of California Press, 1987), ch. 2.
17. This argument is the central message of the new institutionalism. See Tsebelis, *Nested Games*, ch. 4; Randall L. Calvert, "The Rational Choice Theory of Social Institutions," in Jeffrey S. Banks and Eric A. Hanushek, eds., *Modern Political Economy: Old Topics, New Directions* (New York: Cambridge University Press, 1995), 216–68; Kenneth Shepsle, "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* (New York: Cambridge University Press, 1995), 276–95.
18. Geddes, *Politician's Dilemma*.
19. Fabrice Lehoucq and Iván Molina, "Los electores de segundo grado en Costa Rica: Participación política y composición social, 1890–1948" (unpublished ms., CIPEC, Indiana University, 1997).
20. Victoria Ramírez, *Jorge Volio y la revolución viviente* (San José: Editorial Guayacán, 1989), pp. 112–50.
21. "Proyecto (16 June 1924)," *La Gaceta*, 142 (June 29, 1924), 765–68.
22. *Diario de Costa Rica*, Mar. 6, 1927.
23. Republic of Costa Rica, *Censo de población de Costa Rica, 11 de mayo de 1927* (San José: Dirección General de Estadística y Censos, 1960), pp. 54–57.
24. Molina and Lehoucq, "Political Competition and Electoral Fraud."
25. Lehoucq, "The Origins of Democracy in Costa Rica in Comparative Perspective," pp. 190–94.
26. See "Ley No. 1096 (27 August 1947)," *Colección de Leyes y Decretos* (San José: Imprenta Nacional, 1948).
27. Jorge Mario and Orlando Salazar Mora, *Los partidos políticos en Costa Rica* (San José: EUNED, 1992).
28. Interviews with Fernando Soto Harrison, secretary of the interior under Picado, in San José, February 15, 19, 1996. Also see Fernando Soto Harrison, *Qué pasó en los años cuarenta* (San José: EUNED, 1991).
29. Geddes, *Politician's Dilemma*, pp. 94–95.
30. *La Tribuna*, Mar. 10, 1927.

31. *Diario de Costa Rica*, July 4, 1925.
32. *La Tribuna*, July 21, 1927.
33. Fabrice Lehoucq, "Institutional Change and Political Conflict: Evaluating Alternative Explanations of Electoral Reform in Costa Rica," *Electoral Studies*, 14 (March 1995), 23–45.
34. Hugo Murillo Jiménez, *Tinoco y los Estados Unidos: Génesis y caída de un régimen* (San José: EUNED, 1981).
35. Soto Harrison, pp. 194–95.
36. "Results of Midterm Congressional Elections," Despatch No. 1600 (February 14, 1946), Livingston Watrous to Secretary of State, U.S. National Archives, DS 818.00/2–1446, p. 5.
37. See Fabrice Lehoucq and Iván Molina, "Who Won the Elections? Reinterpreting the 1948 Presidential Race in Costa Rica" (unpublished ms., CIPEC, Indiana University, 1998).
38. Lehoucq, *Lucha electoral y sistema político en Costa Rica*, p. 43.
39. Curiously, many contemporary critics decry the ability to appeal to national interests in presidential forms of government. See Juan Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?," in Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy* (Baltimore: The Johns Hopkins University Press, 1994), pp. 6–8. On the role of legislatures in retarding reforms, see Ronald P. Archer and Matthew Soberg Shugart, "The Unrealized Potential of Presidential Dominance in Colombia," in Scott Mainwaring and Matthew Soberg Shugart, eds., *Presidentialism and Democracy in Latin America* (New York: Cambridge University Press, 1998), pp. 110–59.
40. See John T. S. Keeler, "Opening the Window for Reform: Mandates, Crises, and Extraordinary Policy-Making," *Comparative Political Studies*, 25 (January 1993), 433–86.