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## **Contesting "Corruption":**

### **Electoral Morality and the Reform of Voting Practices in Britain and France, c. 1789 – 1914**

Eliminating electoral corruption is now an international endeavour. Since the 1980s, a variety of supranational organizations have sought to monitor the practice of "free and fair elections" around the world, among them the United Nations and the European Union.<sup>1</sup> Non-governmental organizations have also played a part. In 1995, for example, Transparency International began publishing annual statistical indexes that rank more than 150 countries according to their relative degrees of corruption, the electoral sort included. Political scientists and sociologists in particular have drawn upon this unprecedented profusion of reports and datasets in order to detail the variable levels and types of electoral corruption practised in so-called "developed" and "developing democracies."<sup>2</sup>

But what is "electoral corruption" – and when, how and why did our modern standards of practice emerge? For all its comprehensive comparative scope, the literature noted above is entirely indifferent to the multiple ways in which "corruption" has been conceived and practised in the past. The assumption is that today's standards are the product of a progressive, modernizing movement towards electoral purity and procedural integrity. The corruption that persists is thus presented as a relic or reassertion of more traditional, coercive and pre-democratic ways of conducting elections. Conversely, the historical literature on the subject, though decidedly more alive to the mutability and variety of "corruption" as a problem, is largely confined to studies of particular states. Comparative accounts, attentive to both national peculiarities and commonalities of democratic development, as well as shifting meanings of "corruption", remain exceptional.<sup>3</sup>

In this article we begin the task of establishing some of the analytical co-ordinates around which histories of this sort might be written. We do so by comparing Britain and France, as they stumbled towards modern, mass forms of representative democracy during the long nineteenth century. This makes for a narrow survey, of course. We are also conscious of the connections between the two states in what was already an age of transnational emulation. During the 1880s and 1890s, for example, reformers in France invoked the regulations concerning the conduct of polling officials in the British Ballot Act of 1872. Likewise, the British gathered information from other European countries, including France, before reforming their electoral laws during the early 1880s.<sup>4</sup> Nonetheless, as two pioneers of modern democracy, Britain and France provide fertile ground in which to excavate some of the roots of modern electoral corruption. In particular, they allow for a productive consideration of the ways in which electoral corruption was redefined and contested as part of nationally specific, if also shared, processes of democratization

#### **Defining "electoral corruption"**

Today, electoral corruption is but one variant of political corruption, which itself might be distinguished from economic and administrative (or "public office") forms. Equally, in all

these spheres, scholars now distinguish between a number of corrupt methods, from bribery and fraud to extortion, blackmail and the threat of physical force.<sup>5</sup> These distinctions, both of type and method, should not be taken for granted. As Bruce Buchanan and Lisa Hill have argued, up until the end of the eighteenth century, "corruption" was understood not only as the infringement of inherited customs and regulations designed to secure the probity of individual actions. It was also understood in more "degenerative" terms, as a kind of moral disease or decay that affected the functioning of society at large, whereby material and sectional interests subverted the virtuous pursuit of the public good. Individual acts of corruption were thus readily interpreted as symptoms of an underlying malaise in the body politic, recalling classical republican and civic humanist conceptions of political morality. Yet, so they suggest, beginning in the late eighteenth century, narrower, more procedural understandings triumphed over those of a more social sort. Corruption, they write, became "increasingly a matter of rules, boundaries, personal probity and appropriate organization."<sup>6</sup>

The case of electoral reform in Britain and France suggests that more "degenerative" conceptions of corruption did not disappear quite as quickly or as completely as Buchanan and Hill suggest. We turn to competing conceptions below; but it also supports their argument, for in both countries electoral corruption assumed a sharper, more elaborate and procedural form as a regulatory problem – indeed, in Britain the very term "electoral corruption" was rare before the 1840s. Crucially, as part of the same process, anti-corruption initiatives also helped to redefine the voter as an autonomous, individual agent. To corrupt a voter was to undermine his powers of self-determination and freedom of choice.

