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“A New Way of Doing Politics”

The Movement Against CAFTA in Costa Rica

by

Jeremy Rayner

A dissertation submitted to the Graduate Faculty in Anthropology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

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This manuscript has been read and accepted for the Graduate Faculty in Anthropology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

A New Way of Doing Politics: The Movement against CAFTA in Costa Rica

by

Jeremy Rayner

Advisor: David Harvey

In October of 2007, Costa Ricans voted in a referendum to ratify a Free Trade Agreement with the United States (DR-CAFTA, or CAFTA). The first referendum in their nation’s history—and the first referendum ever held on a Free Trade Agreement—marked the culmination of a cycle of contention over liberalization that transformed practices and expectations of politics in a country often considered an exemplar of representative democracy. In this dissertation I provide an account of the opposition to CAFTA (the NO), based on two years of ethnographic research with the Patriotic Committees (Comités Patrióticos), the decentralized, grassroots network at the heart of the movement against the treaty.

I emphasize the contested meanings of democracy invoked in the struggle between the grassroots NO campaign and the transnational elite coalition that promoted the treaty (the SI). I argue that the opposition to CAFTA in Costa Rica was a movement to defend the “social state” (Estado social) against a globalizing neoliberal property regime, while challenging existing forms of political representation in the name of a more authentic popular democracy. I show how the struggle over CAFTA was shaped by an ongoing process of contention over liberalization and representation in the context of Costa Rica’s particular social democratic institutions and traditions. I argue that, as the struggle evolved, the SI and the NO appealed to different aspects of the country’s “institutionality” (institucionalidad), raising some fundamental contradictions within and between liberalism and democracy. One outcome was a
controversial and ambiguous popular consultation, an exercise in “direct democracy” that paradoxically highlighted the limits of an elite-dominated political order.

Drawing on theory and scholarship of populism and direct democracy, I show how protagonists of the NO turned a diversity of interests into unity of purpose, enabling them to nearly win a markedly asymmetrical contest. I also explain how the Patriotic Committees worked with established social idioms to pioneer new forms of political participation as they challenged the limits of existing representative institutions. I argue that in doing so they articulated a conception of democracy and social state that makes a distinctive contribution to discussions of post-neoliberalism.
a Jime y Alicita
On the long road to completion of this dissertation I have accumulated too many debts to possibly acknowledge here. In the full knowledge that no attempt will be adequate, I would like to begin by thanking my dissertation committee: Marc Edelman, David Harvey, and Katherine Verdery. I am grateful to each of them for all that they have taught me, in classrooms and out; for extensive feedback, support and encouragement during the writing process; and, most of all, for showing me, by example, what it means to be a scholar. Any well-composed, concise sentence the reader may find in these pages should be credited to Marc Edelman, who made great efforts to enliven my leaden prose. A special thank you is also due to David Nugent, who generously agreed to take on my dissertation as an external reader; I am sure that years from now I will still be working through his insightful comments.

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Juan Carlos, Laura, Mario, Nelson, Nidia, Nora, Peggy, Stella, Valeria, and Yolanda—without in any way diminishing my appreciation and gratitude to the rest. A special thanks to Peggy for her hospitality as well as her friendship and dedication, and to Edison and Nelson, who shared their friendship, wisdom, and so much more; without them, this dissertation would not have been possible.

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when the Arab Spring, Indignados and Occupy were inspiring imaginations and firing political passions. I am deeply grateful for the opportunity to share that historical moment with such a remarkable group of scholars and activists, as well as for the insightful feedback and encouragement on my dissertation writing from the faculty and graduate student fellows.

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Glossary and Guide to Abbreviations and Acronyms

ALBA: Alianza Bolivariana para los Pueblos de Nuestra América (The Bolivarian Alliance for the Peoples of Our America)

CAFTA: Central American Free Trade Agreement (became DR-CAFTA in 2004 when the Dominican Republic was included in negotiations)

Caja: See CCSS

CCSS: Caja Costarricense de Seguridad Social (Costa Rican Social Security Fund)

CBI: Caribbean Basin Initiative (see CBTPA and CBERA)

CBTPA: Caribbean Basin Trade Partnership Act

CBERA: Caribbean Basin Economic Recovery Act

Combo or Combo-ICE: A package of laws to liberalize telecommunications and electricity voted on by the legislature in 2000. Also used to refer to the contention over the bill as a historical event.

DR-CAFTA: see CAFTA

Frente Amplio: Broad Front (political party)

FTAA: Free Trade Area of the Americas

FTA: “Free Trade” Agreement

GATT: General Agreement on Tariffs and Trade

GATS: General Agreement on Trade in Services

ICE: Costa Rican Electricity Institute

ICSID: International Center for the Settlement of Investment Disputes

NAFTA: North American Free Trade Agreement

PAC: Partido Acción Ciudadana (Citizen Action Party)

PASE: Partido Accesibilidad sin Exclusión (Accessibility without Exclusion Party)

PLN: Partido Liberación Nacional (National Liberation Party)

PUSC: Partido Unidad Social Cristiana (Social Christian Unity Party)

TLC: the equivalent of the abbreviation ‘FTA’ in Spanish, and the common term for CAFTA in Costa Rica and elsewhere in Central America

TRIMs: Agreement on Trade Related Investment Measures

TRIPS: Agreement on Trade Related Aspects of Intellectual Property Rights

TSE: Tribunal Supremo de Elecciones (Supreme Electoral Tribunal)

UCR: University of Costa Rica

UPOV: Union Internationale pour la Protection des Obtentions Végétales (International Union for the Protection of New Varieties of Plants)

WTO: World Trade Organization
Prologue

It’s September 30th, 2007—one week before Costa Ricans will vote to decide whether or not their country will adopt the Central American Free Trade Agreement with the United States (CAFTA). From the vantage of the pedestrian bridge straddling the avenue, the march is a multicolored river running in both directions along San José central thoroughfare. Banners and signs, mostly hand painted, float above the crowd. They carry messages against the Free Trade Agreement and the names of the diverse organizations represented in the march. Many signs name the neighborhood-based “Patriotic Committees” that had sprung up around the country and had helped to organize the turnout.

Down among the crowd, I snap photos, collect flyers, chat with friends and acquaintances, and try to jot down a few notes while committing the rest to memory. Many are wearing white t-shirts emblazoned with “NO” in the blue and red of the Costa Rican flag (with the ‘o’ drawn as a figurative heart). Some have come in costume, or with props. A black vulture wearing Uncle Sam’s striped top-hat perches atop a life-size wooden guillotine, whose bloodied blade, marked “CAFTA,” hangs over a map of Costa Rica. A group of protesters march inside of a giant cardboard and cloth Trojan horse, behind a sign asking “what’s inside?” Others drop donations in an oversized piggy-bank emblazoned with the NO.

Among the diversity of messages one theme captures my attention. Three men in stovepipe hats are wearing a banner identifying them as one Filibuster Yes and two Vende Patrías (literally, sellers of the fatherland). The reverse side bears the message, “peoples that do not defend their own are doomed to become tenants of their own country,” a quotation
attributed to “Juanito” Mora that could be found on signs and t-shirts throughout the march.¹

As president of Costa Rica in 1856, Juan Rafael Mora Porras led a hastily organized army north to confront the invading forces of William Walker—the medical doctor, journalist and “filibuster” from Tennessee who had proclaimed his intention to reinstate slavery throughout Central America. The climax of the Campaña Nacional against Walker’s gringos at the Nicaraguan town of Rivas is a foundational event in the narrative of Costa Rican nationhood. The main airport, Juan Santamaría, is named for a common soldier who, the story goes, sacrificed himself setting fire to Walker’s redoubt in the decisive battle, ensuring Costa Rica’s victory and the freedom of Central America. The message, of course, is that the filibusteros are back, and ready to take what is yours.

Suddenly, the crowd erupts into a spirited chant of “No, no, no al TLC” [no to the FTA]. I raise my camera above my head and record, trying to capture something of the intensity of the moment. I’m sure that it won’t do it justice (it doesn’t), but it seems important to have some evidence of the passion that moves those gathered together here. I hope that by a bricolage of bits and pieces like this I might make a narrative adequate to the sense of a historic moment that so many have shared with me.

Of course a historic moment is defined by a narrative. And most historical narratives outside of Costa Rica have little room for this small Central American republic. Precious few in the United States even know the name William Walker. This is shocking for Costa Ricans, for whom the Campaña Nacional was a quintessentially historical event. But people were even more surprised (and dismayed) to hear that outside of activists and corporate lobbyists, the US public as a whole knew next to nothing of their Free Trade Agreement with Central America—despite the many thousands of US citizens that visit (or even settle in) Costa Rica every year.

¹ “Los pueblos que no defienden lo suyo terminan siendo inquilinos de su propio país” (the quotation is sometimes cited with minor variations).
This is not a history of Costa Rica or of relations between Costa Rica and the United States. It is an account of how some Costa Ricans who felt that they were protagonists in a historic moment. Because this historicity was defined by a confluence of national, transnational and global processes, I hope that I can tell the story in such a way that readers might find something of (or for) themselves in it. To me it offers a distinct perspective on the current condition of, and possibilities for, a more substantive democracy—a question that many are concerned with today.
Introduction

Democracies and Exceptions

In October of 2007, a grassroots movement in a small Central American country came close to defeating a powerful coalition of domestic elites, transnational corporations, and the administration of George W. Bush, to prevent ratification of the Central American Free Trade Agreement with the United States (CAFTA). This is my account of the movement that almost won this asymmetrical contest, and how, in doing so, it worked to revive democratic ideals in danger of being sacrificed to the narrow freedoms of the marketplace.

By the spring of 2007, CAFTA had languished for three years in the Costa Rican national legislature, the deadline for ratification of the treaty was fast approaching, and the opposition movement was becoming larger and more confident by the day. The referendum organized to provide a “democratic” resolution to this impasse was the first in Costa Rica’s long history of popular elections, and the first plebiscite to be held on a free trade agreement anywhere in the world. This novel exercise in “direct democracy” catalyzed a grass roots movement to vote “no” on CAFTA, a movement that was itself remarkable for its participatory, direct and horizontal practices. But while authoritative international observers and the victorious “SI” (Yes) campaign declared in unison that the referendum exemplified Costa Rica’s democratic vocation, protagonists of the NO denounced the betrayal of longstanding democratic traditions in what many bitterly dismissed as a “frauderendum.”

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2 The current full name of the treaty in English is the Dominican Republic-Central America Free Trade Agreement, with the corresponding acronym of DR-CAFTA. In order to avoid unwieldiness I will use the more concise CAFTA, with no intention of diminishing the importance of the involvement of the Dominican Republic.
How did one of the world’s oldest democracies find itself riven with contention over its representative and electoral institutions? Why was there so much controversy over a Free Trade Agreement in a country that was a model of global integration, with the highest value of exports per capita in Latin America (see Clark 1997 and 2001; Hidalgo 2003)? And why this eruption of patriotic fervor in a country with a historically amicable relationship with the United States, home to tens of thousands of US expatriates and site of the first McDonalds outside of North America, a place often dismissed by other Latin Americans as *gringolandia*?

For those of us steeped in the doxa of turn-of-the-century corporate-managed liberalism and its characteristic modes of opposition, finding an answer to these questions may challenge some assumed truths and even open up some political possibilities: democracy outside of elections, “free trade” as an obstacle to freedom, an effective welfare state in a developing country. These challenges come from the lived reality and common sense of the protagonists of this movement to say “no” to CAFTA, who were (extra) ordinary people from a variety of backgrounds: teachers, students, electricians, engineers, peasants and farmers.

They pointed out that this so called “free trade” agreement had very little to do with either freedom or trade, and everything to do with imposing a made-in-the-USA neoliberal template on a unique social democratic state. By refusing to submit their Estado Social (social state) to the expanding empire of neoliberal law, the protagonists of this movement asserted the sovereignty of the Costa Rican people over the transnational corporations that profit from their land and labor. They turned a diversity of interests into unity of purpose, and created an incipient common identity under the banner of “NO.” And they pioneered new forms of political participation, including a decentralized network of Comités Patrióticos (Patriotic Committees), groups of concerned citizens that met in living rooms and schoolhouses in every corner of the country to coordinate the campaign against CAFTA in their neighborhoods. For a moment, at
least, the protagonists of this movement were conscious of being agents and authors of their nation’s history.

The movement of the NO was opposed by the SI (Yes), an elite transnational coalition of politicians, diplomats and executives equipped with all the powers granted by control of powerful public and private organizations: the authority and patronage networks of political office; extensive financial resources; predominance in print and television media; control over workplaces; and the ambiguous but ominous threat of retaliation by the United States. From the outset of the struggle over CAFTA, the contest between these asymmetrical forces of NO and SI was as important to participants and observers as the treaty itself.

In the chapters that follow I explore how and why protagonists of the NO organized to confront “free trade” and create a more vigorous popular democracy, drawing principally on my experience as a participant and ethnographer during two years between 2007 and 2009. In this introductory chapter I will provide the theoretical and historical context for my discussion of democracy in Costa Rica, introduce my principal aims and claims for the work as a whole, and say a few words about my research methods.

1. An Exceptional Democracy

Costa Rica is often held up as a democratic exception to a Latin American rule, a representation that shapes scholarship abroad as well as narratives of nationhood at home. Costa Rica’s history of regular competitive elections and civil peace certainly stands out in a century and a region so often riven by violence and ruled by terror. Inspired by this anomaly, an extensive literature has taken up the promise of a natural experiment by asking why Costa Rica developed a liberal democracy, while other Central American nations suffered dictatorships and political violence (e.g., Booth 1998; Bowman 1999; Holden 2006; Lehoucq 2012; Mahoney
Within Costa Rica, the discourse around democratic exceptionalism has been at once more self-referential, more diverse and more fraught. Between celebratory essentialism and wholesale rejection of “bourgeois democracy” is a tradition of nuanced assessment and critique. In this section I draw on critical thought about democracy in Costa Rica while maintaining a comparative framework in order to situate and contextualize the NO in the panorama of Latin American democratic projects.

A Latin American Democracy

Costa Rica’s record as a social democracy is less often commented upon but is at least as exceptional (Sandbrook at al. 2007). A country whose principal exports at mid-century were coffee and bananas built a welfare state with standards of health and education that rivaled, and often surpassed, the richest countries in the hemisphere (Edelman 1999:2, 60-3; Sandbrook et al. 2007:93-4). By the turn of the 21st century, in the wake of liberalization and privatization throughout the Americas, Costa Rica was a statist anomaly with idiosyncratic institutions that stubbornly refused to conform to the Washington Consensus cookie-cutter. Paradoxically, however, it is also this social state that connects Costa Rica with the traditions of social democracy and democratic socialism that moved Latin Americans throughout the 20th century and which were once again in ascendance at the turn of the 21st. Costa Rica’s achievements in human welfare reveal some of the potential within the frustrated hopes and struggles of the region’s troubled history—something of what, in many other cases, could have been.

In the summer of 2007, the Costa Rican state was deeply involved in providing goods and services. “The Caja” (Caja Costarricense de Seguridad Social or CCSS, the Costa Rican Social Security Fund) provided nearly universal access to high quality medical care and pensions
through broad-based social insurance, public hospitals and clinics. The public sector also ran the Atlantic port, refined oil, and provided universal access to potable water and electricity.

More anomalously, public institutions dominated three of the most dynamic sectors of contemporary capital accumulation: banking, insurance and telecommunications. The four largest commercial banks in Costa Rica were owned by the state, while both insurance and telecommunications were public sector monopolies. In the case of telecommunications, the ICE (Instituto Costarricense de Electricidad, Costa Rican Electricity Institute) was the last wholly publically-owned monopoly in the hemisphere (including Cuba), and the only firm to combine telecommunications and electricity in a single institution (Fumero 2005). Perhaps more surprisingly, this government monopoly provided widespread coverage to modern telecommunications services, giving Costa Rica some of the best indicators for telephone and internet access in Latin America (Fumero 2005; see also, ITU 2013). Finally, the Costa Rican state was exceptional for one thing that it did not do, having been the first modern state to abolish its military, in 1949.3 Taken together, this record even challenges some assumptions about what a state is, or can be.

But Costa Rican social democracy was also in many ways characteristic of the democratic movements that emerged throughout Latin America in the first half of the twentieth century. The broader global movement to regulate or embed markets had a particular trajectory in Latin America, which developed a variety of homespun democratic socialisms around programs for land reform, cooperativism, and a robust public sector, and which enshrined the state’s responsibility for guaranteeing the satisfaction of human needs in constitutional law (see Grandin 2011; also Holston 2008:264-7).4 Costa Rican social democracy is one representative

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3 There are currently more than 20 states which have either abolished their militaries or do not maintain standing armies, including Panama, Haiti, and Iceland.
4 I refer very broadly to the programs of various actors in the Mexican revolution, Augusto Sandino in Nicaragua, Jacobo Árbenz in Guatemala, APRA in Peru, ADE in Ecuador in 1945, and the Socialist Party of Chile--among others—as well as, in Costa Rica, the Communist Party’s “Socialismo a la Tica” (Costa
of this tradition. Its socially-oriented constitution echoes that established by the revolution in Mexico and the UN’s Universal Declaration of Human Rights, written with Latin American influence (Grandin 2001:6); its core social welfare and labor laws were based on models from Chile and Mexico (Molina 2008); its reliance on the public sector and promotion of cooperativism were characteristic of many socially and developmentally oriented political projects in the region.

What is exceptional about Costa Rica in Latin America, then, is not that a socially-oriented democratic project emerged in the twentieth century but that it survived the century intact. Its proponents were not incarcerated or shot by the tens of thousands; its core institutions were not honed down to a small group of privileged beneficiaries, robbed blind, left to wither from neglect, or sold for a quick dose of foreign exchange. In Costa Rica, a version of the social democratic project that was extinguished elsewhere continued to survive, and in many ways thrive, into the 21st century.\(^5\)

For a variety of reasons, Costa Rica provided a relatively propitious environment for the survival of social democracy. It is a story that has been told in different ways, but whose broad outlines are generally agreed upon: In the central plateau where most Costa Rican national institutions developed, widespread land ownership led to relatively “soft” class conflict between merchant capital and coffee producers of varying sizes, which contrasted with the “hard” conflicts between landlords and landless (or land-poor) laborers, or racist forced labor regimes that prevailed in much of the rest of Central (and Latin) America. A large agricultural frontier and endemic labor shortages raised the floor for workers’ wages and probably encouraged elite

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\(^5\) The closest parallel to Costa Rica in this is Uruguay (see e.g. Martínez 2008). Notably, the period of military rule was comparatively brief (Sandbrook et al. 2007).
interest in public health (as did a racist concern for preservation of the white race in the face of Chinese and West Indian immigration; Palmer 2003). Physical isolation helped to keep the country out of the destructive internecine warfare that wracked Central America (see e.g. Paige 1997; Williams 1994).

There is a recognizable trajectory of electoral democracy and state initiatives to promote health and welfare from the end of the 19th century. By then elections had been established as the normal means of political succession, but voting for public offices had been a regular (even annual) practice since the 1830s (Vargas González 2005). Early investments in basic education made literacy widespread (Molina and Palmer 2007:69-70). Major public health initiatives at the turn of the century began a cultural and political dynamic Steven Palmer (2003) calls “medical populism” and presaged the development of welfare state institutions. And already in the early 20th century there were attempts to address inequality in landholdings through land reform (Edelman 1992:167-74, 1999:49).

Nevertheless, that social democracy survived in Costa Rica more than elsewhere can also be seen as a contingent outcome of events in the middle of the 20th century. There were social and democratic traditions and strong movements for revolution and reform even in the most oppressive Central American polities (see e.g., Acuña Ortega 1994, 2004; Bulmer-Thomas 1987; Forster 1998; Gould 1990; Gould and Lauria-Santiago 2004; Lauria-Santiago 1999; Grandin 2011). At the same time, the domestic reaction and US intervention that quashed social democracy elsewhere were not absent in Costa Rica, and uncovering the forms that they took is important for understanding this particular experience of democracy. By emphasizing contingency, I hope to direct attention to the continuities between the Costa Rican experience and that of the rest of Latin America and away from more essentialist cultural narratives.

The global crises and instability between the first and second world wars provoked intellectual ferment and popular movements in Costa Rica as elsewhere (Bulmer-Thomas 1987;
Molina 2002). Despite a brief reactionary military dictatorship (1917 to 1919), reformist politicians and trade union activism achieved an impressive series of reforms between 1914 and 1930, which included founding a public sector bank and the state insurance monopoly, and passing legislation for compensation of injuries and an eight-hour day for urban workers (Edelman 1999:50-1).

In the 1930s a robust Communist Party emerged in the workshops of the capital and the banana plantations of the coasts, building off prior decades of organizing by workers and artisans (De la Cruz 2004; Oliva Medina 1985). Communists led some ten thousand workers in a successful strike against United Fruit in 1934. Communists and other left intellectuals left a deep mark on Costa Rican culture in this period, particularly in its literature. Carlos Luis Fallas, a leader of the strike in 1934, would become Costa Rica’s most famous literary figure, placing his anti-imperialist account of United Fruit’s banana plantations, *Mamita Yunai*, at the heart of the national cultural canon.

The Communist Party soon began to compete successfully in elections and became a significant presence in the national legislature (Molina 2007). In the early 1940s, the Communist Party reorganized as the Popular Vanguard to enter into an alliance with the reformist president Dr. Rafael Angel Calderón Guardia and the newly installed Catholic archbishop. This coalition promoted a far-reaching *Reforma Social* which incorporated a chapter on *Garantías Sociales* (social guarantees) in the constitution, including rights for workers, and founded the healthcare and pension system, which was expanded over time to provide universal coverage today (Molina 2007, 2008; Sandbrook et al. 2007). Calderón’s successor, Teodoro Picado Michalski won an apparent landslide victory in 1944, but the legitimacy of the vote was challenged by an increasingly vocal opposition. Political polarization

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6 The reasons behind this remarkable coalition and its pursuit of social reform are disputed (see Molina 2007, 2008; Rayner 2010; Rojas 1989). Regardless of the reasons for this coalition, however, the broader regional movement towards social and democratic reform should not be missed.
increased until an opposition-organized lockout and strike ended with violent clashes in the streets.

The following year the Legislative Assembly annulled the results of the 1948 presidential election between Calderón Guardia and the newspaper magnate, Otilio Ulate, alleging fraud by Ulate’s supporters. José Figueres Ferrer, a longstanding critic of the government, returned from exile to lead the “National Liberation Army” (trained on his rural estate) in an uprising with the alleged aim of restoring democracy. Figueres’s insurgents soon overpowered the small national army and the “mariachis,” Vanguard’s partisan militias. The brief but consequential war left some 2,000 dead and resulted in the founding of a “Second Republic,” which meant a new constitution, new institutions, and new people in charge of the state—as well as a remarkable degree of continuity with Calderón’s social reform.

Figueres’ “revolution” was part of a broader regional and global context. This was the same year as the Berlin Airlift, the conventional beginning of the Cold War. In Latin America, the United States pivoted from the “good neighbor” policy to a policy of opposing “Communism” at any cost. Coups against elected governments in Venezuela and Peru in 1947 and the assassination of Jorge Gaitán in Colombia in 1948 heralded the reactionary tide that ended the brief “Latin American Spring” and returned most of the region to dictatorship by 1954 (Grandin 2011:8). The United States’ Cold War priorities contributed to Figueres’ victory, as the US abandoned its erstwhile allies for their communist ties, blocking arms shipments to the Costa Rican government even as they allowed the arming of Figueres (Longley 1997:73-4). Once in power Figueres persecuted communists and trade unionists (Schifter 1985).

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7 The alliances at this moment were still in flux. While the US moved aggressively to block aid to Costa Rica from their ally, Nicaraguan dictator Anastasio Somoza, it was the democratic government of Juan José Arévalo in Guatemala that provided arms to Figueres with tacit US consent (Longley 1997: 73-4). The US would soon, however, sponsor a coup against Jose Arévalo’s successor Jacobo Árbenz, bringing a tragic end to the Guatemalan Spring. At this time, Figueres was a member of the Caribbean Legion, another prominent member of which was Fidel Castro.
The more-or-less-official narrative that Figueres acted to restore legitimate presidential succession has long been challenged (e.g. by Schifter 1985), but has become more difficult to sustain. Close examination of the electoral returns suggest that the greater fraud was committed by Ulate’s campaign and that Calderón was probably the legitimate victor after all (Lehoucq and Molina 2002; Molina 2005). Figueres’s rebellion interrupted ongoing negotiations between Ulate and Calderón (Molina 2005:419), and Figueres used force of arms to achieve a year and a half of rule by decree, which he used to persecute his enemies and institute major reforms—before restoring the “rightful” president. Even the abolition of the army that has inspired so many conveniently left Figueres’s supporters holding the guns.8

In emphatic exception to a regional narrative of reform and reaction, however, Figueres and his successors extended the social democratic gains of the 1940s while using the state to catalyze an economic transformation in a manner reminiscent of the program of the Communist Party, and far beyond Calderón’s paternal reformism (see Communist Party of Costa Rica 1989 [1932]; Edelman 1999; Schifter 1985; Solís 2006). The Junta de Gobierno that ruled by decree for eighteen months nationalized the banking system, placed taxes on capital including US banana exporters, founded a public sector electricity company (the ICE), abolished the army, created a fourth branch of government (the Supreme Electoral Tribunal) to regulate elections, and presided over a convention to write a new constitution—among other measures—all while maintaining the social reforms established by the coalition he deposed. And despite rule by decree and selective political persecutions, democratic rights were expanded in major ways, as the franchise was extended to women and persons of Afro-Caribbean descent (Molina and Palmer 2007:116). At the end of the eighteen month period, Figueres fulfilled his promise to surrender power to Ulate and political competition returned to a cycle of regular elections.

8Tellingly, Vanguardia’s underground newspaper Adelante ran a headline in 1957 that read “the private armies are the greatest threat to our democracy” (arguably, however, Vanguardia had once had its own: “the Mariachis”).
Costa Rican scholars continue to debate the nuances and contradictions of this moment. It is probable that Figueres’ project was both a sincere effort to tackle the country’s problems, end the dominance of the coffee oligarchy, and open up new areas of economic activity to some of the aspiring entrepreneurs that supported him (Edelman 1999:56; Rovira 1982). Certainly, this project had enough ambiguities and contradictory impulses that its democratic resolution appears contingent, if not improbable.

The US diplomatic corps was also conflicted about these developments. They were particularly concerned about Figueres’s nationalizations and taxes on US-based banana producers. But instead of undermining Figueres the United States went so far as to threaten military intervention to forestall an invasion of Costa Rica by the US-allied Nicaraguan dictator Anastasio Somoza in 1954 and again 1955 (Longley 1997:139-42). Reviewing US diplomatic archives, Kyle Longley (1997) attributes US tolerance of Costa Rican economic nationalism and social democracy to able and pragmatic Costa Rican diplomacy (which includes Figueres’s anticommunist posture), abetted by a historically positive view of Costa Rica in the United States (a disposition itself built on narratives featuring themes of whiteness and democracy). But this, too, could easily have gone differently—just like Guatemalans’ dreams of democracy and social justice in 1954.

The Consolidation of Social Democracy

Despite its contingency at midcentury, electoral democracy was firmly established in the following decades as an encompassing institutional and cultural order of values and

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9 Ana María Alonso (2008) observes that US conceptions of sovereignty have always been racialized; Costa Rica’s white and European representation has doubtless helped it maintain credibility as a sovereign nation state with the US foreign policy establishment.
expectations.\textsuperscript{10} Broad-based improvement in the quality of life and extensive upward mobility created deep respect for the institutional order (Molina 2002; Sandbrook et al. 2007). Meanwhile, the regulations propagated by Picado and then by Figueres made elections a credible means of political competition (Lehoucq 1996, 1999; Lehoucq and Molina 2002). The abolition of the military effectively eliminated the possibility of a coup, but also gave the cultural process of Costa Rican state formation a more civil cast; the model citizen was a civil engineer, teacher or doctor, not a soldier (cf. Corrigan and Sayer 1985; Brown 1995). Thus established, Costa Rican social democracy also survived and thrived through the second, more widespread and more violent wave of reaction in Latin America, from the Brazilian coup in the mid 1960s to the end of the Central American civil wars in the early 1990s (see Grandin 2006, 2011).

The social democratic project that was stamped out in so many other places, then, continued to flourish in Costa Rica, albeit in a form redrawn by the new relations of force established in the conflict of 1948—the limits of which have been the subject of ongoing critical reflection. The post 1948 democracy had a universal adult franchise and remarkably reliable balloting (Lehoucq and Molina 2002). But at the same time, the loss of the ideological diversity and autonomous working-class organization of the 1930s and 40s created a more restricted political field.\textsuperscript{11} During the period of rule by decree, people associated with the former government, communists, and trade union activists were exiled, dismissed from their jobs, subjected to special investigative tribunals, and, in some cases, murdered (Shifter 1985:111-6). The most vital political parties in the country were scattered or driven underground. Although it was eventually legalized in the 1970s, neither the Popular Vanguard nor the labor movement

\textsuperscript{10} Paige (1997) in a comparative study of Central America’s “coffee elite” found a much fuller support for democracy among Costa Rican elites, and the LAPOP public opinion survey has regularly found very high indices of “system support” for democracy in Costa Rica. The importance of elections for legitimacy was also an accepted truisms during the period of my fieldwork.

\textsuperscript{11} It probably also contributed to the conformism that is now a recognized part of official national character, just as the US continues to feel the legacy of McCarthyism (Robin 2004). At the least, the “golden age” of Costa Rican literature, whose leading lights were from the left, came to an end.
that it helped to lead recovered. A more civil form of repression of worker organizing through employer sanctions, beginning with a decree in 1948 authorizing the dismissal of “politically dangerous” persons (Shifter 1985:111-2), and persisting into the next century in the guise of company unions known as “solidarity associations” (Abdallah n.d.; Aguilar 2004:47-50; Trejos 1999). Legal protection for free speech (outside of the workplace) coexisted with a highly concentrated and oligarchic media (Rockwell and Janus 2003; see also González Dobles 1981). Employer control of the workplace, the Solidarity Associations, and media concentration would all play important roles in the referendum on CAFTA.

Public financing of elections, an electoral system based on party lists, and strict term limits, have in theory encouraged the authority and autonomy of political parties. Nevertheless, parties have tended to be dominated by a few leading figures (most paradigmatically, by Figueres and Calderón) and to varying degrees by wealthy landowners and capitalists. In one academically influential interpretation, the first decades of postwar democracy amounted to a contest between the “petit-bourgeois” PLN and the large landed interests represented by their opposition (Rovira 1982).

By defeating and scattering Calderón’s supporters and Vanguardia Popular, Figueres cleared the field for his newly founded National Liberation Party (PLN, for Partido Liberación Nacional—Molina 2005: 420). While the core of the PLN was a tightly-knit cohort of young, avowedly social democratic intellectuals who had participated in the uprising of 1948, the party was built by recruiting a national network of mostly middle-class cadres, many of whom had little political experience or ideological commitment (English 1971). The result was a distinctly pragmatic party organization that continued to dominate electoral politics at the beginning of the 21st century, and which also exercised a broad cultural influence.

The PLN's competition was a protean coalition, often united by opposition more than anything else. It included a large group of “Calderonistas,” who now allied themselves with
traditional oligarchic interests in a more liberal counterweight to the PLN (Rovira 1982). In the 1980s this opposition coalesced into the Social Christian Unity Party (PUSC, Partido Unidad Social Cristiana), inaugurating a two-party system (“el bipartidismo”) that endured until the late 1990s.

The democracy that coalesced in the 1960s was fiercely partisan and intensely electoral. While a consensus was established over core welfare and developmental institutions, there was enough scope for disagreement about the size and role of the state, as well opportunities to benefit from it, to give tangible consequences to political participation (just as a visible ink stain marked the performance of this civic duty). The antagonisms unleashed by civil war also contributed to partisan passions (Solís 2006:494-518). Roughly eight out of ten adult citizens voted in each presidential election between 1962 and 1994 (see Raventós et al. 2005:2-3). Although ballots were secret, elections were profoundly social, rather than individual acts—a “fiesta cívica” in which one displayed one’s allegiance through flags, umbrellas, donning t-shirts, dressing, or even painting one’s house in party colors. Men, women and children celebrated partisan victories in the streets.

This passionate electoralism has fed on, and fed into, the tendency to identify the Costa Rican nation with democracy and civility. The trope of Costa Rica as a country distinguished from its neighbors (especially Nicaragua) by democracy and peace has a long history in which it has taken historicist, culturalist, and racist forms (e.g., Edelman 1998, Molina 2002, Sandoval 2008): as president Laura Chinchilla declared in the context of a heated border dispute with Nicaragua, “the vocation for peace, which is something almost genetic, is in the DNA of our people” (Murillo and Villalobos 2010:4A). This trope appears in the ubiquitous characterization of the national “idiosincracia” as easy-going (sometimes to a fault), pacific,

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12 “. . . la vocación de paz, que es algo casi genético, está en el ADN de nuestro pueblo.”
disposed to compromise and the “middle” of everything, conformist—although also, in more vernacular versions, prone to sarcasm and leveling mockery.

Of course, representations of “the national idiosyncrasy” are politically potent. And as Julia Paley’s (2001) study of post-Pinochet Chile shows, a discourse that opposes democracy to protest can effectively serve purposes of control. Manuel Solís Avendaño argues that the discourse of democratic pacifism in Costa Rica constrains the use of violence by the state, but is also used to cast protest (especially by workers) as immoral and anti-national, and to bolster a “civil authoritarianism” that encourages deference to figures of authority, especially those claiming legitimacy from the past (2002:43-7, 2006:37-39, 217-25). Notably, for Solís the master exponent of this discourse is the Nobel Peace Laureate, sugar magnate, and scion of the traditional coffee elite, Oscar Arias Sánchez—who, as president and principal advocate of CAFTA, features prominently in the processes of contention over the treaty.13

Reducing democracy to elections was always an incomplete project, but in the consolidation of the post 1948 political order, electoral politics steadily colonized political practice, particularly among the urban working class. With workplace organizing stymied after 1948, efforts were redirected to the popular neighborhoods, where protests over transportation, water, and electricity flourished (Alvarenga 2005; Cayetano 1992). At the center of these protests was a network of Juntas Progresistas (Progressive Committees). While actions were often localized, the Juntas Progresistas sometimes organized on a large scale, including organized resistance to electricity price increases throughout the 1950s and a campaign for the

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13 Since, as the postmodern truism goes, resistance often makes power visible, it is worth noting the tradition of packaging social and political critique in the subversion of democracy’s status “as a passive object of veneration and contemplation,” to use the words of Manuel Solís (2002:47). Mario Sancho’s (1936) sarcastically-titled essay “Costa Rica, Central America’s Switzerland” critiqued his compatriots’ complacency in the face of poverty, inequality, and capitalists’ domination of the political system—as well as the habit of comparing Costa Rica to the Alpine nation. Yolanda Oreamundo (1938) similarly mocked the pretense of a “demoperfectocracia,” where the frivolity and passivity of the citizens made Costa Rican democracy “bien distinta de la democracia en sí” [very different from democracy itself] (Solís 2006:114).
nationalization of electricity distribution that and brought thousands into the streets in 1958 (Alvarenga 2005:132-45).

Beginning in the 1960s, however, these independent organizations were gradually displaced by “Development Associations” financed in part by the United States and controlled by the dominant parties through local and national organization (Mora 1989; Palma 1989). The last large-scale movement based in low income urban neighborhoods was the protests and road blockades in opposition to an electricity rate hike in 1983. It is important to keep in mind, however, that the marginalization of autonomous movements occurred in the context of a state that really was providing for the health and livelihood of its citizens (Edelman 1999:29). Whatever the state of autonomous popular organizing might have been, Costa Rican social democracy was working in this fundamental sense.

As in much of the rest of the world, the 1970s brought a renewal of contentious politics, spearheaded by a wave of graduates from the rapidly expanding university system radicalized by the Cuban and Nicaraguan revolutions, some of whom dedicated themselves to organizing inadequately housed urban populations (Dobles and Leandro 2005). By the late 1980s, however, the Arias administration had incorporated what remained of the housing movement into the PLN’s electoral machinery (see e.g., Molina Alfaro 1990). Members of this generation also participated in massive protests against US minerals giant ALCOA’s proposed mine in 1970—a campaign that was often cited as a precedent for the wave of protests that began in the 1990s; it was in the struggle against ALCOA that many of those that I came to know in the movement of the NO got their first tastes of contentious politics.

The crisis of the early 1980s hit Costa Rica hard (see e.g. Edelman 1999; Morgan 1987). The retrenchment and liberalization that followed provoked new contention, in the 1980s by agriculturalists confronting cuts in state support and protective tariffs (Edelman 1999), and after 1995 by public sector workers and students protesting pension reforms and privatization
These two streams of discontent—swollen by outrage over corruption scandals—converged in opposition to the “modernization” of electricity and telecommunications in 2000, and again in the movement against CAFTA after 2003. On the other hand, the PLN divided between an ascendant, more neoliberal faction associated with Oscar Arias and traditionalists loyal to the party’s social democratic heritage.

I will take up the story of Costa Rica’s limited liberalization and the emergence of opposition movements in chapters one and two. For now it is enough to note that these movements were largely successful in restraining liberalization and privatization, while Costa Ricans were showing increasing signs of frustration with the workings of their representative democracy.

**New Democracies, New Contexts**

While Costa Rica adapted the social democratic project of the 1940s through this contentious process of resistance and accommodation (Sandbrook et al. 2007), the rest of the region was swept by liberalization and privatization. By the first decade of the 21st century, however, a new generation of democratic socialist and social democratic governments had been elected into office throughout Latin America, changing the context of Costa Rican exceptionalism yet again.

For the most part, the expansion of state institutions and functions has been limited and piecemeal in the countries governed by the resurgent Latin American lefts (Sandbrook et al. 2007; Webber 2011). As a result, the scope of Costa Rica’s developmental and welfare state continued to surpass even the most ambitious of Latin America’s new socialist projects in important ways; despite significant renationalization, even Hugo Chávez’s “21st-century socialism” had not ventured to make telecommunications a monopoly of the state, to take one example. Similarly, the effective universality of Costa Rica’s health and pension system still
permitted few rivals. At the same time, however, the Costa Rican social state consisted of institutions held over from a prior era, and those committed to it had spent decades on the defensive. By some measures, inequality was growing at a faster rate there than anywhere else in Latin America at the turn of the 21st century (), while indices of poverty remained stubbornly fixed (see Estado de la Nación 2007:115-121; Martínez 2007; Leitón 2006a, 2006b; Sojo 2010:88-90).

Costa Ricans adapted longstanding discourses of exceptionalism to this complex and contradictory situation, creating narratives which became central to the contention over CAFTA. In one common refrain, Costa Rica was exceptionally stuck in an outdated statist model; it was “slow,” lagging behind the rest of the region on the unilineal path of market driven progress, held back by public sector unions and obstructionist parliamentary procedure. On the left, some similarly saw Costa Rica left behind by the process of “revolutionary” social transformation whose pace was being set in Venezuela and Bolivia, with Cuban socialism as inspiration. Opposition to CAFTA was for them often as much about a pan-Latin Americanist, “Bolivarian” geopolitical vision as it was about Costa Rican institutions per se.

More often, however, opponents of CAFTA celebrated the institutions of the social state as part and parcel of a valued national “idiosyncrasy.” Because they articulated a positive vision of Costa Rican exceptionalism, theirs was a profoundly national discourse with substantial rhetorical and affective power. And because it was rooted in the defense of existing institutions it could also be “conservative,” benefitting from affective attachments to the past and the present—even when it was articulated with a transformative vision for popular democracy. The pro-CAFTA SI campaign did not however entirely cede the ground of Costa Rican idiosyncrasy: they argued that Costa Rica’s valued welfare state institutions could adapt to or even needed CAFTA—the real threat to their viability was anti-democratic “pressure groups” and foreign-sponsored subversion.
The evolving substance and meaning of democracy in Latin America have further transformed the context of Costa Rican exceptionalism. The re-establishment of electoral regimes throughout the region made Costa Rica’s less exceptional, even as Costa Ricans’ increasing disaffection more nearly echoed widespread frustrations with the quality of representation.

At the same time, movements and communities throughout Latin America were acting on their frustration with elite-dominated democracies by consciously creating new participatory forms (e.g. Alvarez et al. 1998b, Dagnino 1998, Santos 2007, Paley 2008c). Arising in the wake of the democratization of military regimes, these movements have pushed beyond “transition”—understood as a movement to a democratic order whose outlines are specified in advance—to a process of revival, renewal and reinvention marked by creativity, diversity and grassroots protagonism. They have created innovative forms of participatory and direct democracy that have pushed the boundaries of the politically thinkable and inspired people around the world.

These Latin American democratic projects are diverse, including the grassroots Zapatista democracy in Chiapas’s Mayan communities (e.g. Nash 2001); the more state-centered Bolivarian experiments in direct democracy in Venezuela (e.g. Fernandes 2011, Smilde and Hellinger 2011); participatory budgeting in Brazil (e.g. Abers 1999) and Ecuador (Paley 2008c); and the diverse forms of “horizontalism” in Bolivia and Argentina (e.g. Sitrin 2006, 2012; Lazar 2008; Zibechi 2010)—to name just a few of those that have garnered the most international attention. Moreover, in part inspired by Latin American examples, movements in the Mediterranean, Europe and the United States have also taken up experiments in practices of “direct” or “horizontal” democracy (e.g., Gessen and Tayler 2011; Graeber 2009; Juris 2012; Razsa and Kurnik 2012).

See Verdery (1996) for a parallel critique of the concept of “transition” in the post socialist context in Central and Eastern Europe.
Costa Ricans also worked to reshape the meaning and possibilities of democracy, both despite and because of the discourse that defined their democracy as exceptional (cf. Solís 2006). The usual spatiotemporal reference employed by the NO was national: it was a “patriotic” struggle that was “historic” within a national narrative marked by figures like Juanito Mora and Juan Santamaría (see also, Rayner 2008). With a few notable exceptions, I found the protagonists of the NO creating new forms of participation without invoking other Latin American experiences. The most notable of these democratic projects, the Comités Patrióticos, emerged mostly spontaneously within an urgent practical situation, and their conception was more utilitarian than ideological.\footnote{Sitrin (2012) makes a similar point about horizontal movements in Argentina.}

These projects were however shaped by aspirations, as well as expectations and habits of sociality, carried by the movement’s protagonists (a theme I take up in chapter six). And locally articulated traditions as well as currents from the world beyond, both in the past and the present, influenced these expectations and aspirations. There are parallels to the Comités in the Costa Rican past (such as the Juntas Progresistas mentioned above) as well as in both contemporary and historical movements elsewhere in Latin America and beyond (e.g. Nugent 2008). Latin America’s distinctive democratic traditions have produced diverse forms of participation, with a notable undercurrent of direct democracy, but which are also very specific to the particularities of nation and region.

Just as Costa Rica’s 20th century exceptionalism is best understood in the context of a broader regional project for social democracy, the democratic project advanced by protagonists of the NO should be understood in terms of the widespread frustration with elite-dominated partisan electoral politics at the turn of the 21st—as well as the alternatives to that order being advanced elsewhere in Latin America. It is the intersection of these two democratic projects—and their conflict with an expansive neoliberal hegemony propagated by the United States—that
make the movement of the NO particularly interesting. By struggling to defend a “social state” with tremendous legitimacy while creating a new—more egalitarian and participatory—“way of doing politics,” the protagonists of this movement articulated one set of political possibilities in the face of common challenges.

2. Concepts and Terms

Protagonists of the NO were concerned by the threat that CAFTA posed for the well-being of their country, their families, and themselves. They were also inspired by desires for a collective life embodying values of “solidarity,” “participation” and “respect for nature”—desires often developed and deepened by participation in the movement itself. My account however places more emphasis on how protagonists of this movement used their social and symbolic creativity to defend a national territory where such values could survive and thrive, both during and after the struggle against CAFTA—as well as the obstacles they faced in doing so. In my conclusion, I will highlight what I believe to be some potential lessons for other movements.

The thesis I argue here is that protagonists of the NO gave new life to “the people” as an identity and “democracy” as a practice. In doing so they articulated a common project—despite their diversity—for “popular democracy” and against a neoliberal project that pretended to hegemony over them. In this section, I will prepare the ground for this argument by introducing a few key terms and explaining how I will use them. I will dispense with most discussion of the genealogies of the terms and the current state of debates concerning their use.

Democracy

I start from the assumption that democracy is a contested ideal rather than a particular institutional arrangement. Although the term democracy has increasingly come to be identified with multiparty elections through secret ballots in a context of certain guarantees for civil
liberties (Coles 2007; Paley 2008a), this globally-circulating “normative democracy” does not encompass the democratic imagination, historically or today (Nugent 2008; Pateman 1970). The democratic ideal of broad and equal participation in collective decision making continues to be raised as a critical concept and a rallying cry for oppositional movements (including within “democracies”)—whether or not the term “democracy” is used to refer to this ideal. “Democracy” in this sense is not the either-or condition or possession of a polity (something a country “has” or “is”)—it is a starting point for critical assessment of political institutions. The leveling of existing inequalities implied in democratic ideals of equal participation mean that democracy was originally—and is always potentially—an insurgent demand from below (see Rueschmeyer et al. 1992; Holston 2008; Nimtz 2000).

Even within the more normative electoral tradition, there are important disagreements. To Costa Rican eyes, the US electoral system that produced the election of 2000 was puzzling at best and more likely fraudulent. In the referendum on CAFTA, longstanding traditions that regulated elections in the interest of democracy were steamrolled by a US-style big money campaign, which was cheerfully declared a model election by authoritative international observers. Nor is voting the only or even the most effective means of practicing democracy. Forums for collective decision making (like assemblies) are one way. Anything that gives people a consequential say in the decisions that affect the collectivity, including strikes, boycotts, road blockades, are democratic when they empower people who are otherwise marginalized or excluded. Contentious movements from below are then a necessary part of democracy, despite the fact that a discourse of “democracy” is often invoked to undermine them (Paley 2001, 2008b; Piven and Cloward 1979).

The ability to use democracy in undemocratic ways has a lot to do with the fraught relationship between democracy and liberalism, a tension at the center of the narrative I present here. Democracy in its modern incarnation has developed in a contradictory but mutually-
constitutive relationship with liberalism (Gould 1990; Held 2006; Mouffe 2009). While democracy needs liberalism’s safeguards of dissent, the emphasis on individualism and free contract is contradicted by the antagonistic process by which a demos forms and claims the right to rule (see Mouffe 2009). Relatedly, Carol Gould (1990) points out that the individualism of the liberal tradition has been difficult to reconcile with the obligation to accept majority rule. As we shall see, both of these contradictions played significant roles in the process of contention over CAFTA.

For Karl Polanyi, the liberal tradition of “private property” developed as a restriction on democracy. Legal guarantees to protect “property” against “the people” became salient in England in the face of the Chartist movement for working-class suffrage, but were most developed in the United States, where "the American Constitution…isolated the economic sphere entirely from the jurisdiction of the Constitution, [and] put private property thereby under the highest conceivable protection," with the result that, “in spite of universal suffrage, American voters were powerless against owners” (2001:233-4). CAFTA, I will argue, is an example of a US-led effort to install this model of “reactive” law as a “global constitution” (Mattei and Nader 2008:137-141).

**Property Regimes**

I will argue that CAFTA was a renewal of this project to protect “owners” from “the people.” And just as importantly, it challenged the ability of “the people” to act as owners. Property claims were thus central to the controversy over CAFTA, which sought to impose a neoliberal property regime on a more social democratic one.

I employ an understanding of “property” as an inherently political process of making claims to values (see Hann 1998; Verdery 2003). To be more precise I would say “objectified values.” I prefer values to “things” for two reasons: as Verdery and Humphrey (2004) point out, not everything claimed as property is unambiguously a “thing”
decided in culturally and historically particular property regimes, the term property has become very difficult to extract from the liberal tradition that elevates it as a special kind of exclusive “right” of dominion exercised by individuals over things (Rose 2004; Verdery and Humphrey 2004). Claims for the precedence of “private property” have developed alongside arguments for a self-regulating (“free”) market. They are, after all, two sides of the same coin, as the free market implies the widespread exercise of a very strong property claim: the discretion to alienate, exchange and acquire.

However, market and property discourses are differently positioned in the liberal tradition. Market discourse belongs to the art of government; it is dedicated to the “conduct of conduct” in order to achieve the most efficient allocation of resources and maximize “utility” (Gordon 1991). This is the technocratic liberalism of economists, “third way” politicians, and the World Bank. Private property here is a means to the general welfare (Gordon 1991; see e.g. North 1990). More populist strands of liberalism, however, make property a fundamental “right” prior to whatever governmental rationality it might serve: what is mine is mine because I earned it, I built it, I inherited it, and therefore no one else can have a legitimate claim to it (see e.g., Nozick 1974). These two discourses sometimes contradict but often bolster each other.17

The converse of the interdependence between the free market and private property is that the post-war regulation or “embedding” of the market by social democrats, pragmatic liberals, and developmental states was accomplished through the broadening of claims to “private property” in the form of taxes, regulations, and labor codes, as well as through expansion of public ownership. Costa Rican social democracy was one particular version of such

(17 There cases of contradiction are interesting. In the US, the interpenetration of law and economics has made it possible to make governmental arguments for the expropriation of one private property claim in favor of another, based on projections of the economic growth that may result (Mattei and Nader 2008). This very much rankles liberals who elevate the right to property over the market.)
an embedded property regime, in which “the people” made important claims as citizens through the system of electoral representation and sometimes through protest (Alvarenga 2005).

_The State, “Social” and Otherwise_

The NO was quite vocal about defending “the State” (el Estado). This might seem strange to many from more authoritarian or more liberal milieus. But when Costa Ricans talked about defending the state they had in mind a particular institutional order that should not be misrecognized. As anthropologists and others have taken pains to demonstrate, the state does not have an essence (see e.g., Abrams 1988; Coronil 1997; Gupta and Sharma 2006; Hibou 2004; Mitchell 1999; Trouillot 2001)—although there are some essential tasks for the maintenance of a capitalist society that are usually performed by states. The category is based on family resemblance together with claims made in a discursive field that includes recognition by other states as well as by citizens. While the overlap between states is often enough to “know it when you see it,” the functions of the state have sprawled over the course of the 20th century, and there is almost no function, purpose or practice that is either always or never carried out by states (see e.g. Nugent 2007). Finally, the actual integration of any state is a matter to be investigated, not assumed: “the state” is rarely a unified actor.

The Costa Rican state is interesting as a state in part because its capacity for violence, which is often used to define what a state is, is minimal. In order to distinguish institutions that operate as “civilians,” that is, that do not participate in Max Weber’s famous monopoly of the legitimate use of violence, I employ a term sometimes used in Costa Rica: “social state” (Estado Social).

This social state was also interesting for the way it was organized and related to both governments and citizens. Distinctions between “public” and “private” are often blurry (think of a “public” university that receives most of its funding from tuition and donations). In fact, this dichotomy, which developed along with liberal concepts of property, is a “discursive distinction”
rather than an essential one, and either term can be applied to nearly any “social fact” as part of the political process of making claims (Gal and Kligman 2000:37-62). The assertion that something is private has long been a way of resisting others’ claims to it. But public property can also be used for private ends (for one notorious case, see Knut 2003), while sometimes regulation and other public claims have turned private corporations into quasi-public entities (e.g., Cohen 1992; Schmidt 2003). Private corporations, in fact, potentially suffer from the same principal-agent dilemma (the division between owners and managers) as public sector firms (Shirley and Walsh 2000).

The more important distinction is really what kind of claims can be made and by whom (see Feigenbaum et al 1999, Hibou 2004, MacLeod 2004; Pitcher 2002). As a result, the question of public and private, state and not state is ultimately also a question of the potentials and limits for the exercise of democratic decision making. The liberal discourse of private property tends to foreclose this discussion, subsuming the diversity of experiences of public property within a single simplistic rubric (Hann 1998). In Costa Rica at the turn of the 21st century, however, most people were still not prepared to renounce their ability as a democracy to manage a social state.

**Neoliberalism**

As elsewhere in Latin America, Costa Rican activists frequently used “neoliberalismo” to describe the policies and the persons (“los neoliberales”) against which they were struggling. I too find *neoliberalism* to be a necessary, if complicated, term. I hope that my account of struggles over CAFTA will contribute to discussion of how this term can be productively used (Boas and Gans-Morse 2009).

Like that of the protagonists of the NO, my use of *neoliberalism* draws on a critical tradition that began under the Pinochet dictatorship in Chile, where dissidents took up a little-used name for postwar German liberalism (*Neoliberalismus*) and used it to describe the
application of economic liberalization by the illiberal means of state terror (Boas and Gans-Morse 2009:139). Even if the inspiration for the Chilean dissidents’ use of “neo” was the juxtaposition of economic liberalism and political authoritarianism, neoliberalism became a very useful handle for the kind of economic liberalization that the Pinochet dictatorship pioneered (see Lüders 2000; Winn 2004)—reforms that were eventually applied to varying degrees by governments all over the world, and with particular force in Latin America (e.g., Dasgupta 1998; Harvey 2005; Gill 2000; Nellis and Birdsall 2005; Orhanganzi 2002; Pitcher 2002; Sheahan 1987; Smith 1998; Wade 2001, 2003).

I consider neoliberalism to be this movement to restore the self-regulating market and the priority of private property claims, a movement that began as a reaction to the mid-century “embedding” of the market. That this project by necessity led to the emergence of new institutions of economic governance does not negate its fundamentally liberal aim of freeing owners from the wider social claims that had been placed on them. I thus prefer to situate neoliberalism as a project that pursued enduring aims in a particular historical moment (Peck and Tickell 2003), rather than treat it as either an abstract doctrine or “mobile technology” of government (cf. Ong 2007). For the more abstract ideological systems and enduring discursive moves there are other terms (beginning, of course, with liberalism). Neoliberalism might then be reserved for a particular, and particularly significant, political project that needs to be named.19

As it happens, neoliberalism is the best name—indeed, the only name—for a movement to “free” markets and private property that had become global by the end of the 20th century.

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18Notably—beginning the tradition whereby neoliberalism would be a term used exclusively by its critics, Pinochet preferred another German phrase for his regime, “Social Market Economy” (Boas and Gans-Morse 2009:152).
19 It needs to be named in part because it refuses to name itself. The tendency for “neoliberalism” to be used almost exclusively by the movement’s critics (Boas and Gans-Morse 2009) reflects not so much the shortcomings of the concept as ahistorical habits of thought and an ideological affirmation of the naturalness and self-evident truth of their positions.
(which does not mean it was either universal or homogenous). Anthropologists are rightly sensitive to the variety of forms liberalization has taken in particular contexts, but that attention to particularity should not come at the expense of the recognition of phenomena operating at regional and global scales (Robotham 2005; Trouillot 2001; Wolf 1982; see also, Smith 1984).

And as Eric Wolf (1982) helped to demonstrate, among the most global of processes is capitalism itself. The crisis of the 1930s and the subsequent move to embed the market were both global phenomena. Likewise, the neoliberal challenge to this embedded regime responded to transformations in the global economy. Neoliberalism properly belongs to the history of capitalism as a global system, in which periodic crises have led to the organization of new institutions and the rise of new global hegemons (see Aglietti 1979; Arrighi 1994; Arrighi and Silver 1999; Harvey 1990; Jessop 1995; Polanyi 2001).

By the 1970s, the institutions that had organized the long postwar expansion were under strain, including the Bretton Woods system of global financial regulation. The spread of the Fordist model of mass production had led to increased competition in core industries and created a situation in which capital was locked up in unprofitable investments, contributing to a global recession and a “wealth crash” in the United States. Among the means of restoring accumulation were: (1) to branch out into new areas of economic activity and develop new markets; (2) to remove rigidities and flexibilize production; (3) to reduce the burdens of welfare states and trade unions and reduce costs of production (see Arrighi 1994; Brenner 2002; Dumenil and Levy 2004; Harvey 2003, 2005).

Each of these solutions made owners and managers of capital more insistent on their freedom of action and more assertive in their property claims. The first solution led to insistence on extending “intellectual property rights,” privatization, the opening of protected markets and financial deregulation; the second and third to attacks on the claims of welfare states, labor and environmental laws and other kinds of regulations, as well as offshoring and the
transnationalization of production chains (see Dicken 2011; Dumenil and Levy 2004; Harvey 2003, 2005). The drive to transnationalize encouraged the relaxation of protectionism in the global North, as well as complementary moves to facilitate foreign direct investment for export assembly in the South. The latter in turn included obvious measures such as the relaxation of restrictions of foreign investment, and less obvious ones like the liberalization of land markets (Hall 2013).

Further encouraging the growth of a neoliberal project was the discrediting of the state as an economic actor (Yergin and Stanislaw 1998). By the 1970s centrally planned economies were stagnating, while Keynesian demand-management was producing stagflation instead of growth. The discrediting of government was even more significant for the global South, where the state had been widely employed to “jump-start” economic growth, to incubate industrialization, to provide infrastructure and services, to foster agricultural production and subsidize the consumption of basic goods like food and fuel. In Latin America, developmental states—including Costa Rica—were confronted by the beginning of the 1980s with unsustainable deficits and mushrooming debt, caught between unfavorable terms of trade and the “Volcker shock” that raised interest rates on dollar-denominated liabilities and created a desperate need for hard currency.

The crisis of the developmental state laid the groundwork for the arrival of neoliberalism as development policy (Sheahan 1980, 1987; Smith 1998). The free movement of resources to whoever would most efficiently employ them would allegedly produce development in the periphery. This argument was usually made without recognition of the history of protection in the developed world and with a simplistic “free market” interpretation of East Asian experience that excluded crucial state interventions (Chang 2002, 2010; Dasgupta 1998; Evans 1995; Smith 2010).

