When the vote is not the only factor: (Re)thinking electoral corruption in nineteenth-century Europe from the electors' perspective

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Abstract: Practices labelled as corrupt in nineteenth-century European elections are generally conceived either as a form of domination where the candidates and their agents use exclusive resources for personal gain or a means of transaction between candidates and voters, on the assumption that candidates deploy corrupt practices in order to persuade voters. Consequently, electoral corruption in the nineteenth century is considered a tool that limits the participation of enfranchised citizens, whose conception of corruption is largely uncultivated. This study challenges this notion and demonstrates how corrupt practices by electors in societies where freedom was not guaranteed, did not restrain but instead extended the possibilities of political participation. The novelty of this study is based on integrating research focused on politicization beyond the elite and the new history of corruption, using Great Britain, France, and Spain as case studies. This integrated process found that corruption was used by electors to overturn unfavorable results, thus providing a platform for participation beyond voting.

Keywords: electoral corruption; nineteenth century; electors; Spain; France; Great Britain

Introduction

Historical interpretations have always been subject to the contemporary perceptions of society. In

the latter half of the twentieth century, nineteenth-century politics were considered as something that should progress with democratization. Of course, there was and is no homogeneous and linear perspective addressing research on nineteenth-century politics, but explanations encouraged by this modernist paradigm still influence studies in the twenty-first century. According to this model of interpretation, corruption is associated with backwardness, and the lack of it with modernity. Whereas most recent studies do not subscribe to this binary explanation and have shown the complexity of this phenomenon from different viewpoints, some scholarly debates on electoral corruption are still based on sources supplied by the elites, namely electoral legislation, parliamentary debates, or memories of politicians. Thus, agency in corruption is predominantly associated with governmental elites; when it is not associated with them and other actors are considered, such as electors, or non-electors; the concept of electoral corruption from these actors' perspectives is rarely addressed.

To bridge this gap, this article examines the perception of electoral malpractices labelled as 'corrupt' and its related practices from a cultural perspective. Although the concept of corruption existed, words like 'falsification' were used more frequently when referring to disruptions in the electoral process. The Spanish and French penal codes of 1848 and 1810 respectively, used the notion of 'falsification' to regulate malpractices, such as the alteration of results. Indeed, there was no specific term that represented a wide range of malpractices. In this study, the notion of 'corruption' —a term widely adopted by scholars to refer to the illegal alteration of electoral results-— is used to amalgamate a wide range of malpractices, as an infringement of the rules created to protect the honesty of individual actions was considered corrupt.[1] The malpractices considered in this study include intimidation of electors, bribery, and procedural infringements or false statements to alter results, as some of the main expressions of corruption.

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[1] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Basingstoke 2014).

The aim of this study is twofold. First, the conception of electoral corruption in post-revolutionary Europe beyond the vision of the governing elites is reassessed. To that end, this study examines corrupt electoral practices from the perspective of enfranchised citizens and analyses the measures adopted (e.g., protests) and documents created (e.g., pamphlets and letters) in reaction to those practices. Hundreds of documents from the National Archives in Paris, the Congress of Deputies' Archive in Madrid, and other local and regional archives were consulted, as they constitute the primary scientific base of this study. Further, the documentation concerning Great Britain was obtained from parliamentary inquiries. Second, it is demonstrated that electors also engage in corrupt practices as promoters of these malpractices, thus challenging the notion that it was mostly the governmental authorities, candidates, and their agents who promoted such actions.

The novelty of this study is tripartite. First, it analyzes the practices associated with electoral corruption among electors from their own understanding and initiative; it is more challenging to draw out the attitudes of electors and non-electors from the available documentation than it is for the elite. However, it must be noted that electors in the census suffrage era were a small, social, and elitist group themselves. According to the Spanish electoral law of 1837, approximately 2.2 per cent of the population could vote; this diminished to 0.8 per cent in 1846.[2] In France, only 0.5 per cent of the population could vote in 1831, increasing to around 0.7 per cent in 1846.[3] In 1848, with the advent of the Second Republic, universal male suffrage was introduced. In Great Britain,

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[2] Miguel Ángel Presno Linera, Leyes y normas electorales en la historia constitucional española (Madrid 2013).

[3] Philippe Tanchoux, Les Procédures électorales en France de la fin de l'Ancien Régime à la première Guerre Mondiale (Paris 2004).

approximately 3.4 per cent of the population could vote in 1832, increasing to 8 per cent by 1868.[4]

Although enfranchised citizens in these countries were categorized as elite, differences in social background could be identified, thus suggesting that they were not a homogenous group. Therefore, this study does not address non-electors and limits its analysis to enfranchised citizens—a different group from those represented by governing leaders. Indeed, according to the Spanish electoral law of 1846, only those who made directly taxable contributions worth 12,000 *reales* (the then currency of Spain) were eligible to be deputies and those who paid 400 *reales* could be enfranchised.[5] In France, according to the electoral law of 1831, 200 and 500 francs had to be paid to vote and be deputy, respectively.[6] In Great Britain, until the 1858 Property Qualification for Members of Parliament Act, county and borough candidates were required to have an annual income (from property they owned) of £600 and £300, respectively, to be eligible as a Member of Parliament.[7]

Second, the study integrates two lines of research—politicization beyond elites and the new history of corruption. On the one hand, scholars have explored new public spaces, events, and actors in politics, which allows for an understanding of politicization beyond elites in the Age of Revolution. There has been a fruitful line of research exploring informal politicization without preconceived ideas of the meaning of these experiences. A wide range of practices has been addressed, including

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[4] Michael Rush and Valerie Cromwell, 'Continuity and Change: Legislative Recruitment in the United Kingdom, 1868-1999', in Heinrich Best and Maurizio Cotta, eds, *Parliamentary Representatives in Europe 1848-2000: Legislative Recruitment and Careers in Eleven European Countries* (Oxford 2000), 461-90.

[5] See note 2.

[6] Le Moniteur Universel, 22 April 1831.

[7] Helen E .Witmer, The Property Qualifications of Members of Parliament (New York 1943).

funerals, banquets, rumours, songs, and protests. It has been shown how groups presumably

excluded from politics expressed their own ideas and understandings of politics.[8] At the same time,

institutional politics has been reassessed in terms of the interactions between representatives and

society as a whole. For instance, several researchers have highlighted the possibilities that petitions

opened up for the political participation of all individuals at a time when the vote as such was

limited to very few people.[9] This study adds to the existing literature by providing an unexplored

route for participation and political expression of electors and displaying the agency of electors

beyond the vote: participating in different methods of electoral corruption and using electoral

protests to challenge electoral results when they were not in their interest.[10]

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[8] Diego Palacios Cerezales and Oriol Luján, eds, Popular Agency and Politicisation in Nineteenth-
Century Europe: Beyond the Vote (Cham 2023); Emmanuel Fureix, La France des larmes. Deuils
politiques à l'âge romantique (1814-1840) (Seyssel 2009); Vincent Robert, Le temps des banquets.
Politique et symbolique d'une génération, 1818-1848 (Paris 2010); Laurent Le Gall, Michel Offerlé
and François Ploux, eds, La politique sans en avoir l'air. Aspects de la politique informelle, XIXe-XXIe
siècle (Rennes 2012).