In Britain, the generic term was "corrupt practices", as evident in two key reforming statutes: the Corrupt Practices Acts of 1854 and 1883. This was not the first legislation that sought to diminish electoral malpractice, which dates back to 1696. Further acts followed during the eighteenth and early nineteenth centuries, some of which demanded new oaths of integrity on the part of electors and returning officers.<sup>7</sup> The legislation of the mid- to late Victorian period was altogether more elaborate by comparison. The 1854 Act detailed three types of corrupt practice, namely bribery, treating, and undue influence; and for the first time required the presentation of accounts relating to election costs. The 1883 Act tightened the regulatory framework, among other things setting strict limits on campaign expenses.<sup>8</sup> Meanwhile, the British passed the 1872 Ballot Act, which rendered secret the act of voting in parliamentary and municipal elections. Previously, in the case of parliamentary elections, the votes cast by electors were declared orally to a poll clerk; in the case of municipal elections, voters presented their choices on ballot papers. Either way, they were open to the scrutiny of electoral officials, party agents, candidates and fellow constituents. By contrast, after 1872, these choices had to be marked anonymously on ballot papers, in the privacy of a polling booth, and then deposited in a ballot box. Preventing corruption thus became a matter of the minute regulation of millions of bits of paper. No detail escaped regulatory notice: each paper had to be uniform; made available only within polling places; marked in secret; and then counted in one place under the eyes of a returning officer.<sup>9</sup>

In France, we find a similar process of growing procedural specification; and this too was based around securing the individual (male) elector as an independent agent, able to exercise the vote free from *actes de corruption*. As early as the revolution of 1789, voters were required to swear the following oath as they cast their handwritten ballot papers: “I swear to name [on a paper] only those whom I have consciously chosen as the most worthy of public office, without having been influenced by gifts, promises, requests or threats.”<sup>10</sup> But no penalties were prescribed for contravention, save for expulsion from the assemblies in which voters chose their representatives. It was only after 1848 that a comprehensive set of infractions and penalties was established. A law of 1849 specified a series of offences, from interfering with the ballot box and ballot papers (*bulletins*) to the bribery and intimidation of voters.<sup>11</sup> Slightly modified in 1852, these measures remained in force into the following century, and were confirmed once more by a law in 1914, which aimed at “cracking down on corrupt practices.”<sup>12</sup> Crucially, it was passed at the same time as a much-delayed law introducing the use of envelopes and polling booths (*isoloirs*), designed to ensure the secrecy, liberty and purity (*sincérité*) of the vote. As in Britain, detailed regulations emerged regarding the production, distribution and marking of papers and their insertion (unlike in Britain) in an envelope, prior to being cast in a *boîte de scrutiny*, or urne.

### **Common conditions**

Beginning in the mid-nineteenth century, then, electoral corruption was gradually refashioned as a problem of regulatory procedure and correct organization. In short, on both sides of the Channel it became a matter of detailed rules and the provision of technologies such as ballot papers and polling booths. Clearly, the detailed codes of electoral purity that today function as international standards have their origins in the nineteenth century. How might we account for this shared descent into regulatory detail? It would be reckless to point to one common causal factor, or even several, given the complex gestation of particular reforms and their different timings in each country. The chronological discrepancy – more than forty years – between the advent of secure secret balloting is the most striking instance. Equally, it would be wrong to obscure the way the modernization of corruption developed as part of a broader reconfiguration of electoral culture along mass, representative lines. We might, that is, point to some common conditions that rendered the need for stringent procedural regulations more urgent, even if they did not determine the precise nature and timing of reform. Two processes might be highlighted.

One of these was the development of more inclusive franchises and the corresponding need for measures that could order the conduct of growing numbers of electors. This occurred most dramatically in France, where the revolution of 1848 established universal male suffrage in one fell swoop, resulting in an electorate of roughly 9 million men. Previously, the parliamentary franchise had been limited to only 250,000 property holders. Franchise extension was more gradual in Britain, where a series of acts passed in 1832, 1867 and 1884 – 1885 increased the electorate from roughly 400,000 in the 1820s to roughly 6.5 million adult males by the 1890s. Crucially, these acts also began the process of making Britain’s electoral map more uniform, and composed – as in France post-1848 – of large constituencies containing roughly the same number of voters.

"Rotten boroughs", for instance, which might contain as few as fifty voters and were thus easily controlled by a local patron, were first targeted in 1832 and had disappeared by the 1880s.