Contemporary Keynesians argue that the failure of these measures was probably due to the inflationary pressures of high oil prices more than anything else. They observe that Reagan followed a “military Keynesianism” with some success at reviving economic activity in the US in the 1980s.
Abstract neoclassical theory was also ill-equipped to recognize the importance of fixed capital, oligopolies and agglomeration economies in shaping comparative advantage and the geography of uneven development (see Harvey 1999; Krugman and Livas 1996). As Sandbrook et al. (2007) argue, a successful social democratic project in the periphery needs an active developmental state. The free-market alternative is the low road of cost-cutting comparative advantage.

However, crisis-ridden developing countries badly needed foreign exchange. The IMF, the World Bank and other international institutions provided loans in exchange for “structural adjustment” packages that included trade liberalization, investment guarantees, privatization, state retrenchment, and export promotion. By the end of the century even Koreans were sporting t-shirts that read “I.M.Fired” (Ong 2007:4).

In addition to the structural adjustment promoted by the IMF, the World Bank, USAID and others are the sweeping commitments in the GATT-WTO and subsidiary multilateral treaties that nearly every country on earth had signed on to by the end of the century, as well as the proliferation of bilateral agreements with similar liberalization measures, such as NAFTA and CAFTA. Together these are creating what Ugo Mattei and Laura Nader (2008) call a “new global constitution” that has subordinated national law.

The implications for democracy are potentially enormous. Like the liberal constitutionalism of the 19th century, this global constitution protects “owners” from “the people,” constraining democratic claims. Moreover, the means have been highly undemocratic: one-sided negotiations, high pressure ratifications without debate (Nader and Mattei 2008; Raventós 1995). Under these circumstances, Nader and Mattei conclude that the “rule of law is illegal,” which resonated very much with the complaints by Costa Rican activists that “los neoliberales” had “hijacked (secuestrado) the institutionality.” This possibility of illegality within the rule of law is one of the more fraught contradictions for a liberal democratic subject.
That it has become an important part of the implementation of neoliberalism may go a long way towards explaining the exasperation with representative democracy in much of the world at the beginning of the 21st century.

Despite the bluntness of the phrase, neoliberalism through the “illegal rule of law” is the result of a multifaceted exercise of power. In Latin America, the use of terror to promote liberalization pioneered by Pinochet is an important part of the story—if military regimes did not implement the policies they weakened the movements that could oppose them. As we have seen, that Costa Rica was among the least privatized countries in the hemisphere at the turn of the century had much to do with the absence of state terror. But “the illegal rule of law” also had to do with more civil processes: economic pressures, exacting loans; closed-door, high-pressure negotiations; transnational elite cultures; and highly managed electoral processes (Mattei and Nader 2008). And behind all of these forms of establishing the “illegal rule of law,” whether more violent or more civil, was an aggressive hegemonic project by the United States to remake the hemisphere (see also Grandin 2006).

The strength of neoliberalism was that it appealed to intellectuals and technocrats convinced of the need for more market rationality (e.g., Bockman 2007), as well as owners of capital, particularly in the Anglophone North Atlantic, looking to defend, restore and accumulate wealth (Dumenil and Levy 2004; Harvey 2003, 2005). Despite the intellectual commitment to abstract neoclassical theory, it is notable that neoliberal projects have tended to foster the claims of transnational capital, including in relatively little noticed areas like technology transfer (see e.g., Chang 2010; Gallagher 2010). Where there is a conflict between free market principles and capitalist property claims, the latter often seem to win—as is the case with patent and copyright, which are after all forms of state-sanctioned monopoly. The result was that a host of more particular property claims were ensconced within general appeals to the
free market, which gave them a universalizing rationale—a good example of which is the term “free trade agreements.”

The emphasis on “the market” is ideological insofar as it serves to repackage particular interests as universal goods. But it is difficult to sort out claims to values from claims about the market in our complexly interdependent world capitalist system, particularly in the midst of changes introduced by privatization, liberalization, and the emergence of new objects of property associated with the “knowledge economy” (Verdery and Humphrey 2004a, 2004b). During moments of change to the property regime (such as CAFTA) people attempt to stake out property claims within the ambiguities of a changing order of relations and values, proliferating property discourses while using old words (like “property”) in new ways (Verdery and Humphrey 2004b:8-10).

As public claims receded in favor of private ones, many people have been dispossessed of goods, services, and market protections, contributing to inequality, downward mobility, and subsistence crises (e.g., Auyero 1999, 2003; Edelman 1999; Gill 2000; González de la Rocha 1995; Hellman 1994; Safa 1995; Verdery 2003; Walton 2001). But the public claims that many people relied on were often ensconced in complex relations of state and market; there was usually nothing equivalent to a title of ownership, much less a fence and a sign saying “keep out!” Making such claims “visible” then, presents a particular challenge (cf. Rose 1994:265-97). Katherine Alexander (2004) shows how Kazakh workers characterized the shedding of (unprofitable) social services by their employer during privatization as a “theft” arranged by shadowy figures. Similarly, critiques of neoliberalism have employed a vivid language of illegitimate acquisition, as with Ugo Mattei and Laura Nader’s (2008) “plunder.” As I will show,

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21 There was an interesting attempt by US anti-poverty activists in the 1970s to define welfare benefits as “property.” I am intrigued by the possibility of challenging the exclusivity and singularity that attach to the term property in the liberal tradition: instead of “disappearing property,” as Marilyn Strathern has suggested, to proliferate it, rendering the essentially political nature of overlapping claims visible by putting them on the same plane as “private property” (see Verdery and Humphrey 2004).
the movement against CAFTA in Costa Rica also used a language spiked with claims of ownership and images of alienation. I will argue that this language served to make visible claims to values that existed in complex articulations of state and market, and revealed fundamental aspects of the treaty which were disguised by the language of free trade.

A language of theft has also been used to assert the privacy of property against attempts to “embed” it in broader social claims. Taxation is an obvious example, but “gold bugs” in the US argue that the Federal Reserve confiscates their savings through money creation. Radical property claims by capitalists are a hard sell in most of the world, however. It is more common for the claims of transnational capital to be presented as market rationality. The doctrine of “regulatory takings,” which argues that profits lost due to regulation should be compensated, is a pertinent example. Gaining little traction in the US courts, a provision to compensate investors for regulatory losses was nevertheless incorporated into NAFTA’s “Chapter 11,” and then, in a somewhat softened version, Chapter Ten of CAFTA. Regulatory takings were repackaged as “free trade” and development.

In *The Great Transformation*, Polanyi argued that attempts to create a self-regulating market were doomed to failure because they depended on the fiction that land, labor and money are commodities in the same way as things that are made to be sold. Insofar as they are successful, attempts to act on this fiction are disastrous because they subject human lives and livelihoods, relations to nature, and the coordination of economic activity to the vicissitudes of the market (or as Marx put it, social relations take “the fantastic form of a relation between things”, 1976:165). The disastrous attempts to create such a society result in a “double movement,” the reaction of “society” to protect itself by de-commodifying labor, land and the means of exchange in a matrix of social claims. The opposition to CAFTA can be seen as a (preemptive) reaction of this kind, part of a wave of movements that have arisen in Latin America in reaction to neoliberalism. Even if some reaction is inevitable, however, the form that
it takes is a political question—as Polanyi, writing in the midst of the Second World War, was very well aware.

**Populism and Popular Democracy**

I describe the project that animated the NO as “popular democracy.” Although the NO usually called itself “the Patriotic Movement” (el Movimiento Patriótico), “democracy” and even more so “popular” and “the people” (el pueblo) were key terms that protagonists used to describe what (and whom) their movement was for. The NO was a movement against CAFTA but it was also a project to catalyze the protagonism of the people against the powerful.

I argue that the use of this opposition makes the movement “populist” as the term is used by Ernesto Laclau (2007). In this schema, an “empty” or “floating” signifier is used to enable the “articulation” of political coalitions under an expandable popular identity (e.g., “the people”) that is distinguished against an external antagonist (e.g., “the oligarchy”).

I find that this use of populism provides a powerful conceptual tool for interpreting the NO, as I will argue in chapter 4. It is beyond the scope of this work to address whether it is more or less useful than other approaches for interpreting other movements and regimes that have been called “populist,” whether in Latin America, Europe or the United States (where the term originated). It is my considered opinion, however, that the use of “the people” (and analogous terms) in an antagonistic way to create transformative coalitions and new political subjects is fundamental to modern politics, and that accordingly this generalized schema provides a useful rubric for comparison—without denying the value of other, more historically particular definitions of “populism.”

Despite the abstraction and formalism of Laclau’s argument I also see potential for integrating the grassroots protagonism and sense of personal empowerment that often accompanies movements labeled populist (see e.g., James 2000), because it draws attention to the processes through which new symbols are created and new identities formed (see e.g.,
Karush and Chamosa 2010; Plotkin 2003). ‘NO’ was a contentiously unifying symbol and popular identity created through grassroots protagonism. At the same time the NO was a decentralized, horizontal, networked movement. I argue accordingly that the NO presents a “horizontal populism,” which would be an impossible paradox for those that define populism partially or wholly in terms of charismatic leadership (e.g. de la Torre 2010), but which for my purposes is not paradoxical at all.22

The ability to articulate an insurgent popular was one reason why the NO was as successful as it was. But I will also argue that there are potential dangers to movements of using the politics of the popular—besides the obvious possibility of exclusionary or racist articulations of “the people.” One problem which emerged in this case is that by presenting themselves as a movement of the people, the NO participated in the fiction of a unitary popular will (Paley 2008b), which was then used to silence dissent when the government could more persuasively claim to represent “the voice of the people.”23

22In Laclau’s schema, the charismatic leader is one among a variety of potential signifiers that could be used to define the popular. In fact—without denying the agency of political leaders—charisma itself could be understood as a property of the signifier as much as the person, an approach that I find compatible with a tradition of anthropological theory on charisma (Geertz 1983) and value (Graeber 2001). I hope to develop this argument further in forthcoming work.

23It is for related reasons that I have opted to use popular democracy rather than popular sovereignty. The NO was certainly struggling for the sovereignty of the nation over transnational capital and of the people over the national state. But the idea of a unitary will usually associated with the concept of sovereignty does not well express the participatory democratic project to encourage a multitude and diversity of voices, which was such an important part of the movement as I experienced it. Of course the meaning of “sovereignty” in any context is an ethnographic question that cannot be reduced to ahistorical reflection (Jennings 2011; see also Humphrey 2007). As I saw it, the struggle for Costa Rican sovereignty by the NO was a struggle to protect the national space for democratic practice, to create a society based on values of solidarity, equality and “participation”—not entirely unlike what some contemporary movements mean by “autonomy.” This included the independence granted by the ability to feed itself, or “food sovereignty” (Carazo Vargas 2004; Pearson 2009, 2012). In any case, for whatever reason I did not find that sovereignty was used with anywhere near the frequency of “democracy,” “patriotism” or “the people/popular”—even if through claims to represent the people and the nation the NO did implicitly invoke traditions of popular sovereignty. On balance, then, I think that popular democracy better expresses the complex and ambivalent relationship between the popular and the democratic. Relatedly, I view the fiction of a unitary will as similar to the fiction of private property. Just as no single “he” ever really does “decide the exception” (pace Schmitt 2010) no social being (much less a wage worker) can ever be the king or queen of his or her own castle.
3. The Research

I arrived in August of 2007 with plans to study the decade long process of contention over telecommunications liberalization. Instead I found myself in the midst of the heated referendum campaign over CAFTA, which was much bigger than telecommunications (although this was part of it). Fortunately, activists with the NO generously took me in, found me an apartment, and helped me to find my way in the movement.

I was soon swept up in the frantic pace of organizing. My apartment was in a building jokingly referred to as “the headquarters of the NO” for the signs against CAFTA that filled the windows. That building, and seemingly everywhere else I went, was consumed with conversation and activity relating to the referendum. I travelled back and forth by bus to attend the weekly meetings of five Comités Patrióticos spread between Montes de Oca, South San José, and the far suburbs of Heredia. I accompanied activists of the NO to debates and marches, in door-knocking expeditions, out leafleting, and on “caravans” (like marches for motorists). On the day of the vote I served as an “accredited electoral observer” in La Cruz, a rural district on the Nicaraguan border. This brought me into contact with activists from Comités in the province of Guanacaste who kept me involved or up to date on events there.

I continued to participate in movement activities and events for nearly a year and a half after the referendum. Immediately after the vote I visited the same Comités in which I had participated before the referendum, in San José, Montes de Oca, Heredia and occasionally Guanacaste. As the pace of movement activity slackened and some Comités ceased to meet as such, I settled into a routine of regular weekly participation in three Comités that continued actively, each within an hour’s commute from my home—a schedule which I maintained until I returned to New York in the summer of 2009. The Comité Juanito Mora with whom I spent the
most time was located in a mixed low and middle-income “popular” neighborhood in historically working-class South San José, which I will refer to simply as “Barrio Sur.” “Comité Iglesias” was located in an area demographically similar to Barrio Sur, but closer to the center of San José. The third Comité was located in a more professional neighborhood in the municipality of Montes de Oca that houses the University of Costa Rica, which I will refer to as “Lomas de Oca.” I also subscribed to movement list serves, which provided an invaluable running commentary on activities and opinions beyond the scope of my immediate circle, although always skewed towards people who had internet access and used email as a regular means of communication—at that time nearly 30 percent of the population (ITU 2013) and disproportionality (but not exclusively) urban, educated and well-off.

My plans to balance urban biases with rural research were interrupted by an armed robbery that made it difficult for me to follow up with my contacts in Guanacaste. On the other hand, that experience, which included being tied to a tree for several hours by armed and masked men, also helped me to connect with activists who felt that their country was being “hijacked” or “kidnapped” (secuestrado) and for whom lives and livelihoods were often precarious despite the security provided by the welfare state. I did continue occasional visits to Guanacaste where I participated in events organized by activists from the NO, including a campaign of protests to defend the access to water in the community of Sardinal. I supplemented this limited exposure with two extended interviews with representatives of the small agriculturalists’ organization UPANACIONAL, as well as bits and pieces of information gleaned from other sources, and some interviews and observations conducted by my assistant Adriana in Guanacaste.

Nevertheless my account has a heavily urban bias and misses most of the dynamic of organizing that allowed the NO campaign to win the more rural provinces of Guanacaste, Puntarenas and San Ramon. I caution the reader to keep this in mind when I speak of the
movement of the NO, although when I do refer to the movement in these general terms I am being as representative as possible. It is also the case that the experience of the NO was by its very nature diverse and fragmented, and all views were partial as a result: There was no central authority coordinating or tracking activities, and no representative surveys were ever successfully carried out.

Much more than formal interviews, I relied on notes taken during and after meetings and assemblies, as well as informal conversations that were often carried during the course of protests or other activities. My vigorous note-taking at meetings was a source of amusement, and perhaps exasperation; it was some time before I felt ready to contribute to discussions and my participation remained largely passive throughout. Where I draw on observations and informal conversations, I use pseudonyms to protect privacy. My first use of a pseudonym will be indicated with an asterisk. Where those interviewed more formally have expressed the desire to speak for attribution I include their real names. All my research was carried out in Spanish. I sometimes provide quotations from conversation and written sources only in translation. Unless otherwise noted, all translations are my own.

In addition to participant listening-and-observation, I conducted some formal interviews with persons who had had prominent roles in the process of contention around the ICE or that could lend me expert insight on the issue. I attended workshops at the institution and, with the help of my assistant Valeria, combed through archives of the ICE, of newspapers, and the legislative assembly. We also carried out limited oral historical research on the Juntas Progresistas and community organization in San José. While little of the fruits of those efforts appear directly here, they provided important context to situate the movement of the NO.
4. Organization and Summary of the Chapters

I begin with an explanation of the Central American Free Trade Agreement, the catalyst for the movement of the NO and the Comités Patrióticos. I emphasize what CAFTA meant for Costa Ricans who valued their social democratic institutions. The particularities of Costa Rica’s relationship to CAFTA throw into sharp relief the manner in which the globalizing neoliberal property regime favors transnational capital to the detriment of democracy.

In the second chapter I show how contention over CAFTA intersected with an ongoing process of contention over liberalization and political representation. Drawing on interviews and published accounts, I discuss the contention that preceded CAFTA and shaped reaction to the treaty. I show that the decision to decide CAFTA in a referendum was the outcome of a dynamic of increasing frustration with political representation and the search for alternative means of participation, meaning that the conflict over the future of the Estado Social was also a dispute about the meaning of democracy. The referendum presented an alternative that substituted a “direct” election for the direct democracy of protest—even as it was organized in such a way to provide the maximum possible leverage for the government and the ruling party.

The third and fourth chapters explore the evolution of this contest over liberalization and democracy in the course of the referendum campaign. I juxtapose the material and discursive mobilization by both campaigns over CAFTA as well as the larger question of what kind of democracy Costa Rica would be. The third chapter examines the SI campaign, and particularly that part of it which came to be known as the “campaign of fear.” I show how the discourse of democracy advanced by the SI contrasted with that of the NO, as well as the asymmetries of power which characterized the referendum as an exercise in “direct democracy.” which raises questions about the degree to which contemporary electoral regimes approach democratic ideals, as well as of the standards that confirmed it as a democratic process. In the fourth chapter I address the political processes and signifying practices that mobilized the NO as a
powerful grassroots movement in a remarkably brief period of time, while forging new identities and imbuing its supporters with a renewed sense of political possibility.

In chapter five I consider reactions to the approval of CAFTA in the referendum on October 7th; reactions which ranged from allegations of “fraud” to claims of a broad popular mandate for “implementation.” I draw on my experience as an election observer as well as participant observation in the post-referendum context to explore how the legitimacy of the referendum was wrapped up with questions about what makes an election democratic, and what the responsibilities of a democratic subject are—dilemmas which were debated in the particularly fraught post-referendum context and the fragmentation of the NO coalition.

In the sixth chapter, I take up more closely the question of organization, and how the movement of the NO, particularly the Comités Patrióticos, went about creating “a new way of doing politics” that would be more participatory and egalitarian. Drawing on the many hours I spent participating in meetings and assemblies, I consider the practices of sociality as well as the more formal aspects of organization that shaped the Comités’ particular form of direct democracy. By contrasting the attempts to organize after the referendum with the more spontaneous process of coordination that preceded it, I argue that negation plays an important role in facilitating networked or “horizontal” movements. By contrast, creating a proactive political project demands more complex decision-making than coming together to say “no” to someone else’s initiative. I show how activists struggled to find a balance between the autonomy of the Comités that they valued so highly and the desire to coordinate common initiatives.

Altogether, I hope to show how a project for popular democracy was articulated by a horizontal, decentralized, networked movement organized according to a populist logic and for the defense of the social state. Opposition to CAFTA provided one key moment in the formation of this movement, but because it put forth an alternative vision of a collectivity based on principals of solidarity, its significance is greater than the results of that struggle.
Chapter 1

Neither Free nor Trade

CAFTA and the Social State

The State will assure the greatest good of all the inhabitants of the country, organizing and stimulating production and the most adequate distribution of wealth.

Every person has the right to a healthy and ecologically balanced environment. To this end, it is legitimate to denounce those acts which infringe on this right and to demand repair of damage caused.

The State will guarantee, defend and preserve this right.

Article 50 of the Constitution of Costa Rica, Title 5 on “Rights and Social Guarantees,” as amended in 1994

Opponents of the Free Trade Agreement sometimes joked that it was “ni libre, ni comercio” (neither free, nor trade). 24 The phrase very effectively points out that the very name of the Central American Free Trade Agreement is ideological. It says, “If you think this so-called Free Trade Agreement is about ‘freedom,’ or mutually beneficial exchange, think again.”

“Ni comercio” highlights the fact that the FTA’s do much more than open doors to imports and exports; because they change rules on property, investment, and regulation, they involve potentially profound transformations in how production, exchange, ecological relations, natural resources, and public services are organized and governed. And among the FTA’s, “ni comercio” is particularly appropriate for CAFTA, which was placed on top of an already highly

24 The precise translation of the Spanish would be Free Trade Treaty (Tratado de Libre Comercio). Much was made by opponents of CAFTA about the difference between the Spanish “treaty” and the English “agreement,” which was held, probably erroneously, to mean that the FTA was more binding to Costa Rica than to the United States. The salience of this concern reveals the sense of being manipulated by and subordinated to the United States that many Costa Ricans shared.
liberalized trade regime between Central America and the United States. CAFTA didn’t bring “free trade,” it was already there.

“Ni libre” expresses an even more important truth about the Free Trade Agreement: that it was more constraining than liberating. Insofar as the treaty created “freedoms,” they were freedoms for transnational capital, and from the nation state. This meant less freedom for Costa Ricans to use the state to shape their society, economy and ecology through the exercise of democracy (Polanyi 2001:265): because of the power of money to order our relations to other human beings and to nature, the freedoms given to the owners of capital are also restrictions on the rest of us. The “freedoms” of CAFTA add up to a further tightening of the scope for collective decision-making by existing multilateral “trade” agreements such as the WTO (see e.g., Chang 2002, 2010; Gallagher 2005). This uneven dialectic of freedom and constraint was vividly captured in the stark and oft-quoted phrase tigre suelto, burro amarrado (free tiger, tied-up donkey); the implication is that CAFTA would tie up Costa Rica like a donkey, perhaps even leaving it at the mercy of the tiger. To oppose CAFTA was to preserve the freedom of the nation, including its ability to protect itself.

A language of property claims also featured prominently in the discourse of the opposition to CAFTA in Costa Rica. The opponents of CAFTA claimed to defend lo nuestro (what is ours) and the patrimonio nacional (national patrimony) from the vendepatrias (literally, fatherland-sellers) that promoted the treaty. They denounced CAFTA as the sale of the nation’s collective possessions, even the nation itself: el ICE no se vende (the ICE is not for sale), el agua no se vende (water is not for sale), la patria no se vende (the fatherland is not for sale).

As with any complex metaphor, this one can provoke a variety of interpretations. One opponent of CAFTA I asked to interpret the phrase said, “Think of what kind of animal the tiger is; it’s a carnivore that preys on other animals. The donkey is a hard working animal, an animal of the common people, the pueblo.” The usage of burro to mean “dumb ass” is also common in Spanish (a usage my consultant, interestingly, vehemently rejected). According to this reading, the burro might bear some culpability for its state. This interpretation would be consonant with the FTA as manipulation by the gringos and the political elite, which was also a common interpretative framework.
Like the phrase “ni libre, ni comercio,” this language of property and dispossession reveals some fundamental truths about FTAs that are elided when they are discussed as “trade agreements.” In particular, CAFTA altered the property regime by enhancing and expanding the ability of capitalists to make property claims while diminishing the ability of governments to make claims on behalf of citizens. The change in property regime promoted by CAFTA is at the core of the challenge it posed for substantive democracy.

In this chapter I consider the stakes of CAFTA and how those stakes were understood by the actors involved. Given the complexity of both the treaty and the debate over it, my account of it must necessarily be partial. My understanding of the controversy is no doubt influenced by the mostly urban and middle-class opponents of the treaty with whom I worked. Likewise, my discussion of the debate on the treaty is synthetic; out of the maelstrom of arguments and opinions that surrounded CAFTA, I piece together “pro” and “con” positions that I think would be recognizable to those involved (cf. Gutmann 2002:77; Stark and Bruzt 1998).

My principal contention is that CAFTA threatened a social-democratic property regime in which collective claims often took precedence over individual ones by imposing a more liberal regime that privileged and protected the claims of private owners, transnational capital above all. This was sometimes described as a transition from an “Estado Social de Derecho” (a social state of law or right) to “neoliberalismo.” These broad terms of opposition were meaningful even though most activists had more particular priorities, and hence specific objections to CAFTA. There was a widely shared sense among opponents of the treaty that big changes were afoot, changes which threatened to upend the country as they knew it.

I begin the chapter with a brief account of the “social state” that opponents of CAFTA defended so passionately. I develop a processual and relational understanding of both state and property which helps to identify what is particular and interesting about the Costa Rican state, as well as clarify the stakes of CAFTA for that state and the movement that defended it. (In order
to maintain focus on the movement of the NO, however, I will generally reduce these processes to more abstract schema rather than allowing them the historical dynamism they deserve). 26 I then briefly characterize some of the cultural and economic changes created by previous rounds of liberalization, which are important for understanding the significance of CAFTA for Costa Ricans.

In the second half of the chapter I turn to CAFTA itself. I begin with the fundamental question of why anyone with global geopolitical projects would be interested in the treaty at all; provide an interpretation of the content and significance of the treaty; and then turn to the debate in Costa Rica. Although many of the objections to CAFTA presented here might seem to be particular to the national context in which they were posed, Costa Rican concerns about the possibilities of popular democracy and welfare have global resonance.

1. El Estado Social

At the time of the referendum on CAFTA in October of 2007, Costa Rica had an economically-active public sector with few parallels (see the introduction for an overview). In this section I will characterize this “social state” as a distinctive property regime at the heart of Costa Rican social democracy. I then briefly characterize the limited liberalization in the 1980s and 1990s that preceded CAFTA—but which largely left the social state untouched.

Public Property, Social State

The Instituciones Autónomas (autonomous institutions) were at the core of the Costa Rican developmental and welfare state. These were institutions dedicated to the promotion of specific ends (such as healthcare or electrification), which belonged to the nation as a whole, but

which managed their income, expenditures, and activities independently of the central government—although just how independently was always a matter of contention. The most important of these were the ICE (electricity and telecommunications), INS (national insurance institute), CCSS or “Caja” (healthcare and pensions), and AyA (water and sewage).

Together with the educational system and a patchwork of social welfare institutions, these autonomous institutions made up what we might call the “state with qualifiers:” terms attached to the word “state” that signaled the purpose of promoting the collective welfare. In 2007, these qualifiers included “Estado Bienestar” (Welfare State), “Estado Solidario” (Solidary State), “Estado Social de Derecho” (social state of law/right), or, most commonly, “Estado Social” (Social State). In fact, qualifiers were often not necessary at all; it was often enough to say “el Estado” to connote this range of social purposes. However, these terms work to specify the meaning of “state” that was at stake here, particularly for people who might are used to a different representation of the state. For our purposes, I will use the qualifier I heard most commonly, “social state.”

The term social state does important conceptual work of disaggregating the conceptual monolith of “the State” by reminding us that states and state institutions pursue multiple ends. And social state tells us much about how Costa Rica’s public institutions were valued. Social, of course, has a complex genealogy with diverse connotations and is among the most general of all terms in the “social sciences.” Here the term was used in a familiar way to emphasize a state that promoted the conditions of collective responsibility for the common good (like “social security”), whose ethical counterpart was the oft-invoked “solidaridad” (solidarity), and had broadly a positive connotation (cf. Rose 1999). Of course, providing security of health and livelihood and universalizing access to power and communications are not the only goals that

27 Previous incarnations attached to more specific development models include “estado gestor” (roughly, managerial state) and “estado empresario” (entrepreneurial state)—or, in the words of one libertarian columnist, “el estado atunero” (the tuna fishing state). These were no longer current in 2007.
the public institutions—much less the Costa Rican state as a whole—have pursued. The language of a “social state” was accordingly a partial and potentially ideological representation of a more complex set of social relations (cf. Abrams 1988). But it was also a term that used to claim collectively-provided livelihood guarantees (see Roseberry [1994] on the role of such contested terms in hegemonic struggle). Here social together with state were salient terms of the language used to resist liberalization.

Positive feelings about the social state and even “affection” (cariño) had a lot to do with the simple fact that it delivered—by achieving a high degree of universality and quality in access to the fundamentals of modern life: healthcare, education, potable water, electricity and telephony. The results were measurable: life expectancy that rivaled or exceeded that of the US; drinkable tap water, even in rural areas; power lines and pay phones in tiny mountain hamlets; indices of telephone and internet connectivity at the top of the Latin American rankings (Fumero 2005:22-35). Rather than a drain on the central government, they were efficient enough to be self-sustaining and produce a surplus for reinvestment (or even for the central government’s coffers, when they were—controversially—required to do so; see Fumero 2005, Haglund 2006). The achievements of the autonomous institutions became important sources of national identification and pride. The ICE, in particular, was valued by many as a demonstration of what the nation was collectively capable of, through its ambitious dam construction projects and the successful modernization of the antiquated communications system left by US corporate capital (Amador 1991, 2002; Sojo 2004). Finally, because services were universalized, most people that relied on public institutions and had a stake in them.

The effectiveness of Costa Rica’s autonomous institutions at universalizing access to services was a product of the property regime in which they were embedded and the claims to

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28 Interestingly, the principal rival to Costa Rica in the indices of connectivity was Chile, whose telephone market was among the most privatized (Lüders 2000; MacLeod 2004).
which they were subject. The social democratic state provided a particular property regime that governed who could make claims and how (see introduction). The development of social state institutions in Costa Rica was shaped by the particular arrangement of claims made on the autonomous institutions by the government, party and elite networks, employees, movements and interested publics.

A broad range of actors were able to take advantage of a variety of mechanisms to make claims on the government and the institutions of the social state, including via elections and protests that operated in an environment relatively respectful of political freedoms for most of the 20th century (Alvarenga 2005; Molina 2007). Over time, additional watchdogs and regulators were established, which by the end of the 1990s included a powerful comptroller, an ombudsman, an independent regulator (ARESEP), and a constitutional court that regularly decided on issues of access to constitutionally-guaranteed services (see e.g. Wilson and Rodríguez 2006). At the same time, the significant autonomy granted to key public institutions possibly reduced the impact of partisan meddling and clientelism on institutional functioning, even as the institutions’ goals were set by a relatively democratic political process that also included avenues for initiative from below (cf. Evans 1995).

The activities of the civil state have also been central themes in public culture. It is often claimed that the management of public sector firms inevitably suffers from the “principal-agent” problem: the firm’s owners—the citizens in general—are not interested enough to closely monitor the firm’s performance. I found, however, that the Costa Rican public seemed highly interested (in both senses of the term) in the operation of these institutions. Our review of newspaper archives suggests that this has been true for some time. News about the ICE in

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29 Another autonomous institution, the Tribunal Supremo de Elecciones (Supreme Electoral Tribunal, TSE), was central to preventing electoral fraud and encouraging political actors to trust in the electoral system (Lehoucq 1996, 1999; Lehoucq and Molina 2002; Molina 2005).
30 Although as I was constantly reminded reforms in the 1970s, particularly the infamous “law 7-3” institutionalizing partisan influence, reduced this autonomy (for another perspective, see Bulmer-Thomas 1987; as well as MacLeod 2004 on Mexico). It was still a hugely contentious issue in 2007.
particular—such as investments and outages—was regularly featured on the front pages of the papers and through televised newscasts, and the details of investments and payrolls were reported at length. A surprising number of opinion pieces were published on the theme of public administration, with titles like, “Dictatorship of the Middle Managers” (Hernández Valle 2008). Corruption scandals involving public institutions—of which there have been several very major ones in recent decades—were major news items, covered in intricate detail (see Gonzalez and Solís 2001). Information from the media was supplemented by a flow of information through informal discussion, rumor and gossip, facilitated by the fact that Costa Rica is a small country where everyone seems to have some personal or familial connection on the inside of the larger public institutions.

This kind of engagement and interest helped to ensure that Costa Rican public institutions worked well—the autonomous institutions acted as an effective social (or civil) state in part because they were actively claimed by civil society while also maintaining an important degree of operational autonomy (cf. Evans 1995). The discursive and practical involvement of the public with these institutions created an active sense of ownership that worked against privatization. Historian Patricia Alvarenga (2005) argues that a consciousness of the ability to influence the prices of services by political means became an important source of opposition to privatization in the controversy over the reform of the ICE in 2000. Whether or not a culture of public ownership developed in exactly this way with exactly these manifestations, I certainly encountered a widespread sentiment that institutions such as the ICE and the Caja were emphatically “nuestros” (ours).

The dedication to public service of many of those that worked in the public sector also contributed to these institutions’ successes. Employees of the ICE often referred to their
“mística;” their devotion to the institution and its goals.\textsuperscript{31} The ICE even had its own hymn, which exalted the worker’s “casco y coraje” (helmet and courage). Working at the ICE was a common childhood dream and a source of public status and personal pride in adulthood (although this began to change at the end of the 1990s, for reasons discussed below). In addition, the employees of the public institutions developed their own rhetorical and practical claims to them. Lifetime employment, on-the-job training, and institutional pensions created strong identifications. On more than one occasion I heard employees refer to the ICE as “mi casa” or “nuestra casa” (my home/our home) in explaining their concerns about the effects of privatization on the institution. In 2007, employees’ claims on the institution—particularly the working conditions they demanded and struggled for—were widely denounced as threats to the claims of the broader public for affordable, efficiently-delivered services.\textsuperscript{32} Certainly there was a potential for the interest of the public and the public-sector workers to contradict, and some argue that the PLN cultivated public sector workers as clients, at least before its neoliberal turn in the 1990s (Molina Jiménez and Palmer 2007).\textsuperscript{33} However, the same sense of identification with the ICE that made it possible to refer to the institution as “mi casa”—identification buttressed by relatively good wages and working conditions and low turnover—could also mean strong commitments to the ICE’s goals of providing electricity and communications.

\textsuperscript{31} The etymology of this word is an interesting puzzle. I have found it used in this same sense in other Central American countries, and I have been told it is used in Brazilian Portuguese. Its meaning is close to some uses of \textit{mystique}, although espirit de corps gets closer to the sense that I heard. The Royal Academy of Spanish defines \textit{mística} essentially the same way as “mystical” is understood in English: 1. f. Parte de la teología que trata de la vida espiritual y contemplativa y del conocimiento y dirección de los espíritus.2. f. Experiencia de lo divino.3. f. Expresión literaria de esta experiencia.

\textsuperscript{32} One of the best examples of this is an online survey that I came across early in my research. The survey asked, pointedly, “Who is the real owner of the ICE?” The reader was invited to choose among answers which included: “the government,” “the people” and the “unions.” The trade unions were declared the real owners by a majority of the participants who had also presumably just read an accompanying polemic on how the institution should be made to belong to “the people” as it should. Unfortunately I did not have the foresight to record the web address at the time and have not been able to find it since.

\textsuperscript{33} My view, in brief, is that the whole question of public sector “privileges” is a misrecognition of, and ideologically-driven distraction from, the real problems of inequality and enduring poverty.
The quasi-military language of the ICE’s hymn is no accident. In a largely civilian state without armed forces, workers of institutions like the ICE—perhaps particularly the ICE—took on some of the role of ideal (male) citizen attributed to soldiers elsewhere (Brown 1995). José Figueres Ferrer, the principal architect of this post-1948 order, characterized public sector employment as a means of producing ethical subjects:

...the principal advantage of the social institution over private enterprise is precisely the type of man that it tends to produce. The profit motive foments selfishness, smallness of soul. The spirit of service raises man above himself, it ennobles him and it gives to his soul the dimension of the whole society. The spirit of service is for the economy what Christianity is for ethics. [1986:264-265, cited in ICE 2006:13]

This “spirit of service” became part of the identity, prestige, and expectations of the social state. Figueres’ elevation of the “spirit of service” is part of the process through which a degree of consensus on the importance of welfare-enhancing development emerged out of diverse intellectual traditions and political and social projects—including (but not limited to), racial hygiene, “petit bourgeois” developmentalism, and revolutionary socialism (Molina Jiménez 2002, 2007, 2008; Palmer 2003; Rovira 1982; Sandbrook, et al. 2007). This consensus helped to orient and drive the expansion of the autonomous institutions, and remained as a reservoir of resistance to privatization.

Liberalization before CAFTA

Liberalization in Costa Rica was directed much more at the trade regime governing exports and imports than at privatization; while Costa Rica was one of the first Latin American countries to make the switch from import substitution to export promotion, it has also been among the slowest to privatize. Indeed, Sandbrook et al. (2007) use Costa Rica as an example of how a state-centered “classic social democracy” is not incompatible with extensive participation
in the global market. The opening of the export-import market in the 1980s and 1990s did transform work, consumption, class relations, even the landscape; disrupt establish ways of life and contribute to marked cultural changes. But it did not make Costa Rica a “neoliberal society” (if such a thing is even possible). This complicated (and conflictive) coexistence of “free trade” with the social state is the context in which CAFTA was debated and struggled over.

*Crisis and Adjustment*

By the early 1980s the spike in oil prices, the Volker interest rate shock, and the disintegration of the Central American export market in war and economic crisis made the regional import substitution industrialization (ISI) strategy unsustainable. While the first set of challenges to ISI in the early 1970s had been met, as in many other Latin American countries, by an increase in state involvement and the expansion of the public sector into new areas of production, by the end of the decade the combination of rising external debt and trade imbalances became untenable, leading Costa Rica to default on its foreign obligations in 1982 (Bulmer-Thomas 1987; Edelman 1999).

In exchange for much needed loans, the IMF, World Bank, and USAID pushed for structural adjustment, often through high-pressure negotiations with the executive in which the legislature, not to mention the public, were effectively shut out (Conroy et al. 1996; Honey 1994; Raventós 1995). Adjustment included privatization of the loss-making public-sector enterprises (mostly those created in the 1970s), de-monopolization of commercial banking, reductions on social welfare expenditures, lowering of tariffs and the development of new exports, including garment assembly, new agricultural products (melons, houseplants, flowers), and tourism.

While the broad outlines of this story were repeated throughout the hemisphere, adjustment in Costa Rica was carried out in the midst of a complex relationship of tutelage, domination, and facilitation by the United States and the multilateral agencies which made it in many ways unique—a reflection of the strategic importance of Costa Rica as a base for counter-
insurgency in Nicaragua, point of pressure on Panama (with its all-important canal), and example of successful capitalist development in Central America. On the one hand, the United States influenced the multilateral institutions to soften loan conditions for Costa Rica, opened up the US market to Costa Rican exports through the Caribbean Basin Initiative, and flooded the country with aid. On the other hand, the United States demanded specific reforms such as the de-monopolization of commercial banking, and insisted on controlling the disbursement of aid, going around the Costa Rican public sector to create a network of institutions denounced by many Costa Ricans as a “parallel state” that duplicated and undermined their own, while promoting some environmentally and economically questionable development projects (Conroy, et al. 1996; Honey 1994). The restructuring of agriculture in particular, as the combination of cutbacks to state support and liberalization of imports devastated domestic maize cultivation, a staple of smallholder agriculture since pre-Columbian times (Edelman 1999).

By the mid-2000s, Costa Rica had the most export-intensive economy in Latin America (albeit with tourism counted as an export). Although the United States was by far its largest export market, Costa Rica had signed free trade agreements with Chile, Canada, Mexico, and the rest of Central America (prior to CAFTA). The garment industry had largely moved on in search of lower labor costs, but the maquila (export processing) sector had upgraded to more sophisticated products like medical equipment. And Intel opened a major microchip assembly plant at the end of the 1990s—an investment so large the government began to publish two sets of economic statistics; with and without Intel. Intel also sited some R&D in the country, and a small software industry was developing (Rodríguez-Clare 2001). The English language and technical knowledge of Costa Rica’s generally well-educated workforce were instead largely dedicated to call-centers, which flourished on a generation of middle-class youth with private

34 The contribution to Costa Rica’s economy was not as great as might seem, however, because the Intel plant added nearly as much to imports as to exports (i.e., the value added in Costa Rica was modest).
English-language educations; Hewlett Packard, Proctor and Gamble, as well as a host of betting websites (known locally as “los books”), taking advantage of Costa Rica’s lax gambling regulations (Hernández-Salazar 2003).

Costa Rica became one of the world’s principal pineapple exporters, based largely on the super-exploitation of Nicaraguan migrants. Nicaraguan immigrants also arrived en masse to work in the construction trades, which took off as the Pacific Coast was inundated with the spillover of the US and European property market bubbles, leading to a boom of Spanish chain hotels and gringo retirement communities. Besides a shared reliance on Nicaraguan migrant labor, the pineapple and tourism/real estate expansion also had in common that they provoked conflicts over access to land, fresh water, deforestation and contamination, and the displacement of more impoverished and peripheral rural and coastal communities. Tourism also brought a rise in prostitution, in central San José as much as in the touristy beach town of Jacó.

**Changing Class Relations**

Consumption was transformed in the decades after liberalization. People in their mid-twenties could tell me in vivid terms about the globalization of their consumption within their own lifetimes. Even as late as the early nineties, a candy bar from the US was an exotic luxury for a child in San José, but by 2007, middle-class Costa Ricans were shopping in supermarkets owned by Walmart, where they bought Chilean wine (instead of beer and rum), avocados from Mexico, and to the bemusement of some, garlic from China. Clothes were of course imported from China as well, albeit often through a circuitous route that brought second hand clothing as *ropa americana* (American clothes). One activist of the NO made a play on the patriotic slogan, *donde hay un costarricense, hay libertad* (where there is a Costa Rican, there is liberty), confiding to me, “donde hay un costarricense, hay una ropa americana.” Probably the scandal of *ropa americana* had something to do with class distinction, but it also reveals the ambivalent feelings that many had about the globalization of consumption and the rise of the kind of
consumismo that everyone identified with the United States (cf. Hansen 1994). Even nostalgia for the large, soft local avocados (displaced by Mexican imports) could be entangled in complex ways with ambivalence about proletarianization, anxieties about cultural imperialism and the degradation of values, environmental despoliation, and rising inequality with persistent poverty—not to mention the conversion of a pristine coastline to hotels full of international pleasure-seekers.

In the years between 1990 and 2007, income inequality in Costa Rica increased more than in any other country in Latin America (Leitón 2006a, 2006b); even if it was from a more equal baseline, the increasing differentiation of consumption habits and residential patterns was conspicuous. T.H. Gitling and Juan Diego Trejos (2005) argue that rising inequality was a product of rising returns to education together with an increasing bifurcation between the overemployed and the underemployed. The latter development is in part an outcome of increased labor market flexibility (Trejos 1999). At the same time, a centralized corporatist-style wage bargaining system with multiple minimum wages (a legacy of Calderón’s social reform) seems to have worked to maintain the earnings of many job categories at a higher level than would have been the case without intervention in the labor market (Gindling and Terrell 2007). And it is also important to note that informalization was much more limited in Costa Rica than in other countries of the region, which meant that substantial legal guarantees of wages and working conditions (including paid maternity leave) continued to be widely available to workers (Sandbrook et al. 2007:112-15; Estado de la Nación 2007:386-7).

Rising inequality was, however, accompanied by persistent poverty, with official poverty rates stuck at a stubborn 20 percent over the preceding decade (Estado de la Nación 2007:394; although this was an improvement over the catastrophic thirty-odd percent poverty in the worst of the crisis of the 1980s). The homeless and destitute are a common sight in downtown San José, often dismissed or feared as indigentes or piedreros (crack heads).
With increasing inequality, persistent poverty, and an expanding universe of consumer goods, it is perhaps unsurprising that there was also an alarming increase in crime: between 1988 and 2006 the rate of homicides and property crimes both nearly doubled (Estado de la Nación 2007:97)—although far too many Costa Ricans attributed this increase (as well as many of the shortcomings of the welfare state) to Nicaraguan (and Colombian and Dominican) immigration, despite all evidence to the contrary (Sandoval 2008:277-81, 290-300).35 Seemingly everyone that I knew in San José had lived through some kind of mugging or armed robbery, sometimes several. Increasingly insecure streets and growing inequality, together with investment in real estate, contributed to rapid suburbanization and increasingly profound spatial differentiation within the San José metropolitan region, as those who could afford to increasingly retreated to more isolated, or gated, communities. The prime example of these growing communities was Escazú, with luxury homes (many occupied by gringo expatriates), fancy clubs, cosmopolitan dining, and an upscale mall. This was a neighborhood that even the elderly matron of a comfortably bourgeois San José family complained that she “needed a passport” to enter. San José was less and less a city where different social classes lived in the same neighborhoods and shared the same social spaces as well as a relatively homogenous national culture (cf., Lungo 1997). Instead, it was a city increasingly characterized by insecurity, exclusion and spatiotemporal disjunctions (Low 2000; Molina 2002:83-91; Sojo 2010:120-2; cf., Caldeira 1996; Harvey 1990; Low 2006).

The highly universalized public services were also increasingly differentiated. Families who could do so increasingly abandoned the public education system for private academies, particularly those that provided English language instruction (or instruction in English). Older residents of San José bemoaned the loss of inter-class understanding and “solidarity” that

35 A nearly parallel increase in deaths due to suicide has been much less commented upon (Sandoval 2008:278; see also Estado de la Nación 2007:97), but is perhaps even more suggestive of the psychic dislocations accompanying recent political economic transformations (cf. Durkheim 2006).
resulted from the loss of the experience of attending the same public schools. More materially,
increasing returns to education (see above) were being accompanied by increasing inequality in
access to it. Tertiary education was also increasingly privatized, but here the dynamic was
different: those who did not benefit from good private educations increasingly tried to make up
the difference by acquiring dubious degrees from the mushrooming industry of lightly-regulated
private universities, while those who attended the more elite private high schools were able to go
to the more prestigious public universities nearly free of cost (as in many other countries).

Similar forces were at work in healthcare. While nearly everyone continued to rely on the
Caja for catastrophic coverage, those who could afford to do so increasingly resorted to private
clinics for more routine care. By 2007, the ICE’s telephone and electricity services might have
been one of the only experiences that people of all social classes had in common—because there
was no other legal alternative. Essentially everyone used the same non-cutting edge handsets
with the same middling signal quality for the same rock-bottom prices (I paid between ten and
twenty dollars a month for my service, a fraction of what I would have to pay in the United
States). This anomaly of a public telecommunications and electricity monopoly was increasingly
under challenge, however, and the future of the ICE and the telecommunications market had
become the country’s most contentious political issue.

I will leave that story for the next chapter, except to mention that contention over
privatization was also bound up with changing class relations. I found extensive evidence of a
shift towards vociferous attack against public sector employees and their unions. Importantly,
these criticisms were always made from the point of view of the people as owners—public sector
workers were serving the people poorly, and needed to be disciplined. This was, however, a shift
from the attitude expressed by José Figueres and from the formerly high status accorded to
working in the public sector. Looking through old newspapers we found a photo of an electrician
working on a power line with the caption “the ICE owes its successes to the dedication of its
workers,” which by 2007 seemed like it had come from a distant era. Employees of the ICE recounted to me that strangers had begun to accuse them of being “vagabundos” (bums) and even “ladrones” (thieves). Internally, the institution had also begun discursive shift from serving “users” to serving “customers,” which some ICE workers complained signaled a shift to the logic of privatized rather than universal services.

The campaign of criticism of public sector workers throughout public culture was inseparable from the broader landscape of changing class relations and the values associated with it. A new middle class, often English speaking, perhaps educated abroad, and involved directly with international trade, tourism, or multinational corporations, was partially displacing the “traditional” middle class that had grown up with the expansion of the public sector and its (sometimes patronizing) ethic of “service” and “solidarity” (see also Cordero 2005; Vega 1996). It bears pointing out, as well, that the traditional middle class were often from worker or peasant backgrounds, the products of high levels of social mobility in the sixties and seventies, achieved through combinations of expanding public education and expanding public-sector employment. The new middle class, on the other hand, were often their children. Despite the general picture of rising inequality, the new middle classes did not necessarily make more than their parents in the public sector, and when they did, it was often because they worked long hours, sometimes as “temporary” workers, “subcontractors” or “consultants” with few guarantees. Both old and new middle classes produced intellectuals, in a Gramscian sense, and so were able to leave their mark on the public culture. The entrance of cable television in the 1980s and its diffusion among middle class households in the subsequent decades also brought in additional programming, commercials, and news from the rest of Latin America and the United States—a change which would play a surprisingly central role in contention over the referendum (see chapter 5).
CAFTA, then, entered into a highly globalized arena in which the United States already had an outsized presence. The US presence, globalization more generally, and the liberalization so strongly identified with the United States were sources of great ambivalence. Loss, desire, fears, and hopes emerged out of increasingly varied, and always contradictory, relationships to these processes. The balance between these had much to do with how one felt about the proposed treaty.

2. The Central American Free Trade Agreement

In this section I turn to an analysis of the CAFTA treaty itself. I consider why the effort to promote this “free trade” treaty in the context of already existing free trade regime, and how the treaty fits into a broader hegemonic project led by the United States. I then turn to a schematic account of the debate over the treaty within Costa Rica.

Why bother with CAFTA at all? Free Trade and US Hegemony

The George W. Bush administration aggressively pushed CAFTA. FTAs face strong opposition from trade unions and environmental organizations, and are generally unpopular with a US public fearful of losing jobs to outsourcing (that is, of course, when they are brought to their attention at all). Bush personally engaged in last-minute, late-night lobbying to sway wavering representatives, which allowed CAFTA—a treaty most US citizens had never heard of—to pass in the House of Representatives by a margin of two votes (Andrews 2005). As I explain further on, the administration would also work aggressively to convince Costa Ricans that they had no choice but to vote for CAFTA. Trade associations, notably the powerful National Association of Manufacturers, also lobbied hard for the treaty.
This show of commitment presents a puzzle: why so much interest in CAFTA? It is not immediately obvious why the Bush administration, the National Association of Manufacturers, or anyone else with global interests would use their time, resources and political capital to advocate a “free trade” agreement with Central America. Central America is a small market that was already highly liberalized: with a few exceptions—mostly significant for Costa Rica’s social state and Central America’s small farmers – a free trade and investment regime already existed between Central America and the United States. Unless you were a garment manufacturer, CAFTA wasn’t going to make much of a difference. Patriotic opponents of CAFTA, in love with their country, were sure that the gringos were after all of the riches that they had to offer, whether water, undiscovered undersea mineral riches, or the telephone company. But the reality is that there is very little evidence of such interest. The mines are mostly run by Canadians, and despite US insistence on opening of the telephone market, the companies interested in taking advantage of this opening were Spanish and Mexican.36

Why the Bush administration cared about CAFTA

Given the small stakes in Central America the value of CAFTA was political and symbolic: It was a step to, or precedent for, the regional and global expansion of the “Free Trade” regime. CAFTA expanded on a globalizing framework of laws provided by the WTO, which, like CAFTA, included agreements on “trade in services” (GATS), “intellectual property” (TRIPS), and investment (TRIMS). By the end of the 1990s, however, the momentum of this global agenda had stalled, largely due to increased opposition from governments of the global South. In the Western hemisphere, the Bush administration’s drive for a “Free Trade Area of the Americas” was defeated, largely due to Brazilian opposition.

36 At the same time, it is also the case that the Bush administration could be flexible in abandoning “free trade” principals to defend US economic interests, particularly when necessary to shore up its political base at home (Destler 2004).
The defeat of the FTAA inspired a change of strategy that led to CAFTA: Instead of trying to bring all of the Americas into a grand agreement all at once, the US would amass bilateral agreements where they could (see e.g. Hornbeck 2004:4).37 Meanwhile, alternative Latin American and Caribbean integration initiatives, most notably the Venezuela-centered “Bolivarian Alliance” (ALBA), were challenging US hegemony in the region. Central America, with its dependence on the US for trade and investment, and deep history of US influence and intervention, was an obvious place to reassert its authority (see Grandin 2006). And Costa Rica, with its pint sized economy but outsized international reputation for democracy and human rights, was worth exerting some trouble to include—even after the other countries were already on board.

CAFTA, then, was a piece of a broader agenda, which has been called “freedom,” but which I will call neoliberalism. As I argued in the introduction, at the heart of this project was a transformation in the property regime to the benefit of capitalist claims: to give transnational capital a freer hand, or more complete ownership, over resources at its command, and to help them appropriate additional technological and cultural rents by extending claims to “intellectual property.” Proponents of CAFTA in the US equated this “freedom” with “democracy,” arguing that the treaty would help to reinforce both (see e.g., Hornbeck 2004:6). Rather than bolster democracy, however, the treaty constrained it in order to preserve the freedoms of a powerful few.

The interests of Costa Rica’s elite in CAFTA

In Costa Rica, the government of Abel Pacheco, which sent representatives to negotiate the treaty in 2003, was ambivalent about the results. Although he seems to have regarded inclusion in CAFTA as important enough that the threat of exclusion could be used to coerce

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37The economic reforms imposed on Iraq in the early stages of the US occupation also bear a striking resemblance to FTA’s such as CAFTA (see Grandin 2006; Harvey 2003, 2005).
him into absurdly adding Costa Rica’s name to the “coalition of the willing” for the invasion of Iraq, Pacheco subsequently vowed that no agreement would be negotiated that affected the telecommunications or insurance monopolies. The negotiators, however, claimed that the US rejected this position out of hand, and they returned with an agreement that required Costa Rica to open both markets to foreign investors (many opponents of CAFTA, however, suspected that Costa Rica’s representatives had volunteered these sectors because the negotiations provided an ideal situation in which to force reforms desired by Costa Rica’s governing elite). As opposition to the treaty mounted, Pacheco refused to submit the resulting treaty for ratification to the Legislative Assembly. CAFTA loomed large over the subsequent presidential election in 2006, which was narrowly won by Oscar Arias, who campaigned on a platform of restoring direction to Costa Rican governance by passing the FTA.

I take up this narrative again in the following chapter. For now I will take a moment to review the interests in favor of the treaty in Costa Rica. As I explain below, the gains to Costa Rican exporters were limited, and clear-cut improvements in access to the US market would only concretely accrue to producers of garments, canned tuna, sugar and sugar ethanol—although there was some case to be made that other sectors might potentially be placed in danger of losing their existing access to the US market, at some point in the future.

Costa Rica’s business associations nearly all endorsed CAFTA, the most active of which in supporting the treaty was the Costa Rican-American Chamber of Commerce (or AmCham), which represents US based investors in Costa Rica and others with important transnational ties. Nevertheless, it seems that it was the Arias administration that really pushed for the treaty (see chapter 3). Many opponents of CAFTA noted that President Arias stood to benefit personally, as one of the principal producers of sugar and sugar-based ethanol in Costa Rica.

Another interpretation was that the treaty would accomplish the liberalization of telecommunications and insurance which Costa Rica’s political class had been unable to achieve.
on its own, paving the way for elite participation in these lucrative areas of the economy. When I suggested that areas like telecommunications would be dominated by transnationals, Antonio,* a civil engineer from the Comité Iglesias, explained that Costa Rica’s elite wanted to become junior partners of transnational investors—increasingly the direction that Central American capitalists have taken since the abandonment of import substitution (Robinson 2003). Indeed, opponents of the effort to liberalize telecommunications and electricity prior to CAFTA had argued that they were attempts to create hybrid public-private firms ideally designed for profiteering by the politically-connected (Solís 2002; see also e.g., Garnier 2000). Whatever their own stakes, the internationally-connected Costa Rican elite had doubtless absorbed the prevailing intellectual climate in which Costa Rica’s increasingly idiosyncratic institutions (like monopolies in telecommunications and insurance) were anachronisms and obstacles to progress.

Some Costa Rican business interests were also potentially adversely affected by CAFTA, and opposed it vociferously; above all the rice growers, but also producers of pharmaceuticals and others. Given the treaty’s asymmetrical terms, however, it is surprising that there was not more visible opposition from businesses producing for the domestic and Central American markets in industries such as processed foods. A fuller understanding Costa Rican businesses’ hopes for CAFTA is beyond the scope of this project, but research on this question may reveal quite a bit about changing regimes of accumulation in Central America (cf. Robinson 2003; Segovia 2004).

**Reading CAFTA**

Reading the text of CAFTA was accorded great importance by its opponents. This is not to say that anywhere near most them actually read the gargantuan text (although some did; soon
after I began attending Comité Lomas, Andrea*, an active participant in the Comité and a secretary at the ICE, insisted that I really should read it, as she had found it revelatory. But the very impossibility of reading CAFTA was important: The slowness to make translations available was widely denounced, and even advanced as legal grounds for invalidating the treaty; an opposition blog took the title TLC en Español (FTA in Spanish). The essential illegibility of the text also arose in widely repeated concerns about the distinct legal ramifications of “tratado” (treaty) and “agreement” which appear in the Spanish and English versions. All of this added up to a sense that a hidden agenda was being foisted on the country, that they were signing a pact with the devil with no time to read the fine print.

This is essentially what they had been expected to do. In this impoverished model of democracy, high pressure international negotiations between unequal powers create blueprints for sweeping legal transformations that are ratified by national legislatures without further discussion (Mattei and Nader 2008). This was Costa Rica’s experience with structural adjustment in the 1980s (Raventós 1995), and it was the process through which the rest of Central America ratified CAFTA. That the citizens of Costa Rica delayed this process of approval for years and used that time to force a debate on how to read CAFTA was a democratic achievement. Nevertheless, even with this comparatively extended and extensive process of debate, very few people who voted in the referendum on October 7th, 2007 actually had a very clear idea the scope and significance of the treaty. The fact that an unmediated interpretation was impossible for most people shows that no democratic process on a decision of this complexity is ever truly “direct.”

It was some time after I returned to the United States that I took Andrea’s advice and sat down to read CAFTA, as well as the Caribbean Basin Initiative laws that preceded it—a project

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*It would seem that the limited availability of translations in Costa Rica has to have been a deliberate decision, since the treaty was essentially the same as previous FTAs signed with Spanish speaking countries (especially the FTA with Chile).
that took me the better part of a summer. In this section I present my interpretation of this most complex treaty and the changes it promised.

**CAFTA as a Trade Agreement**

One of the most fundamental questions of the CAFTA debate was the effect it would have on trade between Costa Rican and the United States.\(^{39}\) The United States was by far Costa Rica’s largest trading partner, accounting for 36 percent of exports and 38 percent of imports in 2006 (WTO 2007:43).\(^{40}\) Anything that would appreciably improve—or worsen—Costa Rica’s access to this market would have enormous consequences for the quantity and quality of employment and business opportunities. At the same time, the US was also a feared competitor, particularly in agriculture, making reduced barriers to imports potentially ruinous for Costa Rican farmers.

The answer to this question was inherently complex and ambiguous. Predicting the impacts of trade liberalization is difficult anyway. But CAFTA did not open up closed economies; it replaced one liberalized trade regime with another, the Caribbean Basin Initiative with CAFTA. So the question was really about the difference between the two regimes, which was another complex political and economic question. Because of the complexity of the question, even a well-educated and highly interested public could be swayed by a partial representation, particularly when one had most of the media, the US and Costa Rican governments on your side, as the proponents of CAFTA did (see chapter 3).

