



**DEMOCRATIZATION, INSTITUTIONAL REFORM,
AND POLITICAL CONFLICT:
Evaluating Alternative Explanations of Electoral Reform
in Costa Rica**

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ABSTRACT

This article seeks to identify the conditions that prompt executives and legislators to reform electoral laws, especially those with far-ranging and redistributive consequences. It pursues this objective by evaluating the ability of alternative models of political behavior and institutional reform to account for the promulgation of the 1946 Electoral Code in Costa Rica, one of the oldest and most stable democracies in Latin America and in the world, more generally. The 1946 Electoral Code, among other reasons, merits study because its enactment threatened to loosen the governing party's grip on the presidency in the 1948 elections and promised to eradicate—if not reduce—its majority in Congress in the 1946 midterm as well as 1948 elections. A central conclusion of this article is that, contrary to some recent critiques of strategic models of institutional change, the inability of legislative seat maximization or career protection models to explain the promulgation of the 1946 Electoral Code does not mean that rational choice theories cannot account for the reform of electoral laws. By developing a third model that focuses upon the interest incumbents have in promoting political stability, this paper shows that the creation of institutions that promise to punish key sectors of the ruling bloc is prompted, in part, by the threat of a civil war that at least some incumbents fear losing. The establishment of institutions with such redistributive repercussions also stems from the willingness of some within the ruling bloc to fashion a new alliance with those in the opposition who also share an interest in political stability.

RESUMEN

El presente artículo busca identificar las condiciones que impulsan al poder ejecutivo y a los legisladores a reformar las leyes electorales, especialmente aquéllas que tienen consecuencias de gran alcance y redistributivas. Este objetivo se persigue mediante la evaluación de la capacidad que tienen los modelos alternativos de comportamiento político y reforma institucional para explicar la promulgación del Código Electoral de 1946 en Costa Rica, una de las democracias más antiguas y estables existentes en Latinoamérica y en el mundo en general. El Código Electoral de 1946 merece ser estudiado, entre otras razones, porque su promulgación amenazó con reducir el dominio del partido gobernante sobre la presidencia en las elecciones de 1948 y prometió erradicar—si no reducir—su mayoría en el Congreso en las elecciones de mitad de período de 1946 así como en las de 1948. Una conclusión central de este artículo es que, contrariamente a algunas críticas recientes de modelos estratégicos de cambio institucional, la incapacidad de los modelos de maximización de escaños legislativos o de protección de carrera para explicar la promulgación del Código Electoral de 1946 no significa que las teorías de la elección racional sean incapaces de explicar la reforma de las leyes electorales. Al desarrollar un tercer modelo basado en el interés de los políticos en el poder en promover la estabilidad política, este trabajo muestra que la creación de instituciones que prometen penalizar a sectores clave del bloque gobernante es impulsada, en parte, por la amenaza de guerra civil que al menos algunos de los políticos en el poder temen perder. El establecimiento de instituciones con tales repercusiones redistributivas también surge de la voluntad de algunos dentro del bloque gobernante de formar una nueva alianza con aquéllos en la oposición que comparten el interés en la estabilidad política.

INTRODUCTION

Why do governments enact electoral laws that undermine their party's ability to win elections? I answer this question by understanding why pro-government forces in Costa Rica during 1945 and 1946 did not block passage of a new Electoral Code aiming to eliminate the then pervasive use of fraud in electoral contests. Given expectations about the electoral performance of incumbent and opposition parties, the enactment of this bill threatened to loosen the grip of the PRN (National Republican Party) on the presidency in the 1948 elections and promised to eradicate, if not reduce, its majority in Congress in the 1946 midterm as well as 1948 elections. Why, then, did enough PRN politicians help to establish institutions not in their own self-interest?

Assuming, for example, that parties are motivated by the desire to maximize votes and their control of executive and legislative posts and/or that incumbents design rules to protect their professional careers appears to explain why many PRN legislative deputies loyal to ex-president Rafael Angel Calderón Guardia (1940-44) tried to derail passage of the Electoral Code. Widely suspected of having employed fraud and coercion to install Teodoro Picado Michalski in the presidency in the 1944 elections, Calderón Guardia had become a highly controversial politician. Maintaining control of Congress was a key element of what many suspected to be Calderón Guardia's efforts to return to the presidency in the 1948 elections. Under existing constitutional statutes—and in no way altered by the proposed Electoral Code—Congress retained the authority to judge the validity of election results. For a party whose electoral strength was in decline, reform of electoral institutions thus proved alarming as well as threatening.

Narrowly self-interested models of party and deputy behavior, however, cannot satisfactorily explain why some PRN deputies belonging to the "calderonista" faction (loyal to Calderón Guardia) of the PRN did endorse electoral reform. Nor can they account for President Picado Michalski's decision to send Congress, in the first place, the Electoral Code reform bill. Neither can they delineate why some members of the main opposition party, the PD (Democratic Party), rejected a reform bill that promised to increase their numbers in Congress. Through analysis of why the dominant party failed to prevent the enactment of the 1946 Electoral Code, I thus seek to identify the strategic conditions that prompt executives and legislators to promulgate electoral laws with such far-ranging and redistributive consequences.

The 1946 Electoral Code is particularly worthy of study because it remains the cornerstone of existing electoral legislation in Costa Rica (Hernández Valle, 1990),¹ one of the

¹ A revised version of the 1946 Electoral Code was produced in the aftermath of the 1948 Civil War and the ensuing 1949 National Constituent Assembly. The modifications were required to ensure that the Electoral Code was not inconsistent with the Constituent Assembly's decision to endow the electoral tribunal—which they named the Supreme Tribunal of Elections—with sole authority for the organization of elections and the tally of the vote. An overview of this institution's

most stable democracies in Latin America and in the world. Since the late nineteenth century, incumbents and opposition movements began to eschew the use of violence to retain and to capture state power and increasingly began to compete within the electoral arena to select the occupants of key public offices (Ameringer, 1982; Booth, 1989; Lehoucq, 1992a: chap. 3; 1992b).

The core implication of my analysis of the 1946 Electoral Code is that the creation of institutions that promise to punish key sectors of the ruling bloc is prompted, in part, by the threat of a civil war that at least some incumbents fear losing. The establishment of institutions with such redistributive consequences also stems from the willingness of some within the ruling bloc to fashion a new alliance—what George Tsebelis (1990) calls a new deal coalition—with those in the opposition with whom they share an interest in political stability.

In the first part of this article, I examine existing research on the origins as well as the consequences of electoral reform. I then outline alternative interpretations of institutional reform and discuss the key reforms contained in the Electoral Code project. In the main section of this paper, I evaluate the plausibility of these models of electoral reform by discerning their ability to explain the behavior of politicians confronted with the task of preserving or transforming the electoral laws then in existence in Costa Rica. I conclude this article by summarizing my findings and by discussing their implications for theories of institutional change and design.