[9] Richard Huzzey and Henry Miller, 'Petitions, Parliament and Political Culture: Petitioning the House
of Commons, 1780–1918', *Past & Present*, Vol. 248, No. 1 (2020), 123–164; Benoît Agnès, *L'appel au
pouvoir: Les pétitions aux Parlements en France et au Royaume-Uni (1814-1848)* (Rennes 2018);
Maggie Blackhawk, Daniel Carpenter, Tobias Resch and Benjamin Schneer, 'Congressional
Representation by Petition: Assessing the Voices of the Voteless in a Comprehensive New Database,
1789–1949', *Legislative Studies Quarterly*, Vol. 46, No. 3 (2021), 817-49.

[10] Regarding the agency of electors, see also Oriol Luján, 'Political Actors Thanks to or Despite the
Law? The Empowered Voices of Individuals in Nineteenth-Century Electoral Claims', in Diego
Palacios Cerezales and Oriol Luján, eds, *Popular Agency and Politicisation in Nineteenth-Century*

On the other hand, the impact of the new history of corruption sheds light on this phenomenon by historically analyzing its development and conceiving it as a moral concept, which is necessarily defined both in terms of ideas and practices. Consequently, scholars have recently addressed corruption by combining methods from the history of ideas and discourse analysis, on the one hand, and social history and the history of organizations, on the other hand. In other words, this perspective of addressing corruption claims to analyze its conception in every historical context by combining the examination of norms, infringements and values in society with behaviours and facts. Using this methodology, scholars have moved beyond the history of scandals, which had blurred the debates on corruption within the nature of every episode.[11] This study also combines the examination of speeches and practices to consider the electors' understanding of electoral corruption and look beyond supposed denunciations of legal infringements.

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Europe: Beyond the Vote (Cham 2023), 151-70; Oriol Luján, 'When electors raised their voices: Political representation in nineteenth-century Spain from a conceptual perspective', *European Review of History*, Vol. 29, No. 5 (2022), 800-18; Oriol Luján, 'Con voto y voz: Una nueva mirada a las culturas políticas liberales desde la perspectiva de los electores', *Historia y Política*, Vol. 46 (2021), 23-52.

[11] A state of the art in Jens Ivo Engels, 'La nueva historia de la corrupción. Algunas reflexiones sobre la historiografía de la corrupción política en los siglos XIX y XX"' *Ayer*, Vol. 115, No. 3 (2019), 23-49. See also James Kennedy, Pieter Wagenaar, Mark Rutgers and Joris van Eijnatten, 'Corruption and Public Values in Historical and Comparative Perspective: an Introduction', *Public Voices*, Vol. 10, No. 2 (2008), 3-6.

Third, a comparative perspective is offered. Kreike and Chester[12] and Posada-Carbó[13] compare electoral corruption in different countries. These comparisons were uncommon until recently; now authors are frequently offering comparative studies to address malpractices during elections.[14] Comparison between countries is gaining attention in studying corruption in order to better understand this phenomenon from a global perspective, including its commonalities and disparities within spaces and times.[15] As such, this study focuses on how electoral corruption was perceived in Spain, France, and Great Britain in the 1830s and 1840s.

These three countries were liberal states with similar political regulations. Spain, with its 1837 and 1846 electoral laws, France with its 1831 electoral law, and Britain with its 1832 Reform Act, all held elections regulated with census suffrage and political spaces in a context where a free vote was not guaranteed. Some other similar forms of political regulations and practices that demonstrated limited freedom of political expression include the lack of freedom of assembly and media independence in Spain and France; pressure on voters from threatening groups (some of

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[12] Emmanuel Kreike and William Chester, eds, *Corrupt Histories* (Rochester, NY 2004).

[13] Eduardo Posada-Carbó, 'Electoral Juggling: A Comparative History of the Corruption of Suffrage in Latin America, 1830–1930', *Journal of Latin American Studies*, Vol. 32, No. 3 (2000), 611–44.

[14] Malcolm Crook, 'Corrupt practices and the reform of voting behaviour in Britain, France and the United States, c. 1789-1914', in Ian Cawood and Tom Crook, eds, *The Many Lives of Corruption: The Reform of Public Life in Modern Britain c. 1750-1950* (Manchester 2022).

[15] Jens Ivo Engels and Frédéric Monier, 'Pour une histoire comparée des faveurs et de la corruption : France et Allemagne (XIXe – XXe siècles)', in Jens Ivo Engels, Frédéric Monier and Natalie Petiteau, eds, *La politique vue d'en bas. Pratiques privées et débats publics 19e-20e siècles* (Paris 2011), 127-48.

them even armed) in all three countries; the public voting system in Britain and Spain (where the ballot had to be filled out under the watchful eye of the president of the polling station); and governments impelling official candidacies and obstructing opponents in Spain and France.

These countries have also been chosen as the basis of this comparative analysis, as they have often been considered by scholars as epitomes of political backwardness (Spain), political modernity (Great Britain), and political dissemination (France). Until recently, nineteenth-century Spain was perceived as a model of backwardness and failure with respect to nationalization, state formation, and politicization of society.[16] Differently, with the electoral reforms of 1832, 1867, and 1885, Great Britain was considered an evolutionary model that extended male suffrage progressively and, according to this perspective, a linear model of political modernity and democracy was assumed,[17] as the 1832 reform was viewed as the end of 'Old Corruption'.[18] French society was a model of reference for scholars when addressing nineteenth-century politicization and modernization.[19] Notwithstanding that the abovementioned models have been nuanced or

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[16] Monica Burguera and Christopher Schmidt-Nowara, 'Backwardness and Its Discontents', *Social History*, Vol. 29, No. 3 (2004), 279–83; Nigel Townson, *Is Spain Different? A Comparative Look at the 19th and 20th Centuries* (Brighton 2015); Mary Vincent, *Spain, 1833–2002: People and State* (Oxford 2007).

[17] Paul Foot, The Vote: How It Was Won and How It Was Undermined (London 2005).

[18] John Garrard, *Democratisation in Britain: Elites, Civil Society and Reform Since 1800* (Basingstoke 2002); Philip Harling, 'Rethinking "Old Corruption"', *Past and Present*, Vol. 147, No. 1 (1995), 127–58.

[19] Christophe Charle, Discordance des temps. Une brève histoire de la modernité (Paris 2011); Emmanuel Fureix and François Jarrige, La modernité désenchantée: Relire l'histoire du XIXe siècle français (Paris 2015).

rejected,[20] studies on a national scale have been enriched by those that focus on comparative and global assessments that emphasize the similarities between political models rather than contextual differences.[21]

To achieve these objectives, the study first explains how electoral corruption has been addressed within scholarship. Second, documents regarding electors are considered from a cultural perspective to comprehend the malpractices labelled as corrupt. Finally, discourses are collated with their practices, demonstrating that electors, despite protesting against fraudulent practices, resorted to such practices to contest elections, thus becoming agents of corruption.

From modernizing elites to liberated electors?