**The Caribbean Basin Initiative vs. CAFTA**

The Caribbean Basin Initiative (CBI) that preceded CAFTA was intended to foster export led development in participating countries. It gave Costa Rica largely unfettered access to the

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\(^{39}\) Any change in trade relations with the US would also indirectly affect trade relations between Costa Rica and the rest of Central America, because some products exported to the US were made in more than one Central American country.

\(^{40}\) Five years after the passage of CAFTA, the corresponding figures were 38 percent (exports) and 52 percent (imports)—which would seem to confirm the asymmetrical nature of the treaty (WTO 2013).
US market while leaving Costa Rica free to restrict imports from the United States. As we have seen, however, the US together with the World Bank and IMF pressured Costa Rica to lower its tariffs as part of structural adjustment. Those tariffs that remained mainly protected domestic production of a few agricultural products (rice, poultry, meat, and dairy), and, in a minor way, manufactured consumer goods. In other words, with a few exceptions, before the Free Trade Agreement there was free trade.

To the extent that CAFTA was a “free trade agreement,” however, it was quite one-sided: Costa Rica surrendered some significant tariff protection, and gained very little in return. CAFTA would improve Costa Rica’s access to the US market in three areas that the US had continued to protect to some significant degree: sugar and sugar-based ethanol, canned tuna, and garments. In return, Costa Rica would surrender its ability to protect its domestic agriculture and industry from US exports (remember, we are discussing the treaty only as a trade agreement—other kinds of concessions will be discussed below).\footnote{For simplicity’s sake I do not discuss “non-tariff” barriers to trade. This was a complex issue that involved sanitary, health and safety regulations (etc.). Many of the observations made about the Chapter Ten provisions apply to these measures as well: international tribunals, rather than voters and their representatives, were empowered to decide what constitutes a non-tariff barrier to trade and what constitutes a legitimate health and safety regulation.} For the most committed devotees of comparative advantage, this might be all well and good, but these are a relatively rare breed.

What made the trade issue potentially persuasive for the Costa Rican public as a whole was the possibility that the existing access to the US market was in jeopardy. For the garment industry, and only the garment industry, this was probably true—but the proponents of the treaty in the Arias and Bush administrations, and their allies in big business and the media, worked very hard to give the impression that all exports and employment were at risk—a deliberate strategy to instill “fear of unemployment,” described in chapter 3.
The argument over CAFTA’s impact on trade ultimately boiled down to a dispute over the status of the Caribbean Basin Initiative. The 1983 Caribbean Basin Economic Recovery Act (CBERA) provided duty free access to nearly all exports from Central American and Caribbean countries not under governments deemed “Communist” (i.e., Sandinista Nicaragua and Cuba). A few products were excluded: watches, canned tuna, and petroleum. Sugar and beef were subject to specific quotas and a process supposedly designed to prevent undermining the food security of the exporting country. An even more complicated set of regulations was placed on garments that excluded some products while mandating extensive use of inputs from the US and CBI countries.

Despite these limitations, CBERA provided very broad access to the US market without the demands for “reciprocity” that would later characterize the FTAs. It permitted the development of new export products throughout Central America, including fresh fruits (particularly melons), winter vegetables, ornamental plants, and garments—and in theory could have allowed for much more sophisticated and high value manufactures, if the Central American countries had been in the position to produce them.\footnote{The fact that they weren’t in such a position doubtless contributed to the US government’s willingness to provide this degree of openness. Notably, the restrictions and controls in the CBI laws are most stringent in sectors where competition from producers located in Central America was most probable—sugar and garments.} Costa Rica has been the most successful of the Central American countries in developing higher value-added industrial exports, some of them under the rubric of the CBI—but many others entering under a generalized US open market regime that provided low tariffs or even duty free access to the US market for many goods, as was the case with Intel’s microprocessors (see Silvestri 1995).

The initial CBERA provisions were gradually broadened over time to admit more categories of exports from the region under more liberal conditions. In 1990 the expiration date was repealed, making access to the US market indefinite. In 2000, the Caribbean Basin Trade Partnership Act (CBTPA) further broadened access to the US market to compensate for
comparative advantage lost to Mexico after the signing of NAFTA. Notably for Costa Rica and other Central American countries, CBTPA improved access for canned tuna, sugar and garments. The “content requirements” that tied Central American garment manufacturers to US-made textiles were relaxed (USTR 2009:4). Unlike the CBERA, however, the CBTPA was set to expire, in 2008 (later extended to September, 2010). The language of the bill indicates that the additional opening was justified as a bridge to the either bilateral FTAs or a hemispherical FTAA (see also USTR 2009:1).

Through the CBTPA and CBERA, then, Central American countries already had more or less the same access to the US market that Mexico had through NAFTA—without having to make any of the concessions forced on Mexico. CAFTA simply added to the CBTPA a few minor improvements for Central American exporters of canned tuna, sugar, and garments. The most important thing CAFTA did, in fact, was to prevent the expiration of the openings already provided by the CBTPA for exporters of these products, which applied to 15 percent of Costa Rica’s exports to the United States (8 percent of its total exports; Castro and Martínez 2004:148). The very open regime provided by CBERA was itself indefinite.

CAFTA would, accordingly, bring no benefits at all for the 21 percent of Costa Rican exports to the United States entering duty-free under CBERA, or the 64 percent on which the United States simply did not place tariffs at all (including bananas, coffee, and microprocessors; Castro and Martínez 2004:148-9).

All that would have been true unless Costa Rica was in danger of losing its (indefinite) CBERA status. Proponents of CAFTA in Costa Rica, including the Bush administration, argued that the Caribbean Basin Initiative could not be counted on for the future, and CAFTA was necessary to secure Costa Rica’s access to the US market. This argument carried great weight for those paying close attention to the debate, and the last minute public intervention by the US
trade representative Susan Schwab to insist that the Caribbean Basin Initiative faced an uncertain future may have been decisive in swinging educated urban middle classes to voting sí.

This argument was however very—and no doubt deliberately—misleading. In the first place, by lumping CBERA and CBTPA together as the “Caribbean Basin Initiative,” CAFTA’s proponents were able to imply that all of CBERA’s benefits were due to expire, when it was only the much more limited, supplemental CBTPA that faced a time limit. In my experience, even well-educated and informed opponents of CAFTA were confused by this.

Secondly, although CAFTA’s proponents suggested that without the treaty Costa Rica could lose access to the US market on a whim, it was highly unlikely that the CBERA would be repealed or that Costa Rica would be removed from the list of the law’s beneficiaries. CBERA does give the president the right to remove any single country, but she is directed to publicly explain this decision to congress, taking into account the same set of considerations that were originally used to evaluate the country’s candidacy for the CBI—an absurd argument to make in this case. It also would have meant publicly breaking with one of the United States’ oldest and most respected allies, at a time when the US government had fewer and fewer friends in the region—all in the name of a treaty that was hardly popular at home.

In theory, the US Congress could have repealed CBERA as a whole. This was again an unlikely scenario, however. The Speaker of the House, Nancy Pelosi, wrote a public letter to the Costa Rican people pledging to respect the referendum vote and pointing out that the CBERA was in no danger of repeal. Perhaps more convincingly, the trend of US policy of the last several decades has been to lower tariff barriers, and the CBI has been consistently expanded over its history, reflecting this tendency. After all, low tariffs are favored by US-based transnationals. Many Costa Rican exports are produced by such politically-powerful corporations (such as

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43 Less drastically, it also provides more freedom of maneuver to intervene to preserve particular industries deemed in urgent need of protection than CAFTA does.
Intel), or are not produced in the US and therefore face no protectionist pressure. Finally, CAFTA, too, is subject to repeal—and unlike CBERA, has a well-organized, broad-based, bipartisan opposition that includes trade unions, environmentalists and US economic nationalists.

CAFTA did however significantly improve access to Central American markets for the United States. As I’ve pointed out, Costa Rica already had a liberal import regime, having reduced tariffs from an average of 56 percent in 1985 to an average of 3 percent in 2000 (Jaramillo and Lederman 2006:19). Like other Central American countries, however, Costa Rica retained substantial levels of protection for some agricultural products. Most domestic staples, with the exception of maize, were under tariff rates of 30-65 percent (150 percent in the case of chicken), which CAFTA would gradually reduce to zero over the following decades (Fernández 2004:242; Jaramillo and Lederman 2006:155). In industry, Costa Rica gave up more than it gained through CBTPA or even CBERA (see e.g., Castro and Martínez 2004). Most final consumer goods—the area in which Costa Rican production for the domestic and Central American markets is concentrated—had a tariff ranging from 10 to 15 percent (WTO 2010).\footnote{Primary and capital goods, such as machinery and raw materials generally had a nominal rate of 1 percent.} CAFTA, however, committed all Central American countries, including Costa Rica, to reduce these tariffs to zero.

The Impact of Trade Liberalization

While arguing for the benefits of CAFTA, World Bank economists Carlos Felipe Jaramillo and David Lederman observe that predicting the effects of trade liberalization is more of an “art than a science.” They acknowledge that their “partial equilibrium” methodology simply extrapolates changes in supply and demand curves from the removal of tariffs, and does not take
into account the dynamic effects of changes in production (2006:73-6). Here I will venture a few suppositions about these dynamic effects.

As we have seen, CAFTA opened doors for potential exporters of canned tuna, sugar, leather goods and garments.\(^{45}\) Even within these sectors, additional gains over the existing situation were minimal, and CAFTA basically sustained the trade regime that had been in place since 2000. This is important because it means that for Costa Rican exporters essentially nothing at all would change. Despite the exaggerated promises of its proponents, CAFTA was not going to stimulate a boom in export production for the US market if that had not already occurred. Production of sugar (and sugar-based fuel) might be expected to grow up to the new quota limit provided by the treaty, since the US pays twice world market rates for sugar (Jaramillo and Lederman 2006:46), although the effect on total sugar production is modest.\(^{46}\)

The case of the garment industry is more complex. CBERA and the CBTPA had contributed to a rapid growth of garment export assembly in Central America. However, the industry was facing a sudden swell of Chinese competition unleashed by the expiration of the Multifiber Agreement’s quotas in 2005. Certainly, the industry was better off with CAFTA and in some of the other countries of Central America (particularly Honduras) might be expected to continue to flourish (although that might depend on changes in transportation prices, Chinese currency policy, etc.). The Costa Rican situation was distinct, however. Perhaps because of higher labor costs or the physical isolation of the population centers in the Central Valley, the Costa Rican garment industry had stagnated since the mid-1990s, and even the openings provided by the CBTPA could not reverse its decline. There was accordingly little basis to

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\(^{45}\) Some minor additional issues, such as technical assistance with US phitosanitary standards, are not included here (see e.g. Jaramillo and Lederman 2006).

\(^{46}\) Jaramillo and Lederman predict only a 4 percent increase in exports from their partial equilibrium methodology (2006:138), as well as a doubling of the percentage of the sugar crop destined for export from 4 to 8 percent for Central America as a whole (46). However, they seem to be unaware of the role of sugar based fuels, which are not mentioned in their study.
assume that CAFTA would turn the situation around, although it probably slowed further decline.

What was to be expected from the opening of Central American markets to imports from the United States? In industry, consumer goods from the United States might be expected to become more competitive, potentially displacing production of consumer goods for the domestic and Central American markets (e.g., processed foods, notebooks, mattresses, refrigerators), and producing unemployment in these areas (Castro and Martínez 2004).

Based on their partial equilibrium analysis, Jaramillo and Lederman (2006) argue that Central American “consumers” will gain from lower prices, particularly for food. They point out that most of the region’s poor are net consumers, rather than producers, of food. The high degree of monopoly in the transnational and domestic commercialization of food, however, raises doubts about how much of the savings from tariffs will be passed along to consumers. The supermarkets in Costa Rica are already highly monopolized, with the most important chains partially or wholly owned by Walmart.

At the same time, tens of thousands of Costa Ricans producing agricultural products for the domestic market see their livelihoods, lifeways and identities, threatened. Even with the protective tariffs before CAFTA, production of staple goods such as rice was declining, and increasing quantities were imported (Carazo Vargas 2004; Fernández 2004). The formerly extensive program of government support and subsidies to domestically-oriented agriculture had dramatically decreased since the 1980s (Edelman 1999) even as the United States continued to massively subsidize its own agricultural producers. The commitment to lower tariffs in all agricultural goods to zero will probably provide the coup de grace to an already struggling domestic rice industry, while presenting significant challenges to Costa Rican producers of other foodstuffs, notably meat, poultry and dairy (see Carazo Vargas 2004; Fernández 2004).
For promoters of agricultural opening, this is fine. Liberalization of trade encourages a shift towards the most efficient use of resources and the development of comparative advantages. The liberalization of the market for maize in Costa Rica in the 1980s was intended to facilitate the switch to export-oriented agriculture (Edelman 1999; Raventós 1995). That “comparative advantage” is in this case largely defined by who is comparatively more subsidized by their government complicates this argument. More pragmatically, growing for export to the US market is not a simple matter, and many of the products in which Costa Rica is said to have comparative advantage require large capital outlays and extensive transportation infrastructure (Conroy et al. 1996). Many of those currently producing for the domestic market may only be able to continue as hired hands for Costa Rican or transnational (often US-based) agricultural capital. As Don Moises*, a small dairy farmer from the mountains of Turrialba told me, explaining why he was against CAFTA: “they want us to be a nation of employees” (*empleados).

The arguments surrounding the elimination of tariffs protecting domestically-oriented industry are similar. Again, the classical liberal theory of comparative advantage argues that removing such “distortions” will allow a more efficient allocation of resources. Proponents of free trade as a development strategy however naturalize comparative advantage and assume that liberalized markets produce even development. The advantages of the capitalist core are products of histories of capital accumulation, built environments, technological and institutional infrastructure, and agglomeration economies around sunk costs (e.g., Harvey 1999). Moreover, these comparative advantages have been deliberately fostered by a variety of tools of industrial policy, including but not limited to tariffs—whether in the United States, Europe or East Asia (Chang 2002, 2010; Dasgupta 1998; Kay and Gwinn 2000). As I explain briefly in the next section, CAFTA restricted the ability to use most of these industrial development policies

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47 Note that the theory argues that it is in the interests of both parties to concentrate in where they have a comparative advantage, even if one country produces all products more efficiently than another.
including technology sharing mandates, content requirements, or the credit system—as well as eliminating tariffs. While gaining few significant new opportunities, they were surrendering historically-important tools of industrial policy. Finally, critics of CAFTA pointed out that even with the protections allowed under the CBI, Costa Rica had been running a substantial and increasing trade deficit with the United States—a macroeconomic situation that would likely only worsen as the existing barriers to imports from the US were lowered (as allegedly happened in the case of Costa Rica’s free trade agreement with Canada).

Notably, even those Costa Rican sectors that did stand to benefit would not provide expanded opportunities for most people, whether as employment or opportunities for small producers. Instead the benefits seemed to be concentrated in a politically influential group of sugar producers that included President Oscar Arias himself. This is a pattern we see throughout; liberalization is embraced to the extent that it furthers the accumulation projects of politically powerful capitalist interests.

**CAFTA as a property regime:**

But CAFTA wasn’t really about trade. The fact that Free Trade Agreements go far beyond what is commonly understood as “free trade” is particularly clear in this case, because CAFTA just replaced one free trade regime with another. CAFTA was in fact mostly an investment agreement. And investment is not just another form of trade; it is the social organization of economic activity, the coordination of our working lives—what Eric Wolf called structural power (2001:384-5). That is a much bigger thing than selling goods produced in one place somewhere

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48Jaramillo and Lederman (2006) conclude that in the absence of a plan to facilitate the adjustment of domestic producers (particularly small farmers), CAFTA is unlikely to make a positive contribution to poverty reduction. As it happens there was no such plan, and it is probable that the terms of the treaty itself preclude many of the tools that might form an important part of one.
else. In addition to these rules governing investment, the FTAs also work directly against “free trade” by extending the legally-sanctioned monopolies known as “intellectual property rights.”

The common agenda underlying investment and intellectual property rights measures is an agenda to create a property regime more amenable to the claims capitalists. The FTAs extend the property claims of capitalists—transnational capital and some well-positioned Costa Ricans—against claims by governments, public institutions, and others, from student photocopiers to small farmers. It reinforced the property claims of capital by (1) prohibiting controls on investment, the movement of capital, and the repatriation of profits; (2) by restricting permissible regulation of productive activity, including by allowing investors to defend claims to their projected profits; (3) by opening up natural resources and the provision of “public goods” to transnational capital; and (4) by reinforcing and extending the monopolies associated with “intellectual property.”

These claims were at the core of the CAFTA project. This project was not new, not even to Costa Rica with its social democratic property regime: CAFTA mostly builds on the Uruguay round of the GATT that created the World Trade Organization (WTO) in 1995, and to which Costa Rica was a signatory. But CAFTA represented a deepening of many of the Uruguay round commitments, as well as introducing some novelties such as the expansion of capital’s property claims through a thing called “regulatory expropriation.”

CAFTA also enhances investors’ ability to make claims by transforming the legal regime governing how claims are made (see also Mattei and Nader 2008). CAFTA allows transnational investors to bypass national court-systems and make claims against governments in an arbitration process controlled by the International Center for Settlement of Investment Disputes (ICSID).\footnote{Notably, workers organizations are not given this power, but are rather required to work through their respective governments to make claims concerning the violation of the treaty’s limited labor standards.} Arbiters of the ICSID are thereby empowered to decide whether national laws
impacting investors are justifiable according to standards of the public good and environmental protection. In all of these ways, CAFTA protects capitalists from democracy.

“Trade in services”:

In Costa Rica, CAFTA’s stipulations on “trade in services” were among the most contentious. *Trade in services* is a misnomer. Measures permitting the exchange of professional services across borders did resemble “trade” as it is conventionally understood. But the more significant measures allow transnationals to invest in areas from which they had previously been excluded, and they limit the ability of governments to regulate, control, or prohibit such investment in the future. For Costa Rica this meant opening monopolies of telecommunications and insurance. But the treaty seems to open the potential for demands by transnationals to participate in the provision of a host of other vital services, from water to healthcare to waste collection, including by opening up international bids. This is particularly significant because many of these “services” have historically been defined as “public goods” whose allocation should not be determined by the market. The stipulations about trade in services therefore potentially challenge ideas of moral economy and conceptions of “public goods.” In Costa Rica, these terms were denounced as “privatization” measures against the spirit or letter of the constitutionally-defined Social State.

The stipulations of CAFTA regarding “trade in services” build on the General Agreement on Trade in Services (GATS) negotiated at the Uruguay round of the GATT, which went into effect in 1995. This treaty broadly meant to open up “service” sectors to competition from private investors. GATS, however, does allow signatory countries to choose the services that were to be included in the agreement, and to later withdraw services from the list (albeit with
penalties). CAFTA moves significantly beyond the GATS agreement. It locks-in the liberalization in “services” forever; no changes can be made once the treaty is signed. Secondly, it expands the range of services liberalized indefinitely. Whereas the GATS treaty confines liberalization to relatively specific categories (such as “hospital services,” “waste collection,” “hotels and restaurants,” or “commercial banking”), CAFTA begins with an *across-the board commitment* to provide both “market access” (11.4) and “national treatment” (11.2) to transnational investors interested in providing “services.” Nowhere in the treaty does it define what “services” are, much less provide a list of activities that might be subject to an investors’ claim to “market access.”

The treaty does carve out both generalized and country-specific exceptions to the commitment to liberalize service provision, while two particular areas, “telecommunications” and “financial services” are each afforded a full chapter, in which more specific demands for liberalization are made while the limits of liberalization are also more clearly spelled out. While liberalization of financial services might well have the greatest economic impact down the line, it was the liberalization of telecommunications that was the most contentious in Costa Rica.

**Expanding and Protecting the Claims of Investors:**

Chapter Ten of CAFTA, a slightly altered version of NAFTA’s highly controversial Chapter 11, is concerned with reinforcing and extending the claims of capital vis-à-vis governments. Because CAFTA’s chapters on “Cross Border Trade in Services,” Telecommunications, and “Financial Services” are in fact investment agreements, CAFTA’s investment chapter is directly pertinent to understanding the impacts of CAFTA’s liberalization of services and redefinition of public goods. But Chapter Ten also applies more broadly to

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50 A compensatory liberalization is to be made to the benefit of those countries that could demonstrate harm to their economic interests from their exclusion from an area of service provision.
transnational investors in every sector of the economy, curtailing the ability of governments to make claims on capital.

Chapter Ten contains a list of things that governments cannot require of investors: mandate technology transfers; impose local content or export performance requirements; restrict the remission of profits; or mandate a percentage of domestic capital or the employment of nationals. Again, these measures built on, but significantly extended, liberalization measures contained in the Uruguay round of the GATT. Each of these measures restricts practices that had been common development policies in the post-War era, many of which had been used by the more successful developmental states (see e.g. Chang 2002, 2010; Dasgupta 1998; Gallagher 2005; Joshi 2012). They constrain the ability of governments to engage in what used to be called “industrial policy” (which some now prefer to call “technology policy”): that process of building domestic productive capacities that is very much at the heart of most understandings of development. All of these practices are forms of public claims on capital and are forbidden by the treaty.

In a move with perhaps even greater implications, Chapter Ten introduces the concept of “indirect expropriation.” This concept defines governmental actions that reduce the expected profitability of investments as a form of expropriation, and allows investors to sue governments for redress. Effectively it extends the scope of property claims to include expectations of profitability (although only when claims are made against governments). The equivalent chapter of NAFTA provoked outcry that defining expropriation this way could potentially undo the entire regulatory regime of the signatory states—particularly after a series of high profile cases challenged the validity of environmental laws (Edsall 2006). Critics pointed out that the definition of expropriation in Chapter 11 seemed consonant with the radical liberal project to establish a constitutionally-grounded doctrine of “regulatory takings” that would compel the US
government to compensate whoever saw their profits adversely affected by regulation (Aisbett et al. 2010; Edsall 2006; Greider 2001; Huffman 2001; Warner 2009; see also, Epstein 1985).

In response to this outcry, CAFTA’s Chapter Ten somewhat weakened indirect expropriations claims: It prohibits claims against existing legislation, and, more importantly, explicitly states in Annex 10-C that, “except in rare circumstances, nondiscriminatory regulatory actions by a Party that are designed and applied to protect legitimate public welfare objectives, such as public health, safety, and the environment, do not constitute indirect expropriations.”

Even as this “softer” version of regulatory takings allows for some regulatory ends, however, it excludes others. The developmental objective of fostering national capacities would presumably be inherently discriminatory and hence ruled out of court from the start. But more fundamentally, who defines what is “a legitimate public welfare objective”—and isn’t that what “democracy” is supposed to do? The answer is that it is the tribunal of the ICSID, not any democratic process at all, which decides whether a law is reasonable, justified by the public good or the environment, and non-discriminatory. Finally, the phrase “in rare circumstances” would seem to leave room for overriding even “legitimate” public ends.

Aisbett et al (2010) report that “as of mid-2010 a total of 337 investor claims brought using bilateral investment treaties or NAFTA’s Chapter 11 had been publicly registered. Of the registered claims, 58 had been awarded in favor of the investor, 75 in favor of the host, 63 settled and the majority of the remainder are pending.” They add that, “the cost of using formal arbitration means that the vast bulk of claims are settled before they reach such a stage.” Even if the host governments win more claims than the investors, this is a rather astounding challenge to the ability of “sovereign” national states to make regulatory claims. Settlements mean significant expenses for the national states. Moreover, one also has to take account of the chilling effect on regulation that the mere possibility of an expensive and drawn-out investor challenge presents, especially for a revenue-starved Central American government.
Intellectual Property Rights:

CAFTA stipulated major extensions of “intellectual property rights” by extending the length of monopoly protections for patent and copyright; subjecting more things to patent; and demanding more stringent enforcement. These measures included obliging signatories to sign onto international treaties, of which UPOV, which permits certain forms of “breeders’ rights” in plant varieties, was particularly contentious. CAFTA would restrict the ability of Costa Rica to produce generic medicines by extending the duration of patents (and other related measures) as well as introducing patents into surgical procedures. The rules regarding copyright were little commented upon until after the ratification of the treaty, when laws were passed criminalizing the universal process of photocopying books and obliged radio stations to pay royalties which they had not before.

The extension of patent and copyright exports reflects an ongoing agenda pursued through law and precedent in the United States (Lessig 2001). Broadening claims to “intellectual property rights” is important for capitalist accumulation increasingly centered on extracting monopoly rents from technological innovations and cultural products.

Debating CAFTA

In this section I present “synthetic” versions of the arguments for and against CAFTA. These arguments are composites of the dominant themes in the debate on the treaty.

‘Sí’ on CAFTA

The proponents of CAFTA emphasized the importance of the US market and the danger of losing access to it. Although they rightly pointed to dangers to the garment industry, they misleading suggested that the CBI as a whole (and not just the CBTPA) would soon expire. They implied that without the guarantee provided by CAFTA, all Costa Rican exports would be in
danger. They suggested that without CAFTA, the US could easily revoke Costa Rica’s trade preferences at any time, and that the United States would be “offended” and take retaliatory action. The aggressive “with-us-or-against-us” posture of the Bush administration made this more credible than it otherwise might have been—as did the fact that the administration misleadingly implied that it could easily make such a decision without the support of congress.

Despite the fact that CAFTA did very little to improve existing Costa Rican access to the US market, the SI also talked in general terms about the “new opportunities” that CAFTA would open up for Costa Rican entrepreneurs and small producers. Advocates of CAFTA sometimes went so far as to present the treaty as the gateway to a qualitatively different future of economic dynamism and growth. An oft-cited example comes from a speech by President Arias at an inauguration ceremony for the expansion of an industrial park in Cartago. Workers whose time in the bathroom is strictly rationed left their posts to hear the president speak, and appeared with signs saying Sí al TLC. Arias promised the assembled workers that “those who come [today] on a bicycle, will come on a BMW motorcycle with the FTA, and those who arrive in a Hyundai, will come in a Mercedes Benz” (Mata 2007).51 This message of sudden prosperity was particularly ridiculous when directed at an audience of people who were already working in export industries. Less often commented upon is that he followed these promises with dire warnings that without the FTA there would be no jobs for the workers’ children.

Importantly, the proponents of CAFTA argued that public institutions were not threatened, and would even be strengthened by (or needed) the treaty. The ICE would rise to the challenge and be improved by competition from transnational firms. Both the ICE and the Caja would be buoyed by the economic growth allegedly to be unleashed by the treaty, whereas the inevitable economic decline that would follow a rejection of CAFTA would undermine the social

51 “[Los] que vienen en bicicleta, con el TLC vendrán en motocicleta BMW, y los que vienen en un Hyundai, vendrán en un Mercedes Benz”
state. Notably, this discourse was liberal only in a very qualified way. The SI did not argue against any of the institutions of the social state, rather it presented CAFTA as a way of strengthening the social democratic project.

‘No’ on CAFTA

The opposition to CAFTA argued that the treaty violated both the letter and the spirit of Costa Rica’s social democratic constitution. The University of Costa Rica’s commission summarized its findings on the constitutionality of the treaty in the following:

At the dawn of the 21st century, the normative development of international economic relations is implemented through asymmetrical free trade treaties, in which investment and commerce, which should be instruments in service to humanity, are on the contrary converted into the center of gravity of society and politics, in absolute contradiction to the values and purpose of our Social State of Law/Right [*Estado Social de Derecho*], which privileges social rights and benefits.

That is what is happening with this proposed FTA... [which] disproportionately benefits the commercial interests of foreign businesses, in absolute contradiction to the common good stipulated in article 50 of the constitution. (UCR, n.d.:6)

The commission named the following as violations of national sovereignty and of the inalienable power given by the constitution to the Legislative Assembly to make the laws: The investor-government dispute resolution process contained in Chapter Ten; the obligations to sign additional treaties and to pass legislation that was not included in the treaty itself (specifically naming the law to “modernize” the ICE); the authority granted to the president of the United States to review other countries’ laws for compliance with the treaty; the different definitions of maritime national territory. The commission further argued that CAFTA violates the process established by the constitution for concessions in telecommunications and construction.

Moreover, the report argues that CAFTA is incompatible with or contradicts the social rights guaranteed by Costa Rica’s constitution: the right to healthcare; the constitutionally-protected labor rights; and the right to a healthy environment. Similarly, the liberalization of
insurance is in violation of the established constitutional principle that insurance is a social good to be managed by the state. Finally, the failure to negotiate an exception to the trade in arms violates the constitutional abolition of the army and the commitment to neutrality.

These are essentially the themes that constituted the core of the argument made by the NO. Opponents of CAFTA raised concerns about the ability of Costa Rica to protect and regulate its ecology and natural resources. I found a broad concern that the treaty would allow transnationals to freely despoil “Mother Earth” (la madre tierra), while more specific concerns were largely directed at water. The treaty opened access to Costa Rica’s natural resources to foreign investors; what would stop them, for example, from pumping out all of Costa Rica’s fresh water to sell bottled to an increasingly water-poor United States?

A more far-fetched but prominent argument held that the CAFTA would dramatically reduce the total surface area of sovereign Costa Rica, because “Costa Rica” as defined in the treaty did not include all of its substantial maritime claims (due to Costa Rica’s possession of the remote Pacific island, Isla del Coco). Accordingly, the argument went, transnationals could mine undersea resources that properly belonged to Costa Rica. Opponents of CAFTA also claimed, incorrectly, that the treaty mandated allowing the sale of human organs, because it assigned them a tariff value of zero. In addition, Costa Rica would no longer be able to prohibit the manufacture of armaments in its export processing zones, making it complicit in US militarism (perhaps even nuclear weapons).

More convincing were the threats to the institutions of the social state, especially the ICE and the Caja. New patent rules would put severe financial strains on the Caja by making it more difficult for it to manufacture or buy generic medicine, jeopardizing the constitutionally-guaranteed right to healthcare.

The opening of the telecommunications market was incompatible with the ICE’s system of “cross subsidies,” which took gains from more profitable telecommunications services
(business services and long distance) and used them to maintained low prices for basic telephone and electricity access. The need for the ICE to compete would mean that it could no longer prioritize providing services to rural locations which had to be serviced at a loss—if it survived at all. And according to the planned implementation laws, the mandatory contributions to provide such services were a fraction of what the ICE devoted to them. Moreover, private telecommunications companies would simply piggy-back on the infrastructure that had been built by the ICE (through great national sacrifice and sweat etc.), which they would be guaranteed access to at low prices, and would have no incentive to invest in significant additional capacity (Fumero 2005). Or the opening would provide an opportunity for politicians to gain from political influence at that expense of the national patrimony (see Solís 2002).

The intellectual property rules, combined with the elimination of the remaining agricultural tariffs, presented a threat to the viability of small farmers, to sustainable agricultural production, and to “food sovereignty”—the ability of the nation to guarantee its ability to feed itself (Carazo Vargas 2004; Edelman 2005; Pearson 2009, 2012). It was seen as particularly egregious that the multinationals could potentially claim for themselves the product of thousands of years of agricultural knowledge, and then require the small farmers to pay to use the seeds developed from their own ancestral strains.

Finally, the opponents of CAFTA contested claims about the effects of the treaty on Costa Rica’s exports. They pointed out that Costa Rica’s access to the US market was not in danger. Ottón Solís, one of the leading figures in the NO, invited Senator Bernie Sanders of Vermont and Congressman Mike Michaud of Maine to visit Costa Rica in order to spread the message that congress was not going to deprive Costa Rica of access to the US market, followed by the letter from Speaker of the House Nancy Pelosi mentioned above. Solís, however, seemed to believe that some kind of FTA would be beneficial for Costa Rica, arguing that CAFTA could and should
be re-negotiated (this was not a popular view among activists of the NO, and was possibly
directed at those convinced by the arguments of the SI).

As for the garment industry, the opponents of CAFTA tended to argue that it was
doomed by Chinese (and Central American) competition, and that it didn’t provide good jobs in
any case. Both were problematical arguments. There were certainly producers that planned to
continue in Costa Rica (labor costs are not the only factor, even in garment assembly;
Sandbrook et al. 2007). At the time of the referendum the industry employed approximately
20,000 people, or 1.2 percent of the workforce (Castro and Martinez 2004:151)—certainly not
overwhelming, but not an insignificant number.52 The observation that those were not good jobs
would not be very convincing to someone who had decided that it was their best option.

This was why the argument that the net job loss would be worse with CAFTA than
without, because of its expected effect on “micro,” small and medium firms producing for the
domestic market, was potentially so important (see e.g. Castro and Martínez 2004). As a whole,
however, the opposition to CAFTA tended to avoid the jobs argument in favor emphasizing the
future of the social state, natural resources and ecology, and domestically-oriented agriculture.
The lack of attention to employment made it very difficult for the opponents of CAFTA to
convince proletarians in the private sector, whether they were the new middle classes or blue-
collar urban or rural wage workers. These two groups were decisive to the passage of CAFTA in
the referendum.

52 By 2011, despite the passage of CAFTA, employment in this sector seems to have declined (and has
certainly not increased). Data compiled from the website of the Costa Rican Chamber of Industry puts
total employment in garment assembly, textiles, and leatherworking altogether at 14,686 persons (CICR
2013).
The “natural constituencies” of SI and NO

From the arguments made by the SI and the NO (as opposed to the actual content, which very few people had unmediated access to), one can sketch out probable constituencies for each based on economic interests (with the caveat that both campaigns claimed to represent the national interest as a whole). On the one hand, we can expect the following groups to be most receptive to the message of the SI:

- Those who exported or who worked for an exporter, since the SI implied that all exports were in danger—but especially those whose livelihoods depended on garment assembly, the industry with most to lose, as well as those in other sectors actually directed affected by the treaty (tuna and sugar).
- Anyone who thought that their prospects would be improved by more foreign investment, since the SI also communicated the idea that investment depended on the treaty. This meant much of the workforce of the private sector, but especially those involved with transnationals.

On the other hand, we might expect the following groups to be inclined to oppose the treaty:

- Those whose livelihood depended on the “social state,” especially public sector workers. Among these, particularly those who employed by the monopolies, the ICE and the INS.
- Agriculturalists producing for the domestic market, particularly those due to lose tariff protection. In principle, anyone in an industry scheduled to lose protection might be opposed to CAFTA, although there was little evidence of this outside of agriculture.
- Producers of generic drugs and others that would suffer from increased “intellectual property rights.”

These “natural constituencies” correspond fairly closely to the observable bases of support for the two campaigns, as well as the patterns of voting in the referendum. But that should not distract from the fact that these natural constituencies were produced politically—the SI created the narrative that exports and investment were in danger, and pushed it through all the means at its disposal. The NO similarly worked very hard to convince the public at large that the social state they valued, the country’s natural resources, and environment were under threat. This political work will be the subject chapters 3 and 4. Finally, protagonists of both campaigns sincerely believed that they were working in the national interest; their social position and
working lives provided the context and a lens through which they interpreted the meaning of the common good.

3. Conclusion

CAFTA was about much more than trade. It was a struggle over the future of a distinct social democratic property regime that intersected with an ongoing conflict over the meaning of democracy in a context of globalizing neoliberalism. Some of the flash points of this conflict had been the quality of political representation and the role of the public sector. In the next chapter we take a closer look at how the conflict over CAFTA emerged from previous rounds of contention over liberalization, and how that contention ended up in a referendum.
“Direct Democracy” from the Street to the Ballot Box

The Contentious Path to a Referendum

Opponents of CAFTA reacted to the treaty’s approval in the October 7, 2007, referendum with a mixture of grief and outrage. “I’m ready to throw rocks,” said Karla*, a costume and set designer in her early thirties. Karla was usually too busy pursuing contracts with television and movie producers, or furiously sewing to meet a deadline, to involve herself with politics—but she had thrown herself wholeheartedly into the campaign against CAFTA, and had just spent the day of the vote ferrying voters around in the stylish old Mercedes she shared with her boyfriend. Rock-throwing, in fact, was a common refrain in those days after October 7th.

Although people stopped talking about “throwing rocks,” from the moment the referendum results were announced, and throughout the following months, CAFTA’s opponents discussed, debated, and organized around the possibility of opposing CAFTA’s implementation “in the streets.” The example they invoked most often—and which lurked between the lines in political speech and news reporting—was the wave of protests that had overturned the “modernization” of the telecommunications and electricity sectors in 2000, an event that came to be known as the “Combo.”

In this chapter I explain how conflicting political projects came together to produce the unprecedented referendum on CAFTA. The referendum substituted a more “peaceful” direct democracy for the democracy of protest, in the context of widespread frustration with institutions of political representation and mounting opposition to CAFTA.
1. The Combo

The Combo was about more than telecommunications and electricity. Whether the protests proved that the people could defend law and patrimony against the depredations of the políticos, or raised a specter of ungovernability and the imposition of “grupos de presión” (pressure groups) over democratic process, the events of the Combo were the most visible indication that the practices, relations and representations that had sustained the stability and predictability of the partisan-electoral order could no longer be counted on.

For Karla, who had been a university student at the time of the Combo, the protests had been a singular and deeply affecting experience. She had a vivid memory of events and recounted with pride their determination and courage in facing down teargas and police batons. For those who supported and sympathized with the protests, they showed that representative institutions were not enough to guarantee democracy or justice in political systems dominated by the rich and powerful. Protests were not only necessary, they could work.

For political elites and advocates of liberalization it was a major challenge. As Nelly Vargas, a lawyer who worked to develop Combo law put it: “The Combo was very hard—we weren’t accustomed to these social confrontations. It was really traumatic for what we might call the political class of the time.” She went on to add that “they weren’t even that many people, but they were so well organized. They blocked the streets and frightened everyone. People couldn’t get to their houses, they closed the Assembly.” (Interview, March 16, 2009)

Vargas emphatically agreed that the possibility that these events might be repeated shaped the political calculations of both opponents and proponents of CAFTA before, during and after the referendum. The discussion of the Combo in the wake of the October 7th vote was in many ways a return to the situation before the announcement of the referendum, when the opponents and proponents of CAFTA alike had expected a confrontation “in the streets.” But no
historical event is ever repeated in exactly the same form, and the referendum, precisely because it was an exercise in so-called “direct democracy,” was probably the ideal vehicle to render a repetition of the Combo impossible, a proposition I will consider in more detail in chapter 5. The referendum, as much by accident as design, ended up as a “do-over” of the Combo, one in which the government emerged victorious and the political and economic elite recuperated its dominant position.

The Combo was of course not the first eruption of popular discontent and direct action in Costa Rica. While the contentious tradition is muted in comparison to many other Latin American countries, there is a long history of grassroots struggle punctuated by periodic explosions charged with anti-imperialist sentiment—back to the gigantic strike against United Fruit that mobilized some 10,000 workers in 1934. The ICE itself was largely a product of decades of struggle against US corporate domination of electricity (Alvarenga 2005; De la Cruz 2004; Flores 1993). While these struggles were mostly long forgotten by 2007, the contentious movement against the US multinational ALCOA’s plans to open a mine in Costa Rica in the 1970s, and, to a lesser extent, the electricity rate strike of 1983 were invoked as part of a genealogy—or for many, biography—of protest. The Combo was also preceded and followed by contentious protests over liberalization and state retrenchment, some of which I cover briefly in this chapter.

I will, however, focus on the Combo in framing the context of contention over CAFTA. It involved more people than other recent protests, including many who had not yet been born during struggles over ALCOA or even the rate strike of 1983. It was dramatically successful in a way no other mobilization had ever been, reversing a major legislative initiative in a matter of weeks—as such it was an unprecedented victory for some and a defeat for others. And it occurred as part of a broader crisis of representation and conflict over liberalization that was
ongoing during the CAFTA debate. No doubt for all of these reasons, it was by far the most frequently cited example of the possibilities of popular protest.

Moreover, there are important continuities between the Combo and CAFTA. CAFTA brought many of the same reforms attempted by the law of the Combo-ICE, most directly the liberalization of telecommunications—some even went so far as to argue that this was the government’s main interest in pushing CAFTA. Other common concerns included the loss of control over investment and resource (especially water) use. Further, many of the questions about the character of Costa Rica’s political institutions that animated contention over the Combo continued as central themes throughout the process of contention over CAFTA, and in both cases, the traditional forms of representative democracy were sidelined in favor of more “direct” forms of participation. The Combo and CAFTA were both struggles over the meaning of democracy in the context of widespread discontent with the existing forms of political representation and contention over the future of Costa Rica’s “social state.”

**A River Winding through the Mountains**

In 1995 some strange guests arrived at the hotel where Pilar Ureña and her husband lived and worked. 53 Tucked away in the mountains of Pérez Zeledón, a rural canton half a day’s drive south of San José, the hotel was visited by bird watchers and others attracted to the serenity of the forests and the beautiful, pristine river that bordered the property. But these guests, a group of Spaniards, were not bird-watching. They were measuring the land. The next day, the Spaniards were joined by a group of Costa Ricans. One of these knew a cousin of Pilar, as it turned out, and tipped her off to the “secret” that they had other intentions and she should

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53 The following is based on an interview with the author conducted in 2009 as well as a published account by (Ureña 2001).
When Pilar and her husband confronted the guests over breakfast, they were told that they were going to build a (private) dam there, and that if they refused to sell, they would be expropriated. Although convinced that no private investor could expropriate her, she set out to investigate.

In fact, the Legislative Assembly had recently passed Law 7200 to encourage private investment in electricity generation. Although the law limited the size of private dams, there were plans to construct a series of four dams for the river—three private and one public. Suspiciously, each one of the private dams had filed the same paperwork in the same way, with the same spelling errors, albeit under different names. The projects would have confined the river to tubes, rerouting it to run a series of turbines. It was particularly outrageous that all this would be done to generate a small amount of energy, which, moreover, would only add to the ICE’s reserves during the rainy season, when electricity was most plentiful. Pilar was not opposed to dams as such—in fact her father had been in charge of some of the ICE’s most important early hydroelectric projects. But this project threatened to destroy the river, damage the watershed, expropriate families, and all for a negligible amount of electricity and the enrichment of a few private persons. In fact the Law 7200, which mandated the ICE to buy electricity at inflated prices, seems to have been written expressly to benefit the operators of private dams, who, unsurprisingly, included some of the most powerful people in the country, not least of them the former presidents José Maria Figueres Olsen and Oscar Arias.

Together with some seventy families who had also received threats of expropriation—many of them campesinos subsisting on their plots—they began a five-year odyssey through the courts, the universities, and the Ministry of the Environment and Mines (MINAE). By 1999, pressure from the government and the developers had led all but seven families to agree to sell. But just when things began to seem hopeless, two legal challenges, filed with the support of the Bishop, Monsignor Trejos, were taken up by the constitutional court. All private electricity
generation was put on hold while the court considered the case. Some of the country’s most powerful persons—including Oscar Arias—to file briefs on behalf of law 7200 and the dams.

Just at this moment, members of the community found out that the Legislative Assembly was debating a law—the Combo—that would encourage the construction of more and bigger dams by private investors and facilitate expropriations in order to build them. With the exception of José Merino from the small left party Fuerza Democrática, the legislators all went back on their promises to change these aspects of the bill. Pilar and the seven families—with substantial help from local Catholic clergy—had begun to organize committees against the dams in their communities, and now they reached out to establish links with people and organizations in other parts of the country who were opposed to the pending reforms.

By the day of the vote on the Combo, they had already begun organizing protests in San Isidro in Pérez Zeledón. They took over a bridge and blocked the highway—the only route connecting the south, with its pineapple and other export crops, to San José and the rest of the world. One blockade became dozens, as other communities heard about the protests and began blocking roads on their own. Trucks with pineapple and sugar cane were backed up along the highway for days. When the police finally cleared the blockades, one of these trucks emptied out his pineapples in solidarity, saying “you’ve kept us here this long, don’t stop now.” When this was cleared, another followed with his load of sugar cane, which he lit on fire. The highways remained blocked, the pineapple rotting.

**Flood**

This was not an isolated incident. During the course of the two weeks after the Combo was passed on the first vote, there were at least 103 road blockades (Menjívar 2013:12), in a country where transport between the frontiers and the two principle ports is effectively confined
to a handful of highways running north-south and east-west. The electricity and telecommunications workers’ unions joined the strike, with the unions chaining the gates of the plants to prevent workers from entering the buildings, while encouraging workers to join them in the streets (some did, others stayed home).

While road blockades popped up in provincial towns from Pérez Zeledón to Cañas, and Puntarenas to Limón, giant rallies took over the streets in San José and San Pedro (the university district), where protestors waved the national flag and donned the distinctive yellow helmets of ICE workers. The public universities declared a “paro académico” (a work stoppage), while high school teachers cancelled classes, releasing their students to the streets. *Josefinos* often described the festive character of the protests, and older protestors stressed the novelty of this carnivalesque, celebratory protest culture. In San Isidro in Pérez Zeledón, judicial workers released their protestors and went on strike. Protestors from rural areas around the country recall the community support, donated food, and fellowship that sustained the blockades. But participants also remembered being pushed to physical extremes as they sought to maintain blockades for days and in some cases weeks. There were eruptions of violence, mostly from the riot police: one march and rally in San José ended with the police beating high school-aged protestors with clubs. Some blockades in rural areas ended in confrontations with riot police, tear gas and stone-throwing (as in Cañas, Guanacaste; Vargas 2002). An electricity tower in the Caribbean province of Limón was reportedly bombed. Of much greater symbolic significance for protestors, seven youths maintained a hunger strike on the steps of the ICE’s main building until they were taken away in ambulances.

Blockades and strikes brought the circulation of people and things on which production and profits depend slowed to a crawl. Despite the inconveniences caused by this type of protest, a strong majority of the public supported the aims of the protestors, if not necessarily their confrontational tactics (Bull 2005:168; Campos and Raventós 2005; Menjivar 2013; Raventós
and Campos 2005). The last straw for the government came on April 3rd, when the workers in the public sector ports and oil refineries went on strike. It had been about two weeks since the first blockades. In the face of a militant opposition with the support of the public and the general paralysis of economic activity, the bill’s sponsors in the government admitted defeat and withdrew the law the next day. 54

The constitutional court soon voided the legislature’s vote, ruling that the accelerated process had violated the opposition legislators’ rights to debate. It would require a lot of faith in legal reason to argue that this decision did not respond to the crisis generated by the protests. And shortly thereafter, the court decided in favor of the legal challenge from the families in Pérez Zeledón, putting a halt to the law 7200 and the construction of private dams. Contentious protest appeared necessary to achieve a democratic—even legal—outcome that the electoral and legal infrastructure of liberal democracy was not able to provide.

The protagonism of the movement went well beyond ICE workers and their unions (cf. Bull 2005:165-70; Rhodes 2006). In Pérez Zeledón, the church and Catholic radio played a crucial role in bringing people together, and the protests began with community opposition to the dams (Ureña 2002). The educational system and later much of the rest of the public sector played a key role. Organizations of ecologists were not necessarily numerically significant but they contributed forceful arguments to the public debate (Cartagena 2010).

And although the Combo is sometimes described as a movement against telecommunications privatization (e.g. Hoffman 2008), the privatization and expansion of electricity generation was the more important issue to many protestors, including the protestors in Pérez Zeledón, whose concerns were “water, land, and electricity” (see Cartagena 2010; Ureña 2002). Benjamín*—a telecommunications technician at the ICE, was more moved by the

54 A number of different participants regarded the decision by the oil refinery workers to go on strike as the last straw for the government.
environmental concerns, despite his structural position: the moment that most incensed him was when the President of the Legislative Assembly argued on television in a debate that damming a river was no different than “irrigating a field of beans.”

The law known as the Combo separated the ICE into two distinct entities, ICELEC for electricity and ICETEL for telecommunications. ICETEL would be opened to the participation of private capital and its monopoly terminated. In electricity, reforms were made to encourage private investment—which in Costa Rica usually means damming rivers—by raising the permissible size of dams and facilitating expropriations. Environmental organizations such as Fecon objected to the measures designed to encourage the construction of private dams as well as those freeing up national parks for energy development (Cartagena 2010). The ICE unions and the students at the University of Costa Rica argued that liberalization of telecommunications would mean the loss of the cross-subsidies that maintained low basic rates and provided service to unprofitable rural areas, concerns later raised over CAFTA. Others argued that the separation of ICETEL and ICELEC would weaken both and lead to higher electricity prices (see Fumero 2005; Haglund 2006).

Many also opposed the law as a threat to the ICE as national patrimony, an attempt to privatize it by stealth or, worse, convert it into a hybrid public-private entity tailored for politically-connected profiteering (Solís 2002). Much of the public framing emphasized the threat to the institution, drawing on the deep well of legitimacy that the ICE had built up through decades of extending telephone and electricity services. “We had to defend the ICE,” as Raquel*, a high school student at the time of the protests, explained to me, throwing her hands up in the air in exasperation. The slogans of the protestors referred to the defense of the institution (even in rural areas), “ICE sí, Combo no” and “el ICE no se vende, se defiende” (the ICE is not for sale, it is to be defended—that so many people were sure that the intent was to
“sell” the ICE, no matter what the project’s backers said, shows the widespread lack of confidence in politicians).

At least some of the protestors, however, seem to have been largely motivated by concerns not related to the ICE at all. One of the first of the road blockades was organized by the campesino organization UPANACIONAL in Cartago. Guido Vargas and Miguel Chaves, two of the leaders of the organization, recalled that the blockade had in fact been organized around the lack of government support for small farmers and had just happened to coincide with the first days of opposition to the Combo. Although they were opposed to the law, that opposition had not been their primary motivation: as Guido Vargas put it, they “joined up with each other” (“se iba juntando,” interview, June 24, 2009). In this case protest was fed by accumulated grievances and oppositional mobilization among rural small producers (see Edelman 1999). In other cases, as well, the confrontation over the ICE can be interpreted as an extension of prior conflicts over liberalization. The port workers union had been involved in a bitter struggle over the privatization of the Atlantic port of Moín. APSE, the high school teachers union, had recently lost a contentious strike against pension reform (see e.g. Clark 2001; Segura 2005).

This is not to say that small farmers, or port workers, or teachers were not concerned with the future of the ICE, telecommunications or electricity, but simply that there were other sources of discontent. Some of these might even have exceeded the boundaries that normally define the political. As one participant pointed out in response to my question about the participation of secondary school students, “the Combo was a protest against many things, including the relationship of adults to youth, which is also a form of oppression.” Protests, after all, are not simply calculated means to ends, but performances that express multiple different forms of discontent from a variety of different sources all at once (Auyero 2003).

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55 I was also told a community in Guanacaste went out to protest the decrepit state of a local bridge.
The Meaning of the Protests

Behind the various sources of discontent, were three unifying themes: one is that the government was serving the narrow interests of the privileged at the expense of the patrimony of the Costa Rican people, whether in the form of the ICE or a river. The second is that in order to do so they were either violating the law outright or using legal means to subvert its intent. The third, complementary theme is that the political system was closed to the initiative and priorities of ordinary people (González and Solís 2001; Solís 2002). All of these themes would continue to characterize the movement against CAFTA. Likewise, the argument of the Combo’s proponents that protest was inimical to democracy would show up at the heart of the SI campaign and its “campaign of fear.”

The opposition to the dams in Pérez Zeledón came out of a more personal encounter with the confluence of public power and private capital than was generally the case among the protestors, but the narrative is paradigmatic of this general perception. Accounts of the event often emphasized that the Legislative Assembly was surrounded by riot police on the day of the vote, an image that captures closure of the political system even more eloquently than the televised violent arrests of uniformed students that enraged so many.

During the protests, proponents of the Combo posed their own argument that it was the protestors who were subverting democracy. The protestors represented “grupos de presión,” motivated by sectorial interests, who were imposing their will in violation of due democratic process. The dominant newspaper, La Nación, was particularly vociferous in its demands that the police forcefully end the protests in the name of democracy (Solís 2002:42-3).

But the protestors, and a good part of the public, were willing to question claims to authority rooted in the institutionalized electoral process. The protestors challenged the Combo in the name of democracy. They claimed that the accelerated debate that characterized the project violated the rights of the opposition to be heard, and took this argument to the courts.
where they ultimately won.\textsuperscript{56} Beyond the critique of parliamentary procedure, the argument appealed to the idea that the substance of democracy as a process of consultation had been violated. Moreover, the opposition had a persuasive claim to more faithfully represent “the people,” since polling that put the public on the side of the protestors rather than the officials elected two years before (see Ramirez and Raventós 2005; Raventós and Ramirez 2005).\textsuperscript{57}

Perhaps more profoundly still, a significant part of the discourse of the opposition defined itself as defending the “\textit{institucionalidad}” (institutional order). This claim, which is by nature open-ended and expansive in meaning, placed the ICE on the same plane of inalienability as the institutionalized democratic process itself. The claim to institucionalidad could be anchored by the association of the ICE with the founder of the contemporary Second Republic, José Figueres. At work here are distinct conceptions of what constitutes legitimacy. While these may at time bolster forms of “civil authoritarianism” (Solís 2002), this social democratic \textit{institucionalidad} provided important resources for opposition to turn-of-the-century neoliberalism.

The victory of the protests left a seemingly indelible mark on the country. For nearly all of the anti-CAFTA activists with whom I spoke, participation in the Combo had been a formative experience, and all of them evaluated the experience in positive terms. They tended to recall it as a moment of defiant and consequential collective agency, “we went out into the street, and we won.” A salient feature of many narratives of the Combo has been “spontaneity.” Eva Carazo, who as a student leader had a central role in organizing the protests, felt that the narrative of

\textsuperscript{56} Our study of the legislative archives indicates that whatever the violations of parliamentary procedure, in fact the accelerated debate came on top of a project that had been discussed and debated in the assembly for a full five years, during the course of which opposition groups, including the environmental coalition FECON as well as the ICE’s trade unions, had repeatedly testified. Nevertheless, after these years of debate and consultation, the law that came to be known as the Combo seems to have been hastily cobbled together and rushed through the legislature.

\textsuperscript{57} This complicates Paley’s observations concerning the polling as a technology that, in modern democracies, tends to make its subjects complicit in their own domination (Paley 2001). In this case, polling became part of a challenge to the existing institutionalization of power relations.
spontaneity misrepresents the work that went into organizing the protests (interview, May 21, 2009; see also Ureña 2002:141). Indeed, as I will argue later on, the discourse of the spontaneity of the opposition to the Combo led some in the opposition to CAFTA to have unrealistic expectations about the potential for resistance to the implementation agenda.

At the same time, narratives of spontaneity also express the sense that many participants had of opening up a space for the exercise of autonomy and agency. When I asked Eduardo,* a university student who had been in secondary school at the time of the protests, to describe his experience to me, he answered “what I most remember is the sense that no one was in charge, that there was no one directing or controlling things.” Other accounts convey a sense of inspiration from the autonomous agency of others, which is often narrated as spontaneity. Benjamín, liked to tell the story of an elderly woman who saw the protests on her television and went out to block the highway on her own in solidarity. Even as they stressed the importance of recognizing organizing efforts, both Eva Carazo and Pilar Ureña both emphasized to me the fact that people were acting on their own initiative in a decentralized way. Pilar’s narrative emphasized moments when persons outside the process of organizing took independent decisions to join the protests and brave the consequences—as with the truck driver and the judicial workers described above.

Whether they found a sense of agency from the process of becoming organizers and leaders, or from the sense that they were able to act in concert with others without coordination or control, those who participated in the Combo found in it a sense of their potential to act consequentially in the political field, in a moment in which the order of power, authority, and discipline seemed to be momentarily suspended, placing the normal relationship between politicians and “the people” on its head. At the same time, however, while the protests upended some established disciplines of practice and challenged the relationships of political authority associated with them, they also reaffirmed other aspects of the national state project and
employed claims to legitimacy built up in the process of its formation and consolidation, whether by waving the national flag or promising to defend the country’s institutions (Solís 2002).

This experience profoundly shaped the political subjectivities of those who participated in it, as well as those of the many who watched it and contemplated its implications. During the course of my fieldwork, I routinely asked those I met if they had participated in the Combo. For those active in the campaign against CAFTA, in the Comités, and in the unions, the response was almost always affirmative. In the rest of this chapter I discuss some of the ways that the experience and memory of the Combo shaped the political praxis of the Comités. Before doing so, however, I will close this part of the chapter by returning briefly to the question of who participated in the Combo.

The core opposition to the Combo consisted of unionized public sector employees, students, teachers and academics, and organized campesinos—many of the same people and organizations that were later active in the NO. Available sources, as well as interviews with leaders and participants in the Combo indicate the relative absence of the community organizations and residents of the more “popular” neighborhoods, which had played such an important role in struggles over access to electricity in the past—including the mass mobilizations for nationalization in the late 1950s and the electricity rate strike of 1983 (cf. Alvarenga 2005). This absence points to one weakness of the opponents of liberalization in Costa Rica, and the importance recognizing the importance of organizing as opposed to spontaneity in the successful opposition to the Combo. As I have argued elsewhere (2008), it is not that the urban popular neighborhoods are disorganized, but their organizations are subordinated to the traditional parties. This weakness would become evident in the returns from the referendum.
The events of the Combo facilitated the development and strengthening of relationships, particularly between environmental activists and trade union leaders, organized around a discourse of defense of the institutions and property claims of the nation against the depredations of politicians aligned with transnational capital, that would form the basis of the alternative political bloc that would come to be known as the “NO.” This bloc would continue to be characterized by internal tensions around relationships of authority and the possibility of organizing new forms of political practice.