PERSPECTIVES ON THE ORIGINS OF ELECTORAL LAWS

Although much is (and more needs to be) known about the consequences of electoral laws, significantly less is known about the origins of electoral laws. Scattered findings do not even debate the veracity of any claim like Duverger's Law (1954; 1986)—the proposition that multi-member districts using proportional representation tend to generate multiparty systems while single-member, plurality districts tend to produce two-party systems. Students of the effects of electoral laws at least are debating the role of district magnitude, electoral formulae, balloting procedures, and the like on party systems and political behavior (Grofman and Lijphart, 1986; Lijphart, 1990; Lijphart and Grofman, 1986; Rae, 1971; Riker, 1982; Sartori, 1986; Taagepera and Shugart, 1989).

place in the Costa Rican political system is furnished by Murillo (1983) and Villegas Antillón (1987). Slightly more will be said of electoral tribunals and the relationship between presidential incumbents and the organization of elections in subsequent sections of this article.

The Genesis of Electoral Laws

Rationalist Accounts of Electoral Reform

Several studies contend that electoral laws are the products of negotiations between incumbents and their opponents (Bawn, 1992; Brady and Mo, 1992), each of whom is trying to maximize their legislative representation. Another, much more speculative effort (Geddes, 1990), argues that preferences over electoral laws, along with constitutional and other institutional arrangements, are driven by the desire of politicians to protect and to further their careers.² Yet another analyst (Shugart, 1992) suggests that electoral reform is the outcome of a struggle that includes party leaders as well as rank and file, each of whom are constrained by the preferences of their constituents.

Criticisms of Rational Choice Approaches

It is undoubtedly true that actors with such easily identifiable preferences play an important role in the design of electoral laws. It is equally true, however, that those who promulgate far-reaching electoral laws may hold more complex reasons for doing so, especially if such institutional changes threaten the future political standing of consenting parties.

In an effort to understand choices over electoral laws in eleven Southern and Eastern European countries, for example, Kitschelt (1992) contends that the assumption of maximizing legislative representation cannot account for why politicians in Bulgaria, Hungary, and Spain adopted systems of proportional representation. In these countries, plurality or majoritarian electoral systems, Kitschelt argues, could have cemented the stranglehold of two predominant parties. On the basis of these and other observations, Kitschelt (1992: 28) concludes that rational choice accounts do not “perform very well when they are applied to situations in which relatively little information about the actors’ payoffs is available and in which strategic interaction may be rather complicated across sets of actors over time.”

One way to circumvent the limitations of perhaps the most straightforward rational choice account of institutional design is to complement, as Kitschelt recommends, such models with sociological and cultural explanatory variables. Choices over electoral laws, he suggests, might also have a lot to do with the number of cleavages existing in a society and with “precedent in one’s own country’s history or the experience of some other successful model” (Kitschelt, 1992:

² Given the propensity of U.S. Congressmen to legislate advantages for themselves (i.e., gerrymandering districts and using mailing and other privileges to communicate with their constituents), I find it odd that so little work has been done on how incumbents design institutions to insulate themselves from the rigors of electoral competition. For some exceptions, see Grofman, Lijphart, McKay, and Scarrow (1982) as well as Grofman (1990).

27). Students of institutional reform therefore should examine how social structural and cognitive constraints shape the preferences of politicians who are confronted with the choice of maintaining or transforming electoral laws.

Reformulating Rational Choice Accounts

Another route to a robust explanation of institutional reform is to modify what is an admittedly narrow interpretation of the motivations held by politicians contemplating reform of electoral laws without, however, jettisoning the core assumptions of a rational choice explanation of political behavior. Such explanations rely upon a notion of instrumental or what Elster (1983) calls “thin” rationality and, as a consequence, the proposition that individuals pursue a course of action they perceive as optimal in light of *all* the constraints they face.

That politicians in Eastern and Southern Europe make choices at odds with their interest in maximizing their legislative representation thus indicates that the analyst has failed to identify all of the arenas in which politicians are competing. The behavior of parties in these areas of the world that seems irrational or extra-rational therefore is not necessarily conclusive evidence that rational choice accounts cannot explain institutional reform (Tsebelis, 1990). Discovering that politicians adopt such strategies perhaps only means that Kitschelt has failed both to locate all of the constraints confronting Eastern and Southern European parties and to delineate how such constraints generate dilemmas in which parties must make less than ideal trade-offs among choices over institutional arrangements.

What Kitschelt’s findings (or those of any other critic of rational choice theories) thus suggest is that the design or reform of electoral laws often involves actors competing in a variety of political arenas. Under such circumstances, arguing that executives and legislators manufacture electoral laws that maximize their parliamentary strength or further their political careers may be misleading even if not false. Far from demonstrating the limited utility of rational choice accounts, Kitschelt’s findings only suggest that existing ways of explaining the origins of institutions need to be modified.

Alternative Models of Electoral Reform

By examining why many within the PRN—the majority party in Costa Rica during the 1940s—endorsed the 1946 Electoral Code, I thus seek to show how the existence of a multiplicity of arenas generates often contradictory choices for politicians confronted with the task of maintaining or transforming prevailing institutions. Before analyzing the politics of electoral reform in light of these arguments, I will outline three distinct rational choice models of political behavior and institutional reform in order to show how different assumptions about the goals of

politicians stem from identifying some, but not necessarily all of the arenas that they inhabit. Each hypothesizes how politicians should behave when confronted with the choice of transforming the rules regulating access to key state offices.

Maximizing Legislative Influence

Perhaps the most obvious explanation of the decision to endorse or to reject the electoral reform made by deputies focuses on the impact of the Electoral Code on the legislative standing of parties. It assumes that parties wish to maximize their legislative representation to order to be able to convert their preferences into policy. Support of the Electoral Code thus would have stemmed from parties that would have increased their strength in Congress. Conversely, opposition to electoral reform would have been organized by those parties who expected the promulgation of the Electoral Code to decrease their power in the legislature. Both hypotheses can be derived from some of the most popular accounts of the behavior of parties and represent perhaps the most straightforward version of a rational choice explanation of institutional change.³

Protecting Political Careers

Examining the effects of the Electoral Code on the political careers of individual deputies is another way to understand why some deputies opposed the proposed legislation while others endorsed it. It stands to reason that deputies dependent upon corrupt political machines to be elected to Congress would vote against a bill that threatened to eliminate the use of electoral fraud. Conversely, deputies that do not rely upon fraudulent methods to be elected to Congress would not oppose a bill that was principally aimed at creating rules to guarantee the fairness of electoral competition.

Both hypotheses are consistent with existing research on political gerrymandering and on how incumbents seek to design rules aimed at protecting their hold on public office (Grofman, Lijphart, McKay, and Scarrow, 1982; Grofman, 1990). They also represent derivations of rational choice explanations of political behavior: they suggest that congressmen dependent upon the manufacture of electoral fraud by political machines will hinder reform of electoral laws that seek to detect and punish transgressors of fair electoral practices.

The Promotion of Political Stability

The final explanation of electoral reform assessed in this article focuses upon the consequences of non-enactment of the Electoral Code on the survival of the existing government.