Nineteenth-century politics were traditionally considered elitist. Until the 1990s, studies of nineteenth-century politics focused on elite politics and politicians, rather than the experiences of electors and non-electors. According to the acknowledged conception of liberal political citizenship, which linked the right to vote with proprietorship, those who fell outside the classification of enfranchised citizens were feared due to their lack of aptitude regarding political decisions and were

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[20] Jorge Luengo and Pol Dalmau, 'Writing Spanish History in the Global Age: Connections and Entanglements in the Nineteenth Century', *Journal of Global History*, Vol. 13, No. 3 (2018), 425–45.; Kathryn Rix, '"The Elimination of Corrupt Practices in British Elections"? Reassessing the Impact of the 1883 Corrupt Practices Act', *English Historical Review* Vol. 123, No. 500 (2008), 65–97; Philip Salmon, *Electoral Reform at Work: Local Politics and National Parties, 1832–1841* (London 2002).

[21] Malcolm Crook and Tom Crook, 'Reforming Voting Practices in a Global Age: The Making and Remaking of the Modern Secret Ballot in Britain, France and the United States, c. 1600–1950', *Past and Present*, Vol. 212 (2011), 199–237.

seen as potentially influenced.[22] As only the most capacitated and autonomous had political rights, the rest of society was seen as dependent. They did not have reason or enough education to resist corruption (e.g., bribery) as they could be tempted by a patron, landlord, or other authorities.[23]

Although this perception is not exclusive to a paradigm, the modernist paradigm influenced the historiographical perception of politicization as a process guided by political elites and the state.[24] Although most of these propositions were formulated between the 1960s and 1980s and they have been superseded from different directions, their influence on the humanities and social sciences is still present.[25] This modernist model of interpretation is based on two explanatory axes: one, a linear model towards modernization in politics that would be achieved after extending enfranchised citizens towards universal suffrage and the consolidation of modern political parties toward democracy; and two, the emergence of corruption that was seen as evidence of

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[22] Alan S. Kahan, Liberalism in Nineteenth-Century Europe: The Political Culture of Limited Suffrage (Basingstoke 2003); Le Yannick Marec, Le temps des capacités. Les diplômes nantais à la conquête du pouvoir dans la ville (Paris 2000).

[23] Matthew McCormack, The Independent Man: Citizenship and Gender Politics in Georgian England (Manchester 2005); Matthew Roberts, Political Movements in Urban England, 1832–1914 (Basingstoke 2009).

[24] Karl Deutsch, Nationalism and Social Communication: An Inquiry into the Foundations of Nationality (Cambridge, MA 1966).

[25] David Hopkin, Soldier and Peasant in French Popular Culture, 1766–1870 (Woodbridge 2003); Guy Thomson, The Birth of Modern Politics in Spain: Democracy, Association and Revolution, 1854–75 (Basingstoke 2010).

backwardness or late modernization.[26] That is, based on the notion that corruption must be linked only to old practices, corruption was expected to disappear with the onset of modernization. Consequently, if the lack of corruption is indicated by a free vote, then corruption is denoted by the lack of a free vote constrained by governmental elites, thus suggesting that corruption is an elite form of domination.

The renovation of politics from the social history in the 1990s refused the teleological interpretations of the modernist paradigm, stressing that universal suffrage was not imposed overnight with the arrival of egalitarian political relations.[27] Moreover, studies from a social perspective in politics have not avoided the complicated debate on the agency of voters in electoral corruption, such as the use of votes to assert the electors' power which, in turn, is capitalized by rewards.[28]

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[26] S. N. Eisenstadt and Luis Roniger, Patrons, Clients and Friends: Interpersonal Relations and the Structure of Trust in Society (Cambridge 1984); Paul Preston, Un Pueblo Traicionado: España de 1874 a Nuestros Días: Corrupción, Incompetencia y División Social (Barcelona 2019).

[27] Alain Garrigou, Le Vote et la Vertu: Comment les Français sont devenus électeurs (Paris 1992); Michel Offerlé, Un Homme, une voix? Histoire du suffrage universel (Paris 1993); Pierre Rosanvallon, Le sacre du citoyen: Histoire du suffrage universel en France (Paris 1992).

[28] Alain Garrigou, Histoire sociale du suffrage universel en France: 1848–2000 (Paris 2002), 132–3; Frank O'Gorman, Voters, Patrons, and Parties: The Unreformed Electoral System of Hanoverian England, 1734–1832 (Oxford 1989).

Other recent studies have also emphasised the social dimension of elections, demonstrating the increasing independence of electors.[29] The practice of 'treating' demonstrates this, as voters were expecting to be rewarded for casting their vote in favour of a particular party. According to Great Britain's Corrupt Practices Prevention Act of 1854, treating was regulated as an illegal practice as it was associated with bribery, irrespective of the form in which the reward was given.[30] In other words, these studies analyze electoral corruption as a social practice where electors and candidates interact.

Although electors are no longer considered passive actors from a social perspective, and corruption cannot be directly linked to an elite form of domination, the agency and initiative in enacting different forms of electoral malpractices are still mostly attributed to governmental authorities and candidates. In other words, electors are considered actors capable of responding to the fraudulent actions of candidates, but rarely considered capable of initiating such actions. Consequently, malpractices are introduced as privileged forms of intervention for candidates and their agents. Thus, the understanding of electoral corruption by electors is still uncultivated; this gap has not been resolved by recent assessments of politicization. As previously mentioned, scholars have recently begun to explore how non-electors participated in politics in the census suffrage era,

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[29] Jon Lawrence, Electing Our Masters: The Hustings in British Politics from Hogarth to Blair (Oxford 2009); James Vernon, Politics and the People: A Study in English Political Culture, 1815–1867 (Cambridge 1993).

[30] John Clerk, A Practical Treatise on the Law of Elections of the United Kingdom, and 'The corrupt practices prevention act, 1854' (London 1855), 109–46.

regardless of whether they were considered enfranchised citizens or not.[31] However, they have not solved how electors engaged in corrupt practices beyond the candidates' initiative.

Neither the new history of corruption nor the influence of cultural perspectives on political history has solved this historiographical void. On the one hand, the new history of corruption perceives corruption as a historical phenomenon, the definition of which depends on the moral values of each context in which it arises.[32] However, in analyzing nineteenth-century politics and elections in particular, the focus is on the sources provided by the liberal elites.[33] On the other hand, the same pattern was reproduced from the studies of a cultural-political turn. This fruitful way of addressing politics has undoubtedly signified a turning point in our current knowledge of liberal politics through the advancement of the comprehension of political citizenship and parliamentary culture.[34] Reproducing the leading position of the nineteenth-century political elites and their

[31] Agnès, L'appel au pouvoir; Sheryl Kroen, Politics and Theater: The Crisis of Legitimacy in Restoration France, 1815–1830 (Berkeley, CA 2000).

[32] Jens Ivo Engels, Die Geschichte der Korruption: Von der Frühen Neuzeit bins ins 20. Jahrhundert (Frankfurt am Main 2014); Christoph Rosenmüller and Stephan Ruderer, eds, 'Dádivas, dones y dineros'. Aportes a una nueva historia de la corrupción en América Latina desde el imperio español a la modernidad (Madrid 2016).

[33] Olivier Dard, Jens Ivo Engels and Frédéric Monier, *Patronage et Corruption Politiques Dans l'Europe Contemporaine* (Paris 2014); María Antonia Peña Guerrero and Diego José Feria Lorenzo, eds, *Corrupción política y liberalismo en el largo siglo XIX* (Granada 2020); Borja de Riquer et al., eds, *La corrupción política en la España contemporánea: Un enfoque interdisciplinar* (Madrid 2018).