The authors and proponents of the Combo were also deeply affected by the challenge to the existing order of political representation that the victory of the protestors represented. The referendum on CAFTA became their best hope of overcoming the defeat that they suffered in 2000. And to some significant extent it worked. As Eva Carazo said when I asked her to assess the significance of the Combo:

“I would have said something different before the FTA...before the FTA I would have said that it was a historic struggle that reversed a process of privatization of basic services and defended a model, the model of a social state that was taken up by the people...to defend the possibility of investing socially in collective goods. [But] in this moment I see it a little differently because this blow that is the FTA hurts me very much...I feel that it implied a set- back with respect to what we had achieved with the Combo.” (Interview, May 21, 2009; emphasis mine)\(^{58}\)

2. The Path to a Referendum

The Combo occurred in the context of declining identification with, and participation in, the existing institutions of electoral democracy. A key indication of this decline, voter participation, reached a watershed in the mid-1990s: from the 1960s to 1994, approximately 80

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\(^{58}\) “Te hubiera dicho algo distinto antes del TLC.... Antes del TLC yo te hubiera dicho que fue una lucha histórica en términos de echar atrás un proceso de privatización de servicios básicos y de defensa de un modelo, de un modelo de Estado social que fue asumido por la gente y que nos ayudó a defenderlo como una posibilidad de invertir socialmente en bienes colectivos... En este momento lo veo un poco distinto porque me duele mucho el huevazo que es el TLC verdad, este, siento que eso implicó un retroceso con respecto a lo que se había logrado con el Combo....”
percent of adult citizens voted in presidential elections.\textsuperscript{59} In the four years between the presidential elections of 1994 and 1998, however, voter participation declined by a quarter to just over 60 percent of the electorate. In subsequent elections, voter participation oscillated around this lower figure, indicating an enduring decline in citizen enthusiasm for the electoral process (Raventós et al. 2005; Rovira 2007).\textsuperscript{60} The active opponents of liberalization with whom I conducted my fieldwork were not, by and large, part of the growing number of abstainers from the electoral arena, which belies any simple correlation between discontent with the existing system of electoral representation, abstention from elections, and the embrace of extra-electoral means of political participation. Rather, declining voter participation and the increasing willingness to defy elected authority in the streets both show that many did not feel that the existing institutions of electoral democracy provided outlets for meaningful political participation (see Lehoucq 2005, 2006; Raventós et. al. 2005; Seligson 2002). Worse, many were convinced that the legally-constituted institutions of government were being used in a way that was fundamentally illegal. The referendum emerged in the context of the exhaustion of representative government as a substitute for the “direct democracy” of the streets.

A Crisis of Representation

The general feeling among those I encountered in the movement against CAFTA was that there were no meaningful differences between the two parties that dominated the bipartite system from the 1980s to the 1990s, the PLN and the PUSC—often sardonically grouped together as the “PLUSC.” In fact, the rapid rise of electoral abstention coincided with the evident

\textsuperscript{59} In Costa Rica, adult citizens are registered to vote at the same time that they are issued their national identification cards (an essential item for nearly all official transactions). The constitution defines voting as a duty of all citizens.

\textsuperscript{60} Seligson (2002) argues that the sudden decline in voter participation reflected a long term trajectory of declining “system support” going back to 1978.
rapprochement between the PLN and the PUSC, most visible in a pact signed between then-president José María Figueres Olsen of the PLN and his predecessor Rafael Angel Calderón Fournier of the PUSC in 1995. The pact committed the PLN to a series of liberalization measures, including a reform of the teachers’ pension system and the privatization of the ports, both of which brought the PLN into highly contentious confrontations with unionized public sector workers while providing further evidence of the PLN’s embrace of liberalization. The fact that the pact was signed between the sons of Jóse Figueres Ferrer and Rafael Angel Calderón Guardia, the reference points for differentiation between liberacionistas and calderonistas just seemed to underline the point (see the introduction for an explanation of these historical figures). Finally, it is worth noting that declining voter participation itself was taken up in public culture as an index of a crisis of political representation, which itself contributed to the atmosphere of uncertainty about the future of Costa Rican democracy (Seligson 2002).

Another manifestation of this crisis of the existing institutions of political representation, of more immediate importance for the processes discussed in here, was the proliferation and rapid rise of new parties. Many of those who participated in the Combo, and would later make up part of the base of the opposition to CAFTA, involved themselves to one degree or another in building new opposition parties. The left party, Fuerza Democrática, initially attracted a group of leading figures in the Combo, including the student leader, Eva Carazo, but quickly fell apart because of conflicts over the means of selecting candidates. For the 2006 elections, José Merino, the representative of Fuerza Democrática and a prominent opponent of the Combo, founded a new left party based in San José, the Frente Amplio (broad front), which succeeded in electing him to the Legislative Assembly that year.

The Partido Acción Ciudadana (Citizen Action Party, or PAC) was more successful. The founder and leader of the party, Ottón Solís, was a former planning minister and legislative representative from the PLN, who left the party to found the PAC a few months after the Combo.
With an emphasis on opposition to “corruption” and the defense of Costa Rica’s state institutions, the PAC became an electoral conduit for much of the discontent evident in the protests, achieving a significant number of representatives in the Legislative Assembly and forcing a run-off in the 2002 presidential election. As CAFTA entered the public debate in 2003 and 2004, the PAC became an electoral vehicle for opposition to the treaty.

Meanwhile, discontent with corruption brought down the PUSC, Costa Rica’s second political party. The PUSC, which won a landslide victory in the second round of the 2002 presidential elections, in 2006 got a mere 3.5 percent of the vote for president and only one representative in the assembly (down from 19 in 2002). In 2004, two former presidents from the PUSC, Rafael Angel Calderón Fournier and Miguel Angel Rodríguez Rodríguez, had been arrested on bribery charges. The arrest of Rodríguez was particularly dramatic. Recently elected to head the Organization of American States, Rodríguez was arrested while abroad and forced to deplane in handcuffs in front of Costa Rican television crews. Significantly, both corruption charges involved bribery over public contracts to transnational firms for important state institutions: Calderón was accused of having accepted bribes in exchange for contracts to provide medical equipment to the Caja, and Rodríguez was accused of taking payments in exchange for awarding ICE contracts to the French telecommunications firm Alcatel—an ironic turn for a president who accused protestors of breaking the law and undermining the modernization of the ICE during the protests over the Combo. José Figueres’s son, José Figueres Olsen, was also dogged by charges of corruption before and during his administration, including association with drug traffickers and bribery. He was never charged, however (perhaps because he fled to Europe), and was less damaging to his party—although certainly helped to sour people on politicians in general and the PLN in particular.

With the PUSC suddenly irrelevant, the 2006 presidential campaign pitted the PAC’s Ottón Solís against former PLN president, and Nobel Peace Prize recipient, Oscar Arias Sánchez.
Arias ran on the promise to ratify CAFTA and restore “governability” to the country, while Solís campaigned against corruption and the Free Trade Agreement. To the surprise of nearly everyone the election ended in a near tie and was only decided after a contentious manual recount. The PAC, with seventeen representatives, became the second party in the legislature, and Solís’s authority as a leading figure in the opposition to CAFTA was consolidated.

**The Tension Mounts**

Meanwhile, students, public sector trade unionists, and others continued to employ “the street” as a space of opposition on a regular basis. In 2003, ICE workers carried out a two week strike in opposition to limits placed by the government on the ICE’s ability to acquire loans and reinvest its profits, a movement that ended in a negotiated resolution which ceded some additional financial autonomy to the institution. In 2004, a strike in the transport sector against the granting of a monopoly of vehicle inspection to the Spanish firm RTV gained the support of students, public sector unions, and others who opposed what was seen as a give-away to transnational capital. As with the Combo, the campaign against RTV employed extensive blockades of the nation’s principal highways, although this time the government prevailed over the protestors. By this time, opposition to CAFTA was already being incorporated into the demands of some of the protestors, reflecting the beginnings of organized opposition to the treaty.

As CAFTA’s ratification began to seem more likely, so too did the prospect that it too would be decided “in the streets.” As with the Combo, opponents of the project felt that they were shut out of the process. A series of consultation sessions organized by the government and the Ministry of Foreign Trade, to many participants more like one-way propaganda sessions than serious attempts to address their concerns (see e.g., Martínez 2004).
Beginning as early as 2003, some groups of activists had begun to prepare the ground for opposition to the treaty with organizing and educational campaigns. Ana, who at the time worked for a Catholic Church-affiliated NGO in the capital of Guanacaste province, recalls that “at first people thought we were crazy. We went out every week, leafleting against the TLC, and people said, what are you going on about? But over time they began to take an interest, and finally to come to us for information.” The Frente Cultural Contra el TLC (Cultural Front against the FTA) outfitted an old school bus, La Cazadora contra el TLC, and travelled the country giving talks and artistic performances against the treaty. Campesino organizations, including UPANACIONAL, FEDEAGUA and others began to distribute information about the dangers of the treaty for domestically-oriented agriculture. The public sector unions, including the ICE unions and the public employees’ union, ANEP, began to distribute information on the purported dangers of the treaty for state institutions, public services and their associated social rights. As the treaty took its final form and ratification was on the table, organizations opposed to the treaty formed coordinating bodies and began to plan for a general strike, road blockades, and marches on the model of the Combo (see e.g., Segura and Coronado 2008).

The contested re-election of Arias contributed to the climate of opposition to the treaty (and prefigured contention over the legitimacy of the referendum). Despite assurances by the Supreme Electoral Tribunal that Arias had won the election, at least some of his opponents retained doubts about the legitimacy of his electoral victory. Either way, the narrowness of the victory, together with deficits in the democratic process—such as the perennial clientelism in the use of housing grants—contributed to the conviction that Arias did not have a legitimate mandate to push through the major changes in the country’s institutions promised by CAFTA. Albino Vargas, president of one of the larger umbrella unions representing public sector employees (ANEP), declared that the election had been compromised by multiple
“irregularities” and predicted a situation of “confrontation” including “más resistencia y más ‘calle’” (more resistance and more ‘street’, Lopes 2006).

More controversially still, Arias’s re-election had been made possible by a highly controversial decision by the constitutional court that said that in contrast to the heretofore prevailing interpretation of the constitution (as well as any reasonable reading of the constitution’s text), the prohibition on re-election only applied to consecutive elections. For many in the opposition to CAFTA, at least, this made Arias’s re-election illegal and his presidency illegitimate from the start. Perhaps more importantly, it was taken as just another sign that he had the constitutional court in his pocket. “Iba montando su gente” (he went about installing his people), I was told.

This narrative of institutional capture, the illegal use of law, and “dictatorship” would shape the opposition to CAFTA and the Arias presidency. All of this added legitimacy to a deeply oppositional stance to the government, and, in particular, Arias’s principle initiative, the Free Trade Agreement.

**The Referendum as Resolution**

At the same time, however, not all actors in the opposition to CAFTA had given up on institutional channels. As described earlier, the election of 2006 had brought to the Legislative Assembly seventeen representatives of the PAC. Together with the representatives of the Frente Amplio and PASE (Access without Exclusion, which claimed to represent the elderly and disabled), the legislative opposition to the treaty was one vote short of preventing the three-fifths majority that was required by law for measures affecting state monopolies. Under the leadership of Oscar Arias and his brother Rodrigo, however, the PLN closed ranks, and with the support of a handful representatives elected for the liberal Partido Libertario and the one
representative elected for the PUSC, Arias appeared to have the votes necessary to ratify and implement the treaty. Opponents turned to constitutional challenges to the legislative process (just as they had done with the Combo) and the treaty as a whole (the first of a series of challenges that would continue over the following years). And at the same time as a part of the opposition was laying the infrastructure for an opposition to the treaty “in the streets,” another group, led by José Miguel Corrales Bolaños, a former representative from the PLN, was petitioning the electoral tribunal for permission to conduct a referendum, a possibility only recently introduced into Costa Rican law and one that had yet to be tested.

According to Eugenio Trejos, the rector of the Instituto Tecnológico de Costa Rica (Costa Rican Institute of Technology) and principal spokesperson for the NO campaign, the referendum initiative responded, in good measure, to concerns about the potential for a more dramatic, possibly violent confrontation—a situation he characterized as two trains speeding towards each other on a single track (interview April 2, 2009). I was struck by the contrast between this concern to head off confrontation and the enthusiasm that I found among many in the Comités for more contentious protests (indeed, often represented as a value in itself). In fact, the coalition that would become the NO campaign was internally divided over the respective values of protests and voting, while appeals to social peace and the electoral process had broad appeal. Although there was opposition to the referendum as a “demobilizing” process from the outset, some of the enthusiasm that I found for protests was probably a reaction to the conduct and outcome of the referendum itself—several people, including Trejos himself, expressed at least some degree of regret for their support of the referendum.

The referendum, then, emerged in part as a solution that might return politics to the electoral arena while also allowing an apparently more direct form of participation that would circumvent the tarnished representative system—in Trejos’s words, “the urgent necessity to strengthen participatory democracy.” At the same time, however, some viewed the referendum
itself as a more contentious tool. The recently-created referendum law provided two distinct means for initiating a referendum, by petition from the citizenry or by request by the Legislative Assembly and the president (Raventós 2008). Some advocates of the referendum hoped that the process of gathering signatures would facilitate education and organizing, strengthening the movement against CAFTA. Another potential result, however, would be to slow down the process of ratification, to the point where Costa Rica would exceed the timeframe established for ratification and be excluded from the treaty. Trejos explained to me that much of the Electoral Tribunal’s hesitancy to accept the citizen referendum reflected a suspicion that this, the desire to exceed the treaty’s legal timeframe, was the real goal of those who proposed it.

While the tribunal deliberated over the referendum, opponents of CAFTA organized protest marches against the treaty. The largest was on February 26, 2007. Having been advised that it would be an important event, I managed to arrange a quick trip to Costa Rica. The march began with a rally at the ICE’s headquarters in San José, highlighting the importance of the ICE and its trade unions to the opposition. A parallel rally at the nearby headquarters of the television station Canal 7 protested the channel’s biased reporting on CAFTA, another theme that would continue to be salient.

From the ICE’s headquarters the march continued along the Avenida Colón, the principle thoroughfare of downtown San José, ending at the Plaza de la Democracia and the Legislative Assembly. The turnout was indeed enormous. I ran back and forth between rallies and up and down the length of the march, before scaling a pedestrian bridge over the Paseo Colón in order to get a better view of the whole. The march flowed below, in front and behind me, filling the four-lane highway as far as the eye could see. Protestors marched in blocs representing organized constituencies. The trade union blocs, with flags, caps and t-shirts in

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61 Both the opponents and proponents of CAFTA would continue to appeal to this legal timeframe in various ways throughout the conflict, reflecting, perhaps, a particular experience of bureaucratic formality that was, in fact, at odds with the less formalistic style of negotiation between states.
their union colors, represented by far the largest organized constituency, if not the majority of the marchers; the teachers unions, the government workers union, and the nine ICE unions (all in the institution’s emblematic yellow). There were also marchers representing the PAC, dissident members of the PLN, and various Marxist-Leninist and Trotskyist parties, all with partisan flags and banners. There was a sizeable “green bloc,” youth playing drums and dancing, reminiscent of participants in the recent global justice and anti-war marches and direct actions in the United States and elsewhere. Other, smaller (or at least less organized and visible) constituencies included indigenous groups and campesinos, complete with a traditional painted oxcart. Besides this quintessential expression of folkloric national identity, the march was covered with the national flag. Marchers chanted slogans against CAFTA or followed trucks playing old movement hymns by the Argentine protest singer, Mercedes Sosa.

The protest had been surrounded by narratives of violent confrontation. A series of articles in La Nación in leading up to the protest warned of the presence of violent groups, which fits with their history of urging more vigorous police suppression of protestors in the Combo (and may have been intended to dissuade protestors). Reports circulated among the protestors that Arias had assembled a large quantity of Colombian-trained riot police armed with teargas. Although the march was peaceful and the visible police presence minimal (and nothing compared to the militarized intimidation that I was accustomed to the in the United States), in the political context framed by the legacy of the Combo, the protest was a show of force that indicated the possibility of mobilizing for more confrontational tactics. After the march a leader of one of the ICE’s unions took me on a tour of Hatillo, a popular residential district in South San José. As we crossed through a busy intersection, he explained that they had

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62 In Costa Rica the political parties have associated colors and the use of partisan flags is common. The parties are called by the names of their colors; the PLN are verdiblancos, the PAC rojiamarrillos, etc. People often dress in the colors on voting days. This reflects a tradition of strong partisan identification, and electoral practices that emphasize the visibility of participants. In the more partisan past, people sometimes painted their houses in party colors.
burned tires there before (during the electricity rate strike of 1983) and were ready to do so again.

The Supreme Electoral Tribunal (TSE) authorized the collection of signatures for a citizen’s referendum a month and a half later. The very next day, president Arias, to this point a vocal opponent of any referendum on the FTA, submitted his own petition to the Legislative Assembly, which was quickly ratified by the pro-CAFTA representatives together with the PAC (Raventós 2008:16). The TSE decided to accept Arias’s petition, thereby annulling its own prior approval of the citizen initiative, avoiding the extended process of signature gathering, and placing the referendum on a fast track of six months.

This decision served as one more piece of evidence for CAFTA’s opponents that the institucionalidad was in the pocket of the “Arias brothers.” There are more charitable readings of the Tribunal’s decision to accept the presidential over the citizen referendum, however. Eugenio Trejos thought that the officials of the TSE were genuinely concerned that that referendum would violate its own mandate of popular consultation if it extended beyond the time allowed for ratification and implementation of the treaty (interview, April 2, 2009), which could explain the decision to prefer the faster, presidential route. This was also how the PAC’s legislative caucus explained their vote to authorize the presidential referendum.

President Arias had been opposed to the very concept of a referendum on the treaty. He argued that the 2006 election was a referendum on CAFTA, and another one was unnecessary (Raventós 2008:17). Once the TSE approved the decision, however, Arias had reasons to prefer the faster referendum granted by the presidential petition. The slower petition-gathering process raised the danger of missing the “deadlines” for the treaty (although, as we shall see, the deadline was much more flexible than CAFTA’s advocates implied). More importantly, because they were in command of an organized partisan infrastructure and faced an opposition that was not yet prepared to run an electoral campaign, a more accelerated process was on the side of
CAFTA’s proponents—although the strategy was still seen as risky, and was opposed by some advocates of the treaty (interview with Nelly Vargas, March 16, 2009). Once the ball was in that court, Arias had every reason to try to make sure that the game went according to his rules.

3. Conclusion: Which direct democracy?

What might seem on its face to be a manifestation of “direct democracy” in fact emerged out of a more complex process that replaced one kind of “direct” participation with another. The referendum replaced the collective direct action that many opponents of CAFTA viewed as the more authentic popular democracy. The presidential referendum, in turn, preempted the organizing process that was integral to the citizens’ referendum.

Of course, no political process is truly “direct” in the sense of being unmediated by social relations and by power. Oscar Arias’s decision to request a referendum was not motivated by affinity for a plebiscite; it was a strategic choice to maintain control of the process. The means employed to maintain control in turn reinforced the conviction that the institutions had been captured by the neoliberal elite, despite the plebiscite’s purported “directness.” Nevertheless, the referendum was direct enough to grant the victor a strong claim to represent the “voice of the people,” making a return to the direct democracy of the streets very difficult.
Chapter 3

SI

A Campaign of Fear in a Land of Peace

At the height of the referendum campaign, someone—nobody knows who—sent a document to the University of Costa Rica’s newspaper, *Semanario Universidad*. The document was an analysis of the predicament of the SI and a proposal for how to win the referendum, in six pages addressed to President Oscar Arias. Among the strategies was one “to stimulate [four types of] fear” in the voters, a proposal that provoked outrage, embarrassment and urgent disavowals from the SI campaign and the Arias government. What could this mean, a proposal for a “campaign of fear” coming from the government of a country with no military and an established tradition of civil liberties? The answer tells us much about how fear can work politically in a liberal democracy.

The agents of fear were not armed agents of the sovereign state, but were located in civil society and civilian state institutions. They were owners and managers of public and private workplaces, the media, and party bosses. As Corey Robin (2004) argues taking the example of the United States, the workplace can be a powerful location for the political use of fear, even in a

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63 Perhaps surprisingly, however, the documents’ authors did not disavow it. Kevin Casas surprised the reporter from the Semanario who visited him to verify the veracity of the document (interview with Vinicio Chacón in the documentary film, *Santo Fraude*, Cárdenas and Rojas 2010).
liberal democracy. This helps to correct some of our theoretical oppositions between voluntary civil society and coercive state. Unemployment, too, can be a powerful tool of coercion.64

Secondly, the object of fear was not so much violence as unemployment, chaos and disorder, and poor governance. The campaign of fear was an appeal to order which worked against the attempt by the NO to reorganize social relations and identities around an opposition between the people and the powerful. In making this appeal to order, it articulates a version of democracy very different from that expressed by the NO.

The memorandum was written by Kevin Casas, the second vice president, and Fernando Sánchez, a representative in the Legislative Assembly and cousin of president Oscar Arias, approximately two months before the day of the referendum vote.65 It is addressed to the president and his brother, the Minister of the Presidency, in the familiar but respectful terms “don Oscar and don Rodrigo.” It is a remarkable document, because of what it shows about the organization, strategic vision, preoccupations, and assumptions of those leading the SI. It is the product of an internal conversation, rather than an idealized representation aimed at shoring up public legitimacy.66 In this chapter I employ a close reading of the memorandum, interpreted in light of my observations of the campaign, information gleaned from news reports and interviews, in order to provide an analytical account of how the SI campaign met the challenge presented by the movement of the NO.

64 This is of course not to trivialize the suffering wrought by state violence, particularly in the 20th century, or to equate the kinds of power wielded by the wealthy in Costa Rica with those of, say, El Salvador in the 1980s, when they had the machinery of state violence at their disposal. I do however think that it is important to pay more attention to forms of coercion in “civil society.”
65 The document is dated July 29, 2007.
66 Spokespersons for the SI, most notably Oscar Arias himself, denied that the memorandum was ever put into practice, but the fit between the memorandum and the practices and discourses of the SI campaign speaks for itself.
1. The Context: a Popular Challenge

One of the more striking aspects of the memorandum is its tone. Casas and Sánchez are worried: The SI campaign is disorganized and too dependent on a government which does not have the legitimacy to push through such a controversial project. They have no base and they are losing the battle for public opinion. “The campaign over the FTA,” they observed,

is being converted into what we never should have allowed it to become: a struggle between rich and poor, between the people and the government (pueblo y gobierno). The coalition we have against us is formidable: universities, the Church, unions, environmentalist groups, etc. And on the other hand, in favor of the FTA, there is just the government, and, more or less (a medias), the big businessmen (los grandes empresarios). In this situation there is no way to win.

Casas and Sánchez make clear that they view their government as confronting a popular coalition; an aggregation of diverse constituencies that have come together as “the people” against the powerful. Activists of the NO read and repeated these words, surprised to see their own understanding of their movement recognized in a way it seldom was in the dominant public culture. Worse, the government is facing this coalition nearly alone, with only one significant, but undependable ally.

In order to interrupt this dynamic of the people versus the government, Casas and Sánchez develop a strategy to generate the appearance that the SI campaign represents a broad “social coalition” equivalent to that of the NO, while making the most of the alliances and forms of influence commanded by the Arias government to “stimulate fear”—fear of unemployment, terminated careers, and the politics of the popular.

67 Later, Benjamín from the Comité Juanito Mora would ask me, “do you think that it was a really a ‘struggle between rich and poor’?” He was skeptical that the struggle over CAFTA had such a clear class determinant. At the time, mindful of the election returns (see chapter three), I agreed with him. On further reflection, however, I think that Casas and Sánchez were referring to the narrative of the NO campaign, rather than its social base of support. What they are in fact pointing to is the narrative that the people were in a struggle with a government beholden to moneyed elite.
2. The Message

In this section I will discuss how the SI campaign sought to confront the populist appeal of the NO. I will begin with the core of this campaign, the strategy of fear.

The Campaign of Fear

The Casas-Sánchez memorandum bluntly advocates the following media strategy: “Stimulate fear.” They then cut right to the chase, explaining that, “this fear is of four types”:

1. Fear of the loss of employment. Here it would seem recommendable to use the testimony of people who are very simple and in precarious situations, who might lose their jobs or who have already lost them as a result of the failure to approve the FTA. This is also vital in order to reinforce the idea that this is not a struggle of rich against poor.

This is the most straightforward of the fears, in that it refers directly to the actual content of the treaty and its possible implications for the country. This strategy was used extensively, and may very well have been decisive. It is important to note, however, that this fear was extended beyond the relatively limited sectors of production—notably the garment assembly industry—that were likely to be negatively affected by the failure to approve CAFTA, or even, in the worst case scenario, to lose the trade benefits of the Caribbean Basin Initiative (see chapter one). It was rather promoted as a general condition, affecting all workers; without the FTA, there will be no employment.

The three other fears are rather more surprising and less straightforwardly related to the content of the treaty itself. In order to understand the significance of these fears, I suggest, it is necessary to take into account the context of heightened contention, polarization, and the crisis of legitimacy of the principal institutions of political representation in the partisan-electoral system, whose principal reference point was the defeat of the government in the struggle over the Combo. These three fears were:
ii. **Fear of the attack on democratic institutions.** It is crucial to convert the SI into the equivalent of democracy and institutionality...and the NO into the equivalent of violence and disloyalty to democracy. Here there is something very important: this campaign has already ceased to be rational, and, in consequence, about the content of the FTA. So the argument about the defense of democracy is the only resource that remains to us to mobilize the *emotions* of the people that are in favor of the FTA....It is necessary to understand one thing: no one is ready to “die” for free trade, but they might for democracy. It is necessary to give an ethical, and not only an instrumental, motivation to the SI.

iii. **Fear of external intervention in the NO.** It is necessary to rub in everywhere the connection of the NO to Fidel [Castro], [Hugo] Chávez and [Daniel] Ortega, in very strident terms. It is possible that this type of campaign might make some people uncomfortable, but it’s almost sure to have a considerable impact among the humblest people [*gente más sencilla*], which is where we have the most serious problems.

iv. **Fear of the effect of a triumph of the NO on the Government.** .... Many people simply have not made the connection that a triumph of the NO in the referendum would leave the Government in a precarious position, with its effectiveness totally reduced, and the country in a situation of ungovernability.... There are three questions that we should plant in people’s minds, which can make their fingers tremble if they are thinking about voting for the NO: 1. Are they ready to put at risk the economic stability that nearly everyone recognizes is an achievement of our Government? 2. Are they ready to return to the time of Abel [Pacheco], when no one governed, when there was no sense of direction, and when nothing happened in the country? 3. Have they thought who will give orders in this country if the NO wins? (Response induced by the question: Albino, Merino, Carazo, etc.).

These three proposals to “stimulate fear” speak to a set of dilemmas and anxieties surrounding representative governance in Costa Rica at the turn of the 21st century. This is not a politics of fear based on the application or suggestion of the state’s capacity for violence—if anything, it is the violence of the market. Casas and Sánchez raise the specter of the inability of those in control of the state to maintain order and to “govern,” to define a direction for the country and to implement their policies.

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68 Abel Pacheco was the president for the PUSC from 2002 to 2006. Rodrigo Carazo was president for the coalition *Unidad* during the tumultuous crisis years from 1978 to 1982. Merino was the congressional representative for the Left party *Frente Amplio* during the referendum, and was also a congressional deputy at the time of the protests over the Combo. Albino Vargas was president of the trade union ANEP, which represents government employees. All except Pacheco were high profile opponents of CAFTA.
The proposal to “convert...the NO into the equivalent of violence and disloyalty to democracy” would seem, consciously or not, to appeal to fundamental themes in the narrative of Costa Rican national identity: that it is a country uniquely characterized by peace and democracy. The representation of the NO as foreign would then seem a natural next link in the chain of signification. By linking the NO specifically to Fidel Castro, Hugo Chávez, and Daniel Ortega, leading contemporary figures of the Latin American left, the SI also sought to tap directly into a tradition of nationalist anti-Communism that predates the Cold War, was renewed during and after the Costa Rican civil war of 1948, and renewed again during the period of revolutionary upheavals in the Central American region in the 1970s to early 1990s. I was indeed struck by the intensity of anti-Communist rhetoric during the campaign--coming, from a country where the Communist enemy had for some time been superseded by the Wars on Drugs, Crime and Terror. In a radio interview, Arias’s minister of security Fernando Berrocal claimed that the government had considered pinning a million dollars in cash and a quantity of cocaine captured at the Nicaraguan border on the NO campaign. Although the idea was discussed in the presidential palace, Berrocal claims that the plan was rejected due to his own unwillingness to cooperate (Oveido 2011).

This suggestion that the NO campaign presented an internationally-backed revolutionary threat to Democracy, however, is evidently far-fetched, and was by Casas and Sánchez’s own admission, both ethically questionable and designed for “the simplest people,” presumably those who could be frightened by such a bogeyman. But this discourse of defense of democracy against the “violent” threat from the NO presumably also has more immediate referents. After all, while the insinuation of foreign influence is treated as an ethically dubious tactic that “will make many uncomfortable,” the representation of the NO as a violent threat to democracy is first proposed as a way to raise the spirits and rally the troops for the SI, to give the
campaign an “ethical” content, something to “die for”—and presumably not just for the “simplest people.”

I propose that what are being summoned here are actually the anxieties provoked by the NO campaign and particularly in the context of recent challenges to political authorities and the legitimacy of electoral representation. Returning to the events of the Combo, we will recall that *La Nación* expressed its opposition to the influence of “grupos de presión”—particularly the trade unions—and their alleged defiance of the rules of the electoral process that had presumably given the Legislative Assembly the authority to approve the liberalization of telecommunications and electricity. Recall as well that the approval of the demonstrators’ aims was not matched by an equivalent level of approval of their tactics in opinion polling carried out at the time (see Campos and Raventós 2005; Raventós and Campos 2005). Finally, even among the opponents to CAFTA, there was, as Eugenio Trejos explained, significant concern about the degree of polarization and potential for conflict.

The representation of a NO that is both violent and “disloyal to democracy” appeals to this concern that the processes of electoral democracy that had, it would seem, guaranteed a significant level of social peace and material progress, were being challenged by an insurgent group that, allegedly, did not respect them. That this was used as an apparently cynical strategy to discredit what was in fact an electoral campaign, and one that by all evidence was playing by the rules of the game (rules heavily influenced, as we have seen, by the power of the president himself), of course raises serious questions about who was really being “disloyal to democracy.” In fact, the “democracy” that is to be defended here would seem to be little more than the power of those who were accustomed to dominating its institutions.

The more fundamental fear was that the NO campaign threatened to up-end the established order of political power. After all, a decentralized campaign, outside of the control of the traditionally dominant political parties and the forms of organization to which they were
accustomed, was threatening to beat them in their own favored arena: an election. I think that there were two kinds of concerns here. One has to do with those who felt they had a stake in, or identified with, the established political order. The reader will recall that Casas and Sánchez proposed to remind PLN activists that the party would be significantly weakened by a loss in the referendum. They reiterate this concern in the fourth fear, but, importantly, extend it to their ability to effectively govern. This is a reflection of the sense of challenge to the traditional order presented by the NO and the opposition to liberalization before it.

Oscar Arias had from the beginning of his election campaign defined his presidency in terms of the ratification and implementation of CAFTA, and he actively campaigned on behalf of the treaty throughout the referendum process. Losing the referendum would suggest that he did not speak for the popular will, but would also be a second major defeat for the political elite attempting liberalization after the Combo. Notably, the ones they want to “induce” the public to think will “give orders” in the resulting political order are political figures that for one reason or another had little appeal to the voting public at large. The fear to be induced here, then, is a fear of the absence of effective governance, a projection of the authors’ own fear of being unable to govern—but also an appeal to a desire for stability, order and good governance.

Finally, this strategy to portray the NO as “the equivalent of violence and disloyalty to democracy” is an attempt to claim the moral high ground and particularly the defense of the nation and its institutions, from the NO. The NO campaign, as we have seen, represented (and understood) itself as the righteous defenders of the nation, its resources and “institutionality,” against the “politician entrepreneurs” of the SI. By equating the NO with violence and “disloyalty” and the SI with “democracy and institutionality” Casas and Sánchez hope to turn the tables concerning who is defending the nation. Here they are invoking an understanding of the

69 They notably exclude Ottón Solís, who, as we have seen, narrowly lost the presidential election to Oscar Arias in 2006.
nation that is rooted in “democracy” rather than the public institutions of the “social state.” They also claimed to defend the latter, but preferred the accent to be on the former. This is of course “democracy” equated with elections.

Importantly, they have trouble presenting themselves as the ethical party within the terms of the discussion of CAFTA itself. The traditional terms in which economic management had been given an ethical content were through the promotion of “solidarity” via state institutions. The most CAFTA could promise was more foreign investment and trade, which, as Casas and Sánchez take as a given, has no appeal to the ethical imagination of the public or even their own supporters: “no one is willing to ‘die for’ free trade.”

Echoes of these proposals could be found throughout the public culture surrounding the referendum. Unsurprisingly, variants of these themes are regularly found in the SI’s paid advertisements. Perhaps the clearest example is a series of full-page newspaper advertisements that played off of the Costa Rican ballot style (see figures x-x). There is a column each for “SI” and for “NO,” with an empty box, presumably for a vote, at the top of each column. And just as Costa Rican ballots carry images of the presidential candidates below their parties’ logos, these advertisements bear images of figures identified with the two campaigns. Already, we can see aspects of the strategy proposed in the “fourth fear” at work—to suggest that the vote on CAFTA should not be seen as a referendum on the treaty itself but rather as a kind of electoral contest in which figures from the SI and the NO are in competition for political power. Just as is suggested in the passage from the memorandum, as well, the SI attempts to pick its enemies in this contest (the “candidates” of the NO). This strategy also fits, as we have seen, with the other of representing the SI as a diverse coalition while the NO is identified with a few figures from the trade unions and the left. One of these ads carries the image of Franklin Chang, a former NASA astronaut and scientist who was a national hero and who had abandoned his prior opposition to CAFTA in favor of the treaty. On the other side, an unflattering picture of José Merino, the
representative of Frente Amplio in the Legislative Assembly, appears with the caption “José Merino del Río, Communist leader, friend of Hugo Chávez and Fidel Castro, promoter of the NO,” neatly invoking the “second fear.” Another in the same series counterpoises “Jorge Manuel Dengo O., founder of the ICE, Vice President of the Republic, Honored by the Fatherland, has already said SI” with “Albino Vargas, professional trade unionist, no known job, promoter of the NO.” The third and final in this series works more aggressively to promote the idea that it is the SI—not the NO—that has the broad coalition, contrasting a series of professional athletes and scientists on the SI side with a group of trade unionists and José Merino, on the NO.

The print and television media promoted these messages as well. La Nación hammered home the idea that failure to approve CAFTA would endanger economic growth and employment, which it complemented by featuring human-interest style profiles of particular firms (usually in garment assembly) that were said to be in danger of closing because the treaty had not or might not be implemented. Beyond the explicit arguments, headlines about the NO were consistently juxtaposed with natural disasters in an apparent attempt to create an unconscious association (see Fournier 2009).

As for the other three fears, besides the examples we have already seen, there was a constant discourse around violence and radicalism from the NO. Reporting on the marches and rallies organized by the NO focused obsessively on the potential for violence (see also Mora and García 2008). The public television station repeatedly reported on a music video promoting “violence and insurrection” and attributing it to a group called “Los de Abajo,” despite disavowals of the video (Cortés 2008:41). A bar fight involving Fabio Chaves, president of one of the larger trade unions at the ICE, was reported for several days. Incidents of vandalism on the houses of legislators, allegedly by supporters of the NO, were also widely reported. Articles and opinion pieces appeared highlighting the lack of respect by the NO for the TSE and the
constitutional court, and equating disagreement with the decisions of these institutions with “disloyalty to democracy.”

These themes also emerged in encounters and conversations with supporters of the SI. Esteban*, one of the activists from the group Students of Private Universities for the SI, complained that the NO were “a bunch of idiots in ski masks, reading Marx or I don’t know what sons-of-bitches [hijos de puta]” and asserted that they had committed “many acts of violence.” While door-knocking with activists of the NO in a fishing community in the Costa de Pájaros in Puntarenas we were confronted in the community meeting hall by the representative to the national Legislative Assembly, which was on recess to allow representatives to proselytize (as described below). She asked us to leave and loudly denounced us as Communists in front of the small crowd that had gathered there. Ronald,* a college student from the Comité attempted to argue with her, “no I’m not, I’m a liberacionista [a supporter of the PLN]! I’m the one defending everything that Don Pepe [José Figueres] did.” “No you’re not,” she repeated, you’re a communist!” As she angrily repeated the charge, the members of the Comité slowly moved away, attempting to engage members of the community in conversation about what they really represented. Antonio from the Comité proudly waved the full-sized Costa Rican flag he had been carrying house to house.

A Social Coalition in Favor of CAFTA

Having examined the medium, now let us turn to the message. To return again to the Casas-Sánchez memorandum, nearly half of the document is devoted to elaborating the content of the message with which the media should be “saturated.” It was in fact this aspect of the Casas-Sánchez memorandum that caused the most outrage, leading activists of the NO to dub it “the memorandum of fear” and to describe the SI as “a campaign of fear.”
Casas and Sánchez do indeed propose “stimulating fear” as a central plank of their communications strategy. This proposal is, however, more fully understood in the terms of the larger strategic vision of the memorandum as a whole. As we have seen, Casas and Sánchez are deeply worried that the campaign has taken on the form of “rich against poor, and the people against the government” and that such a campaign is unwinnable for the SI. The proposal to “stimulate fear” (estimular el miedo) is in fact one of two strategies intended to alter this dynamic, that is to counter the appropriation by the NO of the mantle of populism.

The first strategy Casas and Sánchez propose is to “displace the idea that it is a struggle of the rich against the poor:”

This requires choosing very well the faces of the mass communication of the SI and to use almost exclusively workers and small businessmen. At the same time, we should greatly raise the decibels and the media and discursive presence of the government’s social agenda.

There are of course, two distinct proposals here. The second reflects how the SI campaign worked to convince voters that CAFTA would in no way endanger the institutions of Costa Rica’s “social state.” Let us leave that aside for the moment and turn to the first part of this proposal, to “use almost exclusively workers and small businessmen” as spokespersons for the campaign. This recommendation was foreshadowed in an earlier part of the memorandum, which we have touched on briefly. In this earlier part, Casas and Sánchez discuss the need to “construct a social coalition in favor of the SI.” The most interesting aspect of this proposal, however, is that they argue at once for the necessity and for the practical impossibility of constructing such a coalition. The necessity is given by the alleged impossibility of winning a struggle framed in terms of “rich against poor, and the people against the government.” Citing a previous memorandum that one of them had written during the prior presidency of Abel Pacheco, Casas and Sánchez invoke the memory of the “‘combo’ in the year 2000, when the organization of the opposition had no more
counterweight than the solitary voice of the government.” The cited memorandum from 2004 goes on to stress the urgency of forming a social coalition of the SI so that the public knows that there are “two broad blocs of interests” rather than a simple opposition between the people and the government, or the rich against the poor. They go on to note, however, that there is now insufficient time left to form such a coalition—which, as we have seen, led them to advocate the aggressive mobilization of the PLN. What is left, then, is the use of the media to promote the appearance of such a coalition, by promoting working-class and small business spokespersons.

While this strategy was not implemented in exactly the way that Casas and Sánchez proposed, the narrative of a diverse social coalition of the SI was successfully established in the press. No figure from the solidarity associations or small business became prominent. The president himself continued to be the most visible face of the NO in most public forums, whether in visits to communities or factories or in the debates held in communities or on television. Nevertheless, in a systematic review of reporting on the debate over CAFTA in La Nación and Diario Extra, Sindy Mora and Anthony García conclude that the SI was represented as a diverse movement “apparently without a clearly defined leadership.” Although before the referendum the press normally cited figures from the government as spokespersons in favor of CAFTA, in the period after the announcement of the referendum, they began to characterize the SI in association with groups such as the Alianza Ciudadana por el SI, the business chambers, or groups such as “campesinos” or “textile workers.” At the same time, they observe that the NO campaign was reduced to the trade unions and the leading figures of the opposition parties. Of the Comités Patrióticos there was only one mention, by Diario Extra, and this was after the referendum (2008: 95-103).

70 Besides an unremarkable appearance from a small farmer in one of the debates on channel 13, I do not remember any spokesperson for the SI from any sector besides the government or the chambers of commerce.
Although Mora and García do not relate these representations to the Casas-Sánchez memorandum, the correspondence with the strategy proposed in that document is clear: the SI is represented as a diverse social coalition, while the NO is exactly the opposite—a handful of leading political actors representing parochial interests. This is in marked contrast to the reality of the two campaigns. As we have seen, and by Casas and Sánchez’s own admission, the SI campaign lacked a broad base or “social coalition” and was highly concentrated in the circle of politicians closest to the president. The NO campaign, on the other hand, which really was made up of a network of autonomous groups, was represented as a campaign centralized in a few leading political figures. The signs of popular mobilization are here reversed. But only to an extent, because the second move relied on a strategy of fear that emphasized the maintenance of order and appealed to a deep-seated sense of anxiety about the crisis of representative institutions and the “levels of confrontation that [Costa Rica] was approaching.”

3. The Means

The SI campaign was based on the mobilization of concentrations of social power in political parties, state institutions, private capital, and the media. It provides an important example of how elections are shaped by these forms of social power, while also foreshadowing the NO’s challenges to the referendum’s legitimacy.

Mobilizing the PLN

Casas and Sánchez observe that there is no time left to form a “social coalition” in favor of CAFTA, and that they are effectively stuck with a “political coalition” (i.e., a coalition of political parties) in which the PLN is “by far the most important actor.” However, they view the party as affected by a “generalized attitude of indolence” and “confusion” that must be
disciplined and set to work getting votes for the SI. They observe that there has been neither a public official statement of the party’s support for CAFTA, nor a “clear directive to the structure of the party,” which has resulted in “confusion among the leadership,” who, it is argued, “are well aware...that there is a part of the party that is against the FTA.” Casas and Sánchez recommend that the leading organizations of the party publically endorse the treaty, “with the understanding that one of the greatest winners or losers of the referendum will be the PLN.” This latter point raises the question of the degree to which actors on both sides of the debate understood the legitimacy of the government to be staked on the referendum—a point to which we will return below. But for now let us note that it is clear from Casas and Sánchez’s discussion that the party as a whole was divided over CAFTA, and that not everyone saw their own, the party’s, or the national interest as lying with the treaty. Some were still attached to the PLN’s national, social-democratic roots.

This portrait of a party disorganized, divided, and ambivalent about the FTA contrasts with my observations during the campaign. The unanimity in favor of CAFTA among the PLN contingent in the Legislative Assembly—which, together with the president, effectively constituted the public face of the party—was striking. Activists of the NO generally equated the PLN with the SI, and considered the party as a whole to be either “neoliberal” or corrupt beyond redemption. While I met one or two Liberacionistas who were opposed to the treaty, and there were small contingents of Liberacionistas contra el TLC in the marches, those that identified with the party were few and far between in the Comités and associated arenas (although there were many who described themselves as former party supporters, which included such important figures in the campaign as Ottón Solís and Eugenio Trejos).

Several high profile members of the PLN spoke out against the treaty. These included Rolando Araya, the PLN’s presidential candidate in 2002, Luis Alberto Monge, president from 1982 to 1986, and Mariano Figueres, son of the party’s founder. Importantly, however, Araya
and Figueres left the party soon after the referendum. I was aware of a few other figures from
the PLN in the NO. Roberto, the president of one of the unions at the ICE (the one who had told
me he was prepared to burn tires), proudly described his decades of work with the PLN in the
neighborhood where he lived (he described his job as counteracting the influence of
Communists), and recounted his personal relationship to Oscar Arias dating back to his first
presidential campaign in the 1980s. Carlos*, who was very active in the Comités described his
work to me in vague terms as a job that involved the PLN and community organizations
(another activist pointed to him as evidence that Costa Rica “still has caciques”). Oscar Campos,
president of the rice growers’ association, who became one of the higher profile spokespersons
for the NO, was also publically identified with the PLN. At the last I heard the latter two had
both left the party.

That there would be dissension over CAFTA in the ranks of a self-described social
democratic party that was deeply identified with institutions of the social state is not surprising.
More interesting is the tension between the lockstep unity of the PLN’s elected officials on the
one hand, and, on the other, public dissension among leaders together with Casas and Sanchez’s
complaints of partisan divisions and lack of enthusiasm on the ground. What it indicates clearly
is that the more neoliberal Arias faction had achieved control over the levers of power in the
party, but that some significant number of people retained a more traditional social democratic
orientation—both Roberto and Carlos complained to me of the power that the “neoliberals” had
achieved in the party.

Those who opposed the treaty publicly were those who had already passed the peak of
their careers within the party (e.g., Monge), were already identified with a counter tendency
(Rolando Araya, as well as Carlos, who was close to Araya), or who had bases of power in other
kinds of organizations (Oscar Campos, Roberto). Those with political careers before them were
more likely to express their antipathy or ambivalence in the form of “indolence,” or left the party soon after.

So how was the PLN disciplined to fall into line with the Arias government and support CAFTA? Besides the articulation of a clear message from the party’s leadership, mentioned above, Casas and Sánchez propose sanctions for leaders and elected representatives of the party that do not enthusiastically participate in the campaign and win votes for the SI; suggesting that the cause of the party’s “indolence” is the perception that “the only one affected by a defeat would be the president” and fear of the consequences of endorsing the SI in the next round of elections, they suggest that it is necessary to “extend the circle of people that are ‘risking their hides’ in this referendum....It is vital that they understand that it is they that will be directly and seriously negatively affected [by a defeat].” In order to accomplish this goal, they suggest that the mobilization of the party be backed by a program of sanctions:

It is necessary to make them [the 59 mayors of the PLN] responsible for the campaign in each canton and to transmit to them, with all crudeness, a very simple idea: a mayor who does not win his canton on the 7th of October will not receive a dime [un cinco] from the government for the next three years. This same reasoning can be applied to the regidores (municipal councilors), who can be made responsible for specific districts. In this latter case it is necessary to remind them of their personal aspirations: the real possibilities of their continuing as regidores, or ultimately becoming mayors or legislators, depend on winning the referendum. This is not only because the performance of the PLN in the next election will be very much affected by the results of this referendum, but rather because this election is going to allow the highest authorities of the PLN to judge who’s made of the right stuff to be a leader, and who isn’t. Many local leaders are not involving themselves in the campaign in order to avoid ‘burning’ themselves before the next election. The reasoning has to be exactly the opposite: he who does not involve himself completely, ‘burns’ himself.

In this passage, at once sophisticated and “crude,” Casas and Sánchez suggest a strategy based on clientelism in the distribution of public funds (mayors “will not receive a dime from the government for the next three years”) and the exertion of control by party leaders over the

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Note the Spanish su is gender neutral. I translated it as “he” because they use the masculine as the default gender elsewhere in the passage. Also, cantón is masculine.
process by which candidates are nominated and careers advanced. As I have discussed elsewhere, protagonists of the Comités increasingly came to define their task as the transformation of these mechanisms of partisan political control (Rayner 2008).

Most evident in the memorandum is the utilization of these strategies as mechanisms of intra-party control in order to tame an ambivalent party (see also Martí 2008). It may be that the problem of the Arias government in this matter was unusual, and therefore particularly frustrating to Casas and Sánchez: apart from discontent over the nature of the FTA, the very nature of the referendum contrasted with the normal ways of mobilizing the PLN as an electoral party—in this case, there were none of the rewards that are normally to be had from gaining elected offices. Accordingly, Casas and Sánchez are obliged to invoke the fate of party members, and the party as a whole, in subsequent elections, as well as the disbursement of public moneys in the meantime.

Finally, Casas and Sánchez recommend a more vigorous use of those parts of the PLN most committed to the agenda of the SI. This begins, of course, with the Arias brothers themselves, who are exhorted to take firmer control of the strategic planning of the campaign, which they characterize as severely lacking. The highest functionaries of the government are to travel the country campaigning for the treaty, particularly in the largest firms and those devoted to export. As it happened, the president himself took on this role energetically, through a program of inaugurations and visits to workplaces and communities (particularly the poorest and most populous neighborhoods of San José; Raventós 2008:20). This complemented the prior, more limited work that had been carried out since 2004 by governmental agencies such as the Ministry of Commerce. Casas and Sánchez also make a high priority of “organizing a recess in the Legislative Assembly” in order to allow the representatives of the PLN to organize the campaign “on foot” in their communities. This, in fact, occurred when the Legislative Assembly voted a recess at the height of the campaign. As we have seen, the unanimity of the government’s
legislative bloc in voting on CAFTA suggests that this part of the party was firmly with the
government’s agenda, and therefore a natural basis from which to organize the campaign, even
if the PLN at the local levels remained not entirely trustworthy.

Exerting power through state institutions

Neither clientelism nor political patronage was purely internal to the party as an
electoral organization. Both also served as points of control at its margins. There was abundant
evidence of the use of public funds to induce support for the SI. In a video clip that was widely
circulated among the NO campaign, Arias is seen in a rural community saying “if you vote for
the FTA, we will build an airport.” Many reports concern the bonos de vivienda, funds to
improve substandard housing, which had long been notorious for the politically discretionary
way in which they were distributed as a matter of normal electoral practice.

Oscar from Barrio Sur recounted to me how his mother, as an activist for the PLN, was in
charge of distributing these funds after elections. Members of a Comité Patriótico told me that
they had been working with a member of the PUSC to plan electoral strategies for the NO
campaign. She had drawn a map of the neighborhood indicating the various houses and who
needed what, suggesting that the Comité would do well to offer bonos to house X or Y—they
laughed not only at the matter of fact way in which this suggestion was put, but in her
incomprehension of the fact that Comité had neither resources to offer nor electoral spoils to
promise. I had my own experience with these practices, when I accompanied some university
students door-knocking in a moderately low-income neighborhood in Pavas for the NO
campaign. This particular neighborhood was widely regarded as a bastion of clientelism, which,
almost alone among San José’s neighborhoods, had voted for Arias by a resounding margin in
the 2006 election. Sure enough, at three separate houses we were told that the family had been
offered *bonos de vivienda* in exchange for supporting the campaign. This relationship was not uncomplicated, however. As one couple told us, “they’ve been telling us the same thing for years, and we keep voting for them, but look at this house!” Perhaps more significant, this couple and their adult son were both informed and interested concerning the issues involved in the treaty, although they were struggling with competing accounts and were highly ambivalent. While it is clear that clientelism in the distribution of public resources was an important tool of the SI campaign, it would, I think, be a mistake to interpret the result principally in these terms, as some in the NO campaign were wont to do.

Casas and Sánchez also make a passing reference to the use of “key” public institutions to generate and distribute information favorable to the SI, “e.g. the ICE, CCSS, AyA, MTSS,” to counter information being distributed by the unions “*in their own installations*” (emphasis theirs). This passing suggestion towards the end of the document is more interesting than it might seem at first glance. With the exception of the MTSS (Ministry of Labor and Social Security), these are all autonomous institutions, theoretically independent of the direct control of the executive branch, although since the 1970s the degree of independence had been reduced. Indeed, Casas and Sánchez seem unsure as to which of these institutions can be counted on to carry out this task, indicating that the administration’s ability to involve these institutions in the campaign is far from guaranteed.

Nevertheless, the administration of these institutions did work to support CAFTA. The head of the CCSS served as spokesperson for the SI in one of a series of highly-watched television debates about the treaty. The administration-appointed head of the ICE, Pedro Pablo Quirós, also spoke publically in favor of CAFTA. More subtly, perhaps, workers at all of these institutions complained of the pressure to support the treaty. The ICE, at the center of the recent upsurge in contention since 1995 and the most directly affected by CAFTA, was particularly conflicted, and employees particularly at the administrative levels complained of a politicization
of the career ladder and violations of the norms governing hiring and promotion. Certainly, however, none of this was very effective at dampening opposition to CAFTA from the ICE’s unions during the referendum campaign. And in contrast to the other institutions mentioned above, the climate within the ICE was broadly and openly opposed to the treaty. (As we will see, however, the situation after the referendum was a different matter).

Perhaps more important is the charge that the influence of the Arias government extended into another autonomous institution, the *Tribunal Supremo de Elecciones* (Supreme Electoral Tribunal, or TSE), and another branch of government, the constitutional court. We have already seen that the TSE decided in favor of a presidential referendum over the citizen’s referendum that had already been set in motion. This decision, whatever its merits, was followed by a series of others of an even more controversial nature. In April of 2007, when the TSE received the various petitions for a referendum on CAFTA, the law of referendums had only been in existence for one year, and the TSE had not yet defined the regulations to govern such an election. As a result, they were left to define these regulations in the months between April and June (Raventós 2008:16), in the context of a looming confrontation over the treaty to which the referendum was likely to provide the resolution. Moreover, both the SI and the NO campaigns made numerous challenges concerning the conduct of the other party during the course of the referendum, challenges which the TSE was obliged to decide without the guidelines of precedent. As these decisions unfolded, many within the NO became increasingly convinced that the TSE’s decisions were systematically biased against them.

The rules governing campaign contributions were loose and subject to few of the controls that apply during normal elections, which allowed the SI to obtain an astounding advantage in financial resources (Cortés 2008; Martí 2008; Raventós 2008). Secondly the TSE issued rulings that restricted the ability of both the universities and the Church to participate in the campaign, on the one hand, while permitting president Arias to campaign for the SI, on the other. Notably,
this latter decision violated long-standing rules prohibiting the participation of presidents in election campaigns (Cortés 2008; Raventós 2008). Finally, the US ambassador was allowed to freely advocate for the SI, despite a constitutional prohibition against the participation of foreigners in domestic politics.

The effect of these decisions was to muzzle two institutions identified with the coalition of the NO while giving free rein (contrary to all precedent) to the principle spokesperson for the SI. The public reaction from the Church was muted, but the decision against the participation of the universities provoked an intense reaction from the NO campaign, particularly students. For months, a large mural depicting the muzzled visage of Rodrigo Facio Brenes, one of the founders of the University of Costa Rica, loomed over the entranceway to the main campus. Thousands joined a spirited march from the University of Costa Rica to the administrative headquarters of the TSE. While these measures did not have the effect of overturning the ruling, they evidenced the fact that the NO campaign was not simply organizing for a vote against CAFTA, but also mobilizing against a set of state institutions that they increasingly felt to be deliberately arrayed against them.

The constitutional court also took a number of controversial positions that favored the SI, most notably the decision, in a closely divided vote, that CAFTA was compatible with the Costa Rican constitution. Without taking on the variety of arguments for and against the constitutionality of the treaty, the divided decision was taken by many in the NO, at least, as further evidence of Arias’s influence with the courts, which, it will be recalled, had recently taken the unprecedented decision to allow him to run for a second term. Whatever the degree of executive influence over each particular institution, taken together the picture does suggest that the Arias government wielded a significant amount of power within a variety of institutions that were constitutionally supposed to be autonomous or independent of the executive, and that this degree of influence or control had important implications for the relative power of the parties to
the referendum. Activists of the NO campaign complained that the “institutionality” had been “hijacked” (secuestrado).

**The alliance with capital**

A principal theme of the Casas and Sánchez memorandum is the fear that the Arias government is in the struggle alone. Notably, however, they define their closest partner as big business, “there is just the government, and, more or less (a medias), los grandes empresarios.” It is difficult, on the face of it, to judge just how “a medias” is “a medias.” Casas and Sánchez base their plans around the assumption of the active cooperation of the owners and managers of large firms. Moreover, there is evidence that this cooperation was extensive. In the first place, the SI was clearly well-financed, even if no one knows precisely how well, or by exactly whom. *Los grandes empresarios* are essentially the only actors with this kind of disposable cash. The group “por Costa Rica” (“for Costa Rica”) maintained a constant campaign of billboards and television ads in favor of CAFTA from 2004 to 2007, with funding from unknown sources (Raventós 2008:20). During the referendum campaign, another group, “Alianza Ciudadana por el SI” (“Citizen’s Alliance for the Yes”) brought together political and business leaders to coordinate a large (exactly how large is unknown) quantity of private contributions (Martí 2008).

The heads of the principle business associations made repeated public pronouncements and participated in public forums and debates in favor of the SI. Among the strongest advocates of the treaty was the Amcham, or Costa Rican-American Chamber of Commerce. Amcham describes itself as an organization that unites business from the US and Costa Rica to promote bilateral trade and investment, and boasts of a membership of “400 companies and 1300
corporate representatives divided equally between Costa Rican and US interests.” Many in the NO suspected that this organization was a conduit for US-based capital to contribute to the SI—although as we have seen, US-based capital operating in Costa Rica had remarkably little at stake in the treaty. It is worth noting, as well, that the organizations which, it can be supposed, served as conduits for business support for the campaign had close links to the Costa Rican government. Por Costa Rica had among its directors the negotiators for the treaty from the government of Abel Pacheco, while the ex-legislator Alfredo Volio—designated by President Arias—headed the Alianza Ciudadana por el SI (Martí 2008:5).

Capitalists’ control of the workplace—and of the possibility of work itself—was at least as significant. Casas and Sánchez advocate an aggressive plan of workplace visits by high-level government functionaries:

In this moment, the space for proselytizing easiest to take advantage of, and the one that offers us the most opportunities, is, by far, that of the businesses.... We should organize a systematic effort to visit the biggest enterprises in the country, with talks in favor of the SI given by high-level persons and with documentation in hand. No effort at proselytizing is potentially as effective as this one....the campaign should contact the businessmen so that they authorize the space for the talk....the business immediately sends a letter to the Ministry of Planning asking for the government to send a representative to talk about the National Development Plan or the vision for the future of the country or something of that nature (this is to cover our backs with the TSE)... If 30 functionaries visit 10 businesses a week, it will be possible to cover nearly 2,500 businesses in the next 8 weeks. Emphasis should be placed on the largest and those devoted to exports. What is important, in any case, is to ensure that the government leaders and legislators do not travel with the President. This is an unjustifiable waste of time and effort.

Indeed, just as Casas and Sánchez suggested, government officials, including the president himself, toured the country campaigning in workplaces (particularly the large, export-oriented concerns) in favor of the SI. The ability to directly engage a captive audience of workers was a key resource provided by capital to the SI campaign that was simply not available to the NO.