In these novel conditions, the voter was both more difficult to corrupt and more difficult to secure as an independent agent; but either way, this process of expansion made for problems of discipline and organization. It is no coincidence that in both countries it was accompanied by measures that led to the eclipse of voting in shared public assemblies. In 1848, the French abandoned the practice, formalized during the 1790s, of canvassing and voting in closed, small-scale electoral assemblies (*assemblées électorales*), where the ballot papers were composed by hand. After 1848, polling stations (*bureaux de vote*) became the norm, as did pre-prepared (often printed) ballot papers accompanied by campaigns that began before the day of election.<sup>13</sup> In Britain, the most dramatic change came in 1872 with the introduction of secrecy; but even before this date the tradition of providing only one polling place for all electors in a given constituency had been eroded. Following the 1832 Reform Act, for instance, electors were served by one polling place for every 600 or so voters in what were now called "polling districts."

The second factor was growing levels of partisan organization and intensified efforts to canvass and cajole voters, which – much as with the expansion of the franchise – invariably placed pressure on inherited electoral customs, as well as any emerging regulations. From the 1830s British parliamentary and local elections were more frequently contested, commonly by Whigs, liberals and radicals (or Liberals) on the one hand, and Tories (or Conservatives) on the other. Partisan forms of politics also emerged in France, albeit in a more hesitant fashion. Although the authoritarian government of Louis-Napoleon stifled the development of party organization in the 1850s and 1860s, political liberalization under the Third Republic (1870 – 1940) witnessed an intensification of pluralistic electoral competition.<sup>14</sup> One consequence was a growth in the number of election results that were invalidated following subsequent investigations by the Chamber of Deputies into allegations of corruption. The French, with their tradition of two rounds of voting in search of absolute majorities, called this process *le troisième tour*; and the percentage of successful appeals out of the total made rose from an average of 20 under the Second Empire to 90 during the Third Republic.<sup>15</sup> Like-wise, in Britain the number of MPs "unseated" following investigations carried out by parliament (or, after 1868, special election courts) increased between the 1840s and 1880s. By this measure the most corrupt general election occurred in 1852, when 49 petitions were submitted, twenty-five of which were upheld. The 1868 election ranks as a close second, prompting 51 petitions and the invalidation of twenty-two contests.<sup>16</sup>

Successful or otherwise, however, all could agree that contesting election results was a burdensome and often unduly partisan process.<sup>17</sup> A related factor in terms of stimulating the search for more rigorous definitions of corruption was the growing cost of fighting elections. This played a greater role in Britain, where levels of partisan organization were more highly developed, and where parties also had to bear the administrative costs of elections (in France, by contrast, the cost of holding elections was borne by the state, and

there were no additional expenses for election officials or the police). The biggest bill, however, was for agents, canvassers and messengers; promotional literature and committee rooms; and transporting voters to the polls. And these costs increased considerably during the mid-century, peaking in 1880, when formal party returns suggested the amount was £1.7 million – although contemporaries suggested the amount was more, perhaps as much as £2.5 million, or in today's terms an eye-watering £120 million.<sup>18</sup> In Britain, certainly, one ingredient of reform was thus the need to draw a clearer distinction between “legitimate” and “illegitimate” electoral expenses as a means of saving money.

### **Varieties of corruption**

It is no surprise that in this context the incidence of “corrupt practices,” or “*actes de corruption*,” increased during the nineteenth century, before receding in the twentieth, putting aside for the moment alternative conceptions of electoral morality. On the one hand, we have the development of larger franchises and more regular and fiercely fought electoral contests; on the other, the refinement of corruption as a problem of procedure and correct organization. The most signal manifestation of the role of these two factors is the unprecedented production of writing and commentary on the problem. In France, bulging dossiers of evidence were submitted to the Chamber of Deputies, containing testimonies from candidates and dozens of witnesses. In Britain, too, the amount of information gathered was enormous: the investigation into the contest at Hull in 1853 amassed no less than 2,000 pages of printed testimony; the one for Bridgwater in 1870 generated just over one thousand. Never before had “corruption” been put into discourse with such intensity or regularity.

