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Political Corruption in Europe and Latin America

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CHAPTER 4

DEMOCRATISATION AND CHANGING METHODS OF ELECTORAL CORRUPTION IN FRANCE FROM 1815 TO 1914

Marcus Kreuzer

Nineteenth century French politics witnessed two empires, two monarchies and two republics.¹ Despite their fundamental differences, each of these regimes held elections because political representation became an imperative in the wake of the French Revolution. However, each regime widely differed in how it organised elections and whose interests it represented. Electoral politics thus ran like a continuous thread through nineteenth-century France and allows us to analyse how political behaviour evolved over time. One such fundamental change relates to the shifting public perception of what constituted legitimate and illegitimate political behaviour.

Political corruption, in other words, became an important element of the changing forms of electoral conduct. It became a central reference point in the struggle between the opponents and proponents of democracy. Conservatives and reactionaries argued that existing electoral behaviour, far from being corrupt, prevented the corruption of the existing moral and social order which would result from more democracy. Republicans and democrats, claiming the opposite, viewed prevailing political conduct as corrupt and advocated more democracy. The conflict between the enemies and the supporters of democracy thus came to define political corruption during nineteenth century France. This chapter retraces this conflict and analyses how it gave rise to standards of political behaviour and how these standards transformed public perception of political corruption. Unlike other studies, this chapter treats corruption as a repertoire of multiple and changing political practices rather than a singular form of electoral behaviour.²

The chapter concentrates on the transformation of political corruption before and after universal male suffrage was introduced in 1848. Roughly speaking, corruption during the Restoration (1815-30) and the July Monarchy (1830-48) was associated with the arbitrary manipulation of electoral rules and the restriction of political and civil rights. Public
perception of corruption was shaped by the conflict between monarchists, who employed procedural manipulations, and liberals, who criticised them for violating constitutional norms and undermining the rule of law. The liberals’ criticisms were successful and gradually redefined procedural manipulations as illegitimate and ultimately corrupt. Conversely, corruption during the Second Republic (1848-52), the Second Empire (1852-70) and the Third Republic (1870-1940) became associated with the arbitrary manipulation of individual voting choices. Politics was no longer indirectly manipulated through rules and regulations, but through directly manipulating political behaviour. This new tactic was largely the result of the conflict between republicans and their conservative opponents. Corruption assumed its more modern meaning of buying, intimidating or coercing voters by using illicit financial incentives or retributions. Such political practices were viewed as illegitimate because they prevented the free expression of popular sovereignty.

Anchoring the transformation of political corruption in 1848 obviously involves some simplification. This simplification, however, identifies the chapter’s central argument about the close association between France’s democratisation and changing methods of electoral corruption.

Corrupting the Rule of Law (1815-48)

Corrupt political practices during the Restoration and July Monarchy involved a threefold manipulation of electoral laws. First, and most importantly, suffrage was restricted to individuals who paid a certain taxable quota or fulfilled other readily manipulated legal technicalities. Second, the casting and counting of ballots was insufficiently regulated and permitted the government easily to commit electoral fraud. Third, public authorities used government resources to support the election of their candidates.

Charles X (1815-30) and Louis-Philippe (1830-48) knowingly manipulated electoral procedures, viewing this as legitimate, because it preserved public order and averted revolutionary threats. Conservative deputies, for example, argued that ‘good electoral systems would fortify the monarchy’ or that negative election outcomes ‘constitute prima facie evidence of the unconstitutionality of the laws under which they were held’. Such arguments, while clearly self-serving, enjoyed wide public acceptance until opponents of the Restoration and July Monarchy became more effective in portraying the procedural manipulations as violating the rule of law and hence corrupt. Furthermore, these manipulations had certain unintended and corrupt side effects which strengthened the republicans’ criticisms.