72 http://www.amcham.co.cr/about_amcham.php (As late as 2010 Amcham still had a prominent webpage devoted to resources in favor of the SI and a committee to monitor implementation of the treaty).
Moreover, giving the talk in the very workplaces allowed the government’s message that the future of employment depended on a vote for CAFTA to augment more immediate threats from employers themselves. Even without the presence of the government, owners and managers of diverse businesses spread the message to their workers that if CAFTA did not pass, they will have to shut their doors, leaving the workers unemployed. This campaign seems to have extended far beyond the sectors that really faced some danger to their export markets in the event of a failure of CAFTA to pass (essentially the garment assembly industry). On a visit to the pineapple-exporting region of Guápiles, in the Atlantic Province of Limón, where I unsuccessfully attempted to attend a campaign event for the SI, I happened to pass by the rear of a supermarket. There, hung from a stairway in the area where workers unloaded deliveries, was a large banner that read “our jobs depend on the FTA.” Of course, CAFTA would have little to do with the jobs of these workers (although it is possible that the supermarket would benefit from lower import duties, making the US-made goods that they sold more competitive with domestic products sold in small neighborhood groceries and markets).

The Asociaciones Solidaristas (Solidarity Associations) also carried the SI’s message to workplaces. The Solidarity Associations are employer-sponsored organizations that provide services such as savings and loans to workers of a particular firm, as well as organizing joint assemblies for employers and employees (in 1990 the International Labor Organization ruled that laws favoring these associations constituted a violation of workers’ rights to organize independently). In 2005 there were 1,142 Solidarity Associations workplaces throughout the country with more than 200,000 affiliates (as opposed to 280 unions representing 160,000 workers), concentrated in the larger concerns from banana plantations to fast food restaurants to private sector banks (Abdallah n.d.). Casas and Sánchez seem to view them as a symbolic force, with the potential to give a more working-class face to the SI campaign, since they advocate promoting some figure from the ranks of Solidarismo to national prominence to serve
as a spokesperson for the campaign. Some indications of the role of the Solidarity Associations slipped out into the public: the solidarity association for the AM/PM (a US-based convenience store chain) hung a large banner supporting the SI in downtown San José. A communiqué from the national Solidarista umbrella organization argued for the SI in the most strident possible terms. The communiqué claims that CAFTA is necessary to build on Costa Rica’s legacy of social welfare and to guarantee employment, and goes so far as to warn that the flow of migration from Nicaragua to Costa Rica would reverse itself if the NO were to win (thereby playing skillfully on national prejudices). They also work to equate the SI with the hard working majority and the NO with a minority opposed to the progress of the nation (Movimiento Solidarista 2007).

**The Media**

Perhaps the greatest power of the SI, however, lay in the media. Casas and Sánchez argue that given the urgency of the situation, “we should have no modesty (pudor) whatsoever in saturating the communications media with publicity.” *Saturation* is certainly the correct term: during the referendum campaign—and even afterwards—it was impossible to pass by a newsstand (much less pick up a newspaper), turn on the television, or even walk down the street, without being confronted by some aspect of the debate over CAFTA. In most—but certainly not all—of these forums the message of the SI predominated.

The SI’s dominance in the media can be understood as another manifestation of the influence of the Arias government in other institutions of the state and its alliance with large-scale capital. The latter provided the resources necessary to saturate the media with paid advertisements, to a degree that was simply impossible for the NO campaign; according to a count made by *Semanario Universidad*, of the 1,444 television advertisements related to the referendum, 1,319, or slightly more than 90 percent, were for the SI, while the NO was able to place a mere 125 (Cortés 2008: 39). My own review of newspaper advertisements in the two
most-circulated papers (*La Nación* and *Diario Extra*), reveals a less overwhelming, but still very significant imbalance between the two campaigns (more so in *La Nación*).

Paid advertisements were only part of the story, however, as positions favorable to the SI also dominated the reporting of news and opinion. This was evident to me at the time but was also confirmed by the TSE; in a count of news items “favorable to” the SI or the NO, the TSE found twice as many reports favorable to the SI as to the NO on two of the three principal broadcast channels, including the transnational-owned *Repretel* (channel six) and the state-owned *Channel 13*. As for the third channel, the domestically owned *Teletica* (channel 7), the TSE found that slightly more than half of the news reports “favorable to” the NO—but the overall volume of news considered by the TSE to be partial to one side or the other was much less than its competitor, *Repretel* (Cortés 2008:40-1). It is worth noting that the greatest inclination towards the SI was found on the news reporting of the public-owned television network (SINART), which can be taken as another indication of the dominance of the Arias government over nominally independent state institutions. Indeed, many complained about political repression on the public airwaves, most notably the cancellation of the show *Diagnostico* and the firing of its principal reporter, Alvaro Montero Mejia, early in the Arias administration. During much of my years of fieldwork in Costa Rica, supporters of the show held a regular silent vigil outside of Oscar Arias’s house to protest its cancellation (as well as other issues).

From 2007 through 2009, I carefully read and annotated the two principal Costa Rican newspapers: *La Nación*, which has long been the dominant organ of educated public opinion, and the upstart tabloid *Diario Extra*, which had experienced a steady rise in readership since the late 1980s. These two accounted for nearly all of the readership of daily papers in Costa Rica during the time of my fieldwork, with the rest mainly accounted for by two tabloid papers

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73 As of the early 2000s, Repretel was owned by a transnational media conglomerate based in Mexico (Rockwell and Janus 2003).
established by *La Nación* in an attempt to compete with *Diario Extra* (Cortés 2008: 36). I also consistently read *El Financiero*, a specialized publication of Grupo *La Nación* devoted to business, and *Semanario Universidad*, whose minuscule circulation was somewhat counterbalanced by occasionally hard-hitting investigative reporting and its significance for activists of the NO, particularly those most closely affiliated with the universities. It was this paper, for example, which acquired and leaked the Casas-Sánchez memorandum. *La Nación*, as well as *El Financiero*, had an editorial line in favor of CAFTA and consistently presented reporting that favored the SI in ways both more and less subtle. A few weeks after the referendum, a reporter from *La Nación* recounted to me how the climate at the newspaper had been strongly in favor of the treaty, which was assumed to be an evidently rational stance that was simply beyond politics. The tabloid-style *Diario Extra*, on the other hand, had much more balance in its editorials and reporting, including frequent extended interviews with opponents of the treaty (particularly those representing the public sector trade unions). Taking the circulating papers as a whole, however, the tendency for reporting was strongly in favor of the SI, with some space opened up for perspectives from the NO in *Diario Extra* and *Semanario Universidad*. Moreover, *Diario Extra*’s substantial circulation was counterbalanced by its lack of intellectual legitimacy, since it was generally regarded as a paper devoted to the details of crime scenes and daily features of young women in bikinis.

Nevertheless, it is important to underline that the SI’s dominance of information and public culture was far from total. While Casas and Sánchez do not seem particularly concerned with *Extra* much less *Semanario*, they are very concerned by the relative successes of the NO campaign in two areas: the radio and the distribution of explanatory literature in the form of flyers. They suggest that their “weakness in rural areas” may be principally a product of the SI’s lack of presence in the radio. In Costa Rica, as in the other Central American countries, radio is much more decentralized in terms of ownership and programming than television or
newspapers (Rockwell and Janus 2003). The relative weakness of the SI in this medium is a reflection of the extent to which it was a campaign that worked through control and influence over a small set of powerful organizations of great size and reach, while the NO was a far more acephalous coalition of small-scale organizations—which could more easily gain access to a local radio station than to a major television network or newspaper conglomerate.

This was all the more the case with the production and distribution of flyers. Casas and Sánchez complain that the NO has “the whole country papered over with flyers.” They advocate the generation, production and distribution of “easily-digested documentation.” They do not, however, specify by whom the flyers should be distributed. This, I think, was the principal problem and the reason that I rarely saw flyers for the SI during the campaign: the NO campaign had the country “papered in flyers” because they had an activist base that spent months doing little else but making, copying, and distributing flyers and hanging up posters. The distribution of graffiti tells a similar story: rarely did I see graffiti for the SI, but in every corner of the country slogans such as No al TLC (and some more creative ones, as well), were scrawled in spray paint on walls, bus shelters and even on the outside of the Legislative Assembly. This may or may not have helped the NO campaign electorally, but it indexes the numbers of people they were able to mobilize to act in opposition to CAFTA—as well as the desperation to compete with a saturated media environment with whatever means at their disposal. Finally, it is also worth noting at this point that the quantity of the SI’s messaging was not the only issue; as we will see in more detail below, the NO campaign mobilized a good proportion of Costa Rica’s intelligentsia and was able to count on passionate advocacy carried to a diversity of situations—from debates and forums in community centers to conversations with neighbors—that may have been more persuasive to many than the centralized means of communication employed by the SI.
Casas and Sánchez oriented their memorandum to a large degree around their concern for the lack of a “social coalition” in support of the SI campaign. Even before I read the memorandum, however, my attempts to observe the SI campaign in action had convinced me of the same—aside from the ever-present discourse in favor of CAFTA in the newspapers and on television, the SI was remarkably difficult to find in the flesh. Part of my difficulties certainly concerned the fact that from the outset of my research most of my contacts led towards the NO campaign and I had many fewer leads to the SI. Nevertheless, in my efforts to keep up with the events of the NO, I easily found a website that listed a multitude of events, from leafleting to public lectures, to rallies. The SI campaign did have a site that attempted to provide the same information, but there were far fewer events listed and those that were present often lacked contact information or detailed locations. In one episode, I took a bus to Guápiles in the Atlantic province of Limón in order to attend an event billed as a “conversation” between a legislative representative from the PLN and “workers.” I arrived an hour early at the hotel where the conversation was going to take place, briefcase in hand. After several hours of waiting, however, no one showed up and I returned to San José. Several months later, the representative who was to participate in the event emailed me to explain (very amicably) that he was very sorry but the event had been cancelled.

My attempts to accompany the SI campaign leafleting in the neighborhoods were met with similar problems—phone numbers that were not answered or that led to uncooperative receptionists or cancelations. The SI campaign seemed either closed or non-existent. In light of Casas and Sánchez’s memorandum, I am inclined to think that both were to some degree true. While the SI campaign lacked a broad “social base,” the base that they did have, was, in their own words, stricken with “a great lack of motivation [and] disoriented by the absence of a campaign.” And unlike the NO campaign, the mobilization that did exist for the SI did not rely
on recruitment through public forums and an open and diffuse network, but worked through the parties (particularly the PLN) and the workplace. It was considered a truism among supporters of the NO that those who did work for the SI campaign (for example, by passing out flyers) were paid, rather than volunteers like themselves. Certainly, at least some people who were paid to campaign for the SI, but they also had volunteers.

The “Students of Private Universities for the SI,” as they described their group to me, gathered with a large box of flyers on the pedestrian boulevard in central San José. Both of the young men with whom I engaged in extended conversations that day were activists in the youth wings of the PLN and PUSC, respectively. They certainly struck me as passionate about the importance of their cause.

Other than the “Students of Private Universities for the SI” I encountered a relatively large group of supporters at an event in Cartago organized to commemorate independence from Spain. The president and other representatives of the government were to speak, and a large contingent of activists from the NO had arrived in carpools and public buses from San José to join activists from Cartago, largely students from the local technical university. The NO crowd was boisterous and the president could barely be heard over the chanting of “NO al TLC”—immediately after the event the NO crowd broke off to begin an impromptu march through the streets of Cartago. Some distance away, a group of SI supporters had been quietly watching the speeches. They were identifiable by identical t-shirts and little else—there was no chanting, and no handmade signs or banners. They arrived and left on what appeared to be chartered buses. Certainly not university students, by their clothing and comportment they gave every indication of being a working-class constituency. Most palpable, however, was the contrast with the boisterous, passionate, insurgent style of the NO.
4. Conclusion

The strategy to “stimulate fear” is not a mobilization of fear of the state’s capacity for violence, although in the Costa Rican context successfully identifying the NO with communist subversion and an attack on democracy and “institutionality” could—and did—generate fears of more diffuse social repercussions, including in the workplace. Rather than working to make citizens afraid of the state, Casas and Sanchez sought to make them afraid of the NO, above all by inducing the specter of the inability of the government to maintain order and to “govern,” to define a “sense of direction” for the country, and to implement policies favorable to “economic stability”—that is, appealing to their desire for a state capable of maintaining order not as and economic government. The violence to be feared is the violence of the NO, and it is to be feared primarily as a part of the larger potential to produce disorder. In the Costa Rican context few could realistically be made afraid of suffering bodily harm from the NO: “Violence” is rather a metonym for disorder, whose principal referent is the contentious tactics such as road blockades, strikes and demonstrations, which used the body to interrupt the normal course of circulation, to such effect in the movement against the Combo in 2000. Although the connection is left unstated, this appeal to the threat of disorder, ungovernability, and economic instability is perfectly consonant with the first pillar of the strategy of fear: the fear of unemployment as a consequence of the rejection of CAFTA. Together they form a narrative of disorder and economic decline.

The appeal to the authority of those in government reiterated a longer-standing theme in the conflict with opponents of liberalization. Typically, this authority was equated to democracy itself. In the struggle over the Combo, the leading newspaper had opined that the demonstrations, strikes and road blockades mounted by the opposition were anti-democratic because they allowed “grupos de presión” to interfere with the work of the people’s elected representatives. This logic could be extended even to the disapproval of the voicing of dissent
from the decisions of the judiciary: the complaints from the NO about the decisions of the constitutional court and the TSE were often labeled as anti-democratic and threats to the *institucionalidad*. The attempt to equate the NO with subversion and opposition to democracy worked by the same logic—it played not on their participation in the referendum, of course, but on the current of antagonism to the political and economic elites that animated the opposition to neoliberalism and to CAFTA; to convert the strength of the NO as a (rhetorical) movement of the poor against the rich into a weakness, while shoring up respect for the authority of political elites.

This strategy was effective, because unlike blunter appeals to the authority of the government it touched on an area of ambiguity—if not a contradiction—in liberal democratic thought: What is the ethical responsibility of a democratic subject vis-à-vis elected authorities and the laws that they create and execute? Moreover, in the “campaign of fear” Casas and Sánchez provide the seeds of a pragmatic answer to this perennial dilemma, an answer which is, in its broad outlines, strikingly similar to the one offered by Carol Gould (1988); the authority of the elected leaders is necessary to maintain an orderly democracy in which all can participate (by voting), and no one will be pushed aside by the “violent” tactics of mobilized “pressure groups.” This is not an argument for democratic authority based in some fiction of a social contract or a doctrinaire liberalism, or even, fundamentally, in authority as its own justification (although there is certainly some element of that): it is rather oriented to appeal to a “social democratic” and developmental worldview and structure of feeling. While it was most likely the argument about jobs (and the timely intervention from the Bush administration on that question) that won the referendum, this appeal to the authority given by the electoral process did do its work, which was particularly evident in the wake of the referendum.
Chapter 4

NO

Populism Horizontally

It was not just CAFTA that was at stake in the referendum. Alejandra*, an open source software activist, explained to me that “if the NO wins, Arias will have to resign and we’ll have a constitutional convention.” 74 Victor*, claimed a few days later that “Arias will lose all legitimacy, and Costa Rica will take a new turn towards Latin America.” The sense of political possibility expressed by participants in the NO emerged, in part, from the apparent vulnerability of the established order of political power, which had recently been soundly defeated in the events of the Combo. But Alejandra, Victor and others were also moved to imagine new political possibilities by the experience of participation in the horizontal and decentralized NO campaign, an experience which inspired many of its participants to imagine—and feel—the possibility of a more egalitarian, participatory political order.

Although the NO was certainly decentralized, it was much more than an aggregation of distinct constituencies, or “multitude” of “singularities.” The NO represented and imagined itself as the authentic political expression of the pueblo (people). It was a demos forged in antagonism with domestic political and economic elites, the US government, and transnational capital. “The

74 Marc Edelman points out that a constituyente (constitutional convention) has been a regular feature of Costa Rican political discourse for some time, perhaps influenced by the example of the events of 1948 (personal communication). It seems to me that this sense that the form of the republic is mutable implies a much more active sense of popular sovereignty—a much more democratic imagination—than the fetishization of the constitution as Holy Writ that characterizes so much political discourse in the United States. Some on the contemporary right in the US like to remind us that the Founding Fathers considered the US to be a republic but not a democracy.
people” had “finally woken up.” This collective was at once distinguished and animated by its patriotic corazón (heart). In this chapter I aim to show how the autonomous exercise of political agency within a broader collectivity imagined as an “awakened” people created the possibility for a renewal and reinvigoration of the democratic imaginary.

I think of the NO as “populist” in a delimited sense inspired mainly by Ernesto Laclau’s (2007) analytical use of the term. Laclau characterizes populism as a process wherein heterogeneous social actors achieve political unity by: (1) projecting their diverse aspirations onto a shared (“empty”) signifier; and (2) using that empty signifier to create an “internal frontier” within the social order that opposes a new unity (e.g. “the people”) from some other that is excluded from it (e.g., “the oligarchy”; 2007:77-96). This may or may not be a useful framework for interpreting other movements that have been described as populist (although I suspect it is a useful starting point)—but I do find this concept of populism helpful in understanding how a heterogeneous coalition provisionally created a sense of unity and shared identity in the NO.

However, the signifier is rarely if ever empty to begin with, and its content at the outset matters (a point acknowledged but perhaps insufficiently treated by Laclau; e.g., 107-8, 217). In this case, it was vitally important that the signifier was a negation (“no”), and that what was being negated was the “TLC” (CAFTA). The movement worked as a decentralized, horizontal, and networked movement in good measure because it was saying ‘no’ to something as large, ambiguous and consequential as the FTA. And the NO was filled with meaning and made charismatic by the collective action of its protagonists. In these “moments of madness” when “all is possible” (Zolberg 1972:183), social relations appear open to transformation as new political subjects are created and historical possibilities are reimagined. It is also an opening to the

75 Laclau’s “empty signifier” may be a leader such as Juan Perón (2007:216-17), and Laclau in fact suggests an inherent tendency for the “singularity” of the people to eventually find expression in the individuality of a leader (100). The decentralized and horizontal character of the movement built around the NO challenges this conclusion (without, of course, disproving it).
agency of new political actors. This sense of empowered agency was notable among protagonists of the NO.

1. Organizing the NO

Trade union, campesino, and environmental organizations, as well as students, academics, artists and musicians, had been proselytizing and organizing in opposition to CAFTA, in some cases since 2003. The PAC, now the second largest party in the legislature, had made opposition to the treaty a defining issue, as had PASE and Frente Amplio, each of which had a representative in the Legislative Assembly. So, too, had a range of left-leaning, communist and Trotskyist parties, which claimed small but dedicated groups of supporters (typically university students). Several informal coordinating bodies brought together leading figures in these organizations, making for a kind of patchwork of partially-overlapping organizational networks without much in the way of a defined, much less authoritative, centralization.

These forms of coordination built on the networks formed during and after the Combo (interview, Eva Carazo, May 21, 2009). One of the most important was the Comité de Apoyo de la Lucha contra el TLC (Committee to Support the Struggle against the FTA). The Comité de Apoyo chose Eugenio Trejos, the until-then little-known rector of the National Technical University as its spokesperson. Ottón Solís, as the almost-was president and the leader of the largest opposition fraction, had a certain gravitas and authority that might have made him a natural candidate for this position. In fact, when it still looked like CAFTA might not be approved in the legislature, Solís had met with Arias in the presidential palace with purpose of negotiating their positions on CAFTA. As a spokesperson for the movement as a whole, however, Solís was too polarizing a figure because of his identification with one electoral party, as were the trade union leaders. Eugenio Trejos himself told me that he was brought in to “de-unionize” the face of the NO (interview April 2, 2009). As a mild-mannered and conciliatory academic and
university administrator, who nonetheless was known for publically confronting advocates of the SI, Trejos would bring intellectual prestige and allow the NO to align itself with the universalism of a scientific and technical opposition to the treaty, as opposed to the particular interests that were routinely attributed to the trade union leaders and politicians. He explained to me that he was disposed to be a conciliating figure that could dialogue with all parties. For many of the same reasons, however, Trejos was more a spokesperson than a leader of the NO. Leadership was fragmented in a variety of distinct organizations and forms—trade unions and political parties, priests and ministers, intellectuals and artists.

**Organizing the Comités Patrióticos**

Confronted with the presidential referendum, this decentralized opposition was faced with the task of converting itself into an electoral campaign, essentially overnight. According to Trejos, leading figures of the opposition to CAFTA concluded that the NO campaign needed something like the territorially-based partisan committees that were used to mobilize voters for elections (interview, April 2, 2009). These were the Comités Patrióticos.

Reflecting the multiple constituencies and decentralized leadership of the NO coalition, the organization of the campaign consisted of the creation and interweaving of networks, rather than the mobilization of existing large-scale organizations and concentrations of social power that characterized the SI. The basic method employed in organizing the Comités was the phone tree: as one activist involved in the early organizing efforts explained it to me, “We sat down in a room together and we asked each other, ‘who do you know in this canton? Ok, call them and see if they can organize a meeting’”—and so on down the line, by telephone, word of mouth, and internet.
The SI had organization and resources but, it would seem, little enthusiasm, while raw zeal was the principle resource of the NO. The decentralized and volunteer driven organization was made possible by a groundswell of popular initiative, which meant that there was a large constituency of people looking to become involved or already acting on their own. The task was largely to pull people together. Benjamín from Barrio Sur, explained to me that before joining the Comité he had begun to design, print and distribute his own flyers, based largely on information he received from the unions on the ICE’s company list-serve. Members of this same Comité spent several nights hunting for “the guy that had put up all the posters.” Ricardo,* often with his wife and teenage children, had dedicated his nights to printing and hanging posters for the NO in the neighborhood. “We asked around, ‘who was this guy who was putting up all these posters’? We found someone who had seen him, who said that he went out to walk his dog every night over by the EBAIS [clinic].” Eventually they found him out walking his dog, and persuaded him to come to the Comité.

But while raw enthusiasm played an important role, partisan, union and other organizations and networks were also fundamental in the organization of the Comités. Party militants (usually of the PAC, sometimes the Frente Amplio or a regional party) were at the nucleus of most of the Comités that I knew best. In three cases that I know of, the Comités built on existing partisan committees (in two cases these were committees of the PAC, in another a municipal-level party). However, in each case the Comité broadened its membership to include supporters of other parties, as well as persons without partisan affiliation. In rural areas, campesino organizations, including UPANACIONAL (mainly in the Central Valley) and FEDEAGUA (principally in Guanacaste), among others, seem to have played important roles from very early on. Two leading figures from UPANACIONAL claimed in interviews that the Comités of their districts were almost synonymous with the memberships of their organization.
Other kinds of networks were important as well: much of Liberia’s Comité, for example, was formed by the students of one particularly dedicated high school teacher.

Precisely because of the decentralized nature of the movement, no one knows exactly how many Comités Patrióticos there were, much less how many people participated in them. Estimates by those closest to the organizing are about 180. In my experience, the Comités had anywhere from fifteen to forty people attending any given meeting before the referendum. On voting day, the NO, mainly via the Comités, mobilized thousands of officially registered observers to monitor the vote and untold other volunteers (at the commencement of voting the NO had observers at 88 percent of the polling stations, as opposed to only 58 percent for the SI; OAS 2007:12). Within this total was a rather smaller core of more dedicated activists that met regularly, about ten per Comité on average, for a few thousand in the country as a whole. Although these numbers might not seem particularly large, in a country with a population of some four million, they constituted a significant force, particularly when their high level of enthusiasm is taken into account.

Both the enthusiasm of opponents of CAFTA, and the density and extension of the networks—which together enabled the organization of the Comités and the NO campaign—reflected the recent history of organized challenges to liberalization initiatives and the political dominance of the PLN and the PUSC. The campesino organizations that participated in the organization of the NO campaign in rural areas included many of the same actors involved in conflicts over liberalization of the agricultural sector in the 1980s (see Edelman 1999). More recently, the opposition to the Combo had forged cooperative relationships between groups that previously had not worked together, particularly trade unions and environmentalists, and had inspired and given confidence to opponents of liberalization. Meanwhile, the rise of the PAC had created a new partisan network that was broadly opposed to CAFTA.
The Comités, however, represented a distinct form of organization, qualitatively different from those that contributed to their formation. They were territorially-based, autonomous spaces of organization, with only the most informal kinds of leadership, and they tended to adopt decisions by processes of deliberation and consensus. To a significant degree, the autonomy and egalitarianism of the Comités reflected the circumstances of their emergence: the diversity of organizational affiliations (and ideological orientations) within the Comités worked against their subordination to any single organization. Moreover, the PAC, the largest party within the coalition of the NO, was itself a recent creation with little organizational structure of its own, and its leadership did not possess the means to promote much partisan discipline. Participants in the Comités were concerned to keep the peace between distinct political orientations and affiliations—which, I think, underlay much of the tendency towards deliberation and consensus—in order to make the Comités a workable space. Both the urgency and the passion of the campaign to oppose CAFTA and the single and immediate focus that that issue provided the basis for unity. This is not to say that there were no conflicts, both of a personal and political nature. Members of the self-described revolutionary left parties (mostly Trotskyist) tended to remain outside of the Comités. María, a militant from one such party recounted to me that her presence at the meetings of the Comité Iglesias (which included mainly people affiliated with the PAC and Frente Amplio) had become untenable due to what she described as the aggressive anticommunism of one of the members, a devoted activist of the PAC. By and large, however, at least in the period before the referendum, the Comités served as spaces where people with distinct political affiliations could work together in the common cause of opposition to the FTA. Protagonists of the movement were often more excited by the Comités than the other organizations that they had previously worked with. The possibility of autonomous agency was highly valued by many participants and contributed to their sense that

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76 My fieldwork with this Comité occurred after María had already ceased to attend meetings.
they were part of something historic and unprecedented. We will see how this experience resonated after the referendum, when participants in the Comités hoped to make of this novel organizational form a base from which to forge a “new way of doing politics.”

**Composition of the Comités**

Decentralization, differences between contributing organizations, networks, neighborhoods and regions, as well as the distinct personalities of key protagonists, made for variation in the composition and functioning of the Comités. Overall, however, there seem to have been some notable consistencies in the make-up of the Comités across neighborhoods and regions.\(^7\) There was a clear preponderance of current or former public sector workers, with a large representation of unionized employees of the ICE, as well as high school teachers and university professors. Students in public secondary schools and universities were also well represented. A heterogeneous mix including NGO workers, liberal professionals, and small business owners rounded out the bulk of the rest. Campesino activists were important in rural areas. Markedly absent, however, were employees of larger private-sector firms, particularly those involved in export industries.

This was a movement, then, largely composed of educated professionals and students, with many ties to the public institutions within which members of the Comités were very likely to work or to study. This pattern tended to hold regardless of the class composition of the neighborhood, although professionals in the more working-class neighborhoods tended to be from more working-class or campesino backgrounds.

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\(^7\) An unpublished survey conducted by Ciska Raventós lends some support to these observations, although it is without statistical validity, given the problems of sampling and a low response rate.
2. The Campaign

The beginning of my fieldwork in August 2007 coincided with the high tide of this electoral work. The energy was impressive. The Comités held regular weekly meetings beginning around seven in the evening and continuing for two, three, or sometimes four hours, as participants negotiated the innumerable details of a day of door-knocking or poster hanging, an electoral caravan, a training session for electoral monitors, or the preparation of transportation and food for supporters and activists of the No campaign on the day of the vote. Because I had participated in several “initiative” (citizen referendum) campaigns in California in the 1990s, the broad outlines of this work were familiar to me, although I was struck by the breadth and depth of participation, and the autonomy with which protagonists of the NO acted as individuals and Comités, whether deciding where they were going to knock on doors and what they were going to print on their leaflets.

Making a Counter-Public

One of the principal activities of the NO was leafleting. Activists of the Comités cobbled together flyers, stickers, posters and other materials from a variety of sources, some distributed by the public sector unions or the opposition parties, others produced by the activists of the Comités themselves. Members of the Comités went out to the street clutching stacks of flyers from diverse sources explaining the anticipated drawbacks of CAFTA in areas as diverse as telecommunications, healthcare, undersea resources, and export assembly. They knocked on doors to explain in their own terms what the “free trade” agreement would mean for the country. The issues were extremely complex and the debate evolved rapidly. In participating in these door-knocking sessions (and in one appearance on community radio), I found myself compelled
to counter a representation of US foreign policy emerging from the Bush administration, struggling to explain why I felt it was unlikely that Costa Rica’s failure to approve CAFTA would result in forfeiture of their existing access to the US market. The same issue was handled in a slightly different way by an activist of a Comité Patriótico in the rural province of Guanacaste, who recounted to me using a stick to draw a pie chart in the dirt yard of a humble rural home, to explain what percentage of Costa Rica’s exports to the United States entered under which trade regime (see chapter one).

The system of public education also provided a platform and a forum for the opposition to CAFTA. Students and educators from the public secondary schools, universities, and technical institutions formed a substantial base of the Comités and the movement of the NO more broadly. The commission created by the University of Costa Rica had declared CAFTA unconstitutional on numerous counts (UCR n.d., see chapter one). The University of Costa Rica sponsored a student-run program of informational kioscos (kiosks) staffed by volunteers, which travelled the country distributing explanatory literature on themes such as “the FTA and employment” with the university seal on it and responding to questions. The information presented was highly critical of the treaty, and the UCR effectively lent its substantial prestige to the NO campaign.

The Church, named as part of the coalition of the NO in the Casas-Sánchez memorandum, was much less visible than these other organizations and actors. In part, this may be because the Costa Rican constitution prohibits the involvement of the Church in elections, which was enforced by a kind of gag-order from the TSE during the campaign. The Church maintained an arms-length skepticism, reiterating the importance of not sacrificing “the social” for “the economic,” although some actors in the Church denounced CAFTA more forcefully.78 A

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78 For more forceful statements of opposition, see e.g. a series of editorials from the Catholic newspaper Eco Católico, reprinted as appendices in Lizano 2005 (65-70).
few priests were relatively high profile opponents of the treaty, most notably the (retired) Bishop Ignacio Trejos. Many of the most dedicated activists of the NO in Liberia in Guanacaste were affiliated with the *Pastoral Social* although this entity was essentially an NGO that was relatively independent of the Catholic Church hierarchy. The mainline Protestant denominations (Lutheran, Episcopal, Methodist, etc.), however, stridently denounced the existing record of FTAs as “incompatible with the development of human life” and rejected CAFTA on “theological grounds” for a long list of reasons including “accelerating the impoverishment of the people.”

While the congregations of the mainline Protestant churches in Costa Rica are small, the Lutheran Church and the Quakers provided space for meetings, forums and other events that were important to the campaign.

Opponents of CAFTA made extensive use of forums, film presentations, often held on church grounds or in the *salones comunales* (community meeting centers for neighborhoods and villages). On any given day in September, for example, it was possible to pick between ten such events—mostly, but not all, in the Central Valley—that were publically announced and circulated through email and on websites (as well as through word of mouth or flyers). Many FTA opponents who could claim some degree of intellectual authority juggled work and family responsibilities in order to be able to travel the country giving talks about the treaty. I accompanied Pablo*, an employee in human resources at ICE and an activist with ASDEICE, one of the institution’s umbrella unions, on a trip to a rural community located near La Fortuna in San Carlos, several hours drive to the North of San José. The talk had been organized by a friend of his, a schoolteacher currently living and working in the community. After several hours of driving along winding mountain highways we arrived at the *salón comunal* where the talk was

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80 The position of the mainline Protestant churches may have been more directly influential in Limón where many are of Anglo-Caribbean heritage.
to be held. There was quite a large turnout for a small community, perhaps twenty-five or thirty people. Pablo had prepared a series of PowerPoint slides and went through the probable effects of the treaty for domestic agriculture and small business. It was well-prepared and well delivered—indeed, as he explained to me later, he had given the same talk a number of times, most recently in Buenos Aires, an impoverished town in a pineapple-producing region near the border with Panama.\(^8\) We arrived at his house well past midnight, thoroughly exhausted, and partied ways so that he could get a few hours of sleep before returning to work at seven the following morning.

A particularly memorable debate took place in the main Catholic church of Barva, a suburb of Heredia (a city in the San José Metropolitan region). The large church was filled to standing room only with a visibly excited crowd by the time I arrived. The event was billed as a debate between Mario Devandas, an economist and prominent opponent of CAFTA, and Alberto Trejos, one of the negotiators of the treaty. In the event, however, Alberto Trejos, sent a replacement in his stead, a young man in an executive business suit that contrasted with Devandas's assertively casual attire. The debate moved quickly over a vast array of topics, as debates over CAFTA tended to do. What was most striking, however, was the reaction of the audience, which booed and jeered the representative of the SI with mounting enthusiasm as the event progressed, despite his pleas to maintain “peace in the house of God.” By the end of the debate, the crowd had grown so unruly that the representative of the SI was simply shouted down during his closing statement.

This was not normally how these events went (it certainly contrasted with the much more subdued—even boring—debate over the consequences of CAFTA for the electricity sector that I had recently attended in a Catholic church in San José). The debate in Barva occurred a

\(^8\) Curiously to me at the time, the audience was rather more interested in asking Pablo about the ICE. My perception at the time was that this was less a reflection of this being a predominant concern of the audience, and more a way of attempting to understand and gauge Pablo's interest in the treaty.
few days after the release of Casas-Sánchez memorandum, and relatively late in the campaign, at a point when the NO was mobilized and outraged. But what it shows as well is the extent to which such public debates and forums had been appropriated by the NO campaign to form a kind of counter-public to the spaces occupied by the SI. The NO organized and participated far more in these kinds of events, which allowed them to counter, to some extent, the SI’s dominance in the traditional media—although at the risk of sometimes organizing events purely for the choir.

**Confronting Class Divides**

The Internet was an important resource in organizing this alternative public, through emails and websites that circulated information about forums, debates, and meetings of the Comités, as well as working as an important public arena for the NO in its own right. The fact that the NO employed the Internet in organizing to a much greater extent than the SI reflects its decentralized and voluntary character. In contrast to the SI campaign, events and even organizing meetings for the NO were easily found through a simple Google search, often including the names and telephone numbers of contacts in the Comités as well as public announcements of the location of their meetings. On the other hand, this openness has to be tempered with the fact that Internet users were still a minority defined by class, education, and urban status. Use of the Internet both reflected, and helped to shape, the relatively middle-class profile of much organizing for the NO campaign. Similar observations can be made for the use of the Internet as a public forum. The NO dominated the SI in blogs, websites, and You-Tube videos. While this allowed for the mobilization of the multitude of energized opponents of the FTA, its audience was limited. It must be noted, as well, that the Internet provides for a degree
of segregation of publics that the television (and particularly broadcast television) does not, meaning that it may end up as preaching to the choir.

The ability of the NO campaign to construct alternative publics, the form that these efforts took, and the content that they brought to them, were shaped by class, region and the urban-rural divide in other, fundamental ways. As described above, the Comités had a very significant participation (if not a preponderance) of persons with advanced education and professionals. This provided the NO with important resources: the capacity and the confidence to understand and interpret the highly complex, often technical issues raised by the treaty, and to speak with authority in a variety of public spaces; sometimes in the newspapers or on television, more often in classrooms, in a salón comunal, or at a neighbor’s door. It facilitated the autonomy of the Comités, by equipping the participants to encounter the treaty on their own terms, to explain the treaty, to design their own flyers. To be clear, this is not to say that a formal education is necessary to do these things—some of the most cogent speakers on these issues had very little formal schooling—but that it made it easier.

At the same time, for the same reason, the encounter between the NO campaign and the voting public was sometimes an encounter between people in differently located in the class structure, even if the distances between were often small. What I saw of the NO campaign—which notably did not include the efforts of campesino organizations—seemed to be shaped by the worldview of the Costa Rican middle classes closely tied to the public sector, and accordingly tended to emphasize the social state (see also, Cordero 2005). The SI campaign, on the other hand, was hammering home a simple message: without the FTA there will be no more jobs, and you will likely lose the one you have. This is a theme that hit close to home with people confronting a labor market that offered few opportunities to those without English language fluency or specialized technical skills.
I accompanied activists from the NO campaign on several missions to low-income communities, including Pavas near San José, the Costa de Pájaros in Puntarenas, and the *maquilas* outside of Heredia (where we leafleted to workers as they left the factories). Activists from San José targeted these lower income communities because they felt that they did not have access to critical sources of information on the treaty, and were vulnerable to manipulative clientelist political relationships. In Pavas, we had few involved dialogues with voters at the door, but when we did, employment and “progress” seemed to be their primary concerns. One man simply told us to go away, “I want this country to progress,” he said, with contempt. In this case, the person I was door-knocking with was extremely well-informed on the debate over employment and could engage people on the fate of the *maquila* sector in El Salvador and other related issues. In *Costa de Pájaros*, an impoverished coastal community in the Pacific province of Puntarenas, the story was similar. Here I mainly accompanied Ronald, a young militant from the PAC, as we went door to door. Ronald mainly talked about the future of the welfare state institutions. “In Costa Rica, we can drink and bathe with the tap water. In other countries of Latin America, you can’t do those things,” he explained. He argued that the SI was intending to undo the legacy of “Calderón and Figueres, each of whom, in their own way, brought great benefits to the country”—a framing that he justified to the others on the trip with the perception that people in such communities responded to these founding figures of the twentieth-century partisan order (which also encompass the full range of traditional partisan loyalties—see introduction).

This discourse could seem patronizing: to two women resting on the porch of their humble home, he claimed that “in other countries of Central America, you would not be able to read this literature. It is because of our social model that you have the education to read these pamphlets and understand what the FTA implies.” For the most part, those whom we talked to listened politely and took whatever literature was offered. When people did respond, their
expressed concerns were with “progress” and “jobs.” The group sat down to talk with an evangelical pastor who they believed to have a lot of influence with the community (we were working together with a local high-school teacher who had mobilized his own coterie of student volunteers for that day). The pastor responded to the concerns advanced by the members of the Comité: “the people from the SI say that this will bring jobs. We need jobs. Look around here. Here we have nothing. What we need is progress.” At a certain point, I suggested to Ronald that perhaps it would be better to talk to people about the consequences for the fishing industry. He agreed “you’re absolutely right” but was at a loss about what to say. Later, during our confrontation with the local representative to the legislative assembly, a man from the community, told us off: “You’re not talking about what matters to us. What about the market for our shrimp? How will that be affected?”

**How to Get on Television**

The NO campaign had more difficulty getting its message into the mass media. The first obstacle was a lack of money. Some of the larger trade unions, and to a lesser extent the PAC and other parties within the NO, provided a degree of support to the Comités, most (if not all) support “in-kind” in the form of flyers or t-shirts. The Comités’ regularly “passed the hat” to collect small donations of 1,000 or 2,000 colones (about $2-$5) at a time, while some participants would discretely contribute larger amounts, say, by paying for a run of photocopies.

The Comité Juanito Mora received much of its financing in the form of several hundred dollars sent by someone who had migrated to California (members of the Comité liked to observe that they were being “financed by the United States”). In another case, a small business owner confessed to me that he financed much of his own Comité by clandestinely charging customers bearing stickers for the SI a “solidarity tax” of 10 percent. Supporters of the NO
sought to encourage donations through the campaign *Al NO Financio Yo*—literally “I finance the NO,” but with much of the semantic sense of “the NO is financed by me.” The slogan, printed on stickers and widely distributed, served not only to encourage contributions to the NO, but also to mark the difference between the grassroots, self-financed NO and the well-resourced SI.

This particular campaign was linked to a fund dedicated to raising money to put commercials for the NO campaign on the television. But once sufficient funds were collected, Teletica (the most widely viewed channel) claimed that it “no longer had time available.” Eventually, Teletica relented—a decision which Alejandra, who was involved in the negotiations with the station, attributed to the recent release of the Casas-Sánchez memorandum and the station’s embarrassment at being linked too closely to the SI. Even with the space opened up, however, financial limitations meant that the NO was only able to place one television ad for every ten run by the SI (Cortés 2008:39).

The NO campaign also entered the public through the employment of a classical social movement tactic: congregating in the streets. This was something that the NO, with its energized base of supporters, excelled at, in striking contrast to the SI; as Casas and Sánchez drily put it, “[organizing marches] is an area in which we always have problems.” In addition to the large mobilizations that preceded the announcement of the referendum, several large marches and rallies were organized during the course of the campaign, including the march to defend the autonomy of the University of Costa Rica and a protest against Oscar Arias at the independence celebrations in Cartago.

The high water mark of these mobilizations—and for many, the climax of the movement of the NO as a whole—was the march organized for the 30th of September. The march served as an act of closure to the campaign before the period of officially-decreed “truce” in the week preceding the vote, and more importantly as a demonstration of the numbers and commitment of the NO. Participants were unanimous that it was the largest march in living memory. Equally
impressive was the energy of the crowd, in two senses: first, for the raw enthusiasm. The crowd regularly broke into spirited chants of “No, no, no al TLC.” They sang and clapped and cheered. Those whom I knew were energized, jubilant—the very size of the crowd seemed to confirm what the polls were increasingly indicating as a possibility: the triumph of the NO. More profoundly, however, this very triumph would be much more than a vote against the treaty; it would be an unprecedented victory of “the people” against the “politician-entrepreneurs” in the government, an upending of the existing order of political power and representation. Here, in this very space, was this demos made evident, tangible and real. And it roared. The energy was also visible in the diversity of autonomous initiatives at the rally. There was the central stage, with its leading figures giving speeches. But far more compelling was the assemblage of diverse autonomous initiatives on display. The march and rally was thick with handmade banners and signs, costumes and masquerades. Below we will take a closer look at how these energies were expressed, and how the particularities of autonomous initiatives were forged into a sense of a unified whole with universalistic aspirations.

3. The People against the Powerful

The NO campaign advanced sophisticated arguments against the content of CAFTA, in areas ranging from telecommunications to intellectual property law to domestic agriculture to maquila exports (see chapter 1). At the same time, however, the NO advanced a set of messages that were less technical and more purely political in content, in that they referred to the relations of power between political blocs in antagonistic confrontation with each other. It was this message of confrontation between “the rich and the poor, the people and the government,” which was most threatening to the SI. It was particularly threatening not only because it was an “effective” message in the sense of being one that was persuasive to the “voting public,” but because it was a message that mobilized new political subjectivities and practices. It mobilized
because it allowed the NO to define itself as a unified political community with a distinct antagonist, the SI, and to constitute itself as a demos in the classical terms of populist movements: the people against the powerful. Once it became a demos, the NO was potentially destabilizing beyond the confines of the referendum, CAFTA, or the Arias government, threatening to reconfigure the relations of political representation in which the “PLUSC” sought to pursue the politics of liberalization that were increasingly understood within the governing circles all over the world as transparently rational. Their response was to embrace “irrationality” and the defense of law and order. Predictably, the exposure of the SI’s strategy upon the leaking of the memorandum inflamed supporters of the NO and deepened their resolve; above all, the Casas-Sánchez memorandum confirmed the identity of their own movement by making the elite, and unethical, nature of their opponent manifest.82 Because the NO was defined by its antagonism to the SI as much as by its opposition to the terms of the treaty itself, the release of the memorandum helped to consolidate the identity of the NO. The memorandum and the “campaign of fear” became, accordingly, central to the discourse of the NO.

At the same time, the NO as a demos had its points of weakness and instability—which the SI was quite adept at exploiting. While it had a broader social base than the SI, the movement was far from a universal expression of the nation, and its claims to represent the people always required symbolic work, which was sometimes more, sometimes less successful.

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82 The relationship is essentially that of the “constitutive outside” that Chantal Mouffe, drawing on Derrida, argues is necessary for the formation of political movements (2009).
‘NO’ as Affect

The NO’s version of the people against the powerful was sometimes phrased in exactly those terms: “this is a struggle of the people against the politician-entrepreneurs.” But more common were one of a number of auxiliary representations, which followed from and supported this larger point. These can be grouped into a few themes, each of which I briefly illustrate with a representative slogans from the NO campaign:

- The SI is trying to win through intimidation and fear; “no tengas miedo”/ “no tenemos miedo” (don’t be afraid/we are not afraid)
- The SI is corrupting the institutions of the state; “es una institucionalidad secuestrada” (the institutional order has been hijacked)
- The SI is lying to us; “no comas cuento” (don’t swallow the story), “SI guevón” (yeah right, dumbass).
- The SI will dispossess us of what’s rightfully ours; the SI are “vendepatrias” (country-sellers), “el ICE no se vende” (the ICE is not for sale)
- The struggle against CAFTA is a defense of the nation against an invading force bent on domination and exploitation; “es la hora de Juanito Mora” (it is the moment of Juanito Mora, the president who led the Costa Rican army to victory against William Walker’s Filibusters in 1856)
- The SI are unethical and seek only their own gain, whereas the NO are motivated by solidarity, patriotism, love of country and compatriots; “mi corazón dice NO” (my heart says ‘no’)
- The NO is the authentic voice of the nation; “Costa Rica dice NO al TLC”

In order to clarify these points, I will discuss a few examples of how the NO articulated these messages, beginning with two advertisements that the NO was able to circulate on television—projects that demanded a great deal of effort and resources.

The first televised advertisement is particularly interesting because it draws explicitly on the NO’s capacity for collective action to compensate for a paucity of monetary resources. The ad opens with a grey-haired man—who many viewers would recognize as Rubén Pagura, a singer and poet—talking to the camera. He is wearing a NO t-shirt, standing in a park. Behind him
people also in t-shirts are milling about. He says: “because we want a country that is free, healthy, of clean people (gente limpia), of honest people.” As he reaches the word free, the camera cuts to the Costa Rican flag waving against the sky, then pans down to linger on the man waving it, surrounded by other supporters of the NO. As Pagura finishes, the camera cuts to a woman in a red shirt, who says: “So that they don’t take away what is ours.” Drums and whistles begin sounding in the background, slowly gathering momentum, as the camera switches between images of supporters of the NO and close-ups of the various NO’s emblazoned on their t-shirts. The camera settles on a group of children, four or five years old. One of them says: “life cannot have a price.” Back to cameos of supporters of all ages and colors. Each one smiles at the camera while waving an index finger at the camera, no, no, no. A message flashes on the screen advertising the upcoming rally in San José. The tempo and volume of the drums and whistles increases. The crowd can be seen engaging in some kind of coordinated movement in the background, but it is not yet clear what it is. The camera switches back to two youths standing in front of the crowd: “No comás cuento”—“don’t swallow the story”—they say, stern faced. Then pans to an old woman, “vote no, don’t let them fool you.” Suddenly the camera cuts to a view from the air. The crowd, with their red, white and blue t-shirts, has been choreographed in the shape of the logo of the NO, the N plus the heart for the ‘O,’ in the colors of the flag. They jump up from a crouch on the ground in unison, cheering, as the drums and whistles reach a crescendo. As the camera holds the image of the crowd from the air, the cheer becomes a chant—impossibly loud, as if the whole world was shouting at once: “NO, NO, NO al TELECE.”

The ad, while sophisticated in its conception, was anything but slick in execution. The people are awkward and unrehearsed. This is a meeting of ordinary people of all ages, a rally in the park, with a twist that demonstrates their unity as part of the NO. Pagura’s opening reference to “a free country” of “clean” and “honest people” is a clear salvo at the SI, at the corrupt politicians, at the campaign of fear. It urges defiance: do not be deceived, do not let
them take what is yours or subject life to monetary values. There was some controversy over the amount of money spent on the making of this ad, and some had been skeptical that it would be possible to get that many people together to cooperate on something so complicated—but in the end their ability to do so was part of the message. People were proud to have pulled it off.

A second ad that appeared on television takes up and elaborates on the theme of the heart. It opens with a simple message on a black screen: this advertisement was made possible thanks to the donations of 210 Costa Ricans through www.concostarica.com. In fact, those that were involved in making this ad had to fight with Teletica to be able to lead with this message. It was intended not only to encourage donations, but more importantly to mark the difference from the SI campaign—the same purpose, essentially, as gathering people in the park on a Saturday afternoon.

The ad itself opens with the image of a young woman in a simple white blouse against a plain background. “In life you will know many hearts. Loving hearts, generous hearts, good hearts,” she says gently. As she speaks, the camera moves quickly through images of hearts; emblazoned on romantic cards, hanging from a rear-view mirror, cut out of construction paper in the hands of a child. “Hearts that look for other hearts,” she continues, as the camera passes over an image of a golden locket on a woman’s chest, then settles on the statue of Jesus in the central market of San José. The camera zooms in on the heart of Jesus as she says, “hearts that sacrifice for others.” An image of the yellow hearts that the ministry of transport paints on the road when a pedestrian is killed; “hearts that make us remember.” Then the music becomes suddenly ominous. “But there are selfish hearts, hearts that want power, hearts that do not think about you.” As she says this, the camera shifts between images of stickers saying “my heart says SI.” Then it switches back to the narrator, “my heart, in contrast, is a heart that loves our country.” Cut to images of posters saying “my heart says NO, and yours?” The music becomes inspirational, as the narrator concludes, suddenly emphatic, “This is my heart, the heart of the
NO, a heart that wants Costa Rica to keep beating. On the seventh of October, we have to decide.”

The message here is more unified, and on the face of it, simpler: the NO is made up of people who care about others and the national community, the SI is made up of selfish power-seekers. Almost as an afterthought, it suggests that deciding in the referendum—presumably voting “No”—is an ethical obligation. But the emphasis is clearly on the difference between the kinds of “hearts” associated with the NO and the SI, rather than the treaty itself. The primary work that it does is to position the NO as the expression of an ethical self, and to distinguish the bloc of the SI as made up of unethical people. This contrast between ethical people, people with solidarity, and selfish people was a recurrent theme in my conversations with activists of the NO. By placing the SI beyond the community of people with good hearts, it works to universalize the NO. This is not a community of interests, it is a community of all good people who love the country. At the same time, the SI is motivated by their selfish interests, including the desire for power itself.

This way of drawing the distinction between the SI and the NO in ethical terms became more common after the leaking of the memorandum. For example, a full page newspaper ad taken out by supporters of the NO in Diario Extra points out that the SI has a strategy to pursue a campaign of fear, but then asks, “what interests are behind this that could motivate them to do such a thing?” The ethical failings that they suggest are evident in the employment of a campaign of fear are given as evidence of the existence of shadowy interests. This also serves to constitute the NO as the representative of the people in general, the demos: those that have hidden interests are distinguished from the people, almost by definition. This theme was again ubiquitous among activists of the NO. Those who were really behind the SI were said to be those in a position to benefit from the liberalization of telecommunications and insurance, and the sugar interests, which included Oscar Arias himself.
Among the messages that had most resonance, however, for the people I was working with was a simple You Tube video created by a young man named Manginho. It is a monologue delivered as he walks down the beach, with the sound of the waves behind him. It begins like this:

Hi, my name is Manginho. Today I have come to give you a message from the heart. I’m not going to put on a chonete [canvas hat] and try to fool you saying that I’m a campesino. Nor am I going to say something incoherent, like telling you that a heart of the SI has fallen in love with a heart of the NO.... I’m going to be sincere with you: my heart says sí-- Sí guevón!

The phrase sí guevón means something like, “yeah right, dumbass,” making the monologue an ironic statement of the lack of credibility of the SI. But the rhetorical force of the statement comes from the particular usage of guevón, a superlative form for huevos—eggs or in this case, testicles. Guevón therefore literally means “one who has big balls,” but is used to describe someone who is lazy, stubborn, and does not live up to expectations. It is usually part of the run of friendly insults and teasing between young men known as choteo. But in this case, Manginho follows guevón with an extremely offensive gesture referencing penetration, instantly pivoting from an expression of skepticism associated with choteo to an aggressive rejection of his interlocutor’s (the SI’s) whole person. It achieves devastating effect by converting the language of masculine intimacy into an aggressive challenge.

Sí guevón instantly became another unofficial slogan of the NO campaign, repeated in conversations, made the punch-line of jokes, diffused on signs, buttons and stickers. The monologue went on to satirize the television ads of the SI, with its romantic relationship between a male hippie NO heart and an attractive, intelligent female SI heart, and it ends

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83 Two different persons separately recounted to me that the guevón is someone whose balls are so big that they are rendered immobile. As for the choteo, it is not uncommon for young men to greet each other as carepicha (dickface), while the ubiquitous informal address mae comes from maje a mildly insulting term equivalent to “idiot.” The whole dynamic reflects a very particular alternation between the most casual and most formal forms of address that characterizes Costa Rican Spanish.
with a call to “say no to Yankee imperialism” on the day of the referendum. At its core the video and the slogan express defiant outrage at being the object of manipulation and deception. Again, it referred not so much to the treaty itself, as a relationship to the SI. As a humorous yet deeply angry statement, it struck a chord with the structure of feeling in the NO campaign. They were not going to be pushed around, or taken for fools.

Defiance also lies behind the exhortations and claims to resist the campaign of fear. NO tengas miedo (don’t be afraid) and NO tenemos miedo (we are not afraid)—proliferated in paid advertisements and handwritten signs in the wake of the leaking of the Casas-Sánchez memorandum. Rather than reassuring messages to assuage fear, these slogans worked to reiterate and publicize that there was “a campaign of fear” going on and to declare their defiance of that campaign.

This was, however, only one aspect of the NO’s messaging. Much of it concentrated on the technical aspects of the treaty rather than the more purely political question of the relationship between these blocs. The NO had a lot of intellectuals in its ranks—including “traditional intellectuals” from the University and even the Church, as well as many more organically linked to the development of the forces of production—above all engineers, who in Costa Rica often worked for the ICE or other public institutions (cf. Gramsci 1971:5).

Intellectuals of all kinds advanced powerful arguments against the treaty in books, debates, and flyers. Legal scholars took out wordy paid advertisements in tiny fonts on the constitutionality of CAFTA (while the SI printed visually simple advertisements asserting that the institutions of the welfare state were safe, or equating the victory of the NO with government by trade unionists and communists). There was also technocratic element within the NO, particularly from the ICE, that promoted planning and technical competence against politics. But all of this was in the context of a movement that was experiencing new forms of political engagement, the constitution of new alliances, and new political subjectivities. Making a demos,
however, involved a claim to a certain provisional degree of universality. Below, I will explore the possibility and conditions of that claim in more detail.

**Some Limits and Contradictions of the Coalition**

As we saw in the preceding chapter, the SI campaign and its allies in the media worked to reduce the representation of the NO to a few handpicked figures, particularly from the public sector trade unions and the left. In doing so they responded to the success of the NO in organizing a popular coalition that unified distinct constituencies as the people in opposition to the powerful. The NO was a broad coalition, and it did mobilize, in a most impressive way, the energy and passion of a diversity of actors “at the base.” But the NO’s claim to represent the people (el pueblo) was also a representation that had to be constantly defended in the face of the evolving attempts by the SI to challenge and undermine it. The claim to represent the pueblo was not just “framing” directed outside the movement, it was a part of protagonist’s evolving political identity. They were part of a patriotic struggle for the nation. Allegiance was more to the idea of the people and the nation, or even Latin America as a whole, than to any particular group to which they might belong.

At the same time, they were aware of the fact that the movement of the NO as what we might call a political bloc did not encompass the totality of the people, even if the political and economic elites are excluded from that category and lumped in with the gringos and transnational capital. In fact, I was often told by middle-class activists that it was essentially a middle-class movement. “The middle is against, the very rich and the very poor are in favor of the FTA.” This perception informed attempts to reach out to more “marginal” constituencies. Importantly, this attempt to extend information to these communities also reveals that they
were not considered to be natural constituencies of the SI. On the contrary, they were with the SI because they were being lied to or their votes were being bought. It is difficult to exaggerate how important and common this refrain was. The idea that a part of the “people” might actually have an interest in the FTA was effectively banned from discussion. This was not a product of an analysis of the treaty in economic terms—after all, it would be hard to deny that at least some constituencies, such as garment industry workers, might reasonably have an interest in the passage of CAFTA. Rather, this was essential to the imagination of the NO as the authentic expression of the people. The tension between the particularity of the NO and the universality of the nation was resolved by the conviction that the people in its authentic expression said “no.”

Partly because of this analysis (and because of the results of the 2006 election), urban protagonists of the NO misread where the weaknesses and strength of their political coalition was. As the voting results would indicate, it was in fact much stronger in rural areas, particularly where there were still campesinos producing for the national market, and much weaker among the urban middle classes, especially those that worked in the private sector—a reasonably predictable result based on the kind of appeals that the campaigns were making (see chapter 1).

There were also fractures within the movement. The successes of the liberalizing bloc in discrediting the public sector trade unions, as well as longstanding antipathy to the Left (see introduction), meant that there was pressure within the NO campaign to de-emphasize or obscure elements of its coalition to the public, as well as internal tensions. The NO had both Marxist-Leninists in the tradition of León Trotsky and heartfelt anticommunists (some people even accused the SI or Oscar Arias of being Communists). These fissures would become more

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84 I was present when one (well-educated) woman made this claim, which was greeted by derision by the others present. Organizers in Guanacaste told me that they would sometimes encounter this sentiment in rural areas: it was explained to me through the equation, bad=communist, bad=si, therefore si=communist—but there may have been more to it.
significant after October 7th, when opposition to CAFTA in the referendum was no longer the defining political option to make the people.

**Out of Many, one ‘NO’**

In this subsection I will discuss how the relationship of particularity and universality was worked out in the march of the 30th of September. I chose this particular place and time because I would argue that this was when the reality of the *demos* constituted by the NO seemed most tangible and real, when, through sheer numbers, they seemed to approach the totality of the people.

Through their signs, participants manifested the presence of the Comités representing a variety of distinct locations—albeit heavily weighted to the Greater Metropolitan Area and the Central Valley. The diversity of hand-painted signs, banners and costumes with their unique messages more profoundly expressed the autonomous energies that were brought to the campaign.

This diversity was manifested, however, in relation to an encompassing commonality. The union colors that had been so prominent in the march in February were replaced with white t-shirts emblazoned with the symbol of the NO. It is likely that this change reflected, in part, a conscious decision to move away from the liabilities attached to the particularity of their constituencies’ interests. But more fundamentally it evidences the degree to which the NO had created, through the Patriotic Committees and other forums, new political institutions with more universal aspirations, with new unifying principles.