³ Downs (1957) was the first to develop a deductive theory about the office-seeking interests of political parties. Downs' model, along with subsequent reformulations of his theory, are discussed in Schlesinger (1991), Strom (1990), and Wittman (1983).

It suggests that incumbents rarely alter the rules and institutions that brought them to power and that promise to cement their hold on the state. Only when enough members of the ruling bloc become convinced that the failure to reform the rules regulating access to state office will provoke a civil war that they might lose, this explanation asserts, will incumbents grudgingly vote in favor of fundamental electoral reforms.

This explanation is consistent with common sense regarding political behavior. Governments historically have implemented far-reaching reforms only under pressure of military defeat. By concentrating upon the concern for political survival possessed by every government, it also constitutes a rational choice explanation of political behavior, though of a more sophisticated sort. It suggests that the uncertainty regarding their ability to weather a confrontation with the opposition prompts incumbents to contemplate altering institutions that they otherwise would not wish to reform.

THE SCOPE OF THE 1946 ELECTORAL CODE

In his 1944 state-of-the-union address to Congress, President Picado Michalski announced his intention to overhaul existing electoral legislation. Over the next year and half, his Secretary of the Interior (*Gobernación*), Fernando Soto Harrison, selected a number of distinguished magistrates to form a commission to draft a new Electoral Registry and encouraged the formation of a legislative commission to write a new set of electoral laws for Costa Rica.

The Electoral Code was drafted by three deputies selected by the Director of Congress, each of whom was to have belonged to one of the three principal parties represented in Congress. For unknown reasons, opposition Deputy Víctor Manuel Elizondo resigned from the commission on 11 January 1945 and was replaced by the First Alternate of the Province of Heredia, Juan Rodríguez Ulloa (PRN) (CC, ES no. 66 [11 January 1945], art. 2). The Special Commission, comprised of Deputies Francisco Fonseca Chamier (PRN), Luis Carballo Corrales (PVP), and Rodríguez Ulloa, not only refashioned every aspect of existing Costa Rican electoral legislation, but also included a slightly amended draft law for a new registry of voters prepared by three magistrates and presented to Congress on 15 March 1945 (Proyecto [28 June 1945]).⁴

⁴ The Organic Law of the Civic Registry was written by Víctor Guardia Quirós, José María Vargas Pacheco, and Alfredo Zúñiga Pagés. It was printed in *La tribuna*, no. 7,332 (18 March 1945). This committee's introductory remarks on their draft project were published in *La tribuna*, no. 7,334 (16 March 1945): 7. An incomplete version of the latter is contained in Soto Harrison (1991: 197-206).

With two exceptions, this draft project did not aim to alter the closed-list, largely proportional representational system of electoral laws then in existence in Costa Rica.⁵ Under prevailing electoral laws, only parties in the provinces sending three or more representatives to Congress that achieved what was called a “quotient” (*cociente*)—a figure produced by dividing the total number of popular votes by the number of contested legislative seats—could obtain congressional posts for which no party had a quotient. Minorities that failed to meet the quotient were excluded from competing for left-over legislative seats (*el sistema de arrastre*), even if their vote totals were greater than the residual number of votes held by larger parties. Indeed, the existing electoral law favored the parties with the largest number of votes on the occasions when such seats needed to be distributed.

Under the proposed Electoral Code, however, all legislative seats in the seven provinces would be distributed by the least remainders system of proportional representation. Thus, minority as well as majority parties in each province (including those with fewer than two contested seats) with the largest number of votes and at least seventy-five percent of a quotient struggled to obtain unaccounted seats.⁶

The proposed law mainly aimed to eliminate the president’s discretionary authority in electoral matters by severely circumscribing his ability to manipulate his powers of appointment and of adjudication as well as to eradicate the ability of pro- as well as anti-government parties to manufacture fraudulent votes. Its principal innovations included renaming and strengthening the authority of the Grand Electoral Council—an institution created in 1925 to supervise the organization of electoral contests. The newly created National Electoral Tribunal (TNE) was to consist of three members and their alternates; one of each was to be selected by the executive, legislative, and judicial branches of government. Among other responsibilities, the TNE determined the composition of provincial electoral juntas and was entrusted with settling conflicting claims regarding the implementation of the Electoral Code. Most importantly, the TNE held the responsibility of issuing a provisional verdict on the results of elections which then were to be accepted or rejected by an extraordinary session of Congress on 1 March, approximately three weeks after election day.

To ensure that incumbent parties did not possess an unfair political advantage, the Electoral Code permitted representatives of all registered parties to play a role in every aspect of

⁵ Identifying the date of origin of this system in Costa Rica is difficult. The 1893 Law of Elections introduced proportional representation to Costa Rica for those provincial districts that sent three or more representatives to Congress. Parties were entrusted with the responsibility of furnishing voters with ballots which citizens were free to amend as they saw fit on election day. Governments have supplied voters with ballots containing the list of candidates submitted by registered parties since 1927.

⁶ By mid 1947, PVP deputies succeeded in enacting a law lowering this threshold to fifty percent. See “Ley No. 1096 (27 August 1947).”

the electoral process. Parties were empowered to supervise the registration of voters, the printing of ballots and, most importantly, to certify the initial tally of the vote conducted at each polling station. To prevent any individual from voting more than once on election day, the Electoral Code also advocated the suppression of absentee balloting (*votos a computar*). Citizens were no longer permitted to cast their ballots outside of their district of residence. Henceforth, only members of polling stations, party election observers, and scribes could, with appropriate certification, cast ballots outside of their home districts. The creation of a new Electoral Registry also sought to prevent citizens from voting on more than one occasion by assembling an accurate list of individuals entitled to vote and by endowing each citizen with a photographic identification card.

The electoral reform bill sponsored by President Picado Michalski thus severely limited the use of fraud, both by pro- and anti-government forces. No longer would governments be able to manufacture fraudulent voter identification cards to inflate vote totals received by officially sponsored movements. Neither would governments or their opponents be able to purchase identification cards so that their loyal followers could vote more than once on election day. By ensuring that official election observers from each registered party must approve of the initial tally of the vote conducted at every polling station, the Electoral Code prevented pro-government officials and parties from contaminating electoral results at the expense of anti-government forces.

LEGISLATIVE SUPPORTERS AND OPPONENTS OF THE ELECTORAL REFORM

President Picado Michalski possessed few allies in his attempt to gain congressional approval of these reforms. (Party affiliations of congressmen are shown in Chart 1.) In the 1944-46 legislature he could count upon the support of not more than ten PRN congressmen, some of who were his followers, others who were neither loyal calderonistas nor picadistas (Lane, 7 August 1944; Johnson, 5 June 1945). Like the president, an unknown portion of these deputies realized that the promulgation of electoral reforms would increase their prestige and might even improve their future political standing. Picado also had the implicit support of most of the thirteen opposition congressmen, who also believed that they would attract a substantially larger number of votes if existing electoral safeguards were reinforced.