During the Restoration and July Monarchy, the franchise was subject to highly restrictive tax, age and residency requirements. The restrictions and legal technicalities imposed by these requirements gave the government considerable latitude for manipulation of the electoral process. The Restoration government extended the franchise only to male citizens over the age of thirty who paid at least 300 francs in direct taxes. Electoral candidates were required to be forty years old and have paid 4,000 francs in taxes. As a result of these requirements, virtually everyone was excluded from voting or running for office. Out of a population of thirty-two million, approximately 80,000 to 100,000 paid 300 francs in taxes while 14,000 were wealthy enough to pay 4,000 francs. One in 320 Frenchmen (0.3%) was eligible to vote and one in 2,300 (0.004%) was eligible to stand as a candidate. These requirements were so stringent that many districts did not contain any eligible candidates. In these instances, the electoral law allowed the next most qualified individuals to run for office. The disquieting gains of liberals in the 1819 election led the government to restrict the suffrage even further. In 1820, it introduced a double ballot system under which those fulfilling the existing 300 francs tax quota elected 265 seats (58.8%) while the 25% highest tax payers received a second vote to elect 165 additional seats (36.3%).

The July Monarchy did away with the double ballot system and slightly reduced franchise requirements. Voters now had to be 25 years old and pay 200 francs in direct taxes, or military officers and members of academic institutions who paid 100 francs in taxes. Widows of eligible voters could delegate their voting right to a proxy. Districts with fewer than 150 voters could lower the tax quota until this level was reached. Candidates had to pay 500 francs in taxes and be 30 years old. These requirements had to be lowered in districts until at least fifty candidates fulfilled them. As a result of liberalising franchise requirements, 167,000 to 246,000 men were then eligible to vote and 20,000 were eligible to run for office. Therefore, one in roughly 160 Frenchmen could vote (0.6%) and one in 1,600 could be elected (0.06%).

Despite the slight reduction of franchise requirements, those which endured during the Restoration and July Monarchy facilitated several illicit political practices. The small number of eligible voters made votes a rare commodity which commanded a tangible price. Voters
consequently 'welcomed elections as market days and eagerly bartered their votes to the highest bidders. These persons endowed by the law with a saleable commodity, found themselves ineluctably drawn to an anxious purchaser...'. 9 This unintended and perverse side effect of a restricted franchise discredited the argument, made in its defence, that financially secure men would be more predisposed to place the long-term national interest above short-term self-interest. Instead, it underscored the reality that limiting the franchise corrupted politics far more than it ennobled it. Ultimately, however, such financial manipulations were limited, campaign expenditures remained at moderate levels and the considerable wealth of eligible voters lessened the incentive of governmental bribes. The secret funds which the government made available to prefects were most commonly used to pay travel and lodging expenses of pro-government voters. Voters incurred such expenses by frequently having to journey to distant voting sites. 10 Therefore, the money was used more to reimburse voters for their travel expenses than for rewarding their votes for official candidates.

The various legal and fiscal requirements, which regulated the registration of eligible voters in electoral lists, greatly facilitated the manipulation of this process and gave rise to frequent fights between government and opposition. The government commonly withheld or declared invalid the tax or residency documents with which a voter had to prove his eligibility. Known opposition sympathisers thus could be excluded from electoral lists and the election of opposition candidates could be invalidated. As Table 1 shows, invalidations on grounds of eligibility requirements were particularly pronounced during the July Monarchy when 1.5 elections were invalidated per year compared to 0.3 invalidations during the Second Republic and 0.6 invalidations during the Third Republic. 11 The government also obstructed appeal possibilities by publishing electoral lists only shortly before the election. Excluded voters thus could not have their appeals heard in time.

The two major opposition organisations of the time, the 'Aide-toi, le ciel t’aidera', founded by Guizot and Chateaubriand's 'Société des amis de la liberté de la presse', heavily criticised procedural manipulation by the government. To counter such practices, the groups provided legal council to both excluded voters and newspapers persecuted under the strict censorship laws. Guizot's group was especially successful in turning the tables on the government as it challenged the eligibility of pro-government voters and tried to keep them off electoral lists. 12 Electoral campaigns consequently were fought among lawyers as much as on the hustings. These legal challenges and public criticisms by opposition groups created the idea that procedural manipulation by the government was illegitimate behaviour and contributed to the first standards defining electoral corruption. In response, a new law was passed in 1827 requiring the annual posting of electoral lists in early August and allowing excluded voters to appeal until September 30. This reform helped the opposition add 15,000 new voters to the electoral lists (an increase of approximately 8%) and greatly enhanced its electoral strength. 13