This is not to exhaust the common contextual factors that might be offered. Other scholars have pointed to the following: the gradual erosion of cultures of deference; increases in real wages, which made bribery less attractive to voters; and the flourishing of print-based forms of political communication, in particular newspapers, which sapped the need for more direct, face-to-face forms of canvassing and electioneering.<sup>19</sup> Yet the causal significance of these factors is still more difficult to specify precisely, given their generality and hugely variable realization in different places in Britain and France. In any case, the persistence and vibrancy of forms of electoral corruption suggest they were of less importance than the two highlighted above.

What, then, of the different forms of corruption that were the subject of intensified exposure? There is no shortage of national peculiarities. Whereas the British were especially preoccupied with the escalating cost of elections, the French were particularly concerned with so-called “official corruption”. This was partly facilitated by the central appointment of local officials, most of all prefects (*préfets*) and sub-prefects, who presided over the *départements* into which France was divided, something absent in Britain. In the case of the Second Empire, when official candidatures were openly practised, some commentators have questioned whether it should count as corruption, precisely because of its official status; but inducements and intimidation were frequently practised, including threatening officials with dismissal if they refused to endorse or cooperate with the regime.<sup>20</sup> Although often exaggerated, the problem of ecclesiastical involvement on the part of Catholic clergy is also

specific to France, where priests were paid by the state until 1905 and the place of religion in society was a constant issue.<sup>21</sup> What the French called *l'ingérence clericale* (clerical meddling) assumed various forms, from bishops using pastoral letters to promote particular candidates to parish clergy threatening hellfire and damnation from the pulpit to the same end.

Nonetheless, three common types of corruption might be highlighted. One of these is what the English called “treating,” the French *rastels*, something that was part of the festive nature of elections in both countries. In Britain, as in France, pubs (or bars) often served as the organizing centres of local campaigns, and it was quite natural for publicans (or bar tenders) to provide support with free drink and food, and then charge the candidates afterwards. It is difficult to dissociate this from a broader culture of hospitality that would briefly erupt during election time, whereby electors would expect at least modicum of largesse from those seeking their votes. In Gloucester, in 1859, for instance, the “machinery of corruption,” as one investigation put it, included Tory and Liberal party agents distributing drink to supporters, and lavishing funds on those who acted as messengers, flag-bearers and bandsmen; or what was known as “colourable employment.”<sup>22</sup> Analogous practices were employed in France. In 1904, one unusually literate – and republican – Breton peasant recalled the practices employed during the bitterly fought election of 1877, when the infant Third Republic was still threatened by monarchists and Catholics. “The Jesuits and clericals, although confident of winning, nevertheless thought it worthwhile to draw in the peasants and workers any way they could,” he detailed. “They sent their agents out into the countryside, pockets stuffed with hundred-sou coins, to spread readymade speeches and pater, brochures and newspapers, and cigars and *guin ardent* [brandy].”<sup>23</sup> He noted, too, how the local nobleman (*châtelain*) had treated his tenant farmers “to all they could eat and drink” the night before the election, whilst encouraging them to vote for the conservative candidate.

A second form of corruption that might be highlighted is direct bribery or vote-buying. In France, modest sums of money changed hands in bars, where ballot papers were checked before voters took them to the polling stations, or outside the stations, where coins might be given to voters in the course of a handshake. In Britain this assumed various forms and the sums of money might be considerable. During a contest held in 1826 in the market town of Stafford, for instance, votes changed hands for no less than £14 as the contest drew to a close (or roughly £500 today).<sup>24</sup> As in France, this was done discreetly and normally in pubs or on doorsteps; but this did not preclude the use of more ingenious methods. A splendid example is furnished by the parliamentary election that took place in the Yorkshire town of Beverley in 1865. Here the bribes were distributed in the library of the local Mechanics’ Hall. The voters were called in according to a register prepared on the basis of canvassing, and then given their payment via a small hole in the library door, thereby shielding the face of the person distributing the money.<sup>25</sup> At the cost of between £1 and £4 each, some 400 votes for the Liberal candidate were secured in this way, amounting to about 80 per cent of the total support he received.