Finally, President Picado Michalski was supported by the four representatives of the PVP, Costa Rica's communist party and the PRN's principal ally since 1943. Puzzling to domestic critics of anti-communism, the PVP's stance was motivated, in part, by a concern to free itself of dependence on the PRN: under an effective set of electoral safeguards, the PVP expected to increase its share of the popular vote. More importantly, the PVP also realized that the Electoral

Code promised to augment its representation in Congress even if its level of electoral support did not change because it, like other minorities, would no longer be excluded from competing for

legislative posts left after such seats were allocated to those parties that had reached one or more quotients.

The obstacle blocking the passage of the Electoral Code was the recalcitrance, if not the outright hostility, of many loyal calderonista PRN deputies. An effective set of electoral guarantees meant that public offices would be allocated to those who successfully appealed to voters. In elections where the stuffing of ballot boxes would be detected more easily, the uncertainty of electoral outcomes would increase substantially.

EVALUATING THE VERACITY OF ALTERNATIVE ACCOUNTS OF ELECTORAL REFORM

Assessing the strengths and weaknesses of these interpretations is not an easy task, in large part because most politicians remained careful not to reveal their preferences regarding electoral reform nor their assessments about the consequences of electoral reform. Whether deputies were popular in their provinces or were elected largely because of the support of a local or national machine is unknown. Even available records of roll-call votes during the discussion of the Electoral Code are not complete.

Nevertheless, enough evidence exists to determine their ability to furnish a coherent explanation of the promulgation of the 1946 Electoral Code. In what follows, I rely upon Costa Rican newspapers, minutes of congressional sessions published in *La Gaceta*, and memoirs to identify the strengths and weaknesses of these explanations.⁷ I also have used the reports and despatches produced by US Embassy officials that often contain valuable and previously classified material on Costa Rican politics during the 1940s.

The Strengths and Weaknesses of the Legislative Maximization Thesis

The first explanation is supported by the fact that calderonista deputies submitted a large number of amendments—108 out of 134 or seventy-six percent of the total—to delay, if not to prevent, the promulgation of the Electoral Code (Mociones [4, 5 & 7 August 1945]).

Most ominously, they suggested that the Electoral Code include a provision to extend suffrage rights to women. In addition to provoking a lengthy debate, such a reform also threatened to sink the Electoral Code because, if approved, the president would be forced to veto the entire electoral reform package on constitutional grounds. After a thorough a study of this

⁷ I could not consult the minutes of sessions produced by Congress itself because they are not available in the National Archives or in the Library of the Legislative Assembly (in 1949, delegates attending the National Constituent Assembly devised a new name for the legislative branch of their government).

matter, the Board of Directors of the College of Lawyers, Costa Rica's most distinguished legal association, had concluded that furnishing women with the right to vote required a reform of the constitution—a change that required approval of two-thirds of all deputies in two different sessions of the legislature (Informe [8 October 1945]). As several reporters for *La prensa libre* (21 September 1945) noted, those in favor of electoral reform were placed in the paradoxical position of opposing suffrage rights for women if they did not want to delay—if not prevent—the approval of the Electoral Code.

The validity of this explanation also is underscored by the fact that the opposition to electoral reform was so intense that the Electoral Code was not endorsed in time for the 1946 midterm elections. That widespread dislike of electoral reform led the Secretary of *Gobernación*, Fernando Soto Harrison, to threaten his resignation on repeated occasions also reinforces the appeal of this interpretation of the enactment of the Electoral Code (Johnson, 19 November 1945).

It is a mistake, however, to conclude that the interest possessed by parties to maximize their legislative influence explains the behavior of their deputies. At most, this explanation identifies some of the most important reasons why PVP and most opposition deputies struggled to enact the Electoral Code. It also explains why most calderonista PRN representatives consistently voted against this bill and why, after its passage became assured, they sought to delay its promulgation.

The most glaring flaws of this explanation consist of its inability to explain why some calderonista PRN deputies backed a reform presumably inimical to the interests of their party and why a handful of PD deputies opposed the passage of a bill that promised to expand their presence in Congress. The overall utility of this explanation also is undermined by President Picado Michalski's decision to seek approval of such a wide-sweeping package of electoral reforms. As a leading member of the PRN-dominated government, his ability to gain legislative approval of his program would only decrease as larger numbers of opposition deputies were sent to Congress. His behavior also angered Calderón Guardia and his faction of the PRN, which represented his principal source of political support.

Only if the 1946 Electoral Code would have never been enacted could the conclusion be reached that this explanation is valid. Should this outcome have obtained, though, it would be incorrect to suggest that the desire of parties to maximize their legislative influence explains the behavior of Costa Rican legislators in the mid-1940s. Their decision either to support or oppose electoral reform also could have stemmed from a desire of individual legislators to protect their careers.

The Strengths and Weaknesses of the Political-Career-Protection Thesis

Newspaper reports and summaries of legislative debates published in *La Gaceta* also indicate that not all calderonista deputies actively participated in the fight against the electoral reform. In line with the second interpretation of electoral reform, support for the electoral reform bill perhaps did stem from calderonista deputies who felt that their future political careers were not imperiled by the enactment of the proposed reform. Though *La Gaceta* reports of the third and final vote of the Electoral Code only disclose that this bill was passed by “a large majority” (CC, ES no. 65 [20 December 1945], art. 4), earlier votes on amendments reveal that support for the Electoral Code was uncertain, but did include some calderonista deputies.

One of the most controversial amendments to the Electoral Code was the motion introduced by Deputy Pablo Mercedes Rodríguez Rodríguez (PRN) to repeal the secret franchise. Though he and likeminded colleagues who defended this amendment might have been motivated by the sincerely held belief that public voting was more suitable for Costa Rica, many other congressmen appear to have supported this measure as a way to cripple a bill that promised to eliminate existing ways of manufacturing fraudulent votes.

Roll Call Analysis

Debate on this amendment began on 26 September when Deputies José María Pinaud Pinaud (an independent-minded member of the PRN) and Rodríguez Rodríguez defended the superiority of the public over the secret franchise. Deputy Rodríguez Rodríguez, in particular, pointed out that the absence of the secret franchise had not prevented citizens from voicing their opinions nor in electing candidates disliked by the government, including Ricardo Jiménez Oreamuno’s first election to the presidency in 1910. Deputy Pinaud Pinaud also underscored the fact that fraud had not disappeared from Costa Rican elections, even though the secret franchise had existed since 1925.

One of the authors of the Electoral Code project, Deputy Rodríguez Ulloa (PRN), responded by pointing out that fraud stemmed from the imperfections of existing electoral legislation, not from the secret franchise. He argued that Pinaud Pinaud’s speech had failed to discuss all of the safeguards created by the Electoral Code to ensure that fraud would not remain undetected and to enforce the privacy of each citizen’s vote. None other than Jiménez Oreamuno, Deputy Rodríguez Ulloa noted, had advocated the creation of the secret franchise, a reform which he supported during his second term as president (1924-8) (CC, ES no. 7 [26 September 1945], art. 3). In a subsequent session of Congress, his words were echoed by

another author of the Electoral Code, Deputy Carballo Corrales (PVP), who perhaps most clearly articulated the principal drawbacks of any system of public voting:

It has been said that the system of secret voting is very corrupt. But 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 (CC, ES no. 8 [27 September 1945], art. 4).