Opposition groups also criticised the government for committing other forms of electoral fraud and for supporting its own candidates. Secrecy during voting and vote counting remained unregulated and thus facilitated electoral fraud during the Restoration and July Monarchy. The secrecy of voting was largely unprotected because voters filled out blank ballots in front of the president of the local voting bureau on tables deliberately chosen for their small size. A completed ballot was folded and given to the president to drop into the ballot box. Not surprisingly, the president would frequently watch what was being written on the ballot or unfold it and look at the voter's choice before dropping it into the ballot box. Such prying was particularly pronounced during the Restoration when the king appointed the presidents of local voting bureaus. After 1831, presidents were elected by the electoral college and elections to the voting bureau became as hotly contested as the actual election. 14 The government also chose voting sites in localities where it received strong support and which were far removed from opposition strongholds. 15 Given the small number of voters and poor means of transportation at the time, such strategies frequently proved effective in skewing voter turnout.

The validity of individual ballots was open to interpretation, and often manipulation by the voting bureau. To be valid, a ballot had to contain the name of the candidate correctly spelled since preprinted ballots were not yet legal. The voting bureau decided the validity of individual ballots. This requirement gave the voting bureau considerable discretion, since names, especially pencilled ones, were spelt in various ways, handwriting was frequently difficult to decipher and misspellings were common. This discretion was easily abused. If the voting bureau was controlled by one side, it would try to invalidate as many questionable ballots as possible of the other side while overlooking the questionable ones cast for its candidate. 16 Irregularities in counting votes consequently were a common ground for contesting and invalidating elections. Between 1815-48, 0.75 elections per year were either contested or invalidated compared to 0.4 elections during the Third
Republic. It was therefore important for candidates to have their own men on the voting bureau either to limit such electoral fraud or commit it themselves.

The government provided logistical support for its candidates to the detriment of opposition candidates. Prefects, appointed government officials, often ran the entire campaign of government-supported candidates. They arranged meetings with voters, took care of posterine and presented candidates as friends of the government. Promises of pork barrel or patronage by candidates, however, were limited because they did not control government but were de facto government appointees. The National Assembly neither constituted the government nor did it appropriate public funds. This remained the prerogative of the king’s appointed government and prefects.

Until the mid-nineteenth century, politics was an honorific and leisurely vocation for gentlemen. The age of honorific politics, however, was hardly honorable as incumbents exploited their advantages to the full and displayed no sense of fair play. The central characteristic of electoral corruption during this period was the manipulation of procedures which provided a cheaper and more effective solution than directly manipulating voters with financial incentives. During the second half of the nineteenth century, the nature of politics, and with it the nature of electoral corruption, changed. The introduction of universal suffrage collectivised, professionalised and democratised politics. It became more and more a vocation and politicians began to ‘live off’ politics rather than ‘live for’ politics. Various reforms also made electoral laws less partisan. Together, these changes shifted political corruption from manipulating rules to manipulating voters. As a result, popular sovereignty, instead of the rule of law, became the new object of corruption.

Corrupting Popular Sovereignty (1848-1914)

By the 1840s, the manipulation of electoral procedures became a recognisable form of corruption in the eyes of the public because of its arbitrary and tyrannical effect on politics and its violation of the legal norms of liberal constitutionalism. Greater respect for the rule of law was considered an important remedy for such abuses. Additionally, the introduction of universal male suffrage in 1848 offered further avenues for restricting corruption. It made the criteria for political participation less arbitrary and consequently eliminated all the opportunities to manipulate voting requirements. Yet, while male universal suffrage mitigated old forms of corruption, it also gave rise to new ones. It especially increased the temptation to manipulate mass political behaviour by using private or public financial resources.

The Second Empire pioneered these new forms of political corruption. Napoleon III did not limit himself to manipulating electoral procedures; he also relied on his Bonapartist mystique, the partisan use of public resources, and a touch of populism to win elections and plebiscites. Republican opposition to both his rule and populist reappropriation of elections created new standards for how private and public resources could be legitimately employed to influence public opinion. The Third Republic codified these new norms which had shifted from regulating voters to regulating the conduct of politicians.