There were also fundamental commonalities underlying the diverse messages, which together positioned the nation as struggling against the gringos and the government. Moreover, there was a tendency to claim to speak *for* a particular community. To bring the sum of the
communities to the nation, a particularity that contributes to a greater unity. By claiming to represent a particular community, they could claim to contribute that community to the national public. Zarcero and Barrio Sur are against the TLC, so together, the nation is against it. The change from sectoral to territorial representation is significant. The nation can be disaggregated into territorial units making no reference to distinctions of interest, and out of these homogeneous building blocks, a nation and a popular will.

4. Contention over the Ballot Box

While the strategy of the SI campaign included representing the NO campaign as a threat to democracy, activists of the NO considered that the SI was corrupting democratic institutions and were convinced that they would commit outright electoral fraud if given half a chance—perhaps harkening back to the long history of contention over fraud that culminated in the civil war of 1948.

As we have seen, the referendum law was untried and the TSE was still making up the rules as the campaign advanced, a subject of constant contention. The activists of the NO launched numerous challenges to the electoral practices of the SI, but as time went on became more and more convinced that the deck was stacked against them. They organized protests against the decisions of the TSE, including an early symbolic protest by a group called “the Women in White,” and later a large march from the University of Costa Rica protesting asymmetrical rulings that restricted the ability to use resources of the UCR to inform voters of the university’s position on the treaty, while allowing the participation of President Arias in the SI campaign, against all precedent.

The demands of organizing electoral monitoring consumed a great deal of energy. As in many other places, ballots are counted by partisan volunteers at the voting table, which ideally should place the vote count under the watchful eyes of members of all parties involved in the
election (although in practice, mobilizing enough partisans to carry out the count at every voting station is difficult, particularly for the smaller or newer parties). In the case of the referendum, which was not, in theory, a partisan election, the TSE nevertheless decided that the monitoring should be organized and carried out by the political parties (Raventós 2008:24). This decision provoked some conflict within the Comités, as it allowed those affiliated with the PAC, in particular, to claim control over the organization of electoral monitoring. Nevertheless, the PAC was incapable of organizing enough fiscales (monitors) on its own—as had been demonstrated in the 2006 elections, when the PAC had not had enough fiscales to cover all the polls. And in any case, the supporters of the PAC were already collaborating with others in the Comités. The organization of the vote monitoring was, then, largely taken up by the Comités, even as they continued to present the monitors by party in order to achieve official recognition from the TSE.

As voting day approached, the responsibility of recruiting and training fiscales to monitor and count votes took up an increasing proportion of the time and energy of the Comités. Numerically speaking, a majority of those who participated in the Comités did so primarily as fiscales: they arrived at the Comité for one or two training sessions, and served a few hours on a table the day of the election. With the influx of volunteers and fiscales the number of participants in the Comités swelled in the weeks before the referendum. I routinely went to meetings in which there would be 30 or 40 persons present. On the day of the vote, the NO mobilized nearly twenty thousand fiscales and many more volunteers. In the rural canton of La Cruz, Guanacaste, where I worked as an election monitor, there were two observers at every voting station, usually a university student or a high school or elementary school teacher.

While it seemed that the NO campaign was being forced to divert crucial resources from the work of electoral proselytism, those with whom I raised this concern argued that the monitoring was an appropriation by the people of democratic accountability, as well as an absolute necessity given the conviction that the governing parties would steal the vote if they
could. The experience of the contested presidential election of 2006, when the PAC had been unable to mobilize the necessary number of observers, weighed heavily on some people’s minds as they contemplated the possibility of electoral fraud. Sociologist Ciska Raventós suggested to me that monitoring was a way of reclaiming political practice from the traditional political parties and institutions (personal communication). It may also have given people a tangible way to feel involved in the historic referendum that, for whatever reason, may have been more satisfying to some than proselytism.

I suspect that there was also a performative aspect to the attention to monitoring. It dramatized distrust in the politicians. I was recruited as an election monitor for the same reason. The important part was “being there,” not that I would find anything. Similarly, bringing in foreign electoral monitors, apparently for the first time in Costa Rican history, dramatized the idea that Costa Rican democracy needed to be subject to scrutiny and doubt. 85

5. Conclusion

I found that the Comités mobilized the same groups (and often the same people) that had opposed prior attempts at neoliberalization: in urban Comités public sector workers and students predominated, complemented with a heterogeneous mix of manual workers (usually artisans), small business persons, members of the liberal professions, and NGO employees. In more rural areas, campesino activists were prominent or predominated. In general they were people who, for a variety of reasons, were closely identified with the institutions of the Estado Social. But this was a point of commonality at a high level of generality, and the priorities of those involved were as wide-ranging as the terms of CAFTA itself.

85 This seems to be an interesting local appropriation of the monitors’ function of “just being there” described by Coles (2007).
In the context of the referendum campaign, however, the opposition to CAFTA began to transcend the aggregation of distinct constituencies to create a common identity: the NO. Opposition to CAFTA provided an important element of this identity, but antagonism to the heights of political and economic power was equally important. The NO saw itself as an insurgent demos, the people (pueblo) in confrontation with the US government, transnational capital, and the “politician-entrepreneurs” that had “hijacked” the “institutionality” of the “state of law.”

As an insurgent demos, they saw themselves as fundamentally transforming the relations of political power. In a narrow sense, activists of the NO argued that a failure to approve the referendum would leave the Arias government discredited and impotent. But the imaginative horizon of a victory of the coalition of the NO went further than this, taking different forms depending on one’s political vision. For many, the experience of participating in the autonomous and egalitarian Comités was a deeply affecting experience, which inspired them to imagine the inauguration of a more egalitarian and participatory political order. The meeting of equals for cooperation and deliberation became, as much as the protest, a fundamental part of the imagination of a renewed popular sovereignty.

The identity of an insurgent demos was combined with the defense of the Estado Social, often by the same people. There were several points of tension between these two stances towards the institutionalidad, which would become much more important after the referendum, as described below. The first point of tension was the fact that the pueblo was not in fact united behind the NO. The general explanation was that those from more subaltern classes who supported the SI were either bought (comprados) or fooled (enganados). This was in turn attributed to a lack of political and moral education, and the manipulative practices of the media.

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86 Casas and Sánchez, as we have seen, agreed with this assessment, and were deeply alarmed by it, even as they worked to encourage a particular perception of this possibility as part of the campaign of fear.
and the dominant parties. Secondly, the sense of insurgency was in tension with the defense of the law. Some to talk of the possibility of a constitutional convention in the event a victory of the NO, and a few set their sights on a (generally long-term) socialist transformation, but in general the transformative project was limited to changes outside of the law itself: the resignation of the president and other changes in government (thereby putting others in charge of implementing the laws); changes to political practices, sociality and habitus (a more participatory politics); the breaking of the tight monopoly of information by the media. Together they formed a challenge to the largely “civil” institutions through which access to legally-sanctioned authority was constrained and controlled, as well as a critique of the occupants of those positions of authority (which contradicted the SI’s emphasis on the need to respect and defend the authority of those that govern and adjudicate, while sharing its assumption of the continuity of the established legal order). For this arena of politics, however—which bridges the traditional liberal distinction between state and civil society—there was little easily accessible language, and the activists of the NO were rarely able to articulate what they were opposing, although the “políticos-empresarios” was a step in this direction.87

The positive content of the NO was generally expressed in ethical, rather than programmatic terms. In everyday conversation and in messages to the public, the opponents of CAFTA represented themselves as the “patriotic” people with “solidarity.” The emphasis on ethical qualities over class categories, ideologies, or programs, was by its very generality suited to the rapid articulation of a persistently heterogeneous coalition, even as it remained deeply antagonistic in its employment of these universalizing terms. It allowed the NO to represent itself as the authentic expression of the moral community of the nation—whatever the real limits of their popular support—while pushing the SI from the frontier of ethical, patriotic subjects.

87 On at least one occasion, a long-time activist commented to me on how useful he found this term for naming the political task that they faced. Nevertheless, it was a term that was largely internal to the movement, and was not generally used in campaign literature or public culture generally.
But it also responded to the dilemma implicit in opposing the legally-constituted authorities in the name of the law. If those authorities could not be said to be illegal in their use of the law, they could certainly be said to be unethical. In the next chapter, I will take up how this dilemma around the illegal use of law figured after the voice of the people had spoken.
Chapter 5

The Voice of the People
Counting for Legitimacy

On October 7th, 2007, Costa Rican voters went to the polls to vote sí or no to the ratification of CAFTA. For the active supporters of the NO, the day of the referendum was the culmination of an extraordinary period of intensive political engagement. The referendum was a pivotal event that marked a clear distinction between moments “before” and “after,” differentiated above all by shifts in the conditions of political possibility that went well beyond the immediate question of the ratification of CAFTA. In this chapter I will explain those shifts through an examination of the process by which the meaning of the vote was defined and contested, and how that production of meaning intersected with the particular trajectory of the NO as a political formation.

1. Referendum Day

Night was falling as the polls closed and the fiscales began counting ballots in La Cruz, a small town near the border with Nicaragua. Activists of the NO had begun the day of the referendum well before dawn, anxious but optimistic; most of the polls showed a dead heat, but a survey released by La Nación only four days before had put the NO 12 percent ahead. I wandered back and forth through the hallways of the schoolhouse and principal polling site. I peeked into classrooms to watch the counting, thinking that’s what an “international election
“observer” should do. People milled about outside the school, some in t-shirts of the SI or the NO, many chatting excitedly.

The conversations became more boisterous as news of the results began to filter out. Alberto*, a schoolteacher and the local fiscal general from the NO, passed me updates from text messages claiming one or another district won in Guanacaste or San José. Eventually he approached me with a grin to say that the NO had won enough districts in the Central Valley to be confident of victory. Although he was disappointed that the SI had eked out a narrow majority in La Cruz, the totals were close enough, and in any case it was the national vote that counted.

Out of the chattering crowd a young man in a t-shirt and baseball cap approached me with an outstretched microphone and, in a bright radio voice, asked me to share my observations live on Radio Cultural Guanacaste. Surprised, I fumbled my way through what I thought—with reservations—would be the most appropriate answer: that I had not seen anything that day that would really allow me to doubt the integrity of the results.

Soon afterwards Alberto and another man from the Comité Patriótico in La Cruz invited me to celebrate the victory of the NO. We drove to a small bar and restaurant, talking excitedly about the campaign and the voting as we sat down to a meal of ceviche and beer. The enthusiasm evaporated, however, as the official tallies began to appear on the bar's television: the SI was consistently ahead and then the referendum was called in favor of CAFTA. We finished the meal quickly and Alberto drove me home in silence.

I spent the rest of a long night watching scenes in San José on television and talking with my host from a local Comité Patriótico. The news cut from scenes of the SI carrying out a glitzy election celebration with music and dancing on a giant well-lit stage, to scenes of youthful supporters of the NO gathered in the streets angrily chanting “fraud.” The principle spokespersons for the NO campaign, Eugenio Trejos from the National Technical University,
and Ottón Solís of the PAC, were visibly stricken. Trejos gave a rambling speech to what appeared to be an angry crowd of NO supporters, while Solís granted a terse interview in which he withheld recognition of the results pending a definitive counting of the votes by the TSE and an analysis of reported “irregularities.” That same night, my host Ana*, told me that some of the local youth were advocating taking the struggle to the streets on the model of the resistance to the Combo in 2000 (see chapter 2), although she did not appear convinced. The next day the residual energy seemed to have worn off and she was bed-ridden by despair. My hosts and I spent the day watching movies and trying to avoid talking about politics.

In San José I found the same combination of outrage and despair. Years later, opponents of CAFTA continued to emphasize the “pain” (dolor) that memories of the referendum produced. Daniela, a university student active in the Comités of South San José spent the night of the referendum crying, drinking and singing. Some were discouraged. Alejandra, who had been as active as anyone in the campaign, burst into tears as she explained to her friends that “no one can demand that I go out into the streets, no one! There’s no point and I’m tired.”

But while some reacted with grief, despondency, or a retreat from politics, others, like Ana’s young friends, were energized by outrage and the need to protest the “fraudulent” victory. In the following days, people declared their readiness to “throw rocks,” to blockade roads with burning tires or go on strike, invoking the example of the Combo as a model of what could and should be done (see chapter 2). Those who advocated taking to the streets did not always think that there was any chance of overturning the referendum result, however; for some, protesting was a duty or necessary self-expression. Others sought ways to continue opposition while they refused or rejected “militant” tactics.

For the protagonists of the NO, the referendum was the culmination of an extraordinary period of intensive political engagement, and it was a pivotal event that marked a clear distinction between “before” and “after”—a transformation of political possibilities that went
well beyond the immediate question of CAFTA’s ratification. In this chapter I will explain that shift through an account of the process by which the meaning of the vote was defined and contested, and how that process intersected with the trajectory of the NO as a political formation. Responding to the vote meant articulating responses to complex and fraught questions of responsibility and ethics: did responsibility or pragmatism require respecting the results? What did that mean—particularly in relation to the package of thirteen (or so) laws that were needed, allegedly, to make Costa Rica CAFTA-compliant? What was the responsibility of opposition in relation to this “implementation agenda”? On which of these implementation laws should the opposition focus its energies? Who was to carry out opposition and through which tactics? How could the coalition of the NO be sustained and made politically relevant in the post-referendum political environment?

In the first part of the chapter, I engage with the discourse of fraud, in relation to the contested meanings of democracy and to the processes through which political claims are made authoritative. I begin with some observations from my experience as an “international observer” closely connected to the vote-monitoring efforts of the NO campaign, to consider some of the reasons for, and limits of, the NO’s emphasis on ensuring the integrity of the vote.

This sets the stage for the second section, which explores the dilemma faced by activists of the NO in confronting an election result that was neither clearly “fraudulent” in a narrow sense, nor legitimate for them. I examine how this dilemma unfolded in evolving discourses about “recognition” and “fraud,” which negotiated standards of “normative democracy,” a strong critique of the undemocratic character of the referendum, and the practical exigencies of a broader discursive environment in which the SI, for a number of reasons, had the upper hand. To an important degree, I will argue, the apparent legitimacy of the vote was a product of

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88 The number of laws said to be required by the treaty varied over time, an important consideration that will be discussed in more detail below.
disorganization of the NO. I then turn to an account of the various attempts at opposition that did emerge, with a particular emphasis on the problem of dispersion and attempts to overcome it. I conclude by considering the challenges to united action for decentralized networked political coalitions in the absence of a readily-given politics of negation.

2. Observing the Vote

The chants of fraude on the television the night of the referendum caused me to question my approval of the referendum in the interview with Radio Cultural Guanacaste earlier that very evening, however cautious I had been. Did they know something that I did not? What had I missed? Or was “fraud” simply a way of talking about the abuses of a democratic ideal over the course of that contentious—and highly asymmetrical—referendum campaign?

My observations of the referendum were shaped by my transition from ethnographic researcher to the distinct role of “election observer.” Mobilized by my involvement in the NO campaign’s efforts to ensure a full monitoring (fiscalización) of the vote, I felt the responsibility to lend my hand to preventing what they insisted was likely electoral fraud.

My ability to take on this role in a somewhat “official” capacity reflected some unprecedented decisions by the TSE, beginning with the decision to invite international observers.89 The TSE initially requested an observation mission from the Organization of American States (OAS), presumably in reaction to the contentiousness of the referendum process and the TSE’s own handling of it. It was a smart move; the international observers, operating within standards of globally-circulating “normative democracy” (Nugent 2008),

89 This was reportedly the second election in Costa Rican history to include international observers.
produced a glowing review of the election (see below), shoring up its claim to legitimacy in the post-referendum period.90

As explained to me sometime later by an official from the TSE, the participation of other observers such as me had been made possible by lobbying within the tribunal. Not that this presence seemed to be very significant to the TSE: the tribunal provided us with a brief orientation, a copy of the electoral regulations, and a booklet explaining how and why the contested 2006 election had been correctly decided in favor of Oscar Arias—as well as the much more important name tag and photo identification with the TSE’s seal on it. Otherwise, the meaning and practice of observation was very much left to my own definition and initiative, and the networks of contacts that I had developed during my research.

Although Benjamin from the Comité Juanito Mora asked me to stay for the culmination of our work in Barrio Sur, others convinced me that my presence as an international observer would be more useful in rural areas, where it was thought that fraud would be more likely.91 After a few phone calls to people coordinating the NO campaign’s vote-monitoring effort, I decided to take my official presence to the canton of La Cruz in Guanacaste, described to me as “the most corrupt in the country” (a characterization, however, denied by activists of the NO in La Cruz itself).

I arrived in Liberia, the capital of Guanacaste province, the night before the vote. There was a flurry of activity in the small Catholic NGO office that served as headquarters for the NO. Volunteers worked until after midnight and were up again by four in the morning to stake out a

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90 In the end there were 184 observers, including 93 from the OAS, 27 from the UN-sponsored University for Peace, (whose campus is in Costa Rica), 15 from the Panamanian electoral tribunal, and 13 from the Lutheran Church. Smaller groups and individuals participated under the sponsorship of a diversity of other organizations, including religious groups, academics, and NGO’s (see Mora 2007). The application required a letter from a sponsoring organization, but the demands were not particularly stringent (I was accepted with a letter from my department chair). At the same time, as far as I could discern only the OAS mission was cited in the national press.

91 This assumption itself reflected the perception that the SI was strongest in rural areas because of an allegedly greater predominance of paternalistic and authoritarian political relations.
(highly contested) place at the polling stations, to begin transporting voters, to make sandwiches or chicken and rice for volunteers, and to the staff hotlines for violations.

I was picked up by Alberto, an elementary school teacher and activist of the Patriotic Committee in La Cruz, as the sun was just emerging over the horizon. We drove an hour north along the Interamerican Highway, while he talked to me excitedly about CAFTA and the NO campaign, a conversation that continued throughout the day, as he drove me through the extensive network of rural schools that served as polling sites within the canton. The son of a Guanacastecan campesino family, who had learned to ride a horse and wield a machete almost as soon as he could walk, Alberto had acquired his professional status within social state institutions—an experience of upward mobility within the social state that characterized many in the NO campaign. He was passionate about CAFTA and the future of Guanacaste and was particularly concerned with how the treaty would impact ongoing struggles over access to water in the province.

Our first stop was Las Brisas, a hamlet tucked away in the folds of a mountain range near the Nicaraguan border. Since a bridge on the path to Las Brisas had recently collapsed in a rainstorm, Alberto parked his car and we crossed the river in an inflatable raft attached to a cable pulled by two wiry old municipal employees. Once on the other side, we continued on foot, climbing steadily upward along a dusty dirt road, under the steadily-mounting force of the Guanacastecan sun. Along the way, Alberto stopped at the humble plank-house home of an elderly acquaintance of his, who served us coffee as he attempted to convince her of the importance of voting over her professions of ignorance and ambivalence.

After an hour and a half or so, we reached the small concrete schoolhouse where the voting was to take place, passing a few glossy posters for the SI and one small, cardboard sign on which NO al TLC had been scrawled in red paint. A robust matron in an apron was preparing a meal in the schoolhouse kitchen (with food provided by the SI campaign, we were told). A lone
police officer with an assault rifle stood watch by the entrance to the classroom that served as a voting station. Inside, two fiscales from the NO, and one for the SI, sat by the cardboard ballot-urn, in the company of a temporary employee contracted by the TSE. They told us that only one voter had arrived so far.

Alberto suggested we wait around for a while to see if any voters showed up. We encountered a group of young women outside of the polling station, two of whom were dressed in t-shirts of the SI. Alberto began to talk to them. To my surprise, they claimed that they were undecided about whether and how they would vote, and insisted that they had simply taken the free t-shirt. Alberto tried to convince them to vote NO. Although they claimed to understand very little about CAFTA (they pointed out that on this side of the mountain they only received Nicaraguan television), they had heard enough to question Alberto on whether the TLC wouldn’t bring more jobs, and whether competition wouldn’t improve the quality of the telephone service. They were interested in his answers but expressed their exasperation with the complexity of the treaty and maintained that they were unsure if they would vote or not. Eventually, a well-dressed couple arrived in a large sport utility vehicle at the polling station. Although they lived far away, one of them had been (to her confusion and indignation) assigned Las Brisas as her voting station. (I heard a number of such complaints in the following days, in arguments by activists of the NO that the vote had been “fraudulent”). After voting they drove us back down the mountain, fording the river in their SUV.

Although the other half-dozen rural voting stations that I visited that day were busier, many of the same features characterized all of them. Voters approaching the polling stations—invariably schoolhouses of one or a few rooms—were greeted by supporters of the NO and SI campaigns camped outside, invariably including groups of “guides” (guías), small children

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92 Raventós et al. (2005:177) suggest that such problems of the electoral registry have been a relatively important reason for involuntary electoral abstention since the electoral reforms of 1996 reduced the role of the parties in maintaining up-to-date voter lists.
festooned in the t-shirts of the campaigns, whose duty was to “escort” potentially friendly voters to the door of the polling station. This practice, adapted from ordinary partisan elections reveals the degree to which voting in Costa Rica is a far from individualistic form of political engagement (cf. Lazar 2008:91-117). While the act of voting as producing a supposedly final and inviolable record of intent is carried out in the solitude provided by a cardboard screen, this moment is preceded by practices of self-declaration and collective identification that end, literally at the door of the voting booth. The great importance attached to the transport, greeting, and “guiding” of voters reflects, in good measure, the degree to which the individualized moment of voting is couched within broader identifications.

While both the NO and the SI had teams of adult volunteers and young guías at the entrance to the polling stations and had organized transport for voters, there were evident asymmetries in the two campaigns’ referendum-day organization. Perhaps the most obvious was in transport, which activists of the NO routinely pointed to as an emblematic disadvantage. The difference was glaring in the town of La Cruz, where the NO and the SI had their respective

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93 I suspect children are chose as guías because they are less threatening, at the same time as they are more prone to evoke affective dispositions associated with care, facilitating the acceptance of a relation.
94 I would argue that this is true everywhere, albeit perhaps to varying degrees. The form taken by the articulation of individual political agency and collective agency is of course crucial, and differs from one electoral regime to the next. In the United States, the voting decision is undeniably shaped by a complex of collective identities, including class, race, gender, and region—probably even more so than in Costa Rica (the United States, for example, has comparatively very high degrees of association between class as measured by income and voting behavior; see Gelman 2009). Nevertheless, people are in general circumspect about wearing their intentions “on their sleeves,” a tendency reinforced by laws banning the display of electoral material within and near the voting station. The representation of voting as a purely individual exercise of an independent intellect and conscience is maintained popularly and officially in all electoral practices, from the hesitancy to declare partisan affiliations to the anonymous and solitary way in which the voting place itself is approached. These differences are neither absolute nor fixed: the willingness of US voters to openly identify with parties has waxed and waned over time, while the tendency in Costa Rica towards partisan identification has decreased, as we have discussed, while electoral reforms such as those of 1996 have reduced public financing for partisan banners and transport (Raventós et al. 2005: 26). However, the enduring relevance of collective voting practices is shown by their spontaneous adaptation by the SI and NO campaigns in the context of a supposedly non-partisan election.
95 Some activists in San José complained that they were beaten to the chase by the SI’s more experienced electoral machinery (i.e. the PLN) and failed to effectively occupy territory outside the polling site, but if anything the NO seemed to have more people on the ground in La Cruz.
headquarters in the town plaza adjoining the school that served as the principal voting site. While the NO had a few small sedans volunteered by their owners, the SI had a fleet of private cars, taxis, and at least one rented school bus. The accounts of supporters of the NO in San José suggested that the differences in transportation resources were even greater.

Certainly, the inequality of access to transport made a material difference by permitting voters to vote who would otherwise find it difficult or impossible to do so, particularly in La Cruz, where distances between communities and voting stations are substantial and public transportation is minimal. Nevertheless, the provision of transport, like the welcome and escort provided by the guías, also implies relationships and identities. Beyond the relation implied by accompaniment, these services also imply recognition of the importance of the voter.⁹⁶ Some with experience in electoral campaigns on more than one occasion explained to me, with the amused exasperation commonly applied to spoiled children, that voters who could perfectly well get to the polls on their own would refuse to do so unless they were provided with this service. Insofar as the victorious party has historically been in a position to offer some degree of material reward or employment to its loyal followers, the significance of such demonstrations of the voter’s significance to the party is heightened. In the case of the referendum vote, the inequality in transportation resources on voting day would seem to underline the fact that the SI had made promises to reward (at least some) loyal voters with housing assistance and other forms of public patronage, whereas the NO was entirely unable to make such promises (even if they had been inclined to).

The inequality of transport indexed the larger asymmetry between the SI and the NO. As I was photographing the SI’s fleet of vehicles in La Cruz, a middle-aged man in dusty jeans,

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⁹⁶ In her evocative description of “sacred democracy” in rural West Bengal (a case which presents many parallels to Costa Rica’s partisan and participative electoral order), Mukulika Banerjee stresses the affective importance of voting as an assertion of dignity and equal worth (2008: 71-8).
faded t-shirt, and weathered face challenged me angrily from where he sat on the sidewalk in the shade of a corner grocery. He was angry that I was (allegedly) only taking pictures of the SI, and ignoring the very important fact that the NO also had organized transportation. He assumed that I was wholeheartedly in favor of CAFTA—as a gringo dressed in my best attempt at business-like attire—and was therefore making propaganda for the SI. It took me some reflection to understand that what I was doing, in his eyes, was highlighting an inequality of great emotional significance, and, at the same time, slighting the effort that the NO had put into surmounting this inequality. Others active with the NO campaign on that day shared this particular focus of anger on the transport issue and regaled me with stories of heroic carpooling against incredible odds. At the same time, however, these stories were tinged with a particular kind of pride, which I think goes further than the heroism of engaging in an unequal struggle; The antagonism towards the SI as a concentration of political and economic power was an important part of what gave the NO its identity and drive.

This asymmetry extended to who was doing the greeting and driving. At about noon, I had coffee with the representative of the TSE in charge of the canton, who suggested that I accompany the SI for the remainder of the afternoon. I was led over to the SI's tent on the plaza and introduced to the mayor, who seemed to be presiding over the campaign’s voter transportation efforts. After a brief greeting I was brought over and introduced to the driver of a sport utility vehicle which was being used to transport voters for the SI, and invited to accompany him on his rounds.97 We chatted about CAFTA and the referendum as we drove from the town of La Cruz to the remote voting station of Los Gatos. The driver described himself as a

97 I am not sure why the coordinators of the SI campaign in La Cruz wanted me to accompany them. For the NO, the motive was very explicitly that I would provide at least a show of a countervailing authority to those of the local and national state institutions that were suspected of complicity in fraud (and to dramatize their conviction in the possibility of fraud). Those of the SI were not motivated by these concerns. Their interest had more to do with rectifying the asymmetry implied by my accompaniment of the NO, particularly in a context where transport was associated with allegiance.
manager at a local orchard that supplied juice manufacturers. He was concerned that in the absence of CAFTA they would lose the possibility of exporting to the United States (see chapter 1). As we drove to the polling station and back, he stopped to pick up individuals and small groups that he recognized in passing on the side of the road, all of whom treated him with a deferential reserve. Hardly evidence of the “campaign of fear” that the SI carried out in the workplace, this experience was nevertheless suggestive of how the organization of social relations around collective voting practices could involve the exercise of forms of authority as well, however subtle.

There is one area, however, in which the NO clearly outperformed the SI: the monitoring of the vote. There were at least one or two fiscales for the NO at every voting station that I visited in the canton, usually either teachers, university students, or in a few cases campesinos, reflecting tendencies in the organization of the NO campaign that I had observed elsewhere, whereas the SI had fewer volunteers at polling sites. The emphasis on the mobilization of fiscales, discussed in the preceding chapter, reflected a preoccupation with fraud—as did my own mobilization as an electoral observer. This concern with vote monitoring, however, had some important, if unanticipated, effects, which became particularly significant after the referendum.

I have already provided an account of the energies devoted to vote monitoring in the period before the referendum and how these diverted efforts from the grassroots proselytizing that was at the core of the NO campaign. Here I will consider another aspect of this emphasis on vote-monitoring (fiscalización): the way in which it committed the NO campaign to a particular, restricted definition of “fraud.”

As we saw in preceding chapters, the referendum process was beset by controversy from the beginning. Controversy continued to mount as the TSE, faced with a legally-unprecedented election, issued a series of controversial rulings all favoring the SI campaign, and as the
asymmetry and material inequality between the two campaigns became clearer. The leaking of the Casas-Sánchez memorandum provided a kind of culmination to this increasing antagonism, leading many to question in a very fundamental way the democratic character of the referendum in particular and the political institutions of the country more broadly. At the same time, with the exception of a large march for “university autonomy” and a few other actions, organized contention was not directed against the referendum itself or even the rules by which it was being conducted.

There was discussion by some, particularly the more self-identified revolutionaries within the opposition to CAFTA, of a rejection of the referendum process as a whole, and a legal challenge was mounted. Nevertheless, the mainstream of the NO seems to have channeled their discontent mainly into two areas: (1) working harder to win the referendum (the Casas-Sánchez memorandum noticeably invigorated the base of the NO), and (2) a vigorous effort to provide for a complete fiscalización of the vote. As we have noted, the language around vote monitoring was notably contentious—in training sessions for fiscales, it was often emphasized that the SI would steal the election at any opportunity and the ballots could not be left out of sight for even a minute. In the last chapter, we discussed this as, in part, a manifestation of the antagonism towards the SI. Here I will suggest that it also represented a kind of displacement of objections to the broader referendum process. Monitoring the vote, after all, was the most available form of intervention for the NO in the governance of the referendum campaign. The obstacles to successfully achieving any other form of intervention were very high. In the first place, the decentralized movement of the NO had been brought together for the purpose of campaigning for the referendum; any other action, from protesting the rules of the election to advocating a boycott, would have implied the exercise of effective leadership of some kind, or would have threatened to divide the movement. The obstacles to a boycott would have been particularly high, so much so as to make the notion all but unthinkable to most: the deep legitimacy of
elections as a form of political expression in Costa Rica, including among the activists of the NO, and the resulting likelihood that a boycott would do nothing more than throw the vote to the SI.

Perhaps most importantly, the NO in general thought the process, despite its abuses, was eminently winnable. From this point of view, opposition to the referendum itself provoked incomprehension and anger, even from some, such as Alejandra, who were convinced that the conduct of the referendum was outrageously undemocratic; Alejandra argued, for example, that those who were objecting to the referendum were unwittingly giving the government an excuse to cancel it. In such a situation, the realistic option seemed to be working within the electoral rules while using what mechanisms were available (principally the fiscalización of the vote) to ensure that the NO would not be robbed of victory. The opposition to CAFTA, in other words, was channeled into a relatively narrow concern with electoral fraud as part of the same process by which it was led into the referendum; the emergence of a distinctly electoral reality created a set of conditions that were not of their own choosing, and constrained action in important ways.

As I found myself in session after session of trainings for fiscales in the weeks leading up to the referendum, I began to define my own role in the referendum in terms of “vote monitoring.” The brief orientation given by the TSE to international observers reinforced this emphasis on the integrity of the vote. I scrupulously studied the regulations related to voting procedure to ensure that I would be able to recognize any deviance from the regulations. This was, in fact, a misunderstanding of my own role—if anyone was going to catch fraud red-handed, it would be the fiscales who were at the tables consistently, not an interloping foreigner (see Coles 2008).

I did see a number of things that either violated electoral regulations or that I simply thought were suspicious, but my ability to act, as well as my judgment of what was or was not acceptable, was dependent on local actors. To take two examples from Copalchí, the first schoolhouse polling station at which we stopped., To begin with, I was shocked to see that there
were already ballot boxes in the room, even though the official election materials had not yet arrived. Alberto, however, was unmoved: “They just have them there for civics lessons, for student elections and things like that.” I assumed that he, as a schoolteacher, would know and dropped the issue.

During that same visit, I discovered a black pen in the voting table. This seemed to me to be more serious. The control of balloting in Costa Rica includes the segregation of pens by the color of their ink: voters use black pens to mark their choices, and the representatives of the TSE use red pens to sign the ballot before depositing. The presence of black pens at the tables where the TSE representative is stationed to receive votes is expressly prohibited, presumably on the theory that someone working the table could more easily mark and deposit ballots surreptitiously. In fact, the cautions about voter fraud that circulated in the training of the fiscales included statements such as “don’t leave them alone there for a minute or they’ll throw a party marking ballots and throwing them in the urn.” Accordingly, both Alberto and I requested that the pen be removed. The TSE representative agreed to do so, observing that she had just put it there “to use later.”

When we returned to the voting station at midday, however, the pen had returned to its place on the desk. Alberto lodged a complaint with a hotline set up by the NO campaign in Liberia, while I took the opportunity to inform the TSE’s representative in the canton over coffee. Clearly amused by my concern, he laughed off the incident, saying that “there was always confusion over the pens.” There was really nothing else that could be done; hardly evidence of fraud itself, the pen was within a certain threshold of tolerable electoral irregularity that, for obvious reasons, is not described in the electoral regulations. And even in this “model democracy,” I discovered, it was not uncommon for both the fiscales and the representatives of
the TSE to be unaware of, or cavalier about, basic elements of the electoral code. It also made me aware of the ambiguity and limits of my own role as an “observer”—the whole purpose of my being there revolved around the avoiding the possibility of fraud, but what would fraud look like, if not a misplaced pen or an unofficial ballot box?

In fact, the activists of the NO who facilitated my participation understood this very well and considered my role less in terms of fiscalización and more in terms of the implicit threat in my ability to publicize irregularities to an international audience, a part of what Coles describes as “mere presence,” which includes the deterring effect that the gaze of “international observers” is understood to have on domestic actors (Coles 2008: 134-41). Indeed, while I am skeptical that my “mere presence” made any difference at all, it was certainly not insignificant to the people involved in the organization of the vote. As I was repeatedly told, I was the first “international observer” to arrive for any election in memory. The TSE official responsible for the canton took a substantial interest in my presence, inviting me for coffee to discuss the efforts the TSE was making to ensure the reliability of the vote, and to hear my impressions. Supporters of both the NO and the SI considered it important that I was accompanying and documenting their efforts.

My role was therefore discursively constructed, by a variety of actors, in ways which reflected globally-circulating discourses of “normative democracy” (Nugent 2008), which includes international observers and pronouncements on the legitimacy (or lack thereof) of national elections (Coles 2007, Paley 2008b). Above all, this globally-circulating “normative democracy” of which I became a part is concerned with the “transparency” of the vote as a technology for faithfully recording voter preferences (Coles 2007). This implies a definition of democracy in which certain kinds of institutional features—particularly the integrity of the ballots—are greatly privileged over other considerations, such as the resources available to the

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98 The same is true, for what it’s worth, in that other model of normative democracy—the United States (cite).
campaigns and the exercise of class power. The definition of the problematic of the referendum in these terms would emerge as an important constraint on the opposition to CAFTA in the wake of their loss in the referendum.

The OAS mission distributed several press releases during and immediately following the referendum, as well as a somewhat more elaborate report to the OAS in Washington D.C. a month later.99 The OAS mission’s observations are almost entirely dedicated to the technical aspects of voting: the time of opening and closing of the polling stations, the presence of a visible registry of voters and other necessary materials. There are a few, more general conclusions: the absence of violence and coercion is mentioned several times. Besides this, there are other, much more arguable, references to an atmosphere of “respect and tolerance.” There is no reference at all to the Casas-Sánchez memorandum and its proposed “campaign of fear,” nor to most of the many objections to the use of governmental and private power in the course of the referendum: the pre-emption of a citizens’ by a governmental referendum; the use of the workplace as a place of proselytism; the employment of public resources to encourage votes for the SI and to support the SI campaign; the decisions of the TSE favoring the involvement of the president over that of the University; allegations that the mandated period of “media truce” was violated by the principal media outlets.

There are two areas in which the OAS mission did seem to acknowledge objections to the process: (1) the unequal financing of the campaigns, and (2) the involvement of “external actors.” In both cases, however, the language is cautious and non-“partisan” to the point of inaccuracy. With respect to the enormous inequalities in resources between the SI and the NO, and the lack of public financing and control over private campaign resources that enabled this inequality, the final report limits itself to including a “recommendation” for “clearer

99 The full report is a remarkably scant twelve-page document, with only three pages dedicated to the mission’s observations (the other nine are summaries of the legal context of the referendum).
mechanisms” (mecanismos más claros) for the control of resources, noting that “diverse sectors” had “expressed their discontent with legislation related to the financing of political activities and equitable access to the communications media” (13).

Similarly, they note that “some sectors” indicated “dissatisfaction with respect to campaign activities for or against the FTA on the part of external actors in general.” By far the most evident of these “external actors” was the Bush administration, whose representatives (particularly the ambassador and the US trade representative) made regular public interventions in favor of CAFTA. Rather more emphasis is given to the presence of campaign materials in and near the polling sites, about which the mission expressed concern at several moments in the press releases and the final report.

All together this suggests an understanding of democracy in which regulations on campaign finance and foreign involvement in elections are less important than having a visible registry of eligible voters, polling stations that open on time, or campaign posters near the voting booth. The concern is essentially limited to the inviolability of ballot-marking as a private act free of interference.

The OAS mission effectively marginalized the reservations it did express with a laudatory description of the referendum as a whole: “without doubt, the popular consultation carried out in Costa Rica was peaceful, free, just, and participatory. The elections demonstrated, once again, the capacity and legitimacy of the electoral bodies, the solidity of the institutions, and the enormous democratic vocation of the Costa Rican people” (13). Finally, the last press release ends with a “call to the citizenry to democratically respect the results released by the Supreme Electoral Tribunal” (43). As we shall see, all criticisms of the referendum process aside, the meaning of “respecting the results” was much more ambiguous than might at first sight appear.

100 Also worthy of note is language in these documents that indicates a certain orientation in favor of CAFTA: “this process...served so that Costa Ricans could define if their country would accompany their
3. Reading the Vote

Here I briefly present some observations made by comparing the returns from the election with the most recent census data (by canton and district). The results confirm the expectations about “natural constituencies” laid out at the end of chapter 1. The urban populations of the Central Valley voted sí. The tendency is especially notable where export manufacturing is concentrated (Belén, el Guarco in Cartago)—but no canton with more than 25 percent of its workforce in industry voted no, and very few that had more than 20 percent. But the residents of the urban core as a whole voted sí, including the area around the University of Costa Rica, a center of opposition to the treaty, reflecting widespread concerns about investment and jobs (as well as, perhaps, the importance of cable television). Areas associated with sugar cultivation and processing voted sí (Carrillo and Cañas in Guanacaste). More interestingly, regions characterized by banana plantations voted sí—most of Limón province, and parts of the Pacific coast (Parrita, Corredores). Of course, bananas are the preeminent export crop and although they had nothing to do with the FTA, it is possible people thought they did (alternatively, an explanation might lie in the social relations of plantation life). On the contrary, places marked by pineapple production often voted no (Upala, Los Chiles, Buenos Aires). This was probably because the pineapple plantations have expanded in areas where there are also small peasant cultivators, a process characterized by conflicts over land, water and contamination (see e.g. Acuña 2006; Löding 2006).

No votes predominated in areas where there are still significant numbers of campesinos producing for the national market or growing coffee (Pérez Zeledón, León Cortés, Naranjo,

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Central American brothers (hermanos países centroamericanos) and the United States in a commercial accord” [see chapter 1 for why “commercial accord” is itself a highly partial reading of the treaty]....Due to the electoral participation of the citizens...the FTA was approved...closing one chapter in the history of Costa Rica and opening the doors to new opportunities” (13-14).
Atenas). Some of the provincial and smaller rural cities also voted no, such as San Ramón and Limón—both of which have important concentrations of public sector and professional employment.

4. Fraud

The chants of “fraud” that accompanied Eugenio Trejos’ speech on election night were echoed by activists of the NO campaign who questioned the referendum’s legitimacy during the days, months and years after the referendum. For a variety of reasons, which we will analyze in more detail below, critiques of the referendum were effectively silenced in public discourse, although they continued to circulate in the alternative public spaces created and sustained by the NO campaign, including the meetings of the Comités Patrióticos, rallies, and occasionally, flyers. The supporters of the SI rarely, if ever, engaged directly with the NO's objections to the legitimacy of the referendum. Rather, they represented any questioning of the legitimacy of the result as evidence of the NO supporters’ inability to accept defeat and their lack of commitment to “democracy”—which had been a consistent theme of the SI campaign, explicitly outlined as a strategy in the Casas-Sánchez memorandum. Importantly, as we will see, these dismissals extended even to opposition to the content of the “implementation agenda,” which were laws allegedly necessary to make Costa Rica CAFTA-compliant, but which in fact had a specific content that was not necessarily determined by the text of the treaty. By examining the discourse of fraud produced by the NO, I will show that both of these charges, while capturing something of the truth, were highly partial representations that served both to distort and to silence the critique of Costa Rican political institutions raised by the supporters of the NO. I will further suggest that these critiques from supporters of the NO raise important questions about how political claims are made authoritative, and how to understand the substance of democratic practice, with implications both in Costa Rica and beyond. From this point of view, the silencing
of debate over the legitimacy of the referendum result, which was positioned as a defense of democracy, can itself be understood as an anti-democratic practice.

For some the stakes of the referendum and CAFTA were so high as to potentially override other considerations. Many never accepted that the treaty was compatible with the constitution or their rights as citizens: if this was the case, then the referendum itself result could not be legally respected—an argument suggested by the University of Costa Rica’s own official report on the treaty (UCR n.d.). Moreover, many simply did not see the nexus of party, state and class power in which the referendum was realized as democratic. Objections to the legitimacy of the referendum result was grounded in conceptions of democracy that were partially (by no means entirely) distinct from those employed by the supporters of the SI. These alternative conceptions of democracy varied considerably within the coalition of the NO, and the emphasis changed over time. In this subsection I will pay particular attention to the language of “fraud” (fraude), which was particularly relevant in the immediate-post referendum period. I will identify and explain some of the important common themes as well as signal important lines of fracture and debate.

In their initial reaction to the vote, the leading public spokespersons of the NO campaign remained preoccupied with the question of the validity of the vote. Both Eugenio Trejos and Ottón Solís made public promises to withhold recognition until the ballots had been scrutinized and all denunciations of voting-day “irregularities” investigated. By the following week, however, Solís and the PAC legislative delegation, as well as several other public figures associated with the NO, had conceded that the irregularities were not sufficient to put in doubt the SI’s margin of victory in the vote count. From what I observed, the activist base of the NO did not put very much stock in the idea that the official examination of the ballots by the TSE would change the margin of victory (after all, the first count had been monitored by an extensive network of fiscales of the NO), nor that there would be sufficient technical irregularities in the
voting process to make a case for fraud “at the tables” (en la mesa). Although some stories circulated concerning voting-day problems—people inexplicably registered at far away polling stations, and the like—doubts about the integrity of the vote itself were progressively de-emphasized and then disappeared almost entirely.

Nevertheless, activists of the NO, particularly those of the base, continued to talk about the “fraud” that occurred in the referendum, or “frauderendum” as it was sometimes called. Denying the legitimacy of the referendum as an expression of popular will remained a regular feature of the discourse in the meetings of the Comités for some months afterwards—particularly as long as opposition to the implementation agenda remained a political option. The objections, when specified, essentially reiterated complaints that emerged in the course of the referendum and that have been documented in the preceding chapters: the decision by the TSE to authorize a presidential rather than a citizen’s referendum, the use of public funds to support the SI campaign and incentivize the vote, the threats of factory closings, the interference of the gringos, the dominance of the SI in the media.  

Most often, objections to the legitimacy of the referendum were presented in a summary form as “fooling” (engañando) the people or “buying” the vote; “people voted for the FTA because they were fooled or bought” would be a typical statement.

In raising these objections to the legitimacy of the vote and its legibility as an expression of the popular will, the activists of the NO articulated a discourse of democracy that shared much common ground with globally-circulating versions of normative democracy and which also appealed to longstanding national traditions and institutions. Not all elections, of course, are regarded as legitimate by the standards of international normative democracy—besides outright fraud, an absence of civil liberties or excessive interference by state institutions often

101 Events after the referendum were seized upon as further evidence of the duplicity and manipulation of the SI campaign; for example, two days after the referendum the Costa Rican domestic goods producer Atlas was sold to the Mexican firm Mabe, despite having reportedly warned workers that failure to approve CAFTA would put their jobs at risk.
cause electoral results to be regarded as illegitimate, for example in the case of Cuban elections.\footnote{Of course the judgment of which elections are legitimate or not has historically had as much to do with geopolitics as conceptions of democracy, perhaps particularly during the Cold War (see the differential legitimacy accorded by the United States to elections in El Salvador and Nicaragua, for example).}

That private money power can be an obstacle to democracy is also broadly recognized; although it is given much less emphasis than state repression in liberal democratic discourse, most liberal democratic states attempt to exercise some form of control over, or compensation for, the power of concentrations of private capital to shape elections.\footnote{In US, a series of decisions by the constitutional court, culminating in the Citizens United decision, has elevated the principle of protecting “speech” from the state to a degree which has seriously weakened any possibility of restricting the influence of money on the electoral process.} In the case of the referendum on CAFTA, the SI benefited from a monopoly of both government sponsorship and capitalist power unprecedented in contemporary Costa Rican history, both in form and degree. The ordinary system of public financing for parties did not provide for the NO, while the SI had extensive access to public resources as well as a relaxation of the normal limits on campaign contributions and spending (Cortés 2008; Martí 2008; Raventós 2008). This should not have earned Costa Rica’s referendum high marks: even the referendum organized by General Pinochet in Chile included public financing for the NO.

As we have seen, opponents of CAFTA alleged from the beginning of the referendum process that the SI had subverted Costa Rican institutions. They charged that the Arias government had “hijacked” (secuestrado) the “institutionality” (institucionalidad) of the country, particularly the Constitutional Court and the Supreme Electoral Tribunal, in order to advance spurious interpretations of the laws. Arguments against the legitimacy of the referendum were therefore based, in good measure, on critiques from within the discursive logic of the institutional and legal order governing the political process in Costa Rica.

I will not repeat the details of these critiques here, which we have covered in some detail elsewhere, and which in any case varied considerably in emphasis and legal sophistication.
between different actors in the NO. Rather, I will limit myself to some more general observations. In the first place, challenges to the referendum process made within the terms of institutional and legal discourse were difficult to sustain once they were rejected by those legally authorized to do so (i.e., the constitutional court and the TSE)—precisely because the authority of these bodies was grounded in the same discursive legal traditions as the challenges. Supporters of the SI were quick to invoke the authority of these bodies as guardians of the law, sometimes going so far as to claim that anyone who even questioned the wisdom of their decisions was a dangerous subversive, a process that reached its culmination with the certification of the referendum vote. For the NO, this impasse could only be breached by drawing on claims from outside of the discursive tradition that constituted the law. The result was the creation of a hybrid: supporters of the NO combined legal claims (CAFTA is unconstitutional, the TSE broke legal precedent by allowing Arias to campaign for the SI) with other kinds of claims referencing, in particular, the relations of power between those who govern and the governed, or between employer and employee. It was these relations of power, they argued, that had corrupted (or “hijacked”) the legal order.

This critical discursive tradition had been developing strength and coherence since the 1990s, but received a solid push with the asymmetrical referendum process and the one-sided decisions by legal authorities that accompanied and preceded it. A central theme was a populist antagonism between the politician-entrepreneurs and “the people,” with an important class component combined with an appeal to national-popular sovereignty. Despite these un-liberal emphases, many of the particular complaints were quite compatible with important themes in liberal democratic discourse; the misuse of public resources, clientelism, and the restriction on the breadth of information and debate available to voters (see e.g. Held 2006).

As critical legal scholars have long argued, the history of legal reasoning is not intelligible without reference to these broader operations of social power, and a discussion of them is
necessary for the realization of democratic rule of law (Kennedy 2004; Mattei and Nader 2008). Whether or not one thinks that the abuses were enough to justify rejecting or qualifying the legitimacy of the referendum outcome, the critiques of democratic institutions produced by the NO were substantial, and there is no doubt that the referendum process was problematic from the perspective of diverse currents of democratic thought. By invoking very restricted constructs of Costa Rican legal institutionality and normative democracy to give a nearly unqualified endorsement of the referendum process while calling for an uncritical acceptance of the legitimacy of the results, the official voices in Costa Rica and abroad (including the OAS mission) in fact worked to cut off important debates about the quality of Costa Rican democracy, and did so in the name of defending democracy.

There were, of course, differences of opinion and emphasis between supporters of the NO about which elements of the referendum process were most objectionable—although there was practically unanimous agreement that as a whole it was deeply problematic. The critique of the TSE’s decision to allow a governmental over a citizens’ referendum was perhaps the most potentially controversial, because important actors in the NO, including a large majority of the legislative fraction of the PAC, had voted in favor of this decision. As has been mentioned, participants in the Comités often sought to maintain unity by avoiding controversy, and nearly all of the other critiques of the referendum process were unifying whereas this one was potentially divisive.

There was, however, a strong current of thought that argued that the governmental referendum had been an illegitimate imposition from the beginning. For many, the petition for a citizen referendum had also been, at the least, a major tactical error. This current of critique was strongest among those who had been skeptical of or opposed to the referendum process from the beginning, who were also generally those most antagonistic to the electoral order and who favored “the street”—strikes, road blockades, and mass protests—as arenas for making “popular”
claims. It was most common among the partisans of the left (from the Frente Amplio to the communists and anarchists), as well as trade union, environmental and campesino activists. Advocates of this stance mobilized a critical discourse of democracy that was particularly skeptical of elections, at least under current conditions, which were seen as the monopoly of an established party system controlled by the “businessman-politicians.” Although they did not all necessarily use the language of “democracy,” the political imaginary they articulated was certainly a version of “rule by the people.”

For these activists of the NO, the referendum had been “fraudulent” from the beginning, in that it was an imposition on and cooptation of a movement of popular resistance by an electoral system that could be more effectively managed by elites. This contentious democratic imaginary was most at odds with the standards of normative democracy, for which elections are assumed to be the highest expression of popular rule. That Arias’s (reluctant) solicitation of a referendum was evidently intended to channel contention into an electoral arena where the dominant organized political forces felt their chances of victory to be higher, gives force to critiques of the referendum as a strategy of control, and of elections as problematic vehicles of democracy more generally.

While the argument that the referendum itself was flawed from the beginning did not take center stage in the opposition’s interventions in the post-plebiscite public debate, rejection of the referendum inspired sustained opposition. Those who understood popular protest to be the essence of democracy were also generally those most committed to asserting the illegitimacy of the referendum, and those who sought to continue the project of organized opposition to CAFTA after the vote.

At the same time, the legitimacy of voting is widely accepted in Costa Rica, and even those who argued for the virtue of struggle “in the street” often accorded a lot of legitimacy to the procedures of electoral democracy. There was an urgent need for a less divisive argument
and one that was more acceptable to the dominant discourse of democracy in Costa Rica. One concrete critique—an example of the hybrid discourse described above—seemed to meet this standard took precedence over the others when an explicit case was being made that the referendum process had been “fraudulent”: the violation of the “electoral truce” (*tregua electoral* or *tregua política*), the period of three days before the referendum in which the media were not supposed to show ads for either side. The most oft-cited example was the interview with an economist on CNN’s Spanish language service, in which he warns that a failure to ratify CAFTA would be disastrous. Supporters of the NO complained that this clip was shown repeatedly on domestic television stations during the day of the vote.

Based on this and other examples of pro-CAFTA reporting in the final days before the referendum, the argument was often made that although there was little evidence of fraud in the mesa (table), there had been a *fraude mediático* (media fraud), consisting, above all, in a violation of the *tregua* (truce). This emphasis on the *tregua* puzzled me: I found the use of public resources for clientelism and to coerce support from public figures such as mayors much more troubling. I wondered, as well, why there was so much emphasis on the media’s inclination towards the SI during the period of “truce” when this support had been ongoing and obvious during the whole campaign.

One explanation for the emphasis on the media’s role in breaking the electoral truce is that it provided a clear-cut example of a violation of the established practices governing Costa Rican elections (even if it did not meet a technical standard of illegality). Indeed, some of the things that I found most troubling tended to be relatively normalized by many people, in particular the promises and threats involved in the distribution of public resources in return for electoral support of the SI; although many of the activists of the NO were outraged by these practices, and viewed them as structural issues that needed to be addressed over the long term, they were also represented as persistent aspects of the electoral landscape rather than
exceptional features of this election; “that happens in every election, Jeremy,” explained Benjamín of the Comité Barrio Sur with a shrug, “for me it was more of a fraude mediático.”

Nevertheless, as we have seen, the process of the referendum abounded in exceptions to established procedure and controversial legal interpretations: the interventions of the US ambassador and trade representations, the active involvement of the executive (including the president himself), the campaign of fear in the workplace, and the lop-sided advocacy in the media.

Just as important was that the intervention of the media during the period of the electoral truce was viewed by many as decisive in turning the election to the SI. As a leading figure in Frente Amplio put it in a meeting with supporters of the party, “we lost principally because of the media, above all in the last couple of days. That was when we lost the middle classes of the Central Valley in particular.” The last-minute intervention of the media provides an explanation for how the SI was apparently able to recover from a significant disadvantage in the final week (recall that the last poll released before the referendum had the NO ahead by 12 percent).

As the quote above indicates, it also would explain the fact that the SI won in the urban areas of the Central Valley, which was contrary both to the pattern in the 2006 election and prior polling. Another contributing factor to explain this change may have been the last-

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104 It is worth noting that such a normalization probably reflects a history of electoral competition between relatively equal political blocs—the PLN and its ever-shifting rival “center-right” “Calderonista,” or “Christian Democrat” opposition (whose most enduring incarnation was as the PUSC). The promise of governmental largesse is of course an advantage to incumbent and established figures who can most credibly make claims to access to resources, but where there is more than one establishment party that can credibly make such promises they do not necessarily seriously undermine electoral competition. The referendum, I would suggest, shone a particularly bright light on these practices because only one party, the SI, was in the position to promise rewards or sanctions as a condition for electoral support.

105 There was, however, abundant skepticism about that poll from the moment it appeared, particularly since it was conducted and distributed by La Nación (see chapter x). Many activists of the NO argued that the publication of the poll, or even the poll itself, had been a trick to lull the NO to complacency and/or motivate the SI to action. I am skeptical of these arguments, not least because electoral campaigns generally prefer to suggest the strong probability (although not inevitability) of victory. In any case, if the poll is to be taken at face value it suggests a striking volatility in the intention to vote, which may point to the importance either of last minute interventions (the visit by the US trade representative, the news on and near election day), and/or the success of the SI at the mobilization and transport of only marginally inclined voters on election day.
minute pronouncements of the US trade representative Susan Schwab on Costa Rica’s access to 
the US market (see chapter 1).

The violation of the truce by the media was also a compelling narrative. It expressed the 
understanding of activists of the NO campaign that the news media was a political actor, rather 
than a neutral or disinterested reporter of the facts—only if this is accepted can the “reporting” 
in the final days before the referendum be understood as a violation of the prohibition on 
campaign activities. The argument is an expression of a critical consciousness that challenges 
the categories through which political campaigns were legally regulated. The media’s violation of 
the truce then serves metonymically to support a much broader critique of the role of the 
establishment media in the referendum process and the political life of Costa Rica more broadly.

Finally, because CNN played a crucial role in the reporting on voting day, the narrative of 
fraude mediático also points to the role of transnational capital and the gringos in particular in 
the SI campaign (as well as the cultural significance of cable television). It neatly captures the 
NO’s understanding of the obstacles they faced as a movement committed to a particular kind of 
popular sovereignty against an alliance of domestic and transnational capital, and the Costa 
Rican and US governments. The incident involving the CNN interview was particularly well 
suited to embody multiple objections to the conduct of the referendum campaign. And while 
much of what transpired during the course of the campaign occurred in widely dispersed arena 
or away from the public eye, the repeatedly rebroadcast interview could serve as a common 
point of reference.

It is also important that the “media fraud” occurred around and on the day of the 
referendum. As we have seen, the discourse of electoral fraud, both in its globally-circulating 
and dominant domestic forms, is particularly preoccupied with the moments and processes 
immediately surrounding the vote itself. In this case, the intervention of the media had little to
do with the technologies of ballot marking and counting that are so central to this particular regime of truth (see Coles 2007).

But as Mukulika Banerjee (2008) points out, Election Day can also be understood as possessing characteristics of the sacred in some electoral regimes. Costa Rica, with its discourse of elections as “civic celebrations” (fiesta cívica), shares features in common with the rural West Bengali regime of “sacred democracy” described by Banerjee, and that for this reason everything that happens on election day has an outsized importance. But I would extend her argument to suggest that this element of the sacred in fact articulates in important ways with the circumscribed technical regime of truth-production described by Kimberly Coles (2007). The NO campaign produced an articulation of these two in the concept of “media fraud,” whereas the articulation from partisans of the SI was to argue that because there had been no fraud the vote was sacred and its interpretation beyond question, discussion or debate.

Finally, the timing of the “media fraud” addressed a dilemma of the NO campaign after the referendum. This dilemma was expressed by Epsy Campbell, one of the leaders of the PAC, in a contentious meeting with representatives of the Comités and other supporters of the NO a few weeks after the referendum vote. In response to complaints that representatives of the PAC had agreed to recognize the referendum and cooperate on passing the implementation agenda (see below), Campbell argued that it was too late: since they had agreed to participate in the referendum election despite all of the abuses, “because we thought we were going to win,” as she put it, they could not now say that the process had been fraudulent and refuse to recognize the result. Many activists of the NO rejected this argument for reasons that will be explained in more detail in the following section. Insofar as this logic was accepted implicitly or explicitly by many people, however, the identification of a violation of due democratic process on election

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106 This theme is creatively explored in the opening scenes of the documentary Santo Fraude (Cárdenas and Rojas 2010).
day itself potentially provided a way out of the dilemma it presented. But as with all of the objections to the referendum process, turning it into a politically consequential claim would require convincing a critical mass of people that the abuses of democratic process were serious enough to warrant a challenge to the almost sacred principal that the vote is an expression of the “voice of the people.”