[34] María Sierra, María Antonia Peña and Rafael Zurita, Elegidos y elegibles: La representación parlamentaria en la cultura del liberalismo (Madrid 2010).

understanding of politics, scholars have emphasized how political influences were accepted as a natural consequence of this social organization. As rulers were considered best equipped to represent society, it was assumed that they knew what was better for it as well. Consequently, their influence over the electorate was legitimized.[35] From this perspective, electoral corruption is understood as the influence of the economically or intellectually competent elites over society, thereby limiting the participation of enfranchised citizens.

As the main sources explored are those provided by elites, both the agency and understanding of electoral corruption still reflect an elitist (pre)conception; consequently, political initiative is mostly ascribable to them. To challenge this perspective, the following section focuses on the electors' understanding of corrupt practices by examining their demands in electoral protests.

Denouncing electoral law violations for the common good or personal gain?

Unlike the Spanish and French cases, official governmental candidatures were not commonplace in nineteenth-century Britain. However, party agents and candidates interfering in electoral results have been widely documented throughout the nineteenth century in these three countries and beyond.[36] Subsequently, scholars focus on the agency of authorities, agents or candidates

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[35] Kahan, *Liberalism in Nineteenth-Century Europe*; María Sierra, Rafael Zurita and María Antonia Peña, 'La representación política en el discurso del liberalismo español (1845–1874)', *Ayer*, No. 61 (2006), 15–45.

[36] Richard Franklin Bensel, *The American Ballot Box in the Mid-Nineteenth Century* (Cambridge 2004); Joanna Innes and Nicholas Rogers, 'Politics and Government: 1700–1840', in Peter Clark, ed., *The Cambridge Urban History of Britain*, vol.2, (Cambridge 2000) 529-74; Sierra, Peña and Zurita,

concerning electoral corruption. This leads to the perception of electors' protests as a corrupt practice of governments favouring official candidates or forms of domination by the elite, both of which should be left aside by new reforms such as the secret ballot.[37]

The procedure of provincial authorities' actions in the Spanish general elections of 1839 present an example of governments committing illegalities. Elections in the province of Oviedo had to be nullified after more than 30 voters presented a written protest that they were 'rigged' through malpractices that included raising 'at least half of the electors' to more than 16,000, 'when the province will barely have 5,000'.[38] In fact, the number of electors in the province rose from 6,645 in 1837 to 16,908 in 1839. However, this was not an exceptional case, but a countrywide phenomenon as the reported number of electors had risen by 48 per cent in 1839 in comparison with the previous general elections of 1837; one of the main causes was the authorities' fraudulent regulation of the census.[39]

These governmental malpractices can also be demonstrated by the objections raised by some electors in the August 1846 general elections in the Vire district (Calvados, France), where Armand Pierre Felix Rocherulle-Deslongrais was the mayor and the official candidate. These electors challenged 'the validity of the election' since the creation of the polling station for the first section was 'illegal and arbitrary'. Given the absence of elected scrutineers, the president of the polling

Elegidos y Elegibles; Christophe Voilliot, *La candidature officielle: Une pratique d'État de la Restauration à la Troisième République* (Rennes 2005).

[37] Roberts, Political Movements, 16.

[38] Archivo del Congreso de los Diputados [henceforth referred to as ACD], Electoral Section, document 0041032010013.

[39] Natividad Araque Hontangas, *Las elecciones en el reinado de Isabel II* (Madrid 2008), 188 and 208.

station invited people with whom he shared a close political relationship, to replace them even if they had not earned the most votes. The ones raising objections said that Article 44 of the 1831 electoral was infringed. It said that the president and scrutineers were elected on simple majority. Additionally, the pre-election ministerial instruction stated that if scrutineers with a majority of votes were missing, their functions would be replaced by 'those electors who secured the most votes, following the president'.[40]

According to the protest, as 'the president put himself in flagrant opposition to the will of the electors, overturned their decision, and disregarded the law and ministerial instructions', the result could not be 'the expression of the electors' will'. In other words, the polling station was 'illegally instituted' and 'cannot legally judge' the results. Therefore, 'it must be considered as not existing'. Thus, this action was perceived as the president's misuse of power.[41] The objections to the malpractices which were considered corrupt were based on the infringement of procedural issues; the protest denounced the 'means of intimidation and physical and moral violence which were used by the Deslongrais supporters against those of Pontécoulant, his antagonist, to make the candidacy of the former successful'.

Intimidation could be violent sometimes and was regulated as 'undue influence' in Great Britain after the Corrupt Practices Prevention Act of 1854. In Coventry, Great Britain, tumultuous and violent riots mobilized to prevent Liberal Henry Lytton Bulwer from being elected in 1833. According to the electors who protested against Bulwer's designation, on the day of the elections, 'a great mob […] accompanied by the sitting members, publicly paraded the streets, and committed divers gross outrages and assaults on electors […] most of the electors in the interest of Messrs.

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[40] French National Archives [henceforth referred to as AN], Série F, IcIII, Calvados/6.

[41] AN, Série F, IcIII, Calvados/6.

Fyler and Thomas were prevented by fear from appearing at the hustings'. Fyler and Thomas were assaulted on their way to the hustings where they introduced themselves as candidates to the electors; many of their supporters were beaten and wounded, and stripped of their clothes. Protestors stressed that this was 'utterly incompatible with the freedom of election', particularly as the sheriffs refused to interfere and stop the riots. Therefore, Fyler and Thomas, who were unable to obtain a free and fair election, finally resigned. Although protesting electors asked the elections to be declared void, Bulwer was declared duly elected.[42]

The involvement of mobs in British elections and their violent excesses have been widely documented by historians; however, its significance is debatable. On the one hand, their involvement in the elections, for instance, in the hustings nomination ritual, has been appraised as involving excluded sectors in formal political procedures. On the other hand, also involvement of mob is considered left existing power relations and formal exclusions intact.[43] So, crowds' involvement in elections could be seen as a way to legitimize candidates, however, it is also a means for levelling political relations within an unequal political society. In any case, those rooted popular practices mixed with weak regulation over abuses would have enable agitated action of those collectives.

All three countries aimed to regulate or ban some of these malpractices. The Spanish penal codes of 1822 and 1848, French penal code of 1810, and Britain's Corrupt Practices Prevention Act

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[42] Henry James Perry and Jerome William Knapp, Cases of Controverted Elections in the Eleventh Parliament of the United Kingdom, Being the First Parliament since the Passing of Acts for the Amendment of the Representation of the People (London 1833).

[43] Lawrence, *Electing Our Masters*, 14-42; Frank O'Gorman, 'Campaign Rituals and Ceremonies: The Social Meaning of Elections in England 1780–1860', *Past & Present*, Vol. 135 (1992), 79–115.

of 1854 regulated and punished bribery (to buy or sell a vote) and undue influence for pressuring electors in favour of a candidate. As Posada-Carbó[44] observes, falsification of the polls, intimidation of voters, and bribery constituted electoral corruption, which were punishable, while deference or the exchange of favours were neither punished nor perceived as fraudulent.