The introduction of universal male suffrage in 1848 drastically reduced the number of possibilities procedurally to manipulate political outcomes. The provisional government extended the franchise to all males over the age of 21 who fulfilled a six month residency requirement. Universality established an unambiguous criterion for political participation. It eliminated the legal and technical grounds on which the inclusion and exclusion of voters could be manipulated. Only criminals, insane people and individuals in bankruptcy were denied the right to vote. The revision of the electoral law in May of 1850 implicitly illustrated the corrupt connotation attached to procedural manipulation. The revision was drafted by the conservative majority, which replaced the more republican provisional government, and expressly aimed to reverse the left’s growing strength. However, the changed norms of political corruption prevented limiting the franchise once again and forced conservatives to restrict political participation without violating the universality principle. Conservatives consequently extended the six month residency requirement to three years. This technical ‘amendment’ excluded a third of France’s nine million voters without violating the principle of universality. It most directly affected migrant labourers and recent arrivals in the cities which were seen as posing the most serious revolutionary threat.

The republican provisional government introduced additional electoral reforms to strengthen universal suffrage. Local notables frequently had enormous influence over deferential or economically dependent voters. The new government attempted to limit their influence by relocating voting stations from local arrondissements to regional departements. Voters now had to travel farther to larger towns where they were anonymous and therefore shielded from undue influence of
the church and conservative notables. The introduction of multi-member electoral lists aimed to depersonalise electoral choices and further restrict the sway of conservative notables, as well as increase the importance of political principles. The government also permitted the distribution of pre-printed ballots. Votes consequently could no longer be easily invalidated on arbitrary grounds like handwriting or misspelling. The National Assembly also extended its powers to investigate voting irregularities. Previously, it had the authority to investigate only those cases that were brought to its attention by local, and frequently government dominated, voting bureaux. After 1842, it acquired the right to initiate its own investigations. The provisional government also removed most restrictions on censorship and the freedom to assemble.

These reforms achieved their desired goals of reducing procedural manipulation. Elections were less frequently contested or invalidated on grounds of ineligibility or irregularities in voting lists. Between 1815-48, on average 0.5 elections per year were invalidated or contested because of irregularities in electoral lists and 0.8 elections because of a candidate’s questionable eligibility. During the Third Republic, these figures dropped to 0.1 for irregular voting lists and 0.5 for ineligibility. Furthermore, the old conflicts between the government and opposition groups, like ‘Aide-toi, je crél t’aidera’, diminished and gave way to more conventional electoral campaigns. Despite its short life, the Second Republic witnessed an upsurge in political activities. The number of candidates, local newspapers, political committees and public campaign events proliferated. Voters’ political consciousness was raised and they became less deferential and more politically involved.

Generally, political conflicts shifted from procedural disputes to contests over votes.

This upsurge in political activism was far more pronounced on the republican side and put conservatives on the defensive. At first, conservatives sought to contain it by reimposing stricter censorship laws, restricting the right of assembly, and prohibiting emerging political organisations for allegedly being conspiratorial. Besides relying on such old forms of procedural manipulation, the right also tried to take advantage of new reactionary possibilities offered by mass politics. Napoleon III was the first to recognise the defensive potential of universal elections. Unlike conservatives before him, he did not try to restrict the franchise, but opened it up and made it serve the anti-republican forces. He opposed and then overturned the three-year residency requirement that the conservative National Assembly had passed in May 1850.

The populist electoral strategy of Napoleon III was built on the insight that the right enjoyed economic and social advantages which, together with universal suffrage, could strengthen its political power. Universal suffrage would allow the right to use, yet at the same time disguise, its economic, clerical or military power. This power could be translated via an electoral victory into legitimate political power. Various republicans were aware of this possible reactionary reappropriation of elections. They pointed out that universal suffrage, without additional electoral reforms, amounted to a false gift. It would only allow the right to exercise its power more legitimately and lessen its need to use coercion. Many modern dictators and former communist regimes have continued to imitate Napoleon’s Bonapartist strategy.

This Bonapartist strategy included three elements: a moderate amount of procedural manipulation and repression, the Catholic Church (Falloux Law) and official candidates. Napoleon III reversed certain electoral reforms which were introduced in 1848. He revoked the National Assembly’s right to investigate electoral irregularities on its own initiative and otherwise restricted its appeal function. Not surprisingly, the number of invalidations dropped during the Second Empire. It averaged 1.2 invalidations per year compared to 1.1 for the Restoration, 3.8 during the July Monarchy, 4.3 during the Second Republic and 5.7 during the Third Republic. The Second Empire also abolished the multi-member electoral lists in favour of single member districts. The size of districts was deliberately reduced to maximise the conservative influence of notables and rural areas. Gerrymandering and restrictions on the right of assembly further weakened the remaining pockets of opposition strength.