Like all defenders of the secret franchise, Deputy Carballo Corrales knew that its repeal would only magnify the level of fraud practices in any election.

After the motion presented by Deputy Rodríguez Rodríguez was discussed in several congressional sessions, it was subject to a vote on 1 October. By a vote of twenty-one to seventeen, those in favor of extinguishing the secret franchise had won (CC, ES no. 10 [1 October 1945], art. 4). Hoping to reverse this decision, Deputy Rodríguez Ulloa the next day presented a motion of revision, which required that congressmen again cast ballots on the matter. After a brief discussion of the merits of public and secret voting, a majority of one revoked the attempt to repeal the secret franchise: by receiving twenty-two votes, Deputy Rodríguez Rodríguez's motion almost succeeded in withstanding the onslaught mounted by twenty-three of his colleagues (CC, ES no. 11 [2 October 1945], art. 3).

Analysis of these roll call-votes, as summarized in chart 2, indicates that even if most PRN deputies voted to reestablish public voting, many of their colleagues, whether calderonista or independent-minded, did not. In the first vote, for example, fourteen calderonista deputies voted in favor of this motion, while thirteen voted in favor of this motion during the second roll call vote. On both days, however, calderonista deputies voted against repealing the secret franchise, though in much fewer numbers. Only six and seven deputies backed efforts to defeat this motion on the first and second roll-call votes, respectively. In both votes, independent-minded PRN deputies split their support of this measure. They endorsed the secret franchise by a vote of two to three and four to three on the first and second votes, respectively.

Chart 2 also shows that the only party to have voted consistently in favor of preserving the secret franchise was the PVP. Even opposition deputies did not all vote to prevent the reestablishment of public voting. During the first roll-call vote, three opposition deputies endorsed Deputy Rodríguez Rodríguez's motion while five did not. In the last vote, four opposition deputies voted in favor of this amendment while eight voted against it.

In the absence of more detailed information on the views and political standing of individual congressmen, the only conclusion that can be drawn from an analysis of the debate and roll-call votes on abolishing the secret franchise is that not all PRN deputies—not even all calderonista deputies—opposed the enactment of the Electoral Code. Most, however, did vote to

reestablish public voting, perhaps because they wished to undermine a bill that threatened to increase the uncertainty of electoral outcomes. That some PD deputies also voted with a majority of PRN deputies indicates that the overhaul of electoral laws unnerved many politicians, not just those benefiting from the control of electoral machinery.

That implications of the political-career-protection hypothesis are consistent with the behavior of renegade PRN and PD deputies does not mean, however, that this explanation accurately depicts the motives held by legislators contemplating the drastic reform of electoral laws. The reasons for their behavior also may have stemmed from considerations above and beyond those of party loyalty or of protecting their own political careers.

Like the first explanation of electoral reform, the political-career-protection thesis cannot explain why President Picado Michalski sponsored such far-reaching legislation. Promoting fairness in electoral competition not only angered the calderonistas, but also threatened to weaken his party's control of Congress. Why was the president in favor of transforming electoral institutions that promised to boost the institutional influence of the opposition? Why did enough calderonista PRN deputies join the opposition and PVP representatives to enact the Electoral Code?

The Strengths and Weaknesses of the Political Stability Thesis

Whatever their motivation, all calderonista deputies—including those whose political survival did not hinge upon the use of fraud—and Calderón Guardia faced a set of undesirable choices. They could support the electoral reform and experience a decline in their electoral strength and hence their share of state power. Alternatively, calderonista PRN deputies could block passage of the Electoral Code and provoke a confrontation with the opposition. The ex-president and his legislative supporters undoubtedly realized that the failure to strengthen electoral safeguards left the opposition with no alternative but to mobilize its supporters in a general strike or even to organize a revolt against the government.

The Institutional Bases of Political Stability in Costa Rica

Elsewhere (Lehoucq, 1992a: chap. 3; 1992b), I demonstrated that the incentives facing Costa Rican politicians were structured by the struggle to gain and to retain control of the executive branch of government. Though many parties competed for legislative and executive offices, only one party actually captured the presidency in quadrennially-scheduled contests. Unless outgoing and incoming presidents permitted their rivals to sit in the legislature, those who had lost the presidential election might be tempted to use violence to gain control of the state. Democratic stability emerged in Costa Rica as presidents recognized that access to the

legislative branch of government undercut the size of coalitions willing to organize coups against incumbents.

The Emergence of Instability by the 1940s

President Calderón Guardia's unwillingness to permit his opponents to win public offices upset the delicate balance of power responsible for maintaining political stability in Costa Rica. The election of Picado Michalski to the presidency in 1944 was widely perceived as a product of Calderón Guardia's machinations, even if analysis of these electoral outcomes reveals that officially sponsored fraud may have contributed, but may not have been responsible for his electoral victory (Lehoucq, 1992a: chap. 5). Equally destabilizing was the marginalization of the opposition in the legislature: chart 1 discloses that the PRN and the PVP controlled approximately three-fourths of the seats in the 1944-46 sessions of Congress. Not surprisingly, rumors began to circulate that those without a stake in prevailing institutional arrangements had begun contemplating the use of force to topple President Picado Michalski.

Despised by many and unsure of the extent of the PRN and PVP's support of his government, Picado Michalski had to make one of two choices. By strengthening the alliance with the calderonista faction of the PRN and with the PVP, he could hope to augment stability by deterring his adversaries from attempting to overthrow his regime. Or he could offer a series of concessions in the hopes of gaining the consent of opposition moderates to the existence of his regime. Though this course of action would intensify conflicts within the government, it raised the possibility of reaching an accommodation with opposition moderates that might outflank both pro- and anti-government hard-liners. Regardless of whether such an arrangement led to the formation of a coalition between the president and opposition moderates, it would increase the stability of his government by proving that opposition moderates had more to gain by cooperating than by confronting President Picado Michalski.

The Logic of the Political Stability Thesis

An explanation based upon the interest in political stability shared by President Picado Michalski therefore contends that calderonistas did not block the passage of the Electoral Code because they feared the consequences of inaction more than the effects of reform. To demonstrate the plausibility of this interpretation, I will model the dilemma faced by the calderonista faction of the PRN as a game in extensive form, an game-theoretic device that delineates the strategies and outcomes of decisions made by two or more players. I then present an expected utility analysis, using an assessment of the opposition's chances of capturing state power through the use of force produced by León Cortés Castro—a former president (1936-40)

and the leader of the main opposition party, the PD—to identify the advantages and disadvantages of electoral reform for both calderonistas and their adversaries.

A Game in Extensive Form

Figure 1 diagrams the consequences of supporting or opposing electoral reform for calderonistas. The third row lists the outcomes possible, given the response of the opposition to the choices made by calderonistas. I have ranked these outcomes for calderonistas and the opposition. A low number represents a worse outcome than a higher number. No claim is made that these numbers reflect, with any degree of precision, the value of outcomes for the players.