However, all three countries lacked effective laws that prevented and punished electoral corruption in the mid-nineteenth century. In Britain, although legislation regulating electoral malpractice dates back to 1696, it was not until 1854 that a more elaborate corpus was introduced. In France, laws against electoral corruption began to be formulated in the 1790s, but it was not until 1849 that electoral corruption was established as a punishable offence.[45] In Spain, electoral corruption was explicitly declared a punishable offence only in 1870.[46]

Moreover, it must be emphasized that in all three countries, controverted elections were decided by deputies themselves, often on a partisan basis, as in the case of Bulwer. In France and Great Britain, the judiciary did not assume this function until 1868, although the former did not cease to examine complaints about the election of their members until the Fifth Republic (from 1958

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[44] See note 13.

[45] Malcolm Crook and Tom Crook, 'Contesting "Corruption": Electoral Morality and the Reform of Voting Practices in Britain and France, 1789-1914', *Zeitsprunge. Forschungen zur Fruhen Neuzeit*, Vol. 23, Nos 1/2 (2019), 136–48.

[46] Miguel Ángel Presno. 'La –¿insospechada?– modernidad del derecho y del sistema electoral españoles en el siglo XIX', *Teoría y Realidad Constitucional*, Vol. 45 (2020), 291-323.

onwards). In Spain, this did not occur until 1907, when the evaluation, judgement, approval, or refusal of controverted elections were transferred from the parliament to the Supreme Tribunal.[47]

The notion of electoral corruption reported by voters, as inferred from the malpractices examined and documentation consulted thus far, demonstrates two ideas. First, corruption occurs when the law is not respected. This is attested by more than 51 per cent of the Spanish documentation consulted and around 56 per cent of the British cases of controverted elections in 1835. Thus, more than half of the archived documents discussed include claims against illegalities or disrespect towards the law. The examples included here present evidence of these general tendencies.

None is clearer than that of some electors from the district of La Carlota (Córdoba, Spain), who denounced the general elections of 1840 observing that they had been conducted under the pressure of the district authorities, the vicar included, who controlled the polling station. Among other malpractices, these protesters claimed that a secretary of the polling station wrote in a private list who came to vote, that he read every ballot paper before it was submitted (which was not regulated by the Spanish 1837 electoral law), that he even wrote the ballot paper for the electors, and that some of the electors voted twice. For all these reasons, they made the statement, 'As a consequence of these disorders of a so pronounced non-observance of the electoral law […] some persons of this village made the appropriate protests to invalidate such arbitrary and illegal acts'.[48]

Second, the notion of electoral corruption is a result of the lack of the freedom to vote. Around 30 per cent of the Spanish documentation consulted and more than 26 per cent of the

[47] María Antonia Peña and Ricardo Soler, 'La corrupción electoral a juicio: Los informes del Tribunal Supremo entre 1910 y 1916', in Peña and Feria, eds, *Corrupción política*, 69–82.

[48] ACD, Electoral Section, document 0041115010009.

British cases of controverted elections in 1835 include complaints in this regard. In other words, voters complained about their right to vote not being respected or their will being distorted. An example of this is the interference of some authorities, such as bailiffs and returning officers, in the 1835 elections at the borough of Ipswich, Britain. According to an electoral protest, these authorities 'had canvassed many of the electors in company with and on behalf of the sitting members, and solicited and prevailed upon electors to vote in their favour […] and had otherwise interfered with the freedom of election'.[49]

It is evident from the documents that electors understood compliance with the law as the basis of respect for their will and as evidence of a lack of corruption.

These argumentative resources were so widespread that they became the basis for the majority of electoral protests. This can be demonstrated using the general elections of 1844 in Puentedeume (La Coruña, Spain) in which the candidate supported by the government was the victor. Some electors emphasized that 'the formalities prescribed by the electoral law concerning the constitution of the polling station have not been kept', considering that 'no note has been taken of the citizens who voted at the polling station, therefore it is accurate [to say] that those who did not have the legal capacity to do so have voted for it'. Therefore, the protesting electors considered it a 'wrongdoing' on the basis that 'having violated the legal formulas' was fraudulent. This allowed them to ask for the constitution of the polling station to be nullified and, as a consequence, invalidate the results.[50]

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[49] Jerome William Knapp and Edward Ombler, Cases of Controverted Elections in the Twelfth Parliament of the United Kingdom, Being the Second Parliament since the Passing of Acts for the Amendment of the Representation of the People (London 1837), 332-5.

[50] ACD, Electoral Section, document 0041516010011.

When compliance with the law was essential to the fair development of elections, voters understood that protesting was their right by law. Articles 35 and 37 of the Spanish electoral law of 1837 and Article 63 of the Spanish electoral law of 1846 allowed claims and protests concerning the electoral process to be filed. Articles 24 and 25 of the 1831 French electoral law were along the same lines.[51]

The protest in the third district of Aude (France) during the general elections of April 1831 can also demonstrate how electors protect the letter of the law. They claimed that Rouger would have obtained the required absolute majority in the first round, had the three votes not been invalidated, as the bulletin only included his surname. The electors expressed that 'they would be abdicating their rights […] and being lacking and failing in all their duties as citizens and voters if they did not protest strongly' against this invalidation.[52]

Finding the basis of these protests regarding the compliance of the law and the vindication of respect for electors' rights may lead us to consider the changing relations between authorities and subjects that liberalism brought in the nineteenth century. The introduction of citizenship as a concept based on political rights (though not universal) gave rise to a new understanding of the power dynamics between states and subjects, so that the relations between the two were no longer established in terms of authority, but on rights.[53] Consequently, the electors appealed to the resource which granted them rights, but also duties: the law.

For this reason, in addition to claiming their rights, electors declared that it was their duty as citizens to denounce disruptions. Electors from Castropol (Asturias, Spain), protesting in the 1840

[51] Le Moniteur Universel, 22 April 1831.

[52] AN, Série C, 1176.

[53] Andreas Fahrmeir, Citizenship: The Rise and Fall of a Modern Concept (New Haven, CT 2007) 1.

general elections, expressed that 'they would notoriously fail to do their duty if they did not denounce [...] as many vices and illegalities as have been committed in the elections'.[54] In 1841, some voters from the Canary Islands (Spain) addressed a claim to the Spanish Parliament against 'influences' that 'hinder the free and frank use of an individual's vote'. They admitted to being 'encouraged', among other reasons, 'by their own duty as citizens'.[55]

Based on how electors protested against fraudulent behaviour and demanded compliance with the law, protests and other similar practices have been highlighted as the origins of democratization. Anderson,[56] while analyzing elections in Imperial Germany, observes that protests or the advocation of the law are based more on political dissent and contest than on deferential relations. Therefore, these practices are symptoms of political freedom and consequently, of democracy.

Although speeches claimed respect for the law, practices were far from democratic. Most of these protests pursued the nullification of elections. Specifically, half of the Spanish documentation consulted and around two thirds of the British cases of controverted elections in 1835 include demands of elections to be declared void.

As already stressed, as the new history of corruption has demonstrated, the perception of corruption in its social and political context must not be derived from official discourses alone and

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[54] ACD, Electoral Section, document 0041134010004.

[55] ACD, Electoral Section, document 0041212010003.