A third facet of what came to be regarded as electoral corruption is intimidation, or what the British distinguished as “undue influence.” Some of this was of physical sort. In Britain there are occasional reports of voters being forcibly kidnapped, plied with alcohol, and then marched to the polls, something known as “bottling.” In France in 1848, when rural voters had to travel to the *chef-lieu de canton* (unlike later when voting took place in each village), gangs would be waiting on the roads into town and would ask to see ballot papers, before tearing them up and replacing them if they did not meet with their approval. Similarly crude tactics were still being employed at the end of century: in 1893, at Brive in the south-west, there are reports of a band of hoodlums called the Mamelouks breaking up election meetings and physically threatening supporters of the conservative candidate.<sup>26</sup> More common, however, were threats that entailed a financial penalty of some sort. The pattern is the same in both countries. In general, intimidation by employers prevailed in urban areas, where it normally involved the threat of dismissal. These were not empty threats: in 1868, a mill owner from Ashton-under-Lyne, near Manchester, dismissed forty of his employees who had disobeyed his instruction to vote for the Liberal candidate.<sup>27</sup> By contrast, in rural areas, intimidation was principally exercised by landlords, where it centred on the possibility of eviction.

### **What is "corruption"?**

Certainly, the distinctions made between “pure” and “corrupt” elections became more pronounced during the nineteenth century, and it is tempting to regard the above practices as outdated relics of a “pre-modern” past. Similarly, we might interpret such practices as the work of power-hungry political elites seeking to manipulate the electorate in any way they could, other than through rational persuasion and an appeal to matters of political principle. To do so, however, is to obscure the way notions of electoral “legitimacy” were variously understood at the time, and not just by those seeking office. Put another way – and to complicate the account of Buchanan and Hill noted above – we need to recognise the patchy and contested ascendancy of more procedural definitions of “corruption.” If anything, it is the twentieth century, rather than the nineteenth, that marks the critical watershed in this respect.

One aspect of this is the sense of legitimacy that continued to surround established practices. This applied across the gamut of *actes de corruption*, including direct bribery. In the 1850s, for instance, it was suggested that “scores of free-men” in the British portside town of Hull regarded exchanging votes for cash as a “sort of birth-right.”<sup>28</sup> The terms that were used are telling. As one party agent explained in 1870, speaking of practices in Beverley noted above: “We do not call it bribery. It is the old customary payment.”<sup>29</sup> Treating in particular was judged legitimate long into the nineteenth century. For some, of course, this was but another corrupt electioneering tactic; but it was also understood as the means via which candidates demonstrated their fitness for office, which is to say, their sense of duty towards the community and capacity for *noblesse oblige*. As one French government official noted of the Côtes-du-Nord in 1878: “In this region it is part of the way of life that voters should be plied with cider and cigars. They regard it as their right and an obligation upon the candidate,” adding that “these practices escape prosecution because

the majority of voters are involved.”<sup>30</sup> Likewise, what some condemned as “intimidation” and “undue influence” was for others quite harmless, and even edifying. The one-time prime minister, Robert Peel, captured existing elite attitudes when, in a parliamentary debate on secret balloting, he sought to defend landlords from the charge that they acted like “tyrants” during elections. “The influence they exercise,” he suggested, “is not so much intimidation, as the natural and legitimate influence which is almost inseparable from the relation of landlord to tenant.”<sup>31</sup> It was, in other words, the benign expression of the power and responsibility that attended the ownership of property.

This much is to be expected, perhaps. Old habits die hard, and in both countries hierarchical conceptions of society were only slowly displaced, especially in rural areas (and France remained a predominantly rural nation until the interwar period). The picture is further complicated, however – and in more unexpected ways – by conceptions of corruption that centred on a series of institutions and practices that are now accepted as a key part of our own electoral modernity and a culture of “free and fair” elections. In France, for instance, political parties and partisan electioneering were regarded with suspicion, recalling classical and humanist anxieties concerning the development of “factions” and the corruption of the unity and virtue of the body politic. During the 1790s any sort of canvassing or campaigning was regarded as illegitimate and denigrated as a form “intrigue” that interfered with a voter’s independence, in turn tainting the pure expression of the “general will.”<sup>32</sup> Likewise, during the elections of 1849 and those under the Second Empire, the use of campaign committees was denounced by conservatives and republicans alike as corrupt. Committees, it was suggested, advanced narrow, sectional interests and were thus an affront to a political culture that was supposed to be about transcending these kinds of division.<sup>33</sup> To be sure, this did little to diminish partisan efforts to engage electors; but it is striking that it was not until 1889 when a law was passed requiring the formal declaration of candidatures.