The best outcome for calderonistas consisted of having the opposition accept their failure to support the passage of the electoral reform (outcome D). Their next best outcome was trouncing their opponents, whether because the opposition attacked the government in retaliation for the calderonista-sponsored defeat of the Electoral Code (outcome F) or simply because it, for example, had hoped to eliminate the presence of calderonistas within the political arena (outcome B). Outcomes B and F were inferior to D because a war promised to end with the destruction of the lives and property of an undesignated number of their followers. The very worst outcomes for calderonistas were those in which they lost their political predominance because they were defeated in a war started by their opponents, regardless of whether they had voted in favor of electoral reform (outcome A) or because they had not (outcome E). Endorsing electoral reform approved by the opposition only, however, represented a marginally superior outcome to military defeat (outcome C). Backing electoral reform, with the support of the opposition, thus threatened to reduce the share of state power held by the PRN. Doing so at least allowed the PRN to avoid the virtual certainty of their political extinction should they be defeated by their adversaries in a civil war.

The best outcomes for the opposition consisted of successful rebellions against the government, regardless of whether calderonistas endorsed (outcome A) or blocked (outcome E) electoral reform. The opposition preferred these outcomes to support for an Electoral Code approved by calderonistas (outcome C) because reform implied compromise with their political rivals. Even if its control of the legislature expanded as a result of an effective system of electoral safeguards, the opposition would still have to share state power with the calderonista and other factions of the PRN. Acknowledging that calderonistas had supported electoral reform, however, was preferable to not protesting a successful attempt by calderonistas to block passage of the Electoral Code (outcome D). Military inaction accompanied by electoral reform at least promised to increase their representation in Congress: without a set of electoral guarantees, the opposition's decision to maintain the peace would demonstrate its weakness and possibly alienate many of its supporters. The worst outcomes for the opposition consisted of losing a war

it started, regardless of whether calderonistas endorsed the Electoral Code (outcome B) or prevented its promulgation (outcome F).

The evaluation of alternative outcomes does not identify the most rational and mutually acceptable course of action for calderonistas and their adversaries. Indeed, modelling the consequences of the choices facing these parties indicates that their preferences over institutions diverged. Calderonistas feared the effects of electoral reform and wished to hamstring the president into implementing policies that preserved their hold on the political system. The opposition wanted genuine institutional change in order to expand its minimal control of the political system. Why, though, did enough pro-government deputies join their adversaries in supporting the Electoral Code?

Expected Utility Calculations

Discussing expectations regarding the outcome of an armed clash between pro- and anti-government forces makes this question even more perplexing. Since his defeat in the 1944 presidential elections, Cortés Castro had reiterated his belief that attempting to overthrow the government was futile. His most eloquent statement of the opposition's possibility of success on the battlefield was published on 6 March 1946, three days after his unexpected death. Addressing opposition hard-liners, Cortés Castro rhetorically asked if "the country was ready to begin armed resistance" against the government. He answered by reminding his intransigent colleagues that

we cannot organize a defenseless country for a riot or a rebellion that would be massacred by the holders of state power who are the owners of the arms destined to defend the Republic and, in this case, would serve to send the citizens, who are the real defenders of the Republic, to a slaughterhouse.

The preponderance of military power held by the government, Cortés Castro reasoned, therefore made the use of force an unviable option for the opposition. "This is why," the ex-president said, he had

refused to listen to suggestions of violence that only could merit the support of sensible Costa Ricans when such requests were backed by adequate preparations so that armed protest would have some probability of reasonable success and would not simply become a pointless spilling of Costa Rican blood (Cortés Castro, 6 March 1946).

If Cortés Castro's estimate serves as an indication of the expected outcome of a war between pro- and anti-government forces, scuttling electoral reform was in the best interests of the calderonistas.

Yet, calderonistas no doubt knew that blocking electoral reform would encourage moderates to join opposition hard-liners in support of a well-planned insurrection. Since late 1944, Cortés Castro had been negotiating with hard-line critics of the government to form a broad

opposition front, despite the unwillingness of most hard-liners to compromise with the government (Lehoucq, 1992a: chap. 6). It was no secret that Picado Michalski's sponsorship of the Electoral Code was motivated, in large part, by his interest in expanding the moderate opposition's stake in the political system and thus in stability.

In the absence of genuine electoral reform, then, the probability that the opposition might prevail in an armed conflict would increase because opposition moderates would have few other alternatives but to endorse the efforts of hard-liners to overthrow the government through the force of arms. Should this outcome obtain, calderonistas must have realized that Picado Michalski's government could split: officers and soldiers loyal to the president might decide to side with the opposition, especially if odds appeared to suggest that such an alliance would succeed. Thwarting reform thus aggravated political tensions and only postponed the outbreak of violence among political forces.

The fear of being outflanked and possibly overwhelmed by their rivals thus presumably convinced calderonistas, as the political stability thesis asserts, to support electoral reform. Calderonistas did not block electoral reform because the uncertainty of winning a war begun by the opposition, should they veto electoral reform, was greater than triumphing in a war started by the opposition, should they endorse electoral reform. Faced with this set of alternatives, enough calderonistas found the consequences of electoral reform less intolerable than those of legislative inaction.

Some Corroborating Evidence

Three important events and trends during the eight-month period prior to the February 1946 elections are consistent with this analysis. First, calderonista support of electoral reform did occur as reports became more prevalent that hard-line members of the opposition were plotting against the government. Second, this interpretation of the promulgation of the Electoral Code is the only one of the three models of electoral reform that can make sense of the puzzling decision made by several PD deputies to support the reestablishment of the public franchise. Third, important evidence exists that President Picado Michalski considered distancing himself from the calderonistas unless they endorsed his efforts, as implied by my expected utility analysis of electoral reform.

During most of 1944 and 1945, the US Ambassador, Hallet Johnson, sporadically mailed reports to his superiors in Washington, DC, about rumors that opposition hard-liners were planning to overthrow the government. From late December 1945 until the midterm elections took place, all of his despatches on domestic political alignments discussed the possibility that opposition might use violence, especially if elections were held without the safeguards deemed necessary by Picado Michalski's opponents. That Picado Michalski, by the latter half of 1945,

faced the choice of either furnishing electoral guarantees or confronting a rebellion was revealed in a conversation held between the Ambassador, two of his secretaries, and three members of the opposition about the options being discussed by the opposition as a whole. Roberto Salazar Mata (a respected member of the opposition), Manuel Castro Quesada (an opposition hard-liner), and Ricardo Castro Beeche (Cortés Castro's campaign manager in the 1944 election) informed the Ambassador and his staff that, in the words of the Embassy scribe, even opposition moderates would consider "resorting to violence" unless "every available means of bringing about free elections in February" proved successful (Johnson, 27 November 1945).