5. Recognition

The question of whether or not the NO would “recognize” the referendum result was distinct, although by no means entirely separate from, the question of whether the referendum was regarded as deeply flawed or even “fraudulent.” Of course, a firm assertion of the fraudulent status of the referendum was certainly associated with a refusal to recognize the result. But it was neither a sufficient nor necessary condition, because the issue of “recognition” was in fact a complicated question in its own right that implied a number of pragmatic and ethical considerations, in the context of the power and authority acquired by the dominant political bloc, greatly enhanced by their referendum victory. In this context, the perception of inevitability came to be inextricably entwined with that of legitimacy. And because the increasing inevitability of the implementation of CAFTA was itself in good measure the product of the decentralized and increasingly divided character of the NO campaign, which was not able to offer up a unified and coherent public response to the referendum result, the apparent legitimacy of the vote was also a product of disorganization of the opposition.

The question of recognition emerged as soon as the provisional results were released giving a significant margin of victory to the SI, as the press reported the public pronouncements by Eugenio Trejos and Ottón Solís, whom they regarded as the authoritative voices for the NO campaign. Both Trejos and Solís deferred recognition of the vote to the settlement of the question of electoral fraud, a definitive count of the ballots and an investigation of irregularities.
This was immediately followed by a set of public pronouncements from the government and opinion leaders in the press calling on these and others in the NO to recognize the referendum immediately: the question of the possibility of fraud, irregularities, or a substantive debate on the democratic quality of the referendum was simply brushed aside. At the same time, there was a groundswell of outrage from within the ranks of the NO campaign, which invoked a critique of the legitimacy of the referendum that was much larger than the question of the vote count posed by Solís and Trejos. This produced an outpouring of debate within the NO over the question of recognition in their alternative public of conversations, meetings, email list-serves, and assemblies. At the same time, the dominant organs of public culture ignored the substance of this discussion entirely, while confronting signs of hesitancy, doubt, and refusal from public figures associated with the NO with a strong discourse on the necessity of recognition.

Recognition, however, was not a simple yes or no proposition. The recognition of any election is a complicated issue: under the normal standards of representative democracy, it implies at a minimum that the losing party surrender claims to be the legitimate occupant of the contested position of legally-sanctioned political power. Beyond this, however, there is generally no normative expectation that the losing party should cooperate with the victors to implement their program of governance, and it is usually considered within their rights to continue to use legal means to express and voice opposition.

The significance of recognition of the CAFTA referendum was, however, much more ambiguous. Being an exercise of “direct” rather than representative democracy, there was of course no legally-defined status to be either occupied or surrendered. In this case, recognition would seem to be a straightforward matter of accepting the authority of the law in question. The losing party is still free to voice criticisms of that law and to work to overturn or mitigate it, although its proponents may gain rhetorical force from the apparent directness of the popular mandate (as opposed to its mediation by elected representatives). In the case of the referendum
on CAFTA, however, there was a fundamental ambiguity in the very nature of the yes-no question proposed to voters on the ballot. This question asked only whether or not CAFTA should be ratified, and said nothing about the laws that would actually be necessary to make Costa Rica CAFTA-compliant, the so-called “implementation agenda.” In fact, president Arias had insisted that these laws not be included in the referendum, asserting his freedom to pursue the laws of the implementation agenda irrespective of the result of the referendum. Even for those inclined to accept the referendum election as legitimate and binding itself, then, their responsibilities as democratic subjects were far from clear.

Moreover, the implementation laws were not only sweeping changes to major Costa Rican institutions (see chapter 1), but the content of these changes was only minimally stipulated by the terms of the CAFTA treaty itself. For example, CAFTA required that Costa Rica open its telecommunications market, but this could be done in a number of different ways, each of which had potentially very different repercussions on the sustainability of the public sector operator (the ICE), and access to services. Even if one accepted that one was bound, as a “democratic” subject, to accede to some version of the implementation agenda as a necessary condition of realizing the electoral decision that Costa Rica accede to CAFTA, it is another matter to demand that one support a particular content proposed for those laws—particularly when that specific content had been deliberately left off the ballot.

Complicating matters still further was the tight time limit established in the treaty for countries to reach compliance, which gave Costa Rican legislators only a few months after the referendum date. Even though the laws had been left off the referendum ballot, the SI began to argue as if they had been voted on, based on the reasoning that there was simply no time to amend them. The argument by opposition legislators that if that were the case they should have included the implementation laws on the ballot so that voters could make a decision on the
whole package of laws were effectively ignored by the press and politicians allied with the government.

While this ambiguity might seem to open up room for various forms of opposition to CAFTA, even by those who felt a commitment to recognize the legitimacy of the vote, it in fact became an extremely powerful tool of the dominant political bloc. In effect, the SI converted the open-endedness of the commitment to CAFTA into an equally open-ended commitment to support the government’s version of the implementation agenda. Spokespersons for the SI went even further than this, moreover, demanding the disarticulation of the NO as a political identity. In the days after the referendum, *La Nación* was filled with editorials and opinion pieces declaring that it was time to overcome the divisions of the campaign and to “move forward” with a joint effort to realize the will of the voters by implementing CAFTA, while disparaging those who withheld “recognition” as undemocratic. Even the OAS mission declared that Costa Rica needed to “close one chapter in its history and move forward to develop new opportunities” (2007:14).

While these sound like the statements normally made by political figures in the wake of elections followed by calls to unify and to move forward, the context here was quite different. In the first place, what was being called for was not a vague collaboration between erstwhile political competitors in an open-ended program of governing subject to negotiation and compromise, but the adherence of one party to a particular and expansive legal agenda.

Moreover, as we have seen, the NO campaign was not an ordinary electoral force, but a new articulation of previously disparate social forces around a new identity that significantly redefined the contours of the Costa Rican political landscape on the basis of an antagonism with the “businessman politicians” and transnational capital. The demands that everyone put the past behind them and cooperate together for the future was therefore nothing less than the demand for the dissolution of the NO, which, as I have argued, was probably far more
threatening to those identified with the dominant political bloc than the possibility of not passing CAFTA.

In effect, the message from the government, from the media, and even from the OAS mission, amounted to a demand to abandon any question of the democratic quality of the referendum process, to do nothing to oppose CAFTA or the implementation agenda, and to dissolve the movement of the NO which had been built around discontent with CAFTA as well as the concentration of political and economic power. This message was not entirely new; much of the SI campaign had been built around the characterization of the NO as agents of disorder and a threat to “democracy.” The difference now was that they were able to make these demands in the name of respect for the election result as a manifestation of popular will. As distinct as the post-referendum moment was, it is essential to pay attention to the continuities in the characterization of the NO as an illegitimate force opposed to democratic governance, because these continuities help to reveal the extent to which “democracy” was a fungible term that could always be employed to delegitimize opposition, particularly those elements of the opposition that did not confine their political practice to the more institutionalized forms of partisan electoral competition.

This, then, was the message that prevailed in public culture as the activists of the NO confronted their collective sense of outrage, loss and impending catastrophe, and debated the path forward, beginning with the question of “recognizing” the referendum vote, or not. However, some of the most influential voices within the NO concluded that the flaws of the referendum process were not enough to allow them to deny the legitimacy of the final vote—a decision for which the failure to find significant election-day irregularities carried a particular importance. This was more or less the public position of elected officials from the PAC and other established voices of the NO (such as the rector of the University of Costa Rica), who argued that
the vote had to be recognized based on the lack of sufficient evidence of election-day irregularities, even as they reiterated criticisms of the referendum process.

The ambivalence of these statements, recognizing the vote while reiterating the flaws in the referendum process, reflected a widespread dilemma that confronted activists of the NO: being a democratic subject could imply either rejecting or accepting the legitimacy of the referendum. To a significant extent, these contrary imperatives depended on distinct understandings of the meanings of democracy and the quality of Costa Rica’s democratic institutions. Nevertheless, these conceptions of democracy were not necessarily discrete, internally-coherent and opposed ideological systems, but rather emphases within a broader discourse of democracy that implied a largely shared universe of assumptions and values, including, at least in general terms, the legitimacy of elections as an expression of popular sovereignty.

To be sure, I have no record of ever hearing any of the activists of the NO express ambivalence about their own ethical obligations with respect to the vote, although I suspect that such doubts contributed to the particularly weighty emotional climate of the post-referendum period. More often, activists of the NO would attribute ambivalence to pragmatic considerations emerging from their location within the broader discursive terrain of Costa Rican politics. It was argued that the people (la gente) would not accept an outright rejection of the legitimacy of the referendum. As Nelson from the Comité Barrio Sur put it to me a few days after the referendum, refusing to recognize the result would be “very difficult, very difficult, because for most people, votes are simply arithmetic.” The statement by Epsy Campbell cited above fits this pattern to a certain degree: the responsibility to respect the referendum vote emerged from a kind of pact or understanding that the NO had made when they had agreed to participate in the process to the end. At this same meeting, Ottón Solís cited his responsibility as an elected representative to obey the law, and appealed to the need to maintain support of a broader voting public that was
assumed to regard the vote result as legitimate, both of which are reasons that appeal to a conception of a national public, its institutions and discourses as the grounds on which the referendum’s claim to legitimacy must be respected.

These expressions of concern over public opinion must be evaluated in the context of the lopsided power of the advocates of CAFTA in the principal organs of public culture. Although activists of the NO had been confident in their ability to counteract the SI’s dominance through the creation of a vibrant counter-public prior to the referendum, as is evident in the quotations above, the movement as a whole largely lost confidence in its ability to shape public opinion in the referendum’s wake. This was no doubt an effect of electoral defeat itself, which signaled that the SI had a larger constituency of supporters than the NO (even if the level of commitment that the SI’s vote was contested by many). To this we clearly must add the NO’s recognition of the legitimizing effects of the referendum itself, as an election, and, even more, a direct vote.

More subtly, however, an important feature of the post-referendum period was the extent to which any refusal to “recognize” the results played into the narratives established by the campaign of fear waged by the SI campaign, which had made fear of radicalism, instability and opposition to “democracy” central themes in the characterization of the NO. The activists of the NO became increasingly afraid of the campaign of fear itself. Rather than leading to the repudiation of the governing bloc that they expected to see, they were more than ever constrained within its terms—to the point where they felt that their ability to express dissent was increasingly limited. This paradoxical situation, I am sure, contributed greatly to the particular combination of outrage, paralysis, and fear that weighed over the movement in the post-referendum period.

Finally, the increasing sense of impotence in the public debate was also a product of the uncertainties, and eventual fracturing and decline, of the NO as an organized entity. There were a number of processes that contributed to this disintegration, which will be discussed in more
detail below, although not least among them were the very ambivalences and uncertainties about the necessity and significance of “recognition;” in part, then, there was a kind of vicious cycle in which an inability to articulate a unified response to the question of the legitimacy of the referendum was both a cause and a consequence of the increasing political disarticulation of the NO.

Much of the activist base of the NO, however, advocated for a position of non-recognition of the referendum results, invoking the undemocratic aspects of the process. The call to not recognize the referendum was linked, invariably, to pledges to combat the implementation agenda. The result was the opening of a widening gulf between the elected officials (and most loyal partisans) of the PAC and the activist bases of the NO campaign.

Many at the base—particularly those who had been committed to a strategy of opposition “in the streets”—felt that the referendum had been an imposition from the beginning, and saw no reason why they should be held to the outcome, in contrast to the opinion of leaders of the PAC, including Epsy Campbell cited above, that participation in the referendum implied a commitment to respect the results. A poster distributed by activists of the Comités some months after the referendum nicely sums up this position. It read:

**OUR HEARTS HAVE NOT STOPPED BEATING.**\(^{107}\) Never has there been so much injustice and insult to democracy as in this Referendum. We never accepted their rules...they never accepted our demands. We had no options. But we gave a clean fight and LEFT STRENGTHENED AND LEGITIMATED TO SAY: **NO TO THE IMPLEMENTATION AGENDA.**

The activists who aligned themselves with this position became increasingly outraged with the PAC and the decision of leading figures in the party to recognize the results. A proposed solution at the outset of the debate on recognition, which gained some currency, was simply to

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\(^{107}\) This is a reference to the logo of the NO, a heart in the national colors.
ignore the question of recognition or not, to refuse to make public pronouncements upon it, while continuing to exercise the right of opposition to the treaty itself. This might have provided a solution, but doing so depended on an assertion that the referendum and its result had nothing to do with the right to actively oppose CAFTA—a position that was perhaps too close to the non-recognition position for those who were articulated a need to respect the authority of electoral processes, on the one hand, and was unsatisfying to those who felt the need to denounce the abuses of the referendum, on the other. Nevertheless, after an initial period of debate over the question of recognition, and after those on both sides of the question made pronouncements, the issue of recognition did fall away as an explicit subject of debate, being replaced by the issue of how to continue opposition to CAFTA or to neoliberalism more broadly. At the same time, however, the positions taken on the issue of recognition continued to resonate in practice.

**6. Resisting the Implementation Agenda**

Whereas refusal to recognize the referendum allowed maximum latitude for dissent, the implications of accepting the referendum result were much more ambiguous, for reasons discussed above; it was by no means clear what recognizing the results meant in practice, even as the representatives of the governing bloc mounted a public campaign to argue that recognition of the “voice of the people” meant accepting the legislative majority’s version of the implementation laws. The advocates of CAFTA bolstered this argument with an appeal to temporality: not only was any attempt to oppose or alter the implementation agenda an “obstruction” that prevented engagement with other pressing legislative issues, they argued, but it also put in danger the popular will itself, because failure to implement the laws in accordance with CAFTA’s legislative timetable could, in theory, make Costa Rica ineligible to join the treaty.
In fact, events would prove that the United States and other CAFTA signatories were more than willing to issue multiple extensions, but this was not known to all actors at the time. (Along with many in the NO, I suspected that the Arias government was aware of this flexibility but found the urgency a useful cudgel to compel obedience to the government’s legislative agenda –although this is ultimately conjecture.).

**In the Legislature**

The legislative fraction of the PAC was in a particularly difficult position, since they were called upon to make regular legislative decisions on the implementation of the treaty. In the following months the elected representatives of the PAC, while publically accepting the result of the referendum as legitimate, used their power in the legislature to intercede in the implementation of the treaty through the introduction of a large number of amendments and legal challenges to the government’s version of the agenda. Although the PAC claimed that these interventions were intended only to limit the damage to public sector and regulatory institutions, advocates of the treaty in the government and the press accused them of attempting to obstruct the accession to CAFTA in contradiction to the alleged popular mandate provided by the referendum.

At the same time, the activist base of the NO was pressuring for a militant strategy of refusal and non-cooperation; in the assembly of Patriotic Committees on the 29th of October of 2007, representatives voted to “urge the [elected] representatives of the NO to reinforce, increase and apply, without limits, all possible mechanisms to *impede the approval* of the implementation agenda” (emphasis mine).

In the months after the referendum the legislative sessions were attended by lively crowds of NO supporters protesting the implementation agenda and demanding the
renunciation of Fernando Sánchez, one of the two authors of the “memorandum of fear.” Supporters of the NO crowded the visitors’ gallery. They affixed posters and signs to the thick panes of glass that separated the gallery from the floor of the assembly, while they chanted and stomped and pounded on the glass to create enough noise to gain the attention of the legislators on the other side. This became a regular activity for many supporters of the NO, and eventually gave rise to the organization of a new Comité, the Committee of the Gallery of the Legislative Assembly (Comité de las Barras de la Asamblea Legislativa), which organized a group of activists to pursue a particularly close monitoring of legislative activity and an oppositional politics based on a contentious presence within the space of the assembly.

On the legislators’ side, the representatives of the opposition parties (PAC, PASE and Frente Amplio), produced a constant parade of long speeches denouncing the content of the agenda in detail and with dramatic rhetorical force and proposing a long list of amendments. The legislators of the government occasionally cast an annoyed glance at the gallery, but rarely stood up to speak, or even give much sign that they were paying attention to the proceedings at all. It was evident that as far as most of them were concerned, the legislative process of CAFTA was over; all that remained was to approve the implementation agenda as currently written.

The attempts by the Comités to intercede in the implementation agenda were characterized by some of the same ambiguity. In the two contentious open assemblies in the month of October, the Comités agreed to take action on the implementation agenda.

In the Streets

In two public assemblies held in October, representatives of the bases of the NO campaign—principally the Patriotic Committees—voted to “define a strategy of resistance with coordinated and simultaneous actions on the national, local and regional levels, beginning with
an activity that will take place in November of 2007.” The point of agreement immediately following this one was; “this assembly commits itself to opposing the plans of concession and opening (apertura), and to defending and supporting the actions of the social and economic institutions that are the basis of the model of an inclusive and solidary society, such as the CCSS, the ICE, the INS, and JAPDEVA, among others.”

The liberalization of public sector institutions was the only aspect of the implementation agenda that was explicitly mentioned in the assembly’s agreements. This reveals the extent to which plans for resistance to CAFTA after the referendum were organized around opposition to the liberalization of public sector institutions, particularly the ICE. In part, this emphasis reflected the importance of these institutions to those present. Elsewhere we explore more fully how and why these institutions were so valued, particularly by middle classes closely tied to public sector institutions that were predominant in many of the Comités (and especially in those present in the assembly of the 29th of October). That there were few representatives from campesino organizations or rural Comités present at the assembly, might help to explain the relative absence of emphasis on resistance to the further opening of the agricultural sector, for example.108

In the period following the assembly, the future of the ICE—out of all the state institutions named in the agreements—was invested with a practical and strategic significance which elevated it above other concerns raised by the implementation agenda in the conceptualization of protest strategies. This was essentially because the “privatization” of the ICE was widely viewed as the issue that could mobilize a national popular constituency. The successful opposition to the Combo in 2000 was the model and the reference point for hopes of

108 There were some Indigenous representatives from Talamanca present, which ensured the inclusion of a statement in opposition to the repression of workers affiliated with the Asociación Indígena Cabecar de Talamanca. The same motion manifested against the reprisals against the “100 workers of Pindeco” (a major pineapple producer). These were the only distinctly rural or campesino concerns explicitly addressed by the accords.
organizing opposition to the implementation agenda “in the streets,” just as it had been before the introduction of the referendum (see chapter 2).

There were specific features of the post-referendum moment that encouraged this return of the opposition to the Combo as a model. Those who hoped to continue the NO as a form of popular mobilization generally saw the need for something to rally around, and the particular issue chosen was a secondary concern. There were some who advocated using protest against one of the more controversial aspects of the implementation agenda in order to oppose CAFTA as a whole: by creating a situation that would make it difficult or impossible for the legislature to approve all of the implementation laws within the schedule provided by the treaty, it was hoped, Costa Rica would be left out of the agreement. By this reasoning, opposition should be organized around whichever aspect of the implementation agenda was most able to mobilize opposition in the streets; memories of the Combo in 2000 encouraged many to think that the ICE would provide such a catalyst.

Many were not convinced that it would be possible to derail CAFTA in this way, either because they doubted that the timeline for the implementation agenda was really so inflexible, or because they thought it was unlikely that a sufficient degree of mobilization could be achieved in the wake of the referendum and its legitimating effects. For other reasons, however, the desire to protest exceeded (or was not limited to) objections to any one aspect of the implementation agenda, or even to CAFTA as a whole. We have discussed the profound outrage that accompanied the loss of the referendum, which refocused attention on the violations of democratic process and “institutionality” in the campaign. Beneath the acute outrage was a long-simmering discontent with the monopolization of institutionalized arenas of politics by elite proponents of a liberalizing agenda. In this context, protest in the streets was often characterized as a good in itself—to which any particular claim was, to an important degree, secondary. Most importantly, protest opened up other avenues to make political claims beyond
the monopoly of the partisan-electoral system, and was part of how protagonists of the Comités hoped to transform the practical culture of citizenship. In the weeks and months immediately following the referendum, however, there was also a hope that protests might serve the more proximate purpose of maintaining the unity-in-action of the NO.

The experience of participating in the Comités was highly valued by many of the activists of the NO, as was the potential that they saw in this coalition as a transformative political force. There was a strong desire to maintain the NO as an active coalition, and to sustain and develop the Comités as a novel means of political participation. At the same time, the process of building a working unity was complex and evidently contentious, as the chaotic and, for many, deeply unsatisfying experience of attempting to come to some kind of working agreement at the two assemblies in October illustrated. Faced with the difficulties of defining a working political unity, many gravitated towards what seemed to be a ready-made common project: a series of coordinated protest actions. This plan drew on a model of action that all were familiar with, and indeed represented, in good measure, a return to the implicit program of the pre-referendum period. It was consistent with the affective antagonism towards the politically powerful that had become increasingly central to the NO campaign, and which had, if anything, only increased in power in the wake of the referendum. And it did not require moving much beyond the politics of negation—of CAFTA, and of the políticos-empresarios, that had been fundamental to the NO. A more propositional politics, not built around a relationship of negation, potentially opened the door to a more contentious discussion of what the movement was for, rather than what it was against.

Importantly, however, the efforts in opposition to CAFTA quickly coalesced into opposition to specific aspects of the implementation agenda, rather than to CAFTA or the implementation agenda as a whole. In an ongoing series of discussions in the Comités in which I was participating at the time, it was emphasized that the implementation agenda was simply too
abstract for “the people” to respond to, and therefore could not serve as a rallying point for the formation of a popular coalition dedicated to resistance in the streets. (“The people have no idea what the implementation agenda is, they think it’s to make the FTA better!”). The fate of the ICE was viewed as a “concrete” issue that would touch people’s “pocketbooks.” At the same time, the ICE’s largest and most vocal trade unions (particularly ASDEICE and ANTTEC) appeared willing to take the lead in spear-heading opposition. A mythology around the “yellow stain” (mancha amarilla)—yellow for the ICE workers’ uniforms—suggested that the workforce was could be counted on to turn out in force. The November protests promised by the assembly quickly became centered on the defense of the ICE. But in contrast to 2000, this was no longer enough.

Attempts to oppose the implementation agenda continued. In the months that followed, I attended march after march and rally after rally, each with fewer people than the last. Eventually, the protagonists moved on to other things—whether more localized struggles or a renewed attempt at national electoral politics (see Rayner 2008).

7. Conclusion

A narrow majority of voters chose to mark sí on CAFTA in the referendum. In the wake of this vote, the tensions between the NO’s articulation as the representatives of a manifestation of insurgent popular sovereignty and their defense of the law and Estado Social broke apart in the context of a reassertion of the heterogeneity of the underlying coalition. At the same time, the SI’s discourse concerning the relationship between authority and democracy gained new force, and ultimately worked effectively to fulfill its core purpose: the demobilization of the opposition to neoliberalization with its trump card of contentious protests in the streets.

Indeed, one of the striking features of this post-referendum moment was that the struggle against the Combo re-emerged as the (often subtextual) referent of all political
discourse. A key aspect of the referendum was that the results of approval were themselves ambiguous: the voters had approved the ratification of CAFTA, but in order to enter into effect the legislature still needed to approve a packet of laws to make Costa Rica compliant with the terms of the treaty, including contentious reforms in telecommunications and intellectual property rights. With the referendum over, could or would the opposition return to oppose the implementation of CAFTA through the marches, strikes and road blockades that had been so effective in overturning the still recent efforts to liberalize the telecommunications and electricity sectors?

Activists of the NO began to talk of a return to the tactics of opposition to the Combo on the night of the referendum vote, almost as soon as the election returns were made public. There was a broad and deep sense of outrage; more than one person told me they were ready to “throw rocks.” At the same time, the “spokespersons” for the NO were immediately called upon to pronounce whether or not they would accept the results of the referendum. In the subsequent weeks, the activists of the NO engaged in a series of emotionally intense discussions concerning recognition and the possibilities of opposition. They were caught in a difficult position. It is one thing to oppose the results of a vote in the name of a higher ethical commitment, but the NO had articulated itself as the representative of popular sovereignty. Instead, activists pointed to the high levels of abstention (about 40 percent), the narrowness of the majority, and the “fraudulent” nature of the result. Here fraud was equated principally to the alleged violation of the “electoral truce” by the media, whose news coverage had been even more strongly favorable to the SI than usual in the final days of the campaign (when the “truce” prohibits proselytism). Again, however, the TSE did not give this objection the seal of law. A sense of the illegitimacy of the vote was indeed very widespread—not just because of the violation of the electoral truce but because of the broader critique of the conduct of the referendum and Costa Rican electoral democracy more generally. But many of the activists of the NO doubted their ability to
effectively counter the result in public, given the legitimacy the result was assumed to have with the people (this time, *la gente*). In other words, they could no longer easily oppose CAFTA in the name of popular sovereignty.\(^{109}\)

At the same time, the SI triumphantly reiterated their stance that the authority granted by elections is the essence of popular sovereignty, or democracy. The referendum was the “voice of the people,” and democracy means “knowing how to lose.” And as before, they claimed an expanded ground for this authority, to silence dissent and opposition not only to the ratification of CAFTA, but to the specific terms of the implementation agenda (which were in fact not strictly determined by CAFTA itself, but even within the framework of the agreement contained large areas of substantive disagreement). What’s more, it was the duty of every loyal democrat in the legislature to actively *cooperate* in the passage of the implementation agenda, in order to realize the “will of the people.” This discourse was complemented by a more diffuse, pervasive social pressure to drop the NO and conform. Activists of the NO began to talk more about pressures from their employers, the disapproval or even possibility of violence from their neighbors. My own landlord tried to forcibly take down the posters for the NO that had been hung in the windows. Faced with the “will of the people,” the attempts to oppose the implementation agenda never really got off the ground. After a series of disappointing marches, what was left of the movement went on to other forms of engagement and other projects.

The process of contention recounted here highlight tensions and contradictions in the idea of popular sovereignty itself in its relationship to the national state, law, and the political participation of nominally free subjects. A popular sovereignty exercised by a unitary people (*el pueblo*) is an impossibility given the heterogeneities in any social space. Contemporary normative democracy calls upon the majority vote, to select a representative or, in more limited

\(^{109}\) In this the referendum was quite different than the resistance to the Combo, which had been against the actions of elected representatives, who could more easily be said to have departed from their mandate. Moreover, the opposition was at that time bolstered by a series of opinion polls, which can be said to have functioned here as a kind of extra-legal referendum.
cases, to legislate directly. A good democratic subject owes obedience to this majority, or its appointed agents. But how much obedience, and what kind? What if the legally-constituted agents of the law are breaking the laws? Here the high liberal theory tie themselves in knots. Most people are more pragmatic, if they question it at all. In real situations of political discord, the issue comes up as a welter of competing ethical claims and pragmatic considerations, including, of course, will I go to jail, or lose my job?

In general, of course, normative liberal democracy recognizes some limits to the majority rule. There must be protections for the corporal integrity of minorities and dissenters. There may be controls on campaign contributions, media access and public financing. Secret ballots are now de rigeur. When are enough of these measures in place, and when are such measures enough to call a political order democratic? There is a kind of normative standard embodied in a globally-circulating discourse of democracy, including in the organizations of international observers that quickly affirmed the fully democratic nature of the referendum vote. For the activists of the NO, however, to call this majority democratic seemed rather like a cruel joke. The referendum had laid bare the capacity of economic and political elites to exercise a broad-based, multifaceted power throughout the social space, from the courts to the media to the workplace. Lacking a language to precisely name the operation of this power, they said that the institutions had been “hijacked” by “businessmen-politicians,” the vote was a “fraud,” the government a “dictatorship.” And they looked towards an alternative standard of popular sovereignty, rooted in the meeting, the assembly, and protests of an engaged citizenry. Nevertheless, called upon to respect the sovereignty of that majority, for the most part, they did, in good measure because of the degree to which they had based their own opposition to the heights of political and economic power in a common discourse of popular sovereignty.

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110 As one activist form a Patriotic Committee reflected to me; “All they are concerned with is a number, just numbers. Fifty-one and a half percent, what does that mean? In Paso Ancho, there was exactly the same number of votes for the SI as the NO. If one more person had shown up, what difference would that have made? The whole thing seems so surreal.” What he said was true—‘si’ and ‘no’ each got 500 votes.
Chapter 6

A New way of Doing Politics

Of Meetings and Parties

The Comités Patrióticos provided new experiences of politics and the political for those who participated in them. As autonomous entities in a loosely integrated, horizontal network, the Comités contrasted with the hierarchical political and economic institutions that dominated participants’ prior experiences of public life. In the context of the 2007 referendum, moreover, the activists of the NO experienced their participation in these Comités as a particularly empowered, even “historical,” agency; ordinary citizens who felt politically marginalized most of the time were suddenly capable of going toe to toe with the most powerful forces—and not just their own domestic political and economic elites, but the overbearing power of the United States and its mammoth transnational corporations, too. Few were unaffected, and many were greatly inspired and deeply transformed, by this experience.

In this chapter I will provide an analytical account of the everyday practices, forms of sociality, and principles of organization through which activists of the Comités worked to create what they sometimes referred to as a “new way of doing politics.” I emphasize the period after the referendum of 2007, which is when the making of a political alternative became a conscious project rather than a spontaneous response to the demands of the referendum campaign. I begin with an account of the core activity of the Comités: the weekly reunión (meeting), where activists deliberated over what kind of political intervention to make, and how to make it. In this chapter I will attend less to the content of those conversations than Their form—to the social
practice of “meeting.” Following Francesca Polletta (2004), I argue that activists of the Comités consciously worked to create new forms of sociality to facilitate a new kind of politics, but in doing so drew, often unconsciously, on familiar relational idioms. Taking as examples the three Comités that I knew most intimately, I show that participants in each created distinct forms of sociality by emphasizing different relational idioms. At the same time, I argue that a shared, albeit loosely defined, idiom of compañeroismo provided a common framework for the movement as a whole and constituted an important symbolic resource for the development of self-consciously political relationships.

In the second part of the chapter I turn to attempts to bring the Comités together to collaborate on common political projects, attempts which included mass assemblies, regional associations, and a movement to forge a national electoral coalition for the 2008 presidential election. Drawing on Antonio Gramsci’s conception of the role of the party, I look at how and why activists of the Comités repeatedly tried to organize themselves to act in concert at larger scales, and at the contradictions and obstacles that they encountered in doing so. I explain why these obstacles ultimately frustrated attempts to create unified national, or even regional, working coalitions of Comités for any length of time, despite the manifest desire of the majority of those who remained in the movement to continue to be consequential agents at the national scale after the referendum.

Altogether, this chapter is a sustained reflection on how the activists of this movement sought to reconcile autonomy of action with coordination at larger scales. Doing so successfully seems to depend on articulating sociality, affect, identity and organizational form. But the political context—the kind of decision-making it demands—seemed to play an essential, if not the predominant role. In the context of the referendum, disparate energies were united spontaneously by a common negation (of CAFTA and the SI). The forms of sociality developed by the Comités, and the cultural idiom of compañeroismo that underlay them, provided
important symbolic resources that helped participants to work together in less hierarchical ways. In the context of the unity and commonality of purpose provided by the NO campaign, these symbolic resources facilitated the spontaneous creation of a remarkably horizontal and participatory movement. After CAFTA, however, the need for a more proactive politics created new pressures, at which point participants began to create hybrids of direct and representative democracy. Although these initiatives did not endure, I would suggest that they merit being taken seriously. That it is easier to come together to say “no” (and “not you”) than it is to come to agreement on what is worth struggling for, is a problem that will be familiar to many who have participated in decentralized movements. The attempts by the activists of the Comités to create new assemblages of participation and representation carry useful lessons for those who might hope to pursue a more genuinely egalitarian and participatory politics. This chapter accordingly seeks to add to a growing body of work exploring the proliferation of experiments in alternative democratic forms, which have been particularly consequential in—but not limited to—Latin America (see e.g. Fernandes 2010; Juris 2012; Lazar 2008; Nugent 2008; Razsa and Kurnick 2012; Sitrin 2006; Smilde and Hellinger 2011; Zibechi 2010).

1. Meetings: practice and sociality of the Comités

In this section I discuss the forms of sociality that characterized the meetings, the shape of leadership and decision-making, as well as the harder-to-pin down processes involved in the making of a sense of unity, shared identity and solidarity. I discuss in detail the three Comités that I came to know best—those whose meetings I attended on a regular basis during most of the two years of my fieldwork—and attempt to account for the differences between them.

Despite their differences, however, the meetings of all of the Comités that I attended were characterized by important similarities. They varied in size from the high of forty or fifty persons they achieved just before the referendum, to typically less than ten a year later. They
were notably horizontal in organization, operating without formal leaders, and in an open and participatory style in which all present were encouraged, or even expected, to speak. Participants often expressed commitment to equality and participation as core values.¹¹¹ (This does not mean, however, that all were able to participate on an equal footing; differences of class, age and gender were significant, as I explain below). Important decisions were usually ratified by a vote, although votes often tended to occur after a significant level of consensus had been achieved, and were rarely contentious.

Participants often contrasted the participatory and egalitarian character of the Comités to trade unions or political parties. They complained that these organizations were dominated by a handful of leaders who excluded those who wanted to participate and stifled alternative viewpoints. After attending several union assemblies and meetings of political parties I certainly noted the difference. Both the unions and the parties were dominated by a handful of persons, and usually one big personality. At assemblies and meetings, these leaders would speak authoritatively, while supporters were essentially confined to positions as spectators. In one case, in an assembly of a trade union of employees of the ICE, much to my surprise the leadership insisted on changing the results of a vote in front of the membership because the union’s president did not like the outcome. There was some grumbling but the matter was soon resolved and the meeting concluded.

**Compañeros**

Francesca Polletta argues that participants in participatory democratic movements tend to draw on other pre-existing frameworks to order their interactions. Because such movements

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¹¹¹ At the same time, there was little explicit discussion about the conduct of the meetings themselves, in marked contrast to the interest in “process” I have encountered in horizontalist movements in the U.S.
are often unfamiliar to those who enter them, and because their very lack of formal structure creates ambiguity, participants draw on more familiar frameworks of interaction to guide their relationships. In the case of the contemporary and historical US social movements Polletta researched, participants in movements related to each other variously as "co-religionists," "teachers and students," and "friends." The dominance of one idiom or another in a movement carried distinct implications for its evolution, including characteristic dilemmas and crises (2004:17-23).

Like the movements studied by Polletta, activists of the Comités drew on relational idioms with which they were familiar, even as they consciously worked to create new forms of sociality and political participation. While the relational repertoire of activists in the Comités included many of the idioms identified by Polletta as important to US social movements, these relationships were given distinctive accents and emphases.

In addition, one idiom, which does not figure centrally in the movements Polletta studied, was particularly important to the Comités: this is the relation of compañero/a. Compañero/a could be translated either as "companion" or "comrade," and in fact carries many of the connotations of both of these terms. Lugones and Rosezelle provide an apt discussion of the term in the context of a discussion of relational models in feminist organizing: 

"Compañera is] the term...for the sort of relation that consists of joining forces and efforts and imagination in common political struggles...."Compañera" does not require the depth of emotional attachment, empathetic and sympathetic communication that "hermana" [sister] and "amiga" (friend) require.... "Compañera" connotes egalitarianism, but the egalitarianism is one of companionship and participation in common political struggle (1995: 138, also cited in Polletta 2004:174).\textsuperscript{112}

\textsuperscript{112} Polletta provides a brief discussion of compañero/a as an alternative to "friendship" and "sisterhood" in feminist movements, but none of the movements that she studied were actively employing this term. In my own experience, compañero/a has some currency with contemporary Anglophone activists in the US (and commonly with Latinos), particularly those with some familiarity with Latin American movements. The tendency to adopt the term reflects, I would suggest, the fact that it allows for a conception of political
While Lugones and Rozaselle give the term a distinctly political valence, however, it is not in fact limited to political contexts: one can refer to one's compañeros de trabajo, colegio or universidad (work, high school and university), and it can also apply to romantic relationships, domestic partners, and spouses. In all of these cases, the term is used with at least a measure of affection, and connotes a sense of solidarity and shared experience, but without necessarily implying the intimacy of amistad (friendship). In addition, as Lugones and Rozaselle suggest, the relationship of compañerismo tends to be defined in relation to a shared experience of institutional contexts or involvement in a common project; "it is very important that the term does not connote unconditional bonding.... if someone ceases to be involved or interested in or betrays the struggle, the relationship is at an end" (ibid). As used in the Comités and other spaces of political organizing, the idiom of compañerismo provides a unique symbolic resource that defines the relationship in terms of solidarity in the face of shared struggle.

Nevertheless—and probably inevitably given the multiple contexts in which it is used—companerismo in practice tends to be informed by, or overlap with, other kinds of relationships; it may be more or less purely political or project-oriented, more or less accented by friendship, collegiality, affection or love. Indeed, as a relational idiom that is applied in quite distinct social contexts, the expectations, obligations, and limits of the relationship of compañerismo are for most people less defined than those of, say, friends (amigos/as) or siblings (hermanos/as). This is particularly true of the relatively politically inexperienced (which many participants in the Comités were), while more experienced activists have more elaborated expectations of compañerismo. But even for the experienced, the self-conscious newness of the Comités encouraged people to question and redefine existing models of political relationships, including those associated with compañerismo. As a result, activists of the Comités drew on more familiar, relationships that is not readily available in English, particularly given the semantic narrowing of "comrade" to a kind of caricature of communist militancy.
and culturally elaborated, relational forms such as friendship or collegiality to situationally define the meaning of *compañerismo*, even as they employed *compañerismo* to define their relationships to others in the movement; in other words, *compañerismo* provided a certain amount of guidance in relating to others, but in practice it was refined and supplemented with other idioms.

The existence of an idiom proper to egalitarian cooperation in a shared (political) struggle, then, modifies (but does not negate) the process of borrowing idioms from other, more familiar relationships, identified by Polletta among activists in the US. Moreover, I do not advocate a Whorfian linguistic reductionism that might suggest that the existence or absence of a term such as *companion* makes a relationship like *compañerismo* possible or impossible. Just as activists in the Comités had to flesh out the meaning of *compañerismo*, activists in the US have developed cultures of relating politically that are not reducible to terms such as "friend," even if they generally lack a name for that relationship. Nevertheless, the existence of the idiom of *compañerismo* is significant because it makes more easily thinkable certain important aspects of working together politically. In particular, it helps to define relationships in terms of the obligations and shared burdens inherent in a shared struggle or project. Friendship is often a problematic basis for a political relationship, in part because the obligation in a friendship is to the other person, rather than to the cause. In the idiom of *compañerismo*, on the other hand, the common bond is principally defined in relation to the shared burdens of a common struggle (in this way it is much like *mística* as used in Costa Rica, see chapter 1).

*Compañerismo* was the principal shared idiom that defined relationships in the Comités. Although rarely used in the context of the Comités’ weekly meetings, and only very occasionally as a form of address to an individual, it was the default form of address when addressing the movement as a public, for example in speeches at rallies or in emails to list-serves which would invariably begin with a salutation such as *estimad@s compañer@s* (where the arroba was used
to incorporate both gendered endings). As a collective address, it served to define the audience (the Comités as well as their allies and supporters) and the speaker as part of a solidarity community organized around a common struggle. It was also commonly used in reference to a third party, particularly one that might not have been known to the speaker, e.g. "the compañeros from Desamparados are organizing a demonstration"; in this usage, again, the idiom served to define the group or individual as committed to the same cause.

Indeed, there are some notable parallels between compañeroismo as a relational idiom and the empty (and subsequently floating) signifier as a symbolic element allowing the "articulation" of coalitions of social actors into unified "populist" movements. Like Laclau's empty signifier, compañeroismo is used to expand bonds of solidarity to create more unified movements. In this case, invocations of the idiom of compañeroismo were broadly coterminous with the movement of the NO (although there were also many who would be hesitant to consider the whole movement of the NO to be their compañeros, revealing how fragmented the movement remained, particularly along partisan and ideological lines). The idiom can be seen as the relational equivalent of the movement's unifying symbols: the word "NO" and the flag-emblazoned heart. And like these symbols, the idiom of compañeroismo is characterized by an important degree of "emptiness": because it is not a fully elaborated code of behavioral expectations, it can contain and express a variety of different kinds of relationships. Just as the signifier that unites a movement is rarely (if ever) truly "empty," however, compañeroismo does its work because it is in important ways defined, as we have seen, in terms of the burdens of a shared struggle and common project.

Compañerismo, then, serves as a more directly social (in the sense of interpersonal) complement to the symbolic role of the signifier in facilitating the creation of a new, encompassing political identity that creates bonds of solidarity between pre-existing oppositions, differences and particularities. The existence of this relational idiom, in fact, points
to a lacuna in Laclau's conceptualization of populist movement building: the kind of relationships created among participants and supporters. This absence, in fact, works to blunt the force of Laclau's important work in freeing populism as an analytical rubric from its association with a particular historical moment or form of government (such as "authoritarianism"). The creation of new political identities and oppositions is often accompanied by profound changes in how political agency is lived as a relationship to others, even in the cases where a populist movement has articulated around a charismatic leading figure such as Juan Perón (see e.g. James 2000). In the case of the Comités, however, attention to the relations within the movement is particularly important because a populist dynamic of reinscribing social divisions was accompanied by an attempt to create "a new way of doing politics," in good measure through the construction of new forms of political sociality.

Just as the "empty signifier" that unites a movement is filled with meaning over time, compañerismo is given form in relation to more particular experiences; in this case, the practice of living relationships. Although it was occasionally used as a form of address between participants in a given Comité in the context of a meeting, this usually only took the form of a collective address: "compañeros, we have to think about how the neighbors (vecinos) view these demonstrations." Again, compañero served to reiterate the foundation of the relationship between the speaker and the rest of the Comité as a shared political struggle, and rhetorically invoked the register of the political speech in order to add gravity to one's statements. That it was rarely applied as an address to an individual is because it could, correspondingly, be interpreted as distancing; effectively, compañero/a referred to the common denominator shared by everyone committed to the movement, and for the same reason could be interpreted as a denial of a more specific relationship. (In personal address within a Comité, the addressee's name was mostly commonly used, sometimes with the honorific don or doña which, along with the formal usted, is a standard everyday form of address in Costa Rica).
Compañero/a served as a basis on which more particular relations were forged in the context of the Comités and the movement of the NO, supplemented by other relational idioms. While compañerismo, with its emphasis on shared participation in a common struggle, formed the basic relational idiom of the Comités in general, the particular accent given to it by the invocation of other idioms such as friend, sibling or colleague made for significant differences in how the Comités were made and lived. As a result, despite a marked degree of similarity in what one might call the more formal aspects of the Comités—including the absence of formal leadership, rhetorical commitment to creating an egalitarian and participatory alternative to "traditional" politics, their trajectory from national to local scales of engagement—each Comité was a different social experience. The differences in styles between Comités was occasionally remarked on by participants, although these differences were not subject to more systematic reflection; among other reasons, because few people had direct experience of participating in more than one Comité. Below I will attempt to account for the differences in relational style between the Comités, principally in terms of the dominant idioms used to supplement compañerismo.

I will not, however, attempt to derive a conclusion about which one "worked better." While such a conclusion would be tempting given its potential to inform activist efforts in the future, it is for me a nearly impossible task given the small sample size, incidence of other "factors" (such as the class composition of the neighborhood), the broad similarity in the activities and trajectory of the Comités, and the difficulty of defining success for what was a constantly evolving movement with multiple, ever-changing near- and long-term goals. Rather, by showing how the activists of the Comités used different relational idioms to produce distinct realizations of a shared framework of participatory politics, I affirm the relevance of Polletta’s analytical account of US-based movements in the Costa Rican context. Even without venturing to claim that one or another "works better," participants in participatory, egalitarian, and
loosely-structured movements would do well to keep in mind the importance of relational idioms and affective styles. US movements, in particular, might gain much from a more careful attention to the idiom of *compañerismo*, and particularly its emphasis on creating relationships around shared struggle in the pursuit of common projects.

At the same time, I also point to a dimension of the borrowing of relational idioms for participatory politics that remains relatively untreated in Polletta's account: the usage of a relational idiom in a new context changes its meaning. It does so, in part, by expanding the range of significations; "friends" comes to mean something a bit different when it takes shape in the context of a shared political project. The busy schedule of meetings, rallies, leafleting, collecting signatures, and all the rest, created new relationships and transformed them over time. Moreover, relationships such as those forged in the context of the Comités come to compete in all kinds of more or less material ways with other kinds of affective relations; principally by using up a lot of one's time. This also presented a constraint on participation: there were few participants who had young children, which meant that participants tended to be either younger or older than child-rearing age, or they were simply unattached. This constraint seemed to apply to men as well as to women, which probably reflects at least a partial assumption of childrearing responsibilities by men (cf. Gutmann 2006).

In some of the Comités, broadly rethinking existing forms of social relations (beyond the more instrumental use of the Comité as a means to a "new way of doing politics") became an explicit aim (as was also the case with most of the movements that Polletta discusses). But even when creating new forms of sociality wasn't an explicit goal, the relations that were created changed the context of other relationships and cast them in a different light. While *compañerismo* might be a relatively open (or "empty") idiom, other more culturally-elaborated relational forms (such as friendship and family) are themselves far from fixed. In their attempt to create new kinds of political relationships, participants in the Comités were also remaking
and reimagining other kinds of relations, even as-and in large part because-they drew on these other idioms to inform compañerismo. This open-ended and experimental form of sociality was to me one of the most striking aspects of the experience of the Comités.

Kath Weston’s (1997) account of how gays and lesbians in the United States create families of choice by innovating on existing cultural idioms of kinship is as useful as any model of politics for understanding the Comités; even though the relationships did not have the durability, multi-dimensionality, or profundity of the kin relations Weston documents, a few of them began to resemble “families of choice” to varying degrees.\footnote{I am indebted to Kandice Chuh for introducing this idea into a discussion on horizontalist politics in the Solidarities seminar of the Committee for the Study of Globalization and Social Change. The capacity of compañerismo to serve as a means for remaking kin relationships is suggested by its adoption as a substitute for novio/a (boyfriend, girlfriend, or fiancée) and esposo/a (husband, wife) by both same and mixed-sex couples. Although similar to the use of “partner” in English, compañero/a evokes the bond of shared burdens more than the contractual relationship that is associated with its Anglophone equivalent. The making of compañero/a together with idioms such as friend, colleague and brother/sister worked in much the same way, if in a distinct relational domain.}

At the same time, the Comités also drew on the practices, discourses and symbols of formal politics. Particularly in the post-referendum period, there was an increasingly explicit desire to develop the Comités as an alternative mode of politics that would be more horizontal and participatory. Activists discussed and debated structural forms, and despite the desire to create something new, the models invoked often shared features in common with existing formal organizations. Complicating the situation was that some participants were also committed to the future of formal political organizations, particularly political parties, which informed their engagement with the Comités and their future. These discussions became particularly important when efforts were made to establish more formal structures of coordination between Comités. At the same time, within the Comités themselves, there was always a partial and selective use of a register of formality, through practices such as the
adoption of a name or the keeping of minutes. This formal register was used to affirm and create an identity and a sense of permanence, as well as to locate the Comités in organized political life. The hybrid of formal and informal expressed the particular aspirations of activists to make the Comités into a new form of mediation between official politics and the life-world of the pueblo.

The Comité Juanito Mora de Barrio Sur

When I first began attending meetings of the Comité Juanito Mora, meetings were held in a house shared by one of the principal activists, Benjamín, his elderly mother, his ex-wife and his son. The house was located at what might be considered the civic center of the neighborhood, at the edge of the football field which in turn adjoined the salón comunal (community center), a meeting space for Alcoholics Anonymous, and a much-neglected sports facility or polideportivo. The elementary school and the Catholic Church were each a few blocks away. This area in the center of Barrio Sur was recently urbanized; a mix of older and newer houses, with a population ranging between low income and lower-middle class, broadly representative Barrio Sur and the neighborhoods of South San José more generally. In surrounding areas, pockets of more extreme or concentrated poverty and of relative affluence, including a few small gated developments. With the exception of some small congregations of men at the pulperías (small groceries), there was little visible neighborhood life in the streets—although there were certainly more people to be seen walking in the streets than in the upper-middle-class neighborhoods to the North and East. The general view was that walking in the neighborhood at night was unsafe, and those who did so were careful to carry a small amount of money to hand to robbers "so that they don’t get upset and kill you."

Those who participated in the Comité generally did not know each other before the referendum campaign: this was not a meeting of neighbors or friends with longstanding ties.
The Comité came together through participation in events related to the referendum and email list-serves. I was surprised to learn this, however, because the relationships between activists seemed to be characterized by a kind of informality and camaraderie that led to me to initially assume that the Comité was built out of long-standing acquaintance, if not friendship. The meetings were conducted with a minimum of formality or structure. They were held in the small narrow living of the house, packed with chairs from the kitchen in which the eight or ten who showed up would sit. An agenda was set at the beginning, but it was flexible and the time devoted to each topic was unstated and highly fungible, which meant that meetings often continued from seven in the evening until ten at night. People spoke informally when they felt they had something to say. Sometimes votes were held when it seemed that a decision had to be made between contending options, but most decisions tended towards a consensus-without this being stated as an explicit value.

The meetings then drew on an idiom of friendship which was conducive to a relaxed and informal meeting style. Particularly after the urgency of the referendum had passed, there were long discussions, not just of potential actions, but of political developments in Costa Rica, Latin America, and the United States, as well as of more profound and enduring political questions, such as, “on what kind of temporal scale should revolutionary changes be imagined?” and “what kind of lessons could be learned from attempts at transformation in Venezuela, Bolivia and Cuba?” Although there were attempts to provide an agenda for discussion, it was always fungible. The resulting loss of efficiency in decision-making was compensated to a significant degree by the development of relations of mutual respect, trust and commitment characteristic of friendship. Building relationships on the model of friendship made participation in the group attractive for some, particularly youth. While the lasting nucleus of the Comité was composed of a group of four men ranging in their forties, fifties and sixties, a number of university students participated for extended periods of time, particularly in the contentious period after the
referendum. Over time, the calendar of political activities expanded to include a number of social events—overnight visits to the countryside, excursions to cultural events, dinner and drinks. Between the bonds of solidarity forged in the course of the referendum campaign and the protests afterwards and the regular social activities, some of these relationships solidified into real and enduring emotional commitments. For the same reason, this was the Comité with which I established the closest personal relationships, cemented through long days at rallies, leafleting, and nights spent drinking in the mountains.

Friendship was also increasingly supplemented by an idiom of family. The men who formed the core of the Comité referred to each other, and to me, as "brother" (hermano). A change of location also lent a decidedly more domestic cast to the weekly meetings; some months after the referendum, Benjamín began to withdraw from the Comité, disappointed that they were not dedicated enough to continuing the fight against CAFTA and its implementation agenda (see chapter 5). The Comité began to hold meetings in the house of Ricardo (the man with the dog mentioned earlier) and his wife, Patricia. Patricia assumed the role of the maternal host, providing juice and tortillas with fresh cheese or hot French bread. While the meetings continued to be characterized by the loosely-structured and informal friendly conversation, Benjamín's older brother Guillermo emerged as an unofficial leader, directing conversation and contributing the largest number of proposals for political actions and social and cultural activities. While this leadership was I think mainly based in his decades-long experience in community organizing, as well as his remarkable energy, eloquence, insight, and charisma (in this case, the ability to connect emotionally with those with whom he interacted), it was, I think, not inconsequential that he was also the oldest male in the room, particularly given the notable strength of traditions of deference to elders in contemporary Costa Rican social life.

Other people tended to drift away, however. As Polletta shows, friendship as a basis of movement organizing carries the potential for divisions based on feeling excluded as (non)
friends (2004:142-148). Relatedly, the very informality of relationships can produce a "tyranny of structurelessness," the subject of the well-known critique of non-hierarchical feminist organizations by Jo Freeman; the lack of a formal structure does not necessarily do away with power relations, but it makes those that continue to exist "informally" less visible and less open to confrontation (1972, see also Polletta 2004:164-8). In the case of the Comite Juanito Mora the group was small enough for the relationships to be relatively transparent. However, the idioms of friendship and kinship entailed particular kinds of relations and obligations that had consequences for participation, consequences that at least to some extent fell along age and gender lines. Participation in the committee demanded the ability to sustain relationships of friendship with a core of older male activists, some of whom were also very strong personalities. For all of the reasons of personality that make some friendships work better than others, this attracted some to commit to the Comité, and others to distance themselves. The long, informal and open-ended talking sessions were pleasurable for some, and less so for others: as one young man of Nicaraguan descent put it in explaining his decision to leave the Comité: "all we do is talk" (whereas this same intellectual and political talk was something that others valued very highly).

But there was also a structural dimension to when friendship worked and when it didn't. Even as the model of friendship was often attractive to youth, younger persons also perceived these relationships with older people (and mainly men) as tinged with the hierarchy of paternalistic familial relations. And even if these relationships are generally easier and more fluid in Costa Rica than in the United States, they did not necessarily feel liberating. As a result, younger activists tended move on to more youthful groups after some time. Gender made a big difference as well. Friendships between men and women are at least as complicated in Costa Rica as in the United States, and the framework of friendships opened the door to flirtation, making the space of the Comité at the least complicated for women (and particularly younger
women). Moreover, because as full participation and belonging to the Comité depended on a commitment to and set of intensive friendships and a round of social and political activities, it potentially competed with other emotional, familial, personal, and working commitments. This too had a structural, class and gender, dimension; no one in the Comité had small children or worked a double shift.

There was yet another model guiding relations in the Comité Juanito Mora, however: this was the spiritual community or congregation. Particularly once the friendships that formed the core of the Comité began to solidify, Guillermo began to introduce a discourse and a set of practices inspired by his idiosyncratic syncretism of Andean sacred traditions. During stays at his cabin in the mountains he would guide his guests, including members of the Comité and others, through a series of rituals focused on honoring Pachamama and cultivating love for each other and for nature. We would end embracing each other or, sometimes, a giant ancient tree. Politically, these rituals and the discourse that surrounded them were connected to a strong environmental commitment, as well as an indigenist and pan-Latin Americanist politics that sought to emphasize pride in indigenous roots as well as solidarity with movements throughout the region, and particularly in Bolivia. The rituals served to reiterate and elevate these values—but just as much to solidify the Comité and sympathizers in a solidary community cemented by affection and a moment of collective effervescence. While Guillermo organized and conducted these rituals, he claimed no particular status, and they were informal affairs celebrated in the context of relations of friendship, celebration and a large dose of good humor. As informal as they were, however, the rituals and the associated discourse of indigenist spirituality were also a reflection, and an important part of, Guillermo’s intellectual and moral leadership.

The cultivation of a dimension of the sacred reflected something else as well: the Comité Juanito Mora was not conceived by its participants as just a group of friends. It was, rather, a purpose-driven organization with an (unstated) mission. It was unique and special and, its
supporters hoped, had a unique historical role. In addition to the rituals and the practice of the sacred, this was emphasized in other ways, particularly through the cultivation of aspects of a named, identifiable, formal organization. While there were some aspects of formality, such as the planning of an agenda for meetings, that were more purely functional, others were more clearly directed towards the cultivation of an organizational identity. This became particularly important after the referendum, when the Comité began to refer to itself more frequently as the Comité Juanito Mora. Having a name, and an associated logo (the image of President Juan Rafael Mora Porras), facilitated the creation of an identity and a public persona for the Comité that circulated on flyers and other public representations. Moreover, the name was a reference to the historic president who led the Costa Rican contingent in the fight against William Walkers’ Filibusters in 1856. This name connected the Comité with the struggle against US imperialism. More abstractly, the name also served to connect the Comité to a profoundly important moment in Costa Rican political history, and to locate it as a part of the stream of national history itself.

By drawing on all of these models—a group of friends, a family, a spiritual congregation, a political organization engaged with others in the making of history, the activists of the Comité created a new and very particular kind of sociality. This was not only a new kind of politics, but an experiment in different ways of relating to others in the private and personal as well as the public, which were neither wholly divorced from, nor merely repetitions of, existing culturally informed models of friendship, family, spiritual community, and politics.

The Comité Lomas

The Comité Lomas shared a great deal with the Comité Juanito Mora in its purposes, organization and practices. Nevertheless, the conduct of the meetings and the character of the
relations between participants were strikingly different. I argue that much of this difference is due to the fact that the participants in the Comité Lomas related to each other more as professional colleagues than as friends—and certainly not as a family or a congregation. This did not necessarily make any perceptible difference in the sustainability or political activity of the Comité, but it certainly made the Comité itself a substantially different experience for participants. It is difficult to assess the meaning or consequences of the difference in sociality, although it is certainly the case that these differences in experience intersected with differences of age, class, and gender. My take is that the more professional idiom, at least in this case, was more conducive to working across gender lines, but perhaps did not facilitate the same degree of identification with or emotional commitment to the group. Whether or not this is the case, the difference underlines again that the Comités were forms of sociality being actively constructed by participants.

Meetings were held in a room of the public elementary school of the district of Lomas, a mainly upper-middle-class neighborhood in the municipality of Montes de Oca, which is contiguous with the city of San José and which hosts the flagship campus of the University of Costa Rica. Most of the participants were professionals: engineers, administrators, and university faculty and students. Many shared some degree of connection through the university or through involvement with the PAC, but as with Juanito Mora, most came to know each other through participation in the Comité. When I first began to attend meetings in August of 2007, the Comité was considerably larger than that of Juanito Mora, with approximately twenty five persons attending meetings, a number which swelled to forty just before the referendum (again with the influx of people being trained as fiscales). This number gradually dropped after the referendum, until by the end of 2009 meetings normally had only five or six persons.

As with Juanito Mora, the Comité Lomas did have an informal leader, Cristina. Cristina was an engineer with a relatively high administrative position in one of the public-sector
autonomous institutions. Her leadership was mainly as a facilitator and an organizer of meetings and events. At the beginning of every meeting she would introduce the agenda and report back from the weekly meetings she attended with representatives from other Comités of Montes de Oca. When the Comité organized events, she would undertake the task of calling supporters to convince them to come. Her approach was energetic, unfailingly cheerful, but also business-like: the agenda was strictly focused on the activities and organizational questions of the Comité. The personal and phatic conversations were kept to a minimum, and they did not engage in the kind of wide-ranging discussions of national and international politics that so characterized the Comité Juanito Mora. The fact that the meeting was held in a school, rather than in a house underlined the public and formal as opposed to private and personal atmosphere of meetings, while food, which marks nearly all social activities in Costa Rica, was rarely if ever present. The professional and business-like style of meetings was matched by an absence of purely social events. My own relationship to participants in the Comité was correspondingly different: I saw them only at meetings and political events, and ultimately came to have a much less personal relationship with members of this Comité than with those of Juanito Mora. Rather than friends, participants related to each other as colleagues.