[56] Margaret Lavinia Anderson, Practicing Democracy: Elections and Political Culture in Imperial Germany (Princeton, NJ 2000).

must consider practices and facts[57] in order to be understood it in its entirety. In other words, the

perception of electoral corruption from the electors' perspective cannot be conveyed only by

speeches denouncing fraud, where denunciators hope for electoral benefit. Denunciators of

corruption are individuals, groups, or organizations that criticize violations of legal or moral rules

regulating public or political functions. However, they are not always motivated by the possibility of

public monitoring of governments; sometimes, they are motivated by personal gain.[58]

As Crook[59] observes with regard to nineteenth-century France, 'protests against corrupt

practices may simply reflect the willingness or ability to complain' such that the invalidation

demanded by the protests had to do more with politicized procedure than electoral misconduct; the

protests were motivated by the need to overturn undesirable election results, rather than the need

to denounce wrongdoing. For example, Thomas Bunbury lost the 1837 elections in Carlow County

(Great Britain) against the sitting member, Nicholas Aylward Vigors. Some electors close to Bunbury

raised a petition with allegations of bribery, intimidation, and allowing people who were not

registered to vote for Vigors. This petition aimed to nullify the elections and present Bunbury with

another opportunity regardless of fraudulent practices, since the petitioners struck a sufficient

number of votes to cancel the sitting member's majority. Therefore, the petitioners 'prayed that the

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[57] Jens Ivo Engels, 'Politische Korruption in der Moderne. Debatten und Praktiken in Großbritannien und Deutschland im 19. Jahrhundert', *Historische Zeitschrift*, Vol. 282, No. 1 (2006), 313–50.

[58] Cesare Mattina, Frédéric Monier, Olivier Dard and Jens Ivo Engels, eds, Dénoncer la corruption: Chevaliers blancs, pamphlétaires et promoteurs de la transparence à l'époque contemporaine (Paris 2018).

[59] Malcolm Crook, How the French Learned to Vote: A History of Electoral Practice in France (Oxford 2021), 109, and 118–19.

election and return of Mr. Vigors might be null and void, and that Mr. Bunbury might be declared to have been elected, or that the parties might be sent to a new election'.[60] As Olivier Ihl proposed, these protests should be seen as a third round of scrutiny, when elections are re-contested.[61] It should be remembered that in most countries analyzed here, elections were held at that time according to the two round-system when in the first round no candidate had achieved absolute majority of votes.

It must be acknowledged that some protests denounce electoral malpractices and only ask for a neutral clarification of the results without expecting benefits. However, this was the exception rather than the rule, as evidenced by the consulted documents.

Fraud as a tool to enhance the electors' political expression

Beyond denouncing fraudulent practices, electors were also the perpetrators of corruption in the nineteenth-century elections. Even those who claimed to be at the forefront of fair behaviour and democratic practices were agents of spoiled elections, as evidenced by the Spanish democrats and British radicals. They fought for universal male suffrage or demanded individual rights. Supporters of the democrat Aniceto Puig, who was a candidate in the 1850 general elections in Figueres (Girona, Spain), stood in front of the polling station to control the entrance and interfere in the decision of

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[60] Thomas Falconer and Edward H. Fitzherbert, Cases of Controverted Elections, Determined in Committees of the House of Commons, in the Second Parliament of the Reign of Queen Victoria (London 1839).

[61] Olivier Ihl, 'Les fraudes électorales, problèmes de définition juridique et politique', in Raffaele Romanelli, ed., *How did they become voters?: The history of franchise in modern European representation* (The Hague 1998) 77-110.

the electors through intimidation.[62]

In the Dungarvan (Great Britain) by-election in February 1834, the radical Ebenezer Jacob defeated the Whig official candidate Pierce George Barron.[63] Jacob, however, was unseated and the election was declared void on petition, being accused of bribery, intimidation, and undue influence, thereby resulting in another election. The resolution of the parliamentary committee could be interpreted as being incapacitated upon such election to serve in parliament for such a county; however, it was not concluded if this incapacitation was to concur with the coming election. Barron's supporters and those against Jacob intimidated electors and pushed them to vote for Barron before the elections by distributing printed notices. They stated that Jacob was disqualified from being elected and that if they voted for him, their votes would be thrown away.[64] Despite this, Jacob was re-elected in May 1834.

Such practices were not new. Benjamin Constant,[65] deputy during the Bourbon Restoration in France (1814–1830), evidenced this practice; on the eve of the elections, when candidates or their supporters declared that the opposition was withdrawing, the opposition had no time to counteract and the electors believed that their vote would be wasted if it was in favour of the allegedly withdrawing party.

As Vincent Villette showed in the analysis of French elections in 1848-1849, false rumours were often invented to disqualify the opponent or cast doubt over the electoral process, so that the

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[62] ACD, Electoral Section, document 0001701390000.

[63] Angus Hawkins, *Victorian Political Culture: 'Habits of Heart and Mind'* (Oxford 2015).

[64] See note 49, 6–28.

[65] Benjamin Constant, *L'entretien d'un électeur avec lui-même* (Paris 1817).

annulment of the election could be claimed.[66] Villette revealed these practices in the context of the advent of universal male suffrage, with the final aim of suspending universal political rights. Yet, as the previous examples show, false rumours concerning electoral fraud occurred before 1848 in France and other countries. In the end, those rumours enabled voters to compete for a favourable electoral result.

This could be one of the many possible tricks that hinder the election of the opposition. Although it is not a direct manipulation of the results, it could influence voters' decisions. This is what the candidate Arsène Valette des Hermaux thought after being denounced as ineligible before the 1834 elections in Marvejols (Lozère, France): 'there is less benevolent concern for them [the voters] than a desire to dismiss a competitor in whom they have already shown some interest'.

'An elector friend of his country and of the Constitutional monarchy' circulated a pamphlet before elections, denouncing that Valette des Hermaux had not had his political domicile in the department for at least six months as the law required to be eligible. Therefore, he warned electors not to vote for him: 'let us hope that in the exercise of their rights they will take care not to make their vote illusory, and that they will know how to direct them towards citizens who combine all the capacities required by the law'.[67] Valette des Hermaux, as a renowned legitimist candidate, did not recognize the July Monarchy with Louis Philippe d'Orleáns (1830–1848). Therefore, General Brun de Villeret was made the official candidate of the district. Despite the support received by the

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[66] Vincent Villette, 'The urn and the rumour: False information about electoral fraud as a means of discrediting mass suffrage in the department of the seine, 1848-49', *French History,* Vol. 29, No. 3 (2015), 328-48.

[67] AN, Serie F, IcIII, Lozère/4.

government and authorities who tried to influence the results with money and threats, Brun was defeated by 22 votes.[68]

As these examples suggest, different forms of electoral corruption that influenced the results, such as intimidation or defiant practices to confront fraud bordering falsehood, were widespread among electors. Joyce,[69] in his studies of the language of politics and popular mass culture, observes that a large part of society did not accept the opposition between common people and a corrupt ruling class. In other words, the restricted framework of interpretation which reduced corruption to the guidance of authorities and candidates instead of enabling a more detailed comprehension of how it operated in each society, tends to establish prefixed patterns of behaviour.

It must be acknowledged that governments tended to dominate electoral results, particularly in Spain and France. In Spain, during Isabel II's reign, the moderate liberals who were in cabinet for the majority of the years 1844–1868, used to reach no less than 60 per cent of favourable deputies elected in parliament as a consequence of their intervention in elections.[70] During the French July Monarchy, the different tendencies of liberal Orleanism were prevalent in parliament, while the republican and legitimist opposition were minor.[71] This tendency increased during the Second Empire when government deputies represented nearly 85 per cent of the

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[68] *Le Vendéen: Journal du Poitou*, 7 February 1834.