An indirect indicator of the plausibility of the expected utility analysis of the enactment of the 1946 Electoral Code is that three and four PD deputies voted on both occasions, respectively, in favor of eliminating the secret franchise. According to Deputy Cortés Fernández, the opposition remained split on the utility of retaining the secret franchise because many believed that public voting would increase the ability of the opposition to detect the government's efforts to stuff the ballot boxes. That President Picado Michalski had been elected in the most fraudulent elections in Costa Rican history, they claimed, demonstrated that the secret franchise was not a guarantee against the manufacture of electoral fraud. Hard-line members of the opposition believed that reestablishing public voting would, in particular, reveal the limited political appeal of the PVP (*La prensa libre*, 2 October 1945a & b).

Deputy Mora Valverde, nominal leader of the PVP, interpreted the opposition's behavior as ploy by Cortés Castro to prevent the passage of the Electoral Code. He reasoned that the failure of electoral reform bolstered the former president's political standing by demonstrating the government's lack of commitment to resolve its dispute with the opposition in a peaceful manner (CC, ES no. 11 [2 October 1945], art. 3). It seems as if Mora Valverde recognized, in line with an expected utility analysis of the Electoral Code, that the absence of fundamental reforms would strengthen the position of opposition hard-liners by widening the breach between the government and its critics. Thus, even if under existing legislation the secret franchise only encouraged efforts to modify vote totals covertly, Deputy Cortés Fernández did not explain why it would cease to do so when coupled with the other safeguards contained in the Electoral Code.

Finally, recently published memoirs and declassified US State Department documents reveal that President Picado Michalski was aware of the strategic advantages to be derived from the passage of the Electoral Code. Since his election to the presidency, Picado Michalski had been courting anti-government as well as neutral capitalists and opposition moderates in an effort to free himself from dependence on the calderonista faction of the PRN and the PVP and to arrest the development of an emerging political crisis. Not surprisingly, his efforts generated disenchantment among calderonistas and members of the PVP, which led to a major cabinet crisis during the first weeks of 1945 (Lehoucq, 1992a: chap. 4).

Though President Picado Michalski reaffirmed his links with the calderonistas and the PVP, key members of his government apparently did not forgo opportunities to reach an accommodation with the opposition. In his memoirs of these years, Secretary of the Interior, Soto Harrison discusses his efforts to convince the president to replace calderonista military officers with politically neutral individuals as a way to assert his control over the armed forces and hence construct a foundation upon which an accommodation with the opposition could be built. To help the president accomplish these objectives, Soto Harrison informed the president that he had spoken with Víctor Guardia Quirós (a politically prominent lawyer and Supreme Court Magistrate) and Luis Uribe Rodríguez (a leading merchant based in San José), both of whom had agreed to assume the command of the Artillery and Bella Vista Barracks, respectively. Somewhat taken aback by this suggestion, Picado Michalski stated that it deserved serious consideration. It, however, was not again discussed by the president and his Secretary of the Interior (Soto Harrison, 1991: 194-95).

No other document exists to confirm Soto Harrison's claim that this conversation took place, nor does he even indicate on what dates it allegedly occurred. Yet no evidence contradicts his assertion; some, in fact, exists that lends it credence. In late November 1945, Soto Harrison told Hallet Johnson, the US Ambassador to Costa Rica, that he had advised the president to distance himself from the calderonistas by allowing their opponents to win the 1946 midterm elections. Letting the opposition gain control of Congress, argued Soto Harrison, would allow the president to play the calderonistas and opposition against each other (Johnson, 19 November 1945: esp. pp. 3-4).

The key to unlocking the deadlock between the government and the opposition thus belonged to President Picado Michalski. By proposing electoral reform, Picado Michalski would be able to identify his enemies. If calderonistas blocked passage of electoral reform which provoked an insurrection, the president could join forces with the opposition. If the calderonistas endorsed electoral reform and the opposition nevertheless rebelled, he then could reaffirm his links with calderonismo. In both cases, he would improve his standing in political affairs by demonstrating his commitment to democratic reform and his independence from the calderonista political machine. Enough calderonista deputies must have realized, I argue, that the failure to help Picado Michalski placate opposition moderates threatened to trigger the formation of a tacit alliance between President Picado Michalski and opposition moderates as well as opposition hard-liners.

THE ENACTMENT OF THE 1946 COSTA RICAN ELECTORAL CODE: A SYNTHESIS OF EXISTING (AND NEW) FINDINGS

Without denying the overall superiority of the political stability model, it is clear that most calderonista PRN opposed this reform bill because, as the first model asserts, it threatened the continuation of their control over the political system. It is equally plausible that individual legislators belonging to political machines opposed reform because, as the second model proposes, their careers and that of their political machines were threatened by legislation that eliminated the rules that heretofore had made the manufacture of electoral fraud possible. In the absence of information depicting the choices faced by individual congressmen and a complete set of roll-call votes, it is not possible to determine whether opposition to electoral reform stemmed more from the threat of instability or from the elimination of electoral graft.

The ability of all three explanations to furnish a more comprehensive account of the enactment of the Electoral Code is what discloses their overall strength. Linking the party and political machine-based calculations of the first and second models with the political stability concern of the third generates an account which can make sense of what I believe are the two most significant features of the debate on electoral reform. Doing so also suggests that support (or opposition) to the promulgation of the Electoral Code may have stemmed from a multiplicity of complementary motives.

All three correctly imply that calderonista deputies would try to prevent the enactment of the Electoral Code by amending it in ways likely either to neutralize its provisions or to guarantee its defeat in key roll-call votes. Both the efforts to extend the franchise to women and to reestablish the discredited systems of public voting were pushed by opponents of electoral reform. They also accurately suggest that opposition and PVP deputies attempted to derail such efforts.

That not all calderonistas voted in favor of these killer amendments, however, indicates that important minorities within the PRN did not fear the holding of nonfraudulent elections, or at least found the likely effects of electoral safeguards less intolerable than the outbreak of civil war. That some members of the PD voted in favor of eliminating the secret franchise also reveals that a handful of opposition deputies felt that honest elections would undermine their political careers and/or at least preferred confrontation with their rivals to negotiated compromise.

These explanations also can account for why the majority of PRN and the minority of PD deputies not favoring nonfraudulent elections would delay the enactment of the Electoral Code. By presenting numerous amendments to the bill and extending debate on its provisions beyond

September, these deputies ensured that the 1946 midterm elections were not to be regulated by the Electoral Code.

Despite their dislike of institutional change, anti-reform deputies did not oppose modification of existing electoral legislation submitted by Deputies Fernando Lara Bustamente and Eladio Trejos Flores on 23 November 1945 (Proyecto [23 November 1945]). Approved in committee on 28 November, these reforms furnished the PD, along with the PRN and PVP, with a representative on provincial Electoral Juntas and amplified the power and number of PD election observers on all local (district-level) polling stations (Dictamen de la Comisión de Legislación [28 November 1945]).⁸ This set of reforms also eliminated the right of the president to name the members of the Grand Electoral Council. Borrowing from the Electoral Code, the 1946 elections were to be supervised by a Council, each of whose three members and three alternates were to be selected by each of the three branches of government. These reforms were endorsed in third and final debate on 5 December (CC, ES no. 57 [5 December 1945]).