In addition to relating to each other as colleagues, the Comité Lomas also drew on practices of organization characteristic of more formal institutions, or a “technocratic passion” as one participant sardonically described it to me. After the referendum, at the urging of one of its more active members (an administrator by profession), the Comité embarked on a complex and time-consuming process of defining shared values and political priorities to use these as the basis of a mission statement. While the idea of a mission statement was no doubt influenced by the organizational practices of firms and NGO's, the methodology sought to be both democratic and participatory; participants in the Comité wrote out their values and priorities on cards which were then read aloud and discussed. Participants were both applying and reworking
models of professional relationships, in a way not unlike Juanito Mora’s reconfiguring the meaning of friendship.

The formal practices of organization building however contrasted with the more informal practices of discussion of values and purposes pursued in the Comité Juanito Mora. The attempt to define the Comité as an organization with explicit values and a stated mission was, however, parallel to Juanito Mora’s adoption of a name and logo—in both cases, they were gestures towards formality meant to establish the Comité as an enduring organization. The differences in how this goal was approached reflected the differences in the form of sociality that characterized them (between an organization of colleagues and a spiritually-based community of friends). It also reveals a difference in how the Comité was understood to relate to its ends: for the activists of Juanito Mora, the community of the Comité was nearly as, if not more, important than whatever political ends it might serve (just as is also the case with a group of friends, a family, or a spiritual community). For Lomas, on the other hand, the Comité was treated principally as a means to achieve political ends, just as colleagues meet and discuss to achieve a particular purpose rather than for the pleasure of the meeting itself.

The difference in styles between these Comités likely reflects, to some extent, the class makeup of the participants. While some of the core activists of the Comité Juanito Mora were college-educated professionals, the Comité Lomas was more homogeneously professional, and participants were more likely to occupy higher-level administrative positions. The model of the colleague was thus more generalized to more of the members. The size of the meetings, at least initially, probably also encouraged a more formal style of engaging in meetings. But the differences also reflect the agency of participants, in particular those that exercised one degree or another of informal leadership. The Comités were personal and collective projects, and the forms of sociality that characterized them were the result of conscious and unconscious choices in the making of a new social and political form. The discourse of friendship, family and spiritual
community was quite explicit in the case of the Comité Juanito Mora, a reflection of the greater emphasis placed by some of its leading members on the creation of an alternative form of community which, as Guillermo consistently emphasized, was at least as important as the work done by the Comité itself. While the professionalism of Lomas was tacit, the participants in the Comité Lomas consciously or unconsciously pursued a model of relating that they viewed as most efficient in getting the work of the Comité done: the Comité Lomas was viewed much less as an end in itself and much more as a means. The result was that even though the general outlines of these projects were broadly similar—creating a new form of political participation for the realization of a more authentic popular sovereignty—the sociality created within them differed markedly, and produced a very different experience for participants. The differences, resulting from a combination of conscious and unconscious choices, serve to emphasize the degree to which the Comités were social spaces uniquely open to experimentation in making human relations as part of finding a "new way of doing politics."

The Comité Iglesias

The Comité Iglesias was characterized by yet another relational style, distinguished by the prevalence of often contentious debate. Relation in the Comité Iglesias has some elements of the formality of professional collegiality, but were less reserved, sometimes warmer and often more adversarial. It was compatible with a more open expression of affect, which allowed for relating as friends, but unlike Juanito Mora, this was neither expected nor required of participants: some related as friends, others had notably confrontational relationships with the other participants but continued to participate anyway. Even those who related affectionately frequently raised their voices at each other, something that I saw in no other Comité. This was also the most partisan of the Comités: partisan commitments and electoral politics were more
prevailant topics of discussion and debate than in the others. The common denominator of 
relations in the Comité was a version of compañero inflected by the experience of partisan 
electoral organization. Friendships emerged but were secondary, and tended to fall along the 
lines of partisan divisions.

The Comité Iglesias met in the house of Juan*, a plumber at the edge of a working-class 
neighborhood in San José. A couple of the regular participants were from similarly working-
class backgrounds, but several also came from more middle and upper-middle-class 
neighborhoods nearby. (The man who hosted the meetings often, in fact, did not participate, 
because he was either not at home or because he would retire to his bedroom, although 
ocasionally he would appear and participate animatedly in the meeting, usually regaling the 
attendees with stories of corruption and the ties of local PLN politicians to organized crime and 
vilence). This Comité was notable for a more thorough decentralization of leadership --- there 
was no leading figure comparable to Cristina or Guillermo, although one woman, Gladys, who 
participated intermittently, was granted a great deal of respect for her tireless organizing work 
and capacity to mediate with other social movement organizations.

The core of the Comité however was composed of a group of activists of the PAC, who 
had been working together as a partisan committee before the referendum began. This group of 
activists from the PAC was diverse in terms of age and gender, including a college student, a 
young engineer with the ministry of transport, two retired high-school teachers, a homemaker, 
and a computer specialist in the administration of a public technical college. Leadership in the 
Comité, such as it was, tended to be exercised by this group collectively, which had affectively 
closer relations and a substantial degree of mutual familiarity and trust, although not the same 
degree of integration as friends as was found in the core group of Juanito Mora. Around this 
core group were several more peripheral figures, although some were regular attendees. One of 
these was don Jorge*, an elderly shoemaker from the neighborhood, had been a lifelong activist
with the communist Vanguardia Popular, and was now a committed and active supporter of the leftist Frente Amplio.

The debates, sometimes heated, that characterized Iglesias tended to erupt across party lines. Don Jorge often voiced his opposition to the orientation of the Comité, arguing that the mostly middle-class activists of the PAC were out of touch with the concerns of the people in the neighborhood and that the Comité could only gain a base by confronting issues that mattered materially to them, a perception informed by his own experience of neighborhood activism. Over time, don Jorge began attending meetings less and less, out of a combination of frustration and declining health (which, unfortunately, led to his death shortly after the end of my fieldwork). Before I began participating in the Comité, Catalina*, a leading figure in a small Trotskyist party, had ceased to participate in the meetings after a series of highly contentious confrontations with one of the leading activists of the PAC. The most contentious interactions that I saw, however, emerged within the ranks of the PAC supporters; as the PAC struggled to define its response to the implementation agenda, most of their supporters in the Comité became increasingly alienated from the party, which they viewed as betraying the struggle against CAFTA. A series of heated arguments emerged between one loyalist and those that were moving to definitively break with the party (which they eventually did). Those who remained loyal to the PAC eventually ceased to attend.

The Comité did become more relaxed, and friendlier, over time, whether because the departure of dissidents reduced the amount of conflicts in the Comité, because of the bonds forged in working together over a span of years, or because of the decreasing intensity of the period after the attempts to stop the implementation agenda were abandoned. The habit of bringing food was established, and then became increasingly elaborate, until the meetings turned into potlucks including tortillas, beans, chips, cakes, sour cream, cheeses, coffee, sodas, and occasionally Chinese take-out. Meetings began to have something more of the atmosphere
of a party. Beatriz,∗ one of the original core activists of the PAC (and subsequently one of the party's most dogged critics), told me that she very much appreciated the house over the school where they had sometimes met in the past because the school felt too "cold." Sometimes, the participants in the Comité would go out to dinner after a rally or other similar event. As the singular focus and immediacy provided by the referendum and the implementation agenda passed, the meetings turned into increasingly open-ended conversations, the breadth and depth of which were more similar to Juanito Mora than to pragmatism of Lomas. Nevertheless, the relationships did not develop the intense sociality nor the sense of a spiritual community or family, that characterized Juanito Mora. The activists of the Comité remained, essentially, compañeros and compañeras.

Like the Juanito Mora and Lomas, Iglesias carried out a set of practices that defined and reiterated the Comité as an organizational body. Whereas Juanito Mora concentrated on developing a public symbolic presence (for example through a name and a logo), and Lomas borrowed practices from the world of administration, Iglesias kept scrupulous minutes. The minutes were transcribed in hard bound notebooks by don Walter∗, a retired high school teacher and solemnly read aloud by him at the beginning of each meeting, before being invariably unanimously approved by a vote of those present. While the necessity of the ritual of the minutes was explained in terms of maintaining continuity between meetings and ensuring that agreements and goals were adhered to, it also underlined that the Comité was a real organization that took its business seriously (I could never accept that the enormous amount of time devoted to the minutes could be compensated by any simply practical purpose). That this Comité instantiated itself through this particular ritual of legibility and accountability underlines the extent to which Iglesias's practices were influenced by those of public and representative institutions.
Although I argue that the pattern of relationships established initially within the Comité Iglesias was influenced by experiences of partisan organizing, the Comité also made changing the characteristic modes of relating in political parties a central aim. This critique of the parties began to emerge as a dominant theme at the same time that the participants in this Comité (as well as in many others) began to shift focus from engagement with politics on the neighborhood and urban scale towards the coming national elections. During this period, the activists of catedral became some of the most vocal proponents of a unified electoral front of the "parties of the NO" (sometimes also described as "the opponents of neoliberalism"). This proposal was accompanied by a critique of the organizing and decision-making practices of the parties, particularly the PAC; the proposed electoral coalition would have open primaries, an end to the nomination of candidates by party leaders, and the adoption of a platform created by the base through a participatory process of deliberation in public meetings; indeed, the activists of Iglesias claimed that the resulting coalition would not be a party at all, but rather a new kind of participatory political form (I discuss the struggle over this coalition in more detail below).

The impulse towards a coalition and the critiques of partisan practice clearly emerged out of the experience of the Comité: the non-hierarchical and participatory process of deliberation and decision-making, and the experience of having worked closely with followers of other parties to a near victory in the referendum against seemingly overwhelming odds. While these critiques centered on what might be termed the formal structures of governance, they were not abstractions but rather reflections of a distinct lived experience, the projection (or "scaling up") of a distinct way of making compañeroismo.
Comparing the Comités

While it is clear that these different styles of sociality produced very different experiences for those who participated, the significance of these different relational styles for the achievement of the Comités’ political aims is much more difficult to assess. All three Comités in fact had very similar trajectories, including a gradually declining membership after the referendum, a period of preoccupation with the implementation agenda followed by a turn towards local organizing and/or a return to electoral concerns. The more intimate community forged by the Comité Juanito Mora, as I have explained, pulled some in to a profound engagement while it tended to push others away. The less affective relationships that characterized the Comités Lomas and Iglesias may have produced less intensive commitments by participants, but was also less demanding, and probably more conducive to creating more sustainable working relationships across gender lines. The similarities among the trajectories of the three Comités as well as the differences of personality, social origins, political orientation, and location are more than enough to render any further comparison of the consequences of these different models impossible. What it demonstrates, however, is the extent to which the Comités were projects for the creation of new forms of political practice, which drew upon, but also reworked and transformed, existing idioms of social relations.

2. Coordinating for the national scale

The principal organizational space of the Comités was the meetings of particular Comités. The coordination between Comités mainly occurred through overlapping networks made up of email list-serves and common membership in trade unions, political parties, environmental or other organizations. There were, however, repeated attempts to bring the Comités together in larger deliberative and decision-making forums. The first impulse to do so came from the
uncertainty of the post-referendum period; prior to the vote to ratify CAFTA, opposition to the treaty and the concrete task of promoting a "NO" vote had provided a clear-cut basis for unity in a common project. As discussed in the preceding chapter, the uncertainty that emerged once the concreteness of "NO on CAFTA" had passed seemed to demand some new forum for deliberation and decision-making, if the loosely-integrated movement were to continue to pursue a common course. That they would be able to do so was very much hoped for by many of the activists of the Comités; despite the despair and outrage of the post-referendum period, the close vote seemed to show the potential strength that lay in their unity. Moreover, the experience of participating effectively in a decentralized, networked movement had been newly empowering. People who had participated in the Comités felt that they had been able to influence the course of history and felt a renewed sense of political agency. The dream of creating a united movement out of the Comités was also a dream of creating a "new way of doing politics," a phrase that emerged in this period and would continue to resonate thereafter.

In each of these initiatives, participants worked to maintain the non-hierarchical, participatory character of the Comités. Each attempt, however, ended in dissolution. I attribute the dissolution of these initiatives to a complex of interrelated realities: (1) Differences in priorities born of distinct projects and worldviews, which made it difficult to find common ground once the unifying cause of opposing CAFTA in the referendum was removed (including the conflicts described in detail in the preceding chapter). One important subset of this first challenge was the partisan commitments and associated ideological identifications, which produced antagonisms and power struggles associated with electoral calculations. A second was the strong identities, internal cohesiveness, and unyielding independence of the Comités themselves. (2) The unwieldiness of the larger forums, which made both processes of deliberation and decision-making slow and difficult. (3) The high expectations of participants in the movement for achieving concrete changes in policies, particularly national policies. While
many activists of the Comités had been deeply inspired by their experience of political agency in a non-hierarchical and participatory movement and wanted to see this experience generalized, deepened and broadened to more political arenas, this was as a rule a secondary priority to achieving more tangible goals such as preventing the privatization of public institutions, maintaining universal access to potable water and saving forests from destruction.

Moreover, many hoped to achieve many of these things together by taking control of the government, a goal that the 48 ½ percent of the referendum vote won by the NO campaign encouraged some to imagine might be achievable. In the context of the rapid implementation of CAFTA and the rapidly looming elections of 2010, then, there was little patience in many quarters for slow deliberative processes. It began to be common to hear activists of the Comités say that the NO needed a charismatic leader, and that they would have to “take [state] power” to have any impact. The push for an electoral coalition of the forces of the NO, built on the foundation of new political practices, was one attempt to come to some synthesis of these contradictory pressures.

The National Assemblies

Two assemblies were held in the period immediately after the referendum. The first took place in the cafeteria of the University of Costa Rica, and the second in a large meeting hall in Zapote, a near suburb of San José. The structure and proceedings of the assemblies were broadly similar: A stage was set up with a large screen behind, on which was projected the ongoing transcription of minutes and the resolutions to be voted on and approved. Around the stage the crowd was congregated, standing at the assembly in the UCR and (mostly) seated in Zapote. In both cases the crowds were large, particularly in Zapote, where there was hardly room for everyone who wanted to see and hear. Speakers came up to the stage and were allotted
a short amount of time to share their point of view or to make proposals. Both assemblies were moderated by Eugenio Trejos, the rector of the public technical university, who had served as kind of a spokesperson for the coalition of the NO. There was a general commitment in both cases to letting as many people as possible speak, the principal difference being that participation in the assembly at Zapote was limited to "Patriotic Committees," a somewhat ill-defined category, given the lack of any formal structure for the Comités, but one that was meant to exclude speakers from participating in the name of political parties or trade unions. For the assembly at Zapote, then, each Comité was given the right to send one representative to speak in their name. Trade union and party leaders were there as observers, including Ottón Solís, the leader and perennial candidate of the PAC, who left conspicuously early. Voting, however, was extended to all present: this occurred in the final stage of the meeting, as all the proposals that had been made were listed on the screen and voted on in turn. Nearly all were approved nearly unanimously, including the proposals that had been approved by the prior meeting at the university.

The atmosphere was serious, and people paid close attention for some time. By the end, however, frustration was mounting. Some were unhappy with the results, and others were simply tired from hearing so many speakers. The unanimous voting reflected just as much a desire to approve something and move on as it did unanimous agreement. Despite the amount of talk, there was little actual deliberation.114

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114 As chaotic as they have often been, the structure of meetings developed by the global justice and Occupy Wall Street Movements allowed for rather more of a deliberative process. My sense was that the culture of affective bonds expressed in the idiom of compañeroismo was not matched by a similar development in the process of conducting participatory democratic assemblies, which has been developed in movements in the United States and Europe and in some other parts of Latin America, notably Argentina and Bolivia. There were other differences, however, with the US movements, which I will not venture to argue were either beneficial or not: while they insisted in as broad a participation as possible, the Comités were not wedded to consensus decision making, although they tended to gravitate towards something like near consensus in the votes.
The chaotic nature of the early assemblies led to a broadly shared conviction that important decisions needed to be taken by a smaller group of people, at the same time as there was extensive resistance to the delegation of authority to any representative body. After some discussion and deliberation within and between the Comités over the scale and territorial basis upon which representation would be organized, it was decided that the Comités would send delegates to a closed meeting, which would work to decide the direction of the movement.  

Although I did not attend these closed meetings, I spoke to some of the participants about their experiences, and accounts were given in the meetings of individual Comités. The reports from those who attended as delegates painted a picture of meetings that were much more contentious, and possibly even more chaotic, than the open assemblies. The experience was universally described with some mixture of frustration and anger. Much of the time and energy of the meetings had been consumed in attempts by participants to disqualify each other, whether for being too militant or, on the contrary, for being unwilling to take protest "to the streets." Some were accused of being infiltrators linked to the government, and a few were excluded from participation on this basis (including two very committed activists that I am certain had no ties to the PLN). Representatives of the more "revolutionary" communist (mainly neo-Trotskyist) parties and trade union representatives were also asked to leave the meeting, in what was described as a particularly contentious episode.

The opinion of most of those that I heard from was that most the conflict emerged from an attempt to consolidate power by partisan interests, particularly a few dissident members of...

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115 It is important to note that while the aspiration was that all of the meetings and assemblies would be nationally representative, the number of representatives that arrived from rural areas was minimal, and, with few exceptions, tended to represent areas within the Central Valley or the provincial capitals of the more rural provinces such as the towns of Liberia, Limon and Puntarenas.

116 These divisions reflected in part a strongly anti-communist political identification of some within the comités, including an oft-stated concern that a movement allied to communists would not be able to secure the support of "the people." Others, however, objected to what was seen as an intransigent and confrontational comportment. There were of course divisions between the various left tendencies that did identify to one degree or another with the communist tradition.
the PLN that hoped to convert the Comités into an electoral base for a new party that might serve as the vehicle for their electoral aspirations. This argument would seem to have been largely borne out by the course of events over the next year and a half, and particularly the foundation of the party Alianza Patriótica by former high ranking PLN leaders (see below). Divergent political projects and the power struggles, and the mistrust and conflict that accompanied them, seems to have been the principal reason for the collapse of these efforts at national coordination of the Comités. An attempt to return to open assemblies some months later—once again in the main cafeteria of the University of Costa Rica—was as inconclusive and unsatisfying for participants, as the first two.

There were essentially two distinct responses to the frustrations of these attempts to coordinate on a national scale. One was to continue in the attempt to find a workable form of cooperation between the Comités, on national or more local scales. The second was to turn towards engagement with specific communities on local issues, effectively abandoning the attempt to constitute the Comités as a distinct collective political force. Below I will continue the discussion of the various forms through which activists of the Comités tried to achieve a workable unity. The turn to more local engagements by particular Comités is discussed elsewhere (Rayner 2008).

**Alforja sessions: coordinating through popular education**

In the wake of the collapse of the assemblies the NGO Alforja attempted to step into the breach, applying methods of "popular education" to attempt to encourage the Comités to better work together in defining common goals. This effort extended over many months and included a series of carefully planned meetings including workshops and interactive activities of various kinds. The themes addressed by the meetings included gender relations within the movement,
lessons from the history of past Costa Rican social movements, the sharing of information between Comités about their current activities and plans, and the creation of common goals. The sessions were time consuming (usually occupying the better part of a Saturday), but well-planned, and generally relaxed and even somewhat festive; participants shared food and talked and joked between the more serious activities. The attendees of the meetings that I went to were mostly from within the San José urban area, meaning that the coordination that did emerge was not so much national as regional in scope. In any case, little in the way of common goals or lasting forms of cooperation emerged from these meetings. Participants from the Comités that I knew tended to view them as interesting and somewhat useful but hardly indispensable, and by the last of the meetings, the frustration of the principal organizer was evident. Alforja’s efforts to encourage thinking about the fundamental issues of organizing and working together, while important in itself, did not, I think, seem adequate to the sense of urgency that the activists of the Comités felt concerning the need to define shared political goals that could be acted on in the present.

**Pabru Presbere and the Barrios del Sur**

Pabru Presbere\(^{117}\) was formed during the period after the struggle against the implementation agenda had been abandoned in favor of more local engagements by Comités acting autonomously. The initiative, named after an indigenous leader who had led a campaign of resistance against the Spanish in the 18th Century, was organized principally by the Comité Iglesias, with support from the Comité Barrio Sur (Guillermo* of Juanito Mora, with his talent for potent historical references, proposed the name). Pabru Presbere was originally intended to

\(^{117}\)The name of this indigenous leader is usually recorded as *Pablo* Presbere, but Guillermo argued that this was a misrecognition of an honorific title, *pabru.*
provide a space of coordination for Comités in San José to share information and lend mutual support in their interventions in the neighborhood, as well as to try to find common initiatives. In the final meetings, however, the agenda shifted to the attempt to forge a coalition of parties opposed to neoliberalism, discussed in more detail below.

Pabru Presbere met various times over the course of a few months in the headquarters of APSE, the association of secondary school teachers (several of the activists of Iglesias were recently retired teachers with connections to the union). In addition to Juanito Mora and Iglesias, other Comités from the immediate area of San José attended on a regular basis. Like the previous initiatives at coordination, however, Pabru Presbere also encountered difficulties. The tone of the meetings was rather more formal and frequently more strained than was the case with the meetings of individual Comités - the dense sociality that facilitated easy interaction within the Comités was lacking. There were repeated conflicts over who set the agenda and how the meetings were facilitated, with some representatives from other Comités objecting to the leading role taken by the members of Iglesias in these areas.¹¹⁸ There was also some tension between the priorities of those who were most interested primarily in engaging with issues in their neighborhoods (in which case Pabru Presbere was essentially a forum for mutual support), and those who continued to be drawn towards engagement in national politics, culminating in the introduction of the electoral coalition as a theme. No significant new common projects emerged from the meetings, which were eventually abandoned.

After the decline of Pabru Presbere, Juanito Mora initiated another round of meetings of comités, originally conceived as meetings of the Barrios del Sur (the neighborhoods of South San José, which have a longstanding reputation for working class and community organizing). The goal of these meetings was by explicit design less ambitious; as Guillermo, the principal

¹¹⁸ Similar problems emerged in other attempts to organize regional associations of Comités. In Heredia, activists of some of the Comités that I worked with complained that the forum that claimed to speak for all the Comités in Heredia was not representative and was in fact "just one more Comité" itself.
inspiration behind these meetings, put it, the idea was simply to bring people together into a common space and cement personal relationships. This was an extension of the Comité Juanito Mora's (and particularly Guillermo's) emphasis on building strong affective relationships on the idioms of friendship, kinship, and spiritual community.

Montes de Oca

In the canton of Montes de Oca, where the Comité Lomas was located, a more sustained, and arguably more successful, organization of the Comités was achieved. From early after the referendum, weekly meetings were held between representatives of the distinct Comités of the canton; Cristina opened every meeting of the Comité Lomas with a report from the canton meeting. Occasionally, all of the participants in the various Comités were actively encouraged to attend to discuss important issues. The Comités maintained their own dedicated meeting space, a woodshop renamed the Casa Patriótica (or "Patriotic House"), decorated inside and out with material from the NO campaign.

The Comités also established a common agenda related to the policies of the municipality: bus service, infrastructure, misuse of funds, and property taxes. They worked together, for example, to present complaints about the quality of the sidewalks and other issues to the municipal government at town-hall assemblies, and to collect signatures and spread information about a proposed property tax increase, which, they argued, would price many lower income residents out of the community. The ability of the Comités to work together on a common agenda over time reflects, I would argue, the fact that they were all willing to pursue a politics of scale to which their degree of organization was well-suited: a municipal coalition focusing on municipal issues. No doubt, however, it helped that the municipality of Montes de Oca was significantly smaller than that of San José, where the amount of influence that could be
exercised by a small group of people, as well as the diversity of issues faced by residents, made engagement at the municipal scale significantly more complex and difficult.

**Autonomy, Voice and Trust**

With few exceptions, then, the efforts to create an infrastructure that would allow the Comités to work were both frustrating and disappointing to those involved, and did not produce significant common political projects. On the other hand, participating in the individual Comités was for many a profoundly engaging and rewarding experience. Within their Comités, participants established relations of trust, compañeroismo, and friendship, and they had a voice in decisions.

Not only was this voice and trust lacking in the larger assemblies, but there was an undercurrent of fear that it would be sacrificed to the control of some outside force. There was constant discussion of the possibility of cooptation of the movement, particularly by electorally-oriented parties. As one activist put it, “we’re the blondes of the barrio, everyone wants to dance with us.” An activist from Iglesias who had attempted to take a census of Comités to facilitate coordination found most of those she contacted unwilling to share information about their Comités because of suspicions of who would control the information. Delegation raised suspicion of a loss of direct input, even as the undelegated assemblies appeared to be unworkable.

Paradoxically, however, the lack of a larger project to plug into produced tensions and frustrations within the Comités. The particular experience of the referendum had been unique: by providing a common purpose and a clearly defined goal, it had enabled people to work together without, as it were, working together. But acting independently in their own neighborhoods was accompanied by impatience and a desire to make a larger impact. The
memory of the feeling of participating in the referendum, and particularly when they felt they were almost winning. The exuberance of the September march was a point that stood out as a high point to many. Above all, this was a group of people that were committed to transforming the nation (sometimes as part of a larger transformation of the region). Without a larger movement that might promise this, motivation waned.

From Movement to Party?

Beginning in 2008, a number of activists from diverse Comités began to talk about promoting an electoral coalition among "all the parties of the NO" or "all the parties opposed to neoliberalism." This initiative was above all a response to the dilemmas described above, and the central question that bound them together: how to maintain the Comités as a network of autonomous entities working together on a common transformative political project? There were reasons both more conjunctural and more enduring that hopes for a resolution to these dilemmas came to be placed on an electoral coalition. The strongly partisan and electoral political culture of Costa Rica was the fundamental reality that grounded the more specific reasons--although, as we shall see, not necessarily in the ways that one might expect.

One of the principal rationales behind an electoral coalition from early on was that it would serve as a precautionary measure against what activists of the Comités saw as the inevitable division of the movement of the NO along partisan lines during the coming elections. An electoral coalition between "all the parties of the NO" would mean that activists in the Comités with partisan loyalties would maintain a common interest. The assumption--to me surprising, given the low level of electoral engagement to which I was accustomed--was that the coming elections of 2010 would deeply engage the passions of the activists in the Comités,
threatening to break the bonds of solidarity that had been built and the political work that depended on the *compañerismo* of the Comités.

The idea of an electoral coalition was also imagined as an initiative that could unite the disparate strands of the NO—whether inside and outside of the Comités, activists or passive supporters—in a common project. Such a coalition, it was hoped, would recreate the unity and clarity of opposition to the referendum. Equally importantly, many in the Comités saw a united electoral effort as the most effective strategy for opposition to “neoliberalism.” The near-victory of the NO in the referendum was regularly cited as evidence of the possibility of winning control of the government by electoral means. At the same time, as hopes of successfully opposing CAFTA’s implementation agenda “in the streets” waned, more and more of the activists of the Comités argued that only by taking control of the government could they effect meaningful change.

An alternative to organizing an electoral coalition was to form a new party. A new party, some proposed, would allow the Comités to participate in the electoral arena while maintaining their autonomy, rather than being co-opted or subsumed by the established party hierarchies. In a meeting I held between representatives of Comités in the canton of San José to discuss options for participation in the 2010 elections, however, the option of a new party was discarded by most present as impractical. Representatives of a Comité from downtown San José who had long experience organizing with Frente Amplio and its antecedents on the left pointed out that organizing a national party was a major undertaking that required carrying out assemblies in every canton of the country. They also pointed out that their own commitment was to Frente Amplio, and that others would have similar conflicts; even if it were feasible, then, organizing a new would not obviate the problem of partisan divisions emerging within the movement—in fact, they pointed out it might make the problem worse. These same persons also pointed that a coalition presented its own obstacles. While they were not against the idea in principal, they
argued that the terms under which the parties would come together and select candidates would be crucial. As I discuss in more detail below, the organization of a coalition was bedeviled by these very issues.

In fact, a party of the ‘NO’, Alianza Patriótica (Patriotic Alliance) was organized in time for the 2010 elections. Alianza Patriótica drew heavily on the symbols and discourses of the NO campaign, included its name suggesting a party representative of the movement as a whole (which, after the referendum, increasingly described itself as the “Patriotic Movement” rather than the “NO”). The leading figure of the party was Rolando Araya Monge, who was a well-established figure in the PLN and had been the party’s (unsuccessful) presidential candidate for the elections of 2002. He was joined by another high-profile Liberacionista and opponent of CAFTA, the head of the rice-growers’ association, Oscar Campos, who tearfully announced his own decision to leave the PLN and join Alianza Patriótica in a press conference. The reaction to the foundation of this party among the Comités with which I worked ranged from indifferent, to suspicious, to hostile. With the exception of Gladys,* who briefly worked as a paid employee for Alianza Patriótica, I did not know anyone who involved themselves in the party—and Gladys ended up being one of its most vocal critics.

People were deeply suspicious of these establishment political figures, who had so recently left the PLN, and tended to see their actions as opportunistic. They complained that Rolando Araya had allegedly “bought” a canton-level party in Alajuela to serve as a base for constructing the national party. Oscar Campos was distrusted by almost everyone I met, and some had deep animosities, particularly those who felt that he had played an instrumental role in disrupting the attempts at coordination between Comités in the closed assemblies (see above). The prior accusations that he had introduced partisan divisions and blocked moves towards direct action in the interests of converting the Comités into an electoral vehicle now seemed to be confirmed. Activists from the Comités were particularly incensed by the
appropriation of the symbols of the movement, which they viewed as an appropriation of all that was achieved by the movement in the service of particular ambitions.

The idea of an electoral coalition was more appealing to the Comités with which I worked most closely, but Iglesias was by far the most invested in the project; Lomas had dedicated itself to interventions in municipal politics, and Juanito Mora remained rather more focused on encouraging more profound changes in the political culture of Barrio Sur. The core of the Comité Iglesias was, as I have described, made up of former activists (militantes) of the PAC, who had recently become alienated from the party. The effort to push for a coalition, in fact, brought them into further conflict with the party. A coalition without the PAC was nearly unthinkable; it was the only party of the coalition of the NO that had any significant electoral representation—in fact, it was the second party in the Legislative Assembly and it had almost won the 2006 presidential elections. Moreover, the PAC was organized as a national party, which would allow it to postulate presidential candidates.\(^\text{119}\) The former activists of the PAC differed from the militantes of Frente Amplio to the degree that they placed a particularly high priority on winning control of government in the near term, and were not content to be a minority party of principled opposition, and this meant an alliance with the PAC. Nevertheless, their own disaffection with the party and its leadership meant that they were no more content with the idea of a coalition dominated by the PAC (as currently organized) than were the activists of Frente Amplio or other smaller parties. Their discontent was not simply with the leadership or policies of the PAC: they had been inspired by participation in the Comités to imagine new possibilities for a more participatory politics.

The activists of Iglesias, together with others from the Comités, proposed that the coalition would be organized according to principles that would differentiate it from the

\(^{119}\) Frente Amplio subsequently organized the necessary assemblies to be recognized as a national party, a monumental effort which consumed the energies of party activists for a good portion of the period between 2008 and 2010.
standard practices of partisan electoral decision-making. These reforms included the selection of national and local candidates through open assemblies in which everyone could participate without regard to party affiliation. Effectively, this would amount to breaking open the existing partisan divisions within the coalition of the NO—which is who they imagined participating in these open assemblies. It was also seen as an important democratization of the candidate selection process. The activists of the Comités argued that they would have to put an end to hierarchical practices of partisan control, which they described as the nomination of candidates *al dedo* (“at fingerpoint”) by party leaders. They further proposed that the platform be decided collectively by the base through collective deliberation. A series of meetings of the Pabru Presbere were given over to initiating the process, and a draft platform for the coalition that had been created by the Comité Iglesias was circulated to the representatives of the Comités present. In fact, however, discussion of the draft never proceeded very far because it was pre-empted by concerns about the members of Iglesias having assumed undue authority in the proposal of the agenda and the execution of the meeting: the organization of a coalition was not necessarily the unifying process that its advocates hoped it would be.

The proposals for open assemblies and deliberative processes to create platforms and choose candidates would in fact have rendered the parties participating in the coalition irrelevant. In fact, these proposals could be read as replacing the existing parties with a new, more encompassing, party. The members of Iglesias that particularly pushed for these proposals, however, denied insistently that the coalition would be a party. In doing so, they were revealing the extent to which the coalition as a project was born of the desire for a “new way of doing politics” conceived in opposition to the dominant partisan-electoral system. It was not to be a party, in other words, because it would be different than anything that they had known by that name. It would be, rather, a means for maintaining and building upon the experience of working in the Comités, a re-creation of the moment of the referendum.
In a very real sense, however, a party is exactly what the proposed coalition would have been. It would have encroached upon the organizational terrain and projects of the existing parties, in the core areas of candidate selection and the formation of proposals for governing. For these reasons, the parties potentially had a lot to lose by a coalition, and particularly by the more radical proposals put forward by activists of the Comités. And of the parties that were potentially part of the coalition, none had more to lose than the PAC (and particularly its leadership): as by far the largest and most electorally successful party in the potential coalition, its leadership was effectively being asked to surrender a measure of their own autonomy, power and influence. Many of the activists of the base of the party were open to, and sometimes enthusiastic about, at least some versions of the proposal. A series of meetings were held between representatives of the various parties and other interested participants aligned with the movement of the NO (now reimagining itself as a movement against “neoliberalism”). I attended few of these meetings, but the discussions were ongoing in the Comités, particularly Iglesias. There was opposition to the idea of open assemblies and voting by non-party-members, which were viewed as opening the PAC up to the danger of being overrun by infiltrators (those in favor of the open assemblies argued that the PLN simply did not have this capacity for mobilization).\footnote{In fact, the PAC’s candidate selection process seems to be significantly more closed than that of the PLN, which allows non-party-members to choose between candidates, at least for the presidency. Some of the activists of the Comités chose to vote for Jonny Araya (brother of Rolando Araya) in the elections for the PLN candidates, as a preferable alternative to Arias’s protégé Laura Chinchilla, despite their having no intention of voting for Araya in the general election.} Other disputes revolved around the mechanics of candidate selection and the apportionment of offices. Would it be a coalition for the presidency only? Would they attempt to establish common candidates for the Legislative Assembly and other offices?

While some within the PAC made efforts to explore the possibility of an electoral coalition, the PAC’s founder and leader, Ottón Solís, was resolutely opposed. This was made clear to me when I was invited to attend a small party meeting where Solís responded to a
proposal from representatives of Comités regarding the possibility of an electoral coalition. The meeting began in the mode of a cocktail party, with guests mingling over hors d’oeuvres and wine in a well-appointed and spacious home in the upscale neighborhood of Barrio Escalante. Before long, however, the guests were directed to a garden patio, where most of the chairs had been arranged in a rough semicircle. At the center of the semi-circle sat Solís, flanked by one or two others I recognized as important political figures currently associated with the PAC. Solís began to field questions, which he answered at length—he was the center of attention and his was the authoritative voice. When two that I recognized from activities of the Comités demanded that he reconsider his objection to an electoral coalition, Solís provided a long explanation of his objections to the coalition. His principal point was that the ideological differences between the PAC and Frente Amplio were too large, while the other potential parties to the coalition were insufficiently committed to the fight against corruption, which was a defining issue for the PAC. He spent rather more time explaining the issue of ideological incommensurability, however. While arguing that he had been “fighting neoliberalism” since his time in the cabinet of the first Arias administration, he suggested that an alliance with Frente Amplio would define the party too much to the left, endangering the centrist identity of the party and its appeal to mainstream voters. In a particularly notable comment, he argued that “Churchill and Stalin could make an alliance against Hitler, but once Hitler was defeated, there was no reason for them to be in alliance.” While I was taken aback by the implicit comparison of Frente Amplio’s founder, José Merino, to Joseph Stalin, the fundamental point struck me initially as both a sensible and an illustrative one: the coalition of the NO had worked because it was founded in a negation. The move to a propositional politics proper to an electoral campaign introduced a host of potential lines of division.

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121 While Solís did not name anyone in particular, it was clear to me that he was referring to Rolando Araya’s newly-founded Alianza Patriótica. The corruption of Rolando and his brother Jonny Araya (the mayor of San José), was a constant theme in the meetings and conversations of the comités I attended.
Nevertheless, I, like many in the Comités, remained unconvinced that the most significant differences between the parties were programmatic: despite significant differences in foreign policy (particularly towards Cuba and Venezuela), it seemed obvious to me that the PAC and Frente Amplio had more than enough common ground to work with, particularly in the defense of public institutions and the protection of the environment. My conclusion, shared by many others, was that the fundamental objection was to the dilution of the PAC’s quota of political power and influence, as well as its public image, given the demonization of José Merino as a tool of Castro and Chavez. Insofar as the latter consideration dominated, one of the legacies of the “campaign of fear” was the division of the opposition to neoliberalism itself.

Although a number of local electoral coalitions were organized in the cantons outside of San José, the national coalition envisioned by some of the activists of the NO did not come to pass (which was widely attributed to Solís’ opposition). A coalition of sorts was formed in the final moments of the presidential campaign, when two of the smallest parties, including Rolando Araya’s Alianza Patriótica (but not Frente Amplio), urged their supporters to give their votes to Solís. This last minute deal between party leaders, however, had no resemblance to the project proposed by the activists of the Comités, who wanted to rethink the very meaning of a party.

While the leadership of the PAC was able to maintain its autonomy and control over the party, their decision to eschew broader alliances likely cost them electorally—as many in the Comités predicted it would. The PAC came in a distant second in the presidential election and remained the second largest party in the legislature, but its performance was far below that of 2006. The most common explanation for the weakening of the PAC among the activists of the Comités was that the party had lost the enthusiasm of its base, who had either gone to work for other parties or stayed home during the election (the activists of Iglesias and Juanito Mora, for example, dedicated themselves to Frente Amplio). The importance of the disillusionment among
the party’s supporters seems confirmed by PAC’s even worse performance in the municipal elections which followed; because of low turnout, municipal elections in Costa Rica are decided by the mobilization of the base, and the PAC now had very little. The party’s leadership, committed to playing by the established rules of partisan politics, did not realize the extent to which the experience of the NO campaign had transformed the hopes and expectations of their active supporters.

**Party? What party?**

As I noted above, those committed to the electoral coalition denied that their project was to create a new party. In turn, I observed that by encroaching on core aspects of partisan organization and purpose—candidate selection and platform formulation—the coalition threatened to encroach upon, and reorganize, the existing parties. Indeed, if a party is defined as an organization for the selection and promotion of electoral candidates and agendas for governing, then the proposed electoral coalition could be defined as a new party in the making. But it is rather more illuminating to consider the project of an electoral coalition from the point of view of a broader understanding of what a party is. Antonio Gramsci’s writings in the *Prison Notebooks* provide an entry point. As with most of his key terms, Gramsci’s statements on the nature of parties are ambiguous and often apparently contradictory, but it is in fact his very refusal to impose static and fixed definitions on historically-situated political practices that is useful here.

In a section devoted to “the Political Party” in the “The Modern Prince,” Gramsci discusses parties primarily in terms of their role in providing the intellectual and moral leadership, as well as discipline and commitment (“policing functions”), which enables unified, effective political struggle corresponding to the interests of a class. The institutionalized forms
of political organization commonly recognized as political parties are then only one manifestation of “party”; the term, he suggests, could just as well be applied to an editorial group that works to establish an agenda for political actors (1971:148-9). The relationship between any given manifestation of a party and class interests is somewhat ambiguous in this account (see also Showstack Sassoon 1988), but Gramsci does suggest a distinction between more particular or conjunctural forms of party organization and a more fundamental “organic party” that expresses the real political necessities of a given class (1971:150-7).122

Given that I consider class interests to be essentially indeterminate and therefore not subject to a purely objective analysis, I depart from Gramsci in his attempt to define an essential party project in these terms, preferring to understand parties as the articulators of political projects that are informed by (but not reducible to) class projects (rather than “interests”). As in Gramsci’s conception, the articulators of a political project can be found both inside and outside of the institutionalized (usually electoral) political parties. The boundaries and center of gravity of party activity shift as new political projects and alliances are articulated.123 For my purposes here, I suggest that this definition of “party” in functional terms conceived at a relatively high level of generality allows us to better situate the project of an electoral coalition in terms of the broader arc of the Comités’ organizational initiatives.

If a party is understood in this way, as a process and a project to provide intellectual leadership capable of incorporating disparate political actors (actual or potential) into a unified political project, then one might say that when a critical mass of actors in a movement has

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122 Accordingly the “organic party” would seem to constitute a subset of the category of “organic intellectuals.”

123 For an example probably familiar to many readers, since the 2008 elections the Republican Party as an electoral organization has been increasingly marginalized by a combination of grassroots organization of the base (the Tea Parties), the rise of “Superpacs” as principal sources of campaign financing, the growing importance of think tanks and other extra-party organizations (ALEC, Freedom Works, etc), and the growing importance of partisan media (conservative talk radio, Fox News)—all of which have worked together to advance a more radical “neoconservative” political project of which the Republican Party has increasingly become merely an electoral vehicle (see e.g. Skocpol and Williamson 2012).
undertaken such a project, the movement has passed into a moment of party formation. Such a moment of party formation is a common (albeit not inevitable) outcome of more spontaneous or acephalous movements, which at some point often find that the need to consolidate their efforts into a unified and proactive political project—particularly where, as is often the case, these movements have previously found their unity and purpose primarily through negation or through very particular initiatives. Discursively and symbolically, this process of achieving unity usually involves both the elevation of an “empty signifier,” as Laclau emphasizes, as well as the more rationalistic articulation of shared aspirations which Gramsci describes as intellectual and moral leadership. Organizationally, this process can take many forms, not limited to the institutionalized forms of electoral competition or the (increasingly irrelevant) Leninist revolutionary vanguard: I would argue that the various organizational initiatives of the Comités in the wake of the referendum, from the assemblies to the electoral coalition, constituted attempts to achieve the capacity for unified political action in new and more participatory ways.

From this point of view, the Comités entered into a moment of party formation shortly after the referendum, when the negation of CAFTA was no longer a sufficient basis for unity, and activists felt the need to create organizational forms capable of generating proposals that would serve as the basis for coordinated action. This moment of party formation was notably not equivalent to the Comités adoption of one or another of the forms of institutionalized, electoral partisan organizing: after all, the Comités were created as the equivalent of the partisan groups that mobilized for elections. Moreover, in preparation for the referendum vote, the Comités adopted many of the practices and symbolic trappings associated with political parties, including the deployment of fiscales and guides, the provision of transportation and food, and the display of a distinctive campaign logo and colors. Nevertheless, because they were organized

124 Again, I am informed by Gramsci’s discussion of the purposes of a party, and particularly by the contrast he draws between a true political party and a trade union, which tend to be particular in their aims and unable to articulate a more universalist and transformative politics.
fundamentally on the basis of the negation of CAFTA, they did not have to adopt organizational forms capable of articulating a common agenda and could act as a decentralized and acephalous network of independent committees. The NO as an electoral force was far from anything like a party in the sense used here.

At the same time, the employment of elements of partisan-electoral organization by the Comités is important, if for no other reason than that it revealed the strength of the institutionalized forms of party organization and practice (including electoral competition for control of the government) in the political commitments and imaginaries of the activists of the Comités. Partly for this reason—but also because of the difficulties of creating alternatives—the process of party formation eventually moved towards the existing partisan institutions of electoral competition between the assemblies to the electoral coalition. As we have seen, this process was contentious, in no small measure because of commitments to existing electoral parties. Nevertheless, it is important to highlight that even as activists of the Comités began to articulate their own organizing efforts to the existing electoral parties, most sought to do so in a way that was transformative of electoral partisan institutions, aiming to incorporate the participatory politics that they had experienced in the Comités to make a new kind of (avowedly non-party) party for a new kind of politics.  

3. Conclusion

As we have seen, the activists that remained in the Comités after the referendum worked to build on their experience of unprecedented historical agency in the acephalous, decentralized NO campaign, to create “a new way of doing politics” for the future. This “new way of doing

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125 Daniel Hellinger (2011) finds that much of the support Hugo Chavez’s initiative to create the Partido Socialista Unido de Venezuela (United Socialist Party of Venezuela) derived from a similar desire to create a new kind of party form that would be controlled by participation from the base rather than by professional politicians.
politics,” activists hoped, would be more participatory and less hierarchical than the trade unions and electoral political parties to which many of them were accustomed, and would be, as the NO campaign had seemed to be, capable of challenging “neoliberalism” on a national scale.

In practice, this meant sustaining the autonomous and egalitarian space of the Comité while articulating with others in a broader movement working towards common goals. This proved to be a monumentally difficult task. The autonomy of the Comités had been easily compatible with a common effort when their political project was effectively decided for them by the government’s move to ratify CAFTA and the Supreme Electoral Tribunal’s decision to approve a referendum on the treaty. Without the clarity of purpose provided by the imposition of the treaty and the referendum, however, the Comités faced the difficult task of creating organizational forms capable of proposing political projects and deciding between them. Differences of ideology, political priorities, tactical preferences, partisan commitments, and the very autonomy of the Comités emerged as lines of fracture in the movement, which activists were unable to bridge. It is also worth remembering the sense of urgency and frustrated potential that confronted a movement that had almost—but not quite—won a major victory on the national stage, against all the odds, only to be confronted by what they regarded as an illegitimate defeat with nearly apocalyptic consequences. This context both raised expectations and contributed to impatience with the forms of dialogue and representation that were established—as did fatigue and the demands of home, friends and work.

Sustaining the autonomous Comités as spaces of egalitarian and cooperative political work was less difficult. In doing so, the activists of the Comités drew on the resources provided by the idiom of compañerismo, inflected by other relational idioms such as friendship, professional collegiality, and kinship. In the process, they created novel social spaces which provided alternatives to existing forms of sociality and political participation. Many—although
certainly not all—valued these spaces deeply, as places for new social and political, even spiritual, experiences.

At the same time, the inability to establish a shared political project that would maintain their effective agency on the national stage ultimately began to erode the autonomous Comités themselves. *Compañerismo* as a relational idiom is dependent on participation in a common struggle. And for many, although not all, of those in the Comités, this common struggle had to be national in its impact to be meaningful. In the absence of a meaningful political project, the Comités were simply friends, and they were not necessarily as friendly as that. As for the coordination between Comités, *compañerismo* might have helped but was not enough to make up for the lack of organizational forms for representation, dialogue, and decision-making. And in any case, without personal histories of shared struggle and the glue of friendship *compañerismo* quickly fell apart in the face of doubts about whether or not everyone was really in the same struggle. In fact, those Comités which sustained themselves the longest were those that found meaningful political action outside of (or rather, in addition to) national politics—and that effectively cemented *compañerismo* with other solidary relations (as I have briefly discussed elsewhere; Rayner 2008). In the wake of the Comités, however, *compañeros* have repeatedly come together to work creatively and effectively in struggles against open-pit gold mining and to save the Caja, amongst others. The ongoing process by which activists of the Comités and others have continued to find creative and effective ways to work together is, however, properly the subject of another work.
Conclusion

The struggle against CAFTA in Costa Rica was a movement for popular and social democracy and against a globalizing neoliberal property regime, a contest over the substance and meaning of democracy that was being played out in various guises all over the world at the end of the 20th century. For many of CAFTA’s advocates in the United States, democracy was equated to “free markets” and above all the freedom of owners to dispose of their property as they see fit. A more globally palatable governmental discourse argued that free trade and investment promote the most efficient pursuit of the greatest good for the greatest number. Both discourses have worked to advance a globalizing legal agenda that empowers transnational corporate capital at the expense of democracy.

While the context was global, the discourses about CAFTA that emerged out of the Costa Rican social democratic tradition were particular. The struggle over CAFTA in Costa Rica was shaped by the contention over liberalization and political representation that preceded it as well as the traditions and institutions of national politics. In the terms of this evolving struggle, the SI and the NO appealed to different aspects of the institucionalidad—the SI to the authority of elected leaders and the NO to the constitutional and institutional underpinnings of the social state. In doing so, they collectively brought to the fore contradictions within and between liberalism and democracy.

The SI campaign, led by the government of President Oscar Arias, was at least as concerned with reestablishing “governability”—or recovering the authority of the political class—as it was with passing CAFTA. The Arias administration’s “campaign of fear” was meant
to accomplish both aims by disarticulating and discrediting the growing movement against neoliberalism. The campaign of fear presented a stark choice between economic catastrophe, disorder and disorientation, on the one hand; and order, progress and effective leadership on the other. Democracy was equated to voting for the familiar faces of political authority; anything else was dangerous and even subversive of democracy.

The SI with its material advantages of control over money, political parties, state institutions, and workplaces demonstrates how power can operate civilly in a liberal democracy, and shows how important fear can be to the exercise of that power. But the SI not only gained advantage from command over those resources, it was the very embodiment of that advantage, of social power and order. As Oscar Arias liked to point out, every ship needs a captain (and, he might have added, don’t rock the boat).

For the same reason, for protagonists of the NO the stakes were greater than CAFTA itself. At the beginning of the 21st century, the identities, alignments and political practices that shaped the field on which politics had been contested were in flux, and the position of the masters of that game was in jeopardy. An evolving coalition that included agriculturalists, public sector workers, teachers, students, environmentalists, and others challenged liberalization and created new avenues of political participation through protest. The unprecedented move to decide the issue of CAFTA in a referendum was, somewhat paradoxically, both a redirection and culmination of this process of developing alternatives to representative democracy. But for the protagonists of the NO, in contrast to the SI, the refusal of CAFTA would bring not disaster but a renewal of popular democracy—a possibility nourished by the experience of autonomous agency as protagonists of a decentralized and horizontal movement.

The NO can accordingly be understood as a kind of “horizontal populism” that articulated an insurgent identity around a division between the people and the powerful, helping to bring together an incipient coalition of activists from different walks of life and with different
life projects and political priorities. In the process of giving meaning to signifiers such as *the people* and NO protagonists of this movement were exercising and developing their agency. “NO,” then, was both a catalyst and product of collective energies, which is what made it meaningful and powerful (cf. Graeber 2001). This is often the case: powerful political symbols are produced when a significant part of “the people” is in some real way moved to exercise agency. One problem with the metaphors of “empty” and “floating” signifiers is that they imply detachment from human action. At its height, ‘NO’ was as charismatic, expansive, and contentious as the movement itself.

There are dangers, however, in a politics of the popular. Here I have highlighted one, which is that it reiterates the fiction of a unitary popular will. In this case, the NO was profoundly challenged as a *popular* movement when “the voice of the people” said *sí*, allowing the SI to claim this *vox populi* as the mouthpiece for its agenda. For anyone in the NO committed to electoral processes, this was going to be a complicated moment, because it introduced some unresolved, and probably ultimately unresolvable, contradictions.

In fact, despite diverse social pressures to treat the relationship self-evident and transparent, the relationship between voting and legitimate authority is variable and contested both within and between polities. On the one hand is the question of the legitimacy of the vote. The globally-circulating normative definition of democratic legitimacy which declared the October 7th referendum to be a model election was based on a kind of liberal minimal standard mainly concerned with violent coercion and physical alteration of ballots (I say liberal because it assumes an autonomous subject with self-determined preferences).

The legitimacy of the referendum was, however, questionable from the point of view of the standards set by the long Costa Rican tradition of electoral regulation, which recognized and at least attempted to compensate for class inequalities and institutionalized political power. For many Costa Ricans this model exercise in direct democracy was accordingly an outrageous
fraud. In the face of this controversy, the legitimacy gained by the referendum was in part a product of loyalty to the popular will, partly a product of power: of the repetition of one narrative about the meaning of the referendum, and the fragmentation of the NO as a coalition, which left it unable to continue to articulate a common project (or even narrative) once opposing CAFTA in a referendum was no longer a defining political option.

Beyond the integrity of the election were other questions of responsibility and realism. What are the ethical responsibilities of a democratic subject vis-à-vis legally and electorally-constituted authority? And how would the people answer that question? In Costa Rica, as elsewhere, political elites asserted that to be an ethical, democratic citizen is to obey the legally-constituted authorities. As I have shown, however, the referendum was a result of the increasingly widespread conviction among Costa Ricans that they had the responsibility to defy the “illegal” use of law when they saw it (and that they were seeing it a lot). The dynamic of increasing refusal of political authorities’ claims to legitimacy was however reversed by the referendum which took “the popular” from the grassroots movement against neoliberalism and gave it to those políticos charged with making and implementing the law. Nevertheless, those who felt that the law was being used illegally did not stop thinking so, and many went on looking for other ways to make their voices heard.

Parallel to the project to create a popular movement was another one to create new forms of democratic practice. The Comités Patrióticos both embodied and inspired protagonists’ desires to create “a new way of doing politics” that would be more participatory and egalitarian. Drawing on the many hours I spent participating in meetings, I explained the practices of sociality and more formal aspects of organization that shaped the Comités’ particular form of “direct democracy.” Drawing on the framework proposed by Francesca Polletta (2004), I argued that protagonists of the Comités drew on existing idioms of sociality to create more participatory political forms. While compañerismo provided an important common symbolic resource, it was
developed through a variety of idioms such as friendship, family, and professional collegiality, creating different forms of sociality. The “choice” of idiom was influenced by participants’ prior experiences, as well as contingencies of each Comité’s formation, but the diversity of participatory spaces that emerged also testifies to the creativity of activists’ social praxis—and to an important area of democratic practice that movements might well pay attention to.

At the same time, the open-ended conversations and social idioms associated with face-to-face interaction that sustained the Comités were not easily scaled up. Coordination between Comités obeyed a different practical logic and proved to be more difficult over the long run. How to organize the Comités into a national network capable of coordinated action became a central concern for activists after the referendum. By contrasting these attempts to organize after the referendum with the more spontaneous process of coordination that preceded it, I argued that negation plays an important role in facilitating networked and horizontal movements. At the same time, creating a proactive political project demands more complex decision-making than coming together to say “no” to someone else’s initiative—something more horizontal movements have not necessarily been very good at.

This dynamic has been repeated over and over again in contention over neoliberal globalization. Like the movement against CAFTA, opposition to the WTO allowed for the oft-remarked coalition of “teamsters and turtles,” while the subsequent “alter-globalization” movement allowed the efflorescence of deeply democratic, horizontal and networked organizing in the context of opposition to institutions and initiatives such as the WTO, IMF, G20 and G8. Similarly, the horizontal Occupy movement in the United States made an important cultural intervention by establishing the terms of a popular identity around the signifier 99%, but it quickly lost its momentum as a political movement because its unity was too much based on the negation of the 1 percent. In Argentina, the remarkable movement of grassroots assemblies did
not survive the moment of opposition expressed in “que se vayan todos” (out with all of them), ceding to a social democratic and developmental Peronism under the Kirchners.126

In the case of the NO, the impetus to move from negation to proposition introduced new pressures for party formation, with “party” understood in a broad sense inspired by Gramsci; as a means of deciding among and committing to common projects (that are not necessarily elections). But this process that I call party formation can take many forms, and which form (if any) emerges plays a big role in deciding whose voices are heard and what kind of projects are taken up. Protagonists of the NO worked to find a balance between the autonomy of the Comités that they valued so highly and the desire to coordinate shared initiatives, from more and less open and participatory assemblies, to attempts to reorganize electoral parties to recreate the ecumenical, popular, participatory and egalitarian aspects of the NO campaign. Although none of these initiatives resulted in the enduring and effective organization that their protagonists hoped for, they present one more set of alternatives for those concerned with finding ways to combine coordination with autonomy. The creation of such new hybrids of party and movement may be an important emerging area of political practice in the Latin American region worthy of further research (see e.g., Hellinger 2011; Keck 1992; Lazar 2008; Nugent 2007).

In the wake of a series of financial crises that culminated in the greatest global crisis since the 1930s, the failure of austerity to resolve that crisis, accumulating ecological problems, and endemic poverty and inequality, the latest round of attempts to create a global self-regulating market seems to have fallen short—even of its own standards. An alternative is to look for ways to re-embedding the economy, to submit the production and distribution of wealth and our ecological relations to democratic decision-making. Creating new forms of democratic

126 This is not to deny the importance of continued experiments in horizontal and direct democracy in Argentina, including a remarkable movement for factory occupations and worker control (Sitrin 2006, 2012), or the lasting impact of the Occupy movement in generating new practices of organization (as evidenced by Occupy Sandy)—but to point out an important change in the scale of organization and its capacity for intervention in the political field. Of course, some would deny that that political change was ever the object of these movements, which is true for some, but certainly not all or even most participants.
practice is an important part of this struggle. So may be the creation of new popular political identities that can help give form coalitions against the domination of capital. Research on these processes might be integrated with the exploration of existing alternative institutional arrangements for the production and distribution of wealth. Micael Burawoy (2003) suggests that such a research agenda should explore the convergence of Polanyi’s concerns with society’s self-protective reaction to the market with Gramsci’s attention to the lived forms of class domination and the possibilities for transformative coalitions, which is something like what I have tried to do here. I have suggested that in exploring alternative political and economic projects, we should be attentive to the diversity of forms that government and property can take just as we are attentive to the diversity of democratic forms, with the hope of expanding our capacity to recognize, and act on, promising possibilities in the present.

One of the most important things to take away from the movement against CAFTA in Costa Rica is the value its protagonists accorded to the institutions of the social state, the heart of Costa Rica’s particular version of Latin American social democracy. The achievements of these institutions in Costa Rican are substantial, sometimes remarkable, and provide an important set of non-utopian alternatives to neoliberal doxa. And despite the concerns of the NO, these are resilient and adaptable institutions that have survived prior rounds of liberalization (Sandbrook et al. 2007). This has not been a eulogy for a social democracy lost to ineluctable forces of globalization; it is the story of a movement for which a social state was something worth fighting for.
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