[69] Patrick Joyce, *Visions of the People: Industrial England and the Question of Class, 1848-1914* (Cambridge 2012).

[70] Araque, *Las elecciones en el reinado de Isabel II*.

[71] Bertrand Goujon, *Monarchies Postrévolutionnaires 1814–1848* (Paris 2012), 257–65.

parliament.[72] The case in Britain differs to some extent from this model. However, elections were

seen as directed by the Tories from its corrupt governing practices, particularly before the 1832

Reform Act.[73]

It was difficult to win an election without the support of governmental authorities or leading elites

of the district. Therefore, despite contradicting their demands to respect the law, electors resorted

to corrupt practices to achieve their political goals.

This is clear in the case of the district of Castropol, Spain, during the 1839 general elections.

In an electoral protest, a dozen electors asked for the nullification of the results as the provisional

president of the polling station, who was necessarily the mayor of the district's head town according

to the 1837 electoral law, did not permit all the attending electors to vote for the election of the

members of the polling station: '[M]ore than 600 electors' were not allowed to vote. The protesters

claimed that it was mandatory to let them vote, pointing out that 'to act otherwise would be to go

against the intention of the law itself [...] it would be to falsify the law'. Yet, after the election of the

polling station members, the protesters realized that its configuration constituted the 'product of a

faction', and further protested 'against the election with the most haughty and irreverent tone:

intolerant and fanatical, agitated'. Moreover, they monitored the entrance of the polling station and

its surroundings 'all for instilling the idea that the polling station is invalid and that elections are

illegal', and by means of such intimidation, interfered in the results of the election. Another group of

approximately 40 electors, therefore, raised a protest against the first group's actions and their

[72] Eric Anceau, *Les députés du Second Empire: Prosopographie d'une élite du XIXe siècle* (Paris 2000),
560.

[73] Jörg Neuheiser, *Crown, Church and Constitution: Popular Conservatism in England, 1815–1867*
(Oxford 2016) 14.

proclamation that 'the election was invalid, the polling station was illegal, and how many votes appeared in the ballot box was of no use'. This led to some voters pulling out from the polling station without voting, as they had 'decided not to vote as long as they [the first protesters] stalked them'.[74]

As this example suggests, coercion of voters by other voters could also take place in elections; procedural infringements to alter results could be perpetrated by electors. There are some documented cases in which illegalities and/or irregularities are raised by electors against their opponents following the defeat of their candidate, seeking nullification of the results to favour their own candidate.

Future research along these lines should include whether those malpractices should be seen as a consequence of the general presence of governmental fraud within elections, so that without freedom, electors were impelled to commit fraud to have more options for their political opinion to be considered; or if electoral fraud as a timeless expression had to do more with a means to challenge adversaries even in democratic contexts.[75] Without conflicting options being necessary, the examples chosen here provide evidence particularly of the latter, but in a non-democratic context. Future research should shed more light on the similarities and differences between electoral fraud in different historical contexts, such as liberal, dictatorial or democratic. Hedwig Richter, for instance, has shown how elections in GDR, as in other twentieth century dictatorships, were not free, as there was only one valid option to vote. Moreover, authorities resorted to

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[74] ACD, Electoral Section, document 0041032010039.

[75] Yves Déloye and Olivier Ihl, *L'acte de vote* (Paris 2008) 277-323; Nathalie Dompnier, 'La clef des urnes. La construction socio-historique de la deviance électorale en France depuis 1848' (PhD thesis, Institut d'Études Politiques de Grenoble, 2002).

malpractices such as coercing voters, by instigating votes to legitimate power.[76] Fraud from the opposition here would not be a likely means to challenge adversaries, but abstention.

Returning to electors of the nineteenth century, the already demonstrated fraudulent ways of proceeding could reach the point of exaggerating or even making up irregularities, thereby committing infringements themselves in attempting to alter the electoral results.

See, for instance, the case of the 1835 general elections in the district of Falmouth, Britain. Voters supporting the Conservative candidate Lord Tullamore protested against the successful candidate, Liberal Robert Monsey Rolfe. According to these protesters, agents and friends of Rolfe kept voters 'in a state of intoxication', since 'large sums of money were offered, and in many instances paid, to voters to induce them to vote for the said R. M. Rolfe, or to forbear to vote for the said Lord Tullamore'. They even declared that 'violence and intimidation' were perpetrated to ensure Rolfe's victory. The parliamentary committee that studied these protests concluded that 'no evidence' was given 'to establish agency against the sitting member [Rolfe]' regarding bribery or threats in the elections, so 'the petition was abandoned'.[77] Beyond bribery or coercion on the part of Rolfe's supporters, what is relevant for this article is that, in fact, bribery and coercion was prevalent within this district, traditionally associated with corruption, among all factions. In other words, those voters protesting omitted information, exaggerated, or even fabricated information, according to the conclusions of the committee. In fact, prior to the elections, the Conservative electoral manager acknowledged that bribery could be a useful means for candidates desiring to win the elections in

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[76] Hedwig Richter, 'Mass Obedience: Practices and Functions of Elections in the German Democratic Republic', in Ralph Jessen and Hedwig Richter, eds, *Voting for Hitler and Stalin: Elections Under 20th Century Dictatorships* (Frankfurt am Main 2011) 103-25.

[77] See note 49, 440–3.

Falmouth.[78] Lord Tullamore had indeed been funding expensive campaigns in the previous years, financing agents, and seducing voters. As Malcolm Crook has highlighted, analyzing the connections between campaigning and corruption in nineteenth century France, it was not easy to distinguish between sociability and corruption, since malpractices such as bribery or promises were means to persuade voters, and thus expressed in terms of negotiation and transaction.[79]

Practices of giving false statements were widespread among protesting electors after being defeated in elections. In the case of France, the attempt to cheat is clearly evidenced in a protest raised by voters against the election of Jean-André Champanhet in the 1831 general elections in Ardèche district.

They complained that the authorities failed in enforcing the 1831 electoral law in the elections. They particularly highlighted illegalities regarding the display of electoral lists. According to these protesters, neither was a printed list of electors displayed, containing their age, the taxes they paid, and where they paid them, nor one of eligible candidates within the polling station. These were some of the main arguments they used to contest the results. However, the district authorities answered these objections, stating that 'lists were completed without any reclamation', and clarifying the observance of the law during the whole process, stating: 'The article 43 of the 1831 electoral law resolves that electors' list is attached within the meeting room during the course of the operations', but 'at no place within the law is found this obligation' of the list being printed rather than written in hand. Accordingly, they stated, the 'list has been attached. It contained order number, names, surnames, qualifications and residence of every elector. […] It did not have to

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[78] Angus Hawkins, 'Government Appointment By-elections: 1832-86', in T. G. Otte and Paul Readman, eds *By-elections in British Politics, 1832-1914* (Woodbridge 2013), 51–76.