Degenerative conceptions were also in play in Britain, where it was voting in secret, rather than the existence of parties, that aroused the most anxiety. In particular, they formed the basis of arguments which suggested that secret voting was unmanly, deceitful, and would ultimately undermine an elector’s sense of the public good. Honour and virtue were at stake. “An abominable tyranny is exercised by the ballot,” wrote the Whig churchman, Sydney Smith, in 1839 in one of the most quoted anti-ballot texts of the time: “it compels those persons to conceal their votes who hate all concealment, and who glory in the cause they support ... you make me, who am bold and honest, sneak in at the back door as well as yourself.”<sup>34</sup> This is not to deny that open voting facilitated bribery and intimidation; but the idea that the secret ballot was a technology of electoral purity was a moot point – or rather, a matter of perspective and what one understood by “corruption”. Another much-quoted critic was the radical liberal J. S. Mill, whose arguments recalled, quite directly, classical conceptions of political morality: “Disguise in all its forms is a badge of slavery,” he wrote in 1859: “People will give dishonest or mean votes from lucre and from the interests or prejudices of class or sect, far more readily in secret than in public.”<sup>35</sup> Or as he put it in his *Considerations on Representative Government*, secret voting would “nourish in him [the voter] the disposition to use a public function [the vote] for his own interests, pleasure or caprice; the same feelings ... which actuate a despot.”<sup>36</sup>

This is not to draw precise parallels between opposition to political parties in France and opposition to secret balloting in Britain. The former was more about the culture of elections, the latter the physical expression of the franchise. Even so, there are definite analogies. In particular, they shared the premise that corruption is not just a matter of procedure, or of protecting the individual per se, but of the overall integrity of public life and somehow minimizing the destructive role of private and sectional interests. Ultimately, as Buchanan and Hill suggest, it was the rise of capitalism and utilitarian reappraisals of economic self-interest – to which we might add the growing legitimacy of sectional, class-based political forms such as workers' parties and trade unions – that served to render degenerative conceptions of political corruption truly anachronistic; but they were not yet out of place in the nineteenth century, when what is most striking is the sheer range of conceptions of corruption and illegitimate electoral practice. It is not just that there were various answers to the question "what is electoral corruption?" The question itself was posed in different ways.

### **Conclusion**

The above essay has sought to provide only a sketch of how comparative histories of electoral corruption might be developed. It does not pretend to have offered anything like a full account; and it could be other countries suggest a different framework based around alternative dynamics and forms of corruption. Nonetheless, enough ground has been covered to demonstrate that modern, procedural conceptions of electoral corruption developed in a thoroughly contingent, contested and confused fashion. To be sure, in Britain the key reforms followed hard on the heels of what were perceived to be unusually corrupt elections (in 1853, 1868, and 1880), but there was no grand plan or smooth, linear trajectory of development at work. In France, likewise, early attempts at regulation were prompted by the sudden advent of universal male suffrage in 1848, but reform then stalled until the first decade of the twentieth century, when the Commission on Universal Suffrage, created in 1898, helped to bring earlier proposals to fruition. In both cases, legislation emerged in an ad hoc fashion; norms of behaviour changed only slowly; and various factors were in play. Reform was not solely a matter of realizing novel, purer ideals. Just as important were the organizational challenges generated by the advent of larger electorates and more frequent and partisan elections.

Crucially, this can help us to challenge accounts – especially prevalent in the political and social sciences – which suggest that electoral corruption should be seen as a brake on processes of democratization, as something alien and exterior, and as a tenacious relic of a pre-modern, traditional past. Instead, we might view modern understandings of electoral corruption as a product of democratization. This is not to endorse past or present forms of electoral malpractice; rather, it is simply to insist that electoral corruption changed its meaning and was forged anew as an integral part of processes of democratic development. Ultimately, "electoral corruption" is just as much a contingent, mutable product of history as "democracy" itself.

## References

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3. Recent volumes which contain chapters that span a number of countries include Emmanuel Kreike and William Chester Jordan (edd.), *Corrupt Histories*, New York, 2004, and Romain Bertrand, Jean-Louis Briquet and Peter Pels (edd.), *Cultures of Voting: The Hidden History of the Secret Ballot*, London 2007. Nonetheless, focused comparative accounts of electoral corruption, of the sort provided here, are difficult to find.
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