These reforms, however, only ameliorated flawed legislation. Perhaps the significant omission of these reforms was that the requirement, first promulgated in 1927, that only citizens possessing photographic identification could vote, was again postponed. In the days after the 1946 elections, *La prensa libre* (12 February 1946), ran an editorial lambasting the president for suspending this law, not believing the allegation that 30,000 citizens would be deprived of the right to vote should this law be enforced. The editorialist suspected that "...it is probable that this figure was devised by subtracting the number of dispensed identification cards from the total number of registered voters," which he believed represented the number of false registrations.

In line with the first and second models, the decision to extend debate on the Electoral Code and to modify extant electoral legislation instead could have been motivated by the desire of anti-reform deputies to hold one last election where the manufacture of fraudulent votes was restricted, but not impossible. They could have reasoned that reform of existing electoral laws would encourage their opponents to respect the results of the ballot box, even if the opposition preferred immediate enactment of the Electoral Code. Calderonista deputies thus gained the opposition's compliance with electoral institutions without having to furnish a full set of electoral guarantees that might have resulted in a large-scale defeat of the PRN.

⁸ This committee was comprised of Deputies Bernardo Benavides Zumbado (PRN), Mora Valverde (PVP), and Luis Carlos Suárez Matamoros (PD).

CONCLUSIONS AND IMPLICATIONS

In this article I have sought to understand why incumbents enact electoral laws that, given expectations about the performance of pro- and anti-government parties, threaten to eliminate their control of executive and legislative offices. I attempted to shed light on this puzzle by evaluating three models of political behavior in light of the evidence available about the origins of the 1946 Costa Rican Electoral Code.

The first of the two key implications of these findings is that invalid conclusions about the nature of institutional reform will be drawn by assuming that politicians only seek to promote their interests in one political arena. The interest all parties possess, for example, in maximizing their share of legislative seats—especially in a parliamentary system—does not mean that their behavior is solely determined by the desire to build and maintain legislative majorities. The pursuit of this objective many conflict—as it did in Costa Rica during the mid-1940s—with the electorally driven need of some deputies to protect the interests of their political machines and, most importantly, with the interests of key sectors of the ruling bloc seeking to placate opposition demands for a greater share of state authority.

Only by recognizing that the promulgation of the 1946 Costa Rican Electoral Code was part of a more encompassing set of agreements negotiated between President Picado Michalski and opposition moderates can the behavior of pro- and anti-government congressmen be understood. That President Picado Michalski and calderonista PRN deputies supported electoral reform because they feared the consequences of inaction more than that of reform, underscores the claim that institutional reforms are products of strategic calculations similar to those made when politicians enact ordinary laws and public policies. Both types of decisions require politicians to assess the impact of proposed legislation on their interests (Riker, 1982; Sened, 1991; Shepsle, 1986). Decisions to endorse or to reject institutional reforms differ from those of motivating support or opposition to more mundane types of legislation because they often mean that politicians must weigh the strengths and liabilities of institutional change for their interests as, for example, members of parties, of political machines, and of the ruling bloc. More often than not, institutional change forces politicians to trade benefits in some arenas for losses in others.

Contrary to Kitschelt's (1992) conclusions, then, accounting for electoral reform does not necessarily require understanding the nature and genesis of the preferences held by politicians. My interpretation of the origins of the 1946 Costa Rican Electoral Code, in fact, suggests that Kitschelt, in all likelihood, failed to identify all of the arenas in which Eastern and Southern European politicians were struggling to maximize their objectives. This conjecture—even if true—does not imply, however, that studying the origins and development of preferences are unimportant. It only means that the preferences of politicians may be shaped more by strategic

considerations than critics of rational choice explanations may care to admit. The second implication of my analysis is that accounting for institutional change requires moving beyond standard rational choice models of political behavior. My findings strengthen Terry Moe's (1990) contention that existing rational choice models cannot satisfactorily explain the behavior of politicians to preserve or to transform institutional arrangements because they assume that institutions essentially exist to foment mutually beneficial cooperation by solving collective action problems. It is mistaken to conclude, for example, that fair electoral practices were legislated in Costa Rica because all parties agreed that delegating the authority to organize elections and tally the vote to an impartial organization would be pareto optimal, that is, not improve some party's fortune at the expense of another's. Though, in the long run, enacting the Electoral Code might benefit all by eliminating the fraud that not infrequently threatened to provoke a civil war in the past, the consequences of fair elections in the short-run were highly redistributive.

The case of the 1946 Costa Rican Electoral Code thus reinforces the nontrivial point made by Moe (1990) as well as by Tsebelis (1990: chap. 3) that institutions also are instruments of political domination. They are created and, by implication, reformed by politicians to prevent their opponents from injuring their interests. By specifying rules to be followed and delineating sanctions for noncompliance, institutions thus reduce the uncertainty associated with cooperation as well as promote the interests of some at the expense of others.

Recognizing the double-sided nature of institutions thus accounts for why most pro-government legislators in Costa Rica during the mid-1940s proved so reluctant to reform institutions that cemented their domination of the political system. Those in control of state power, as the first and second models of political behavior suggest, have many reasons to maintain the rules regulating access to public offices. What the case of the origins of the 1946 Electoral Code principally demonstrates is that members of the Costa Rican ruling bloc during the mid-1940s only backed the redesign of electoral laws because they feared the consequences of inaction more than that of reform.

Ultimately, however, Picado Michalski's efforts to achieve a mutual understanding with the opposition failed. The death of Cortés Castro in March 1946 decapitated opposition moderates. In their struggle to become leaders of the opposition, hard-liners like Figueres Ferrer and Ulate Blanco discredited all those who still wished to cooperate instead of confront Picado's government. Once Calderón Guardia decided to run for the presidency by late 1946, the relations between government and opposition polarized. Allegedly won by Ulate Blanco, the 1948 presidential elections were followed by intense negotiations that failed to resolve peacefully the differences existing regarding political succession. An army led by Figueres Ferrer eventually triumphed in the ensuing civil war between pro- and anti-government forces (Lehoucq, 1991, 1992a: chaps. 6 -7).

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Summary of Preference Rankings: For Calderonistas: $D > B=F > C > A=E$
For the opposition: $A=E > C > D > B=F$

Note: Numbers in parentheses represent the ranking of outcomes by the Calderonistas and the opposition (higher number means higher rank).

Summary of Preference Rankings: For Calderonistas: $D > B=F > C > A=E$
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Source: "Composition of Costa Rican Congress," Despatch no. 583 (5 June 1945), Hallet Johnson to Secretary of State, United States National Archives-Department of State (hereafter cited as USNA-DS) 818.00/6-545.

Source: CC, ES Nos. 10 & 11 (1 & 2 October 1945), art. 4 & 3, *La Gaceta*, Nos. 228 & 229 (11 & 12 October 1945), pp. 1786 & 1794.