[79] See note 59, 111-12.

provide any other indications'. Moreover, they stated that the law did not require the attachment of an eligible candidates list.[80]

Another example that reflects this practice of false statements is that of Celestino Mas, a candidate for the district of Igualada (Barcelona, Spain) in the general elections of 1846. He was the municipal secretary of the town council and well connected with the main authorities of the city. His main opponent, Ramon de Padró, was better allied with governmental authorities and the Crown.

The provisional results of the elections seemed to confirm Padró's victory and Mas' defeat: the former obtained 64 out of 120 votes, and the latter only 34. Therefore, Padró achieved an absolute majority and should have been proclaimed deputy. However, Mas' colleagues made him see the possibility of appealing the election based on the detection of possible illegal acts committed by his opponents, to declare the elections void. One of his colleagues and electors, Juan de Dios Arce, asked him 'to organize protests against the defects committed during the voting process'. Mas and his colleagues only focused on the partial expression of potential malpractices; that is, they only interpreted the electoral law partially, considering that 'if the protests are directed at defects or lack of requirements in the chosen candidate, then you know very well that the nullity or validity of the election must be decided by Congress [of Deputies, e.g., the parliament]'. Instead, the political chief of the province, with whom Mas and his colleagues were in contact, could decide on the convenience of a second round of elections when 'protests manifest evident defects committed in the election due to faults in the procedures and circumstances prescribed by law'.[81]

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[80] AN, Série C, C//1171.

[81] Juan de Dios Arce, letter to Celestino Mas, Barcelona, Topographic 154, Box 1, Municipal Fond of Igualada, Igualada Regional Archive, Barcelona, 11 December 1846. See also Oriol Luján, *Ni tan*

Therefore, based on the will to invalidate the votes of the section of Calaf, where his main opponent obtained most votes, Mas' closest supporters promoted the preparation of various documentation in the form of protests, such as accreditations of voters who claimed not to have voted although they were among the list of people who had cast their vote. Although they did not achieve the annulment by the political chief of the province, those protests facilitated the nullity of the results of the section of Calaf and a new convocation that resulted in Mas' victory in 1848.

From the comparison of speeches and practices, these latter cases offer a good example of how electoral malpractices were understood. They were not perceived as simple alterations of the law, but as partial interpretations of the rule, omitting what was not favourable for the supported candidate. According to a new letter from Arce to Mas, it was problematic that 'no protest' in the section of Igualada had been raised, because this 'cast doubt' on the other protests in Calaf.[82] Subsequently, protests became instruments to serve the purpose of invalidating the results and providing another opportunity to achieve a victory that had not been possible through legitimate means.

Iván Molina and Fabrice Edouard Lehoucq analyzed fraud in Costa Rica elections at the beginning of the twentieth century and indicated that exaggerations of accusations of electoral fraud went to the extent of describing 'the efforts of parties to manufacture fraud', as the defeated

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apáticos ni tan subordinados: La politización electoral durante la Década Moderada (1843-1854). El caso de los distritos catalanes (Lleida 2018).

[82] Juan de Dios Arce, letter to Celestino Mas, Barcelona, Topographic 154, Box 1, Municipal Fond of Igualada, Igualada Regional Archive, Barcelona, 12 December 1846.

part distrusted the winner and by accusing them of fraud deprived them of political legitimacy. They concluded with a partisan and interested nature of fraud denunciations.[83]

Resigning from the pattern established by electoral corruption meant losing an advantage. As Posada-Carbó[84] observes with regard to the Spanish-American context in the census suffrage elections, the accusation of fraudulent practices among factions was frequent after the election was lost.

Despite not being a parliamentary balloting, this is what possibly occurred with the elections for the French Conséil General—the deliberative assembly of a department—in the commune of Latour,[85] in 1842. Provisional results handed victory to Jacques Mérie with 23 votes, while his opponent Lafabrique obtained 21. However, the elections were nullified in accordance with the official statement of the prefect of the department; people acted in a disorderly fashion by mobilizing riots and hindering the free exercise of the vote. The annulment was based on the protest raised immediately after the elections by brothers Joseph and Jean-Louis Baillette. They declared that they had been intimidated and threatened; this prevented them from voting freely and resulted in their abstinence. A protest raised by the supporters of Mérie claimed that the 'Baillette brothers have not yielded to any menace'. Conversely, they filed the protest 'after having listened to Mr. Lafabrique', insinuating that the events were invented when they perceived defeat.[86]

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[83] Iván Molina and Fabrice Edouard Lehoucq, 'Political Competition and Electoral Fraud: A Latin American Case Study', *Journal of Interdisciplinary History*, Vol. 30, No. 2 (1999), 199-234.

[84] See note 13.

[85] Departement des Pyrénnées-Orientales, France.

[86] AN, Série F, IcIII, Pyrenées-Orientales/3.

Both factions could have used different forms of corruption to interfere with the results. On the one hand, Mérie's supporters could have intimidated the opposition while Lafabrique's could have made up the protest to nullify the elections and have another opportunity to win. In nineteenth-century France, as Garrigou[87] demonstrated, invalidation only occurred if illegal practices had been able to affect the outcome of the election in such a way that an attempt was made to circumvent the manoeuvres of a defeated candidate who wanted to benefit from a new opportunity. Despite this, it did not prevent candidates who came to make it an organized initiative from learning the resource. An anonymous, printed sheet distributed during the French 1848 elections warned of those practices: 'May all wise men listen to this friendly advice, this necessary advice, because there might be people interested in creating the tumult to use it as a pretext and have the election annulled'.[88]

Conclusions

This study analyzed the voters' understanding of electoral malpractices in nineteenth-century Europe, using Spain, Great Britain, and France as case studies. Electoral protests and written documents composed by electors, collated with corrupt practices, constituted the main scientific basis of the analysis, which demonstrated that agency in committing fraud was also ascribable to electors. However, these conclusions are preliminary and need to be developed further with regard to the implications of the interaction between the candidates and voters. From the Baillette brothers' example, it can be inferred that interaction with candidates could have an impact on engaging in wrongdoing. Other examples presented demonstrate the agency of electors in

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[87] Garrigou, *Le vote et la vertu*, 147–8.

[88] Instructions pour les elections, Nantes, Imp. Gailmard 1848.

committing fraud. However, the interference of candidates with regard to electoral corruption must be considered in future studies to assess common strategies and conflicting interests when interacting voters and candidates. Further research should also evaluate the impact of non-voters.

Considering these limitations, some provisional conclusions can be drawn. In demonstrating that agency in electoral corruption was not ascribable to authorities or candidates alone, this study observes that electoral corruption could also become a means to contest elections within societies where the freedom to vote is not guaranteed.

The notion of corruption perceived from the electoral protests was sustained as a means to respect the electoral law and free expression of the vote. However, comparing these repeated mottos with practices, it has been proved that respect for the law was not their main aim. Instead, they aimed to influence the results. In other words, fraudulent practices enabled, rather than restrained, the expression of electors' political preferences.

Finally, it has been shown how electoral malpractices were used by voters. Electors were politicized and made use of the existing possibilities to achieve the victory of their candidates. These political struggles reveal how politics developed in the nineteenth century: enfranchised citizens may perceive corruption as a violation of the law, but also as a potential instrument to have more electoral impact within societies where the freedom to vote was not guaranteed. Although corruption was used as a tool to achieve disputed results or overturn unfavourable ones, they were not necessarily fair.

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