These examples of procedural manipulation illustrated the fact that old forms of political corruption were still commonly used. The more systematic clerical and governmental involvement in electoral politics, however, illustrated the shift to new forms of political manipulation. Clerical influence and so-called official candidates had been used before, but not on the same scale and with the same explicitness. In both instances, Napoleon III translated advantages the right enjoyed in society and the state into political or, more specifically, electoral advantages. He and his conservative allies viewed their task as one to lead the people ‘within a moral framework provided either by the rich notables or by the Church’. This political self-perception translated into a strategy which ‘deliberately strove not so much to promote political action that would justify its position, as to prevent any political action that would upset it’.
An important component of this defensive strategy was greater political involvement by the Church. During his presidency of the Second Republic, Napoleon III supported the Falloux Law which in essence gave the Catholic Church control over elementary education. Until its passage in March 1850, every commune could choose between hiring a religious or secular teacher. Universal suffrage politicised this decision because education became an indirect avenue for influencing the political persuasions of the newly enfranchised voters. Conservatives correctly expected the greatest political returns from a religious education because the Catholic Church taught traditional values and respect for existing social order and private property. Consequently, the right could peacefully defeat 'revolutionary' republicans in the classrooms and would not have to fight them on the barricades.  

Napoleon III did not exclusively rely on the socialising talents of the Catholic Church. He also used state resources to recruit and promote official candidates who would provide him with an independent political base. Unlike Charles X or Louis Napoleon, the Second Empire did not conceal the blatant partisan use of government. Bidault, the minister of the interior and in charge of elections, wrote to his prefects in 1856:

You will give them [official candidates] your patronage openly and you will fight without hesitation all candidates, not only those which announce themselves as hostile, but even those which claim they are devoted... You will give the candidates of the administration all possible facilities, official and semi-official.  

Officials closely followed Bidault's exhortation. All publications of governmental candidates were treated like public documents. They were shipped, printed and posted at government expense. The prefects instructed mailmen, who frequently read the mail to illiterate peasants, to explain the government pamphlets they delivered. Mayors formed the organisational backbone. Their loyalty and effectiveness was assured since they were directly appointed by the interior minister. They also were in close contact with locals, giving them advice and distributing government favours.  

Napoleon III thus adapted the earlier uses of official candidates to mass politics. He pioneered new forms of electoral manipulation that inverted the emancipatory potential of universal elections, and turned them into an effective defence mechanism. Under the Second Empire, elections 'were not occasions on which the people registered their preference for various theories or men, but battles to annihilate the enemy and to weld together the victors with the experience of the fight'. They became plebiscites which served a consultative rather than choice function. However, the means Napoleon III employed to reconfigure elections were increasingly attacked by the opposition. Their criticisms contributed to the growing perception that unconstrained use of private or public resources in elections corrupts politics. This redefinition of corruption led during the Third Republic to the increasing regulation of politicians and their electoral conduct.  

The Second Empire provided a foretaste of the nature of political corruption in an age of mass politics. The understanding of corruption shifted from manipulating the eligibility of voters, counting and officiation of voting, to manipulating the decision-making of individual voters. The electoral reforms in the Third Republic reflected this shift from procedures to behaviour. They tried, on the one hand, to restrict further the old forms of procedural manipulation and, on the other hand, they sought new solutions to safeguard the autonomy and integrity of individual electoral choices. They aimed to protect the equality of each vote against undue political spillover from existing socioeconomic inequalities. The emphasis of electoral reform after 1871 thus shifted from regulating voting and voters to regulating politicians.  

In its early years, the Third Republic sought to restrict further continued procedural manipulation. It first abolished the repressive laws that it inherited from the Second Empire. After 1881, public meetings of more than twenty individuals no longer required the permission of the police. A simple declaration of intention sufficed; and, after 1907, even this requirement was eliminated. Censorship also was abolished in 1881 and all restrictions on the formation of political associations were lifted in 1884 and 1901. The new electoral law also tried to restrict gerrymandering. It stipulated that one deputy be elected for each arrondissement and one additional one if its population exceeded 100,000. This requirement imposed certain limits on the arbitrary drawing of district boundaries, but it did not prevent the over-representation of rural areas throughout the Third Republic. Furthermore, after 1878, the responsibility for drawing up the electoral lists shifted from the mayor to a commission that comprised the city council and the prefect. These measures depoliticised and juridified elections by reducing the possibilities for procedural manipulation.  

The most distinct electoral reforms during the Third Republic aimed to lessen the manipulation of voters. In this respect, the electoral practices of Napoleon III provided the reference point for what was
considered illegitimate political behaviour. The use of massive government resources, clerical influence or economic influence of notables all were seen as illegitimate because they violated the autonomy and equality of each citizen’s voting decision.

Electoral laws prior to 1870 hardly touched on these new forms of political corruption. The 1848 law, for example, only contained a single and very vague provision which allowed candidates to seek legal recourse against their opponents in case of bribery, intimidation or other electoral excesses. It provided only limited recourse because courts could only levy fines and not overturn elections. This decision was reserved for the parliamentary election committee. Yet this committee rarely invalidated elections on grounds of undue candidate influence, and, if it did then it mostly overturned those of the opposition. Only in 1914 did the government pass a law which made illegal the dispensing of gifts, the distribution of free liquor and other forms of undue influence peddling. Political advertising was regulated for the first time in 1907. The new law prohibited random postering and required municipalities to provide free and equal advertising space to candidates. It limited the possibility of local mayors to reserve public announcement boards for their favourite candidates. It also aimed to protect public buildings against defacement by posters—a shocking sign for contemporaries of the North Americanisation of French politics. The regulation of campaign financing was not addressed until 1988.

The most significant regulation of the behaviour of politicians was the introduction of the voting envelope and booth in 1913. These two seemingly minor innovations protected voters from undue political influence and finally made voting secret. As previously discussed the simple folding of ballots provided no protection against the prying of election officials. The new pre-printed ballots, which were increasingly used, offered additional possibilities to manipulate voters. The ballots frequently had subtle but distinct marks, such as paper thickness, colour or size, from which election officials could deduce a voter’s decision. This information was then passed on to notables who could easily punish such wayward voters since they frequently were his tenants or employees. The voting booth and envelopes reduced the possibilities for such intimidation. Factory owners consequently stopped herding their employees to voting stations, distributing the distinctly coloured ballot of their favoured candidates and closely observing voters as they entered and exited the voting station.

### Table 1

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### Source
Charnay (1964).
Conclusions

The history of electoral corruption in nineteenth century France was closely related to the history of democratization in France. Both histories shared efforts to depoliticize elections by making them procedurally more neutral and shielding their outcomes from the undue socio-economic influences of powerful groups or individuals. The introduction of various electoral reforms throughout the century reduced, but never completely eliminated, political corruption. The reforms succeeded in restructuring unequal social, economic and coercive relations into a more equitable political balance of power. They constrained the direct translation of private advantages into political power. They helped to make political conflicts to 'some extent indeterminant with regard to positions the participants occupy in all social relations'.

This indeterminancy ultimately contributed to the legitimacy of democracies because it requires politicians increasingly to rely on the power of persuasion rather than on the power of their economic or coercive might. This legitimacy, however, is fragile and artificial because political corruption can only be contained, but never eliminated. The various electoral reforms discussed in this chapter all dealt with the effects of corruption and left its causes unaffected. Corruption consequently retreated and then resurfaced having adapted itself to new circumstances. Democratization does not reach a final destination of full democracy, but constitutes an ongoing process of shielding and weaning democracy from political corruption.

Notes

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2. This perspective is drawn from Johnston (1993).
6. Another 20 seats were reserved for especially small constituencies. See Kent, (1975), pp. 68-72, Spitzer (1983), pp. 55-7.
11. See Table 1.
17. See Table 1.
26. See Table 1.
27. This political upsurge is particularly well analysed by Agulhon (1983) and by McPhee (1992).
30. Ibid., pp. 47-50.
33. Ibid., pp. 120-4.
37. Ibid., p. 69.
38. Ibid., p. 111.
44. See Doubler (1990).
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