PART I

LAYING THE GROUNDWORK

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Introduction

> How was Brasilia born? The answer is simple. Like all great initiatives, it arose from almost nothing.
>
> Juscelino Kubitschek[1]

Brasília was built at the end of the 1950s in the remote and previously almost uninhabited highlands of Brazil. It is shaped like a bird or an airplane, with two gently curved wings intersecting a long fuselage. The plan of the city was the vision of a handful of modernist architects, and to its different parts were assigned distinct functions. The main subdivision is between the residential wings and a long central body, where the political and administrative buildings are located.

I was in Brasília while researching this book on October 28, 2018, the day of the second round of the presidential elections that were to be won by Jair Bolsonaro. My hotel was located in the aptly named "hotel sector," near the crossing of the residential wing with the governmental section. Brasília is a city envisioned for motor vehicles; there were not many pedestrians around me when, as the sun was setting on a clear day, I headed toward the tip of the fuselage, where the most important political institutions are located. I walked across the vast esplanade from which the cathedral emerges as a flower, and I soaked into the vision of that and other modernist buildings by Oscar Niemeyer, who designed much of Brasília's iconic architecture. I saw a sad-looking girl, draped with a red flag, walking away alone, I thought, from some last-ditch political event. On the flag, written in block letters, I could read the name of Haddad, the candidate of the *Partido dos Trabalhadores* (Workers' Party, or PT) and the loser of the day.

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[1] Kubitschek 2000 [1976], 5. In this book, all translations into English are mine, when not stated otherwise.

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I walked past a string of ministries, most of them built alike, and finally reached the political heart of the city and the National Congress. Slowly, Bolsonaro's fans started to assemble for what unanimous opinion polls had announced would be a historic victory. There were vendors selling Brazilian flags and assorted Bolsonaro merchandise, a few food trucks, and a truck with loudspeakers blasting out pro-Bolsonaro songs. One person, wearing a black robe with a hood and holding a long sickle in his hands, was available for anyone who wanted to take a selfie with Death. More opportunities for selfies became available once a large cardboard cutout of a smiling Bolsonaro started making the rounds in front of the esplanade facing the parliament building. A honking motorcade started soon after the results of the elections were made public, only hours after the polls closed, thanks to Brazil's modern voting infrastructure.

The election of Jair Bolsonaro as president of Brazil followed a series of major corruption scandals, collectively known as "*Lava Jato,*" or "Car Wash," which engulfed the PT and other political parties. *Lava Jato* uprooted Brazil's political life and resulted in the impeachment of its serving president, Dilma Rousseff, and the imprisonment of her predecessor, Luiz Inácio Lula da Silva. The widespread popular mobilization of Brazilians opposing corruption ultimately enabled the election of an unlikely candidate: Jair Bolsonaro, a far-right, long-term member of parliament known for his sexist and homophobic remarks, who defended Brazil's dictatorship, which ended in 1985, torture, and killings by a police force known for its abuses.

Brazil is a great and fascinating country that four decades ago managed a peaceful and largely successful transition from dictatorship to democracy, though certainly while displaying contradictions. The presence of pervasive corruption has been one of them, but democratic Brazil also carried out a long string of anti-corruption reforms. Ironically, they contributed to *Lava Jato* itself and placed at center stage a judiciary that would also be embroiled in controversy. Following a major leak of private conversations by *The Intercept Brazil*, an online news organizations, it became apparent that the heroes of the anti-corruption drive, Sérgio Moro (then a federal judge) and Deltan Dallagnol (then a federal public minister), had been involved in collusive practices that at a bare minimum were very inappropriate. Moro's decision to accept the offer from newly elected President Jair Bolsonaro to become minister of justice further convinced many that justice had been weaponized to serve partisan interests. The raucous public debate that followed the *Lava Jato* case also makes Brazil a paradigmatic example.

Brazil's anti-corruption reforms were not perfect, but to the extent that public policy is, of necessity, "muddling-through,"[2] they were more ambitious than many other corruption-ridden countries could realistically hope for. They also aligned with the principles of the prevalent anti-corruption playbook. Civic society involvement, in particular, was nothing short of spectacular in the Brazilian case, if we are to judge from the massive popular mobilization in support of *Lava Jato*. When considering Brazil's failure, as with all medicines that are not efficacious in a particular case, it might be argued that the doctor was inept or the patient recalcitrant. However, the lack of successful anti-corruption policies globally suggests that the problem may not lie with their implementation, but rather indicate the presence of more fundamental weaknesses. In fact, only a few countries are considered to have significantly reduced corruption levels in recent decades. The list of achievers varies depending on the observer, but it tends to include Hong Kong, Singapore, and a few other small countries.[3] The United States, during the late nineteenth and early twentieth centuries, is also an example of a country that transitioned from high to low levels of corruption. However, these changes occurred over long periods of time and were part of broader societal transformations, rather than solely anti-corruption reforms.

The lack of success in anti-corruption efforts and accusations of political motives behind them, as seen in the case of Brazil, should give us pause. The recurrent accusations that anti-corruption efforts pursue political projects that have little to do with their stated objectives, again as it happened in Brazil, where many saw the motivations behind *Lava Jato* to be less than honest, also suggest that it is time for reckoning, and that we should rethink corruption. More to the point, we should rethink what, at a risk of simplification, I call the prevailing paradigm about corruption. In the decades that followed World War II, sociological functionalism affirmed that corruption may have positive "latent" functions. For example, in certain historical situations, it may have enabled forms of social inclusion when alternatives were absent. A different view gradually took hold toward the end of the 1970s. This developed in the United States using the economists' methods of analysis and focused on individual

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[2] Lindblom 1959.
[3] Mungiu-Pippidi 2015, 85, and Mungiu-Pippidi and Johnston 2017. Da Ros and Taylor 2022, 4–6 and 199–200 provide a summary of what we know about successful attempts to reduce corruption. More precisely, I should say, *what we think we know*, since (as Chapter 3 argues) we are at a loss when trying to measure changes of corruption over time.

behaviors, often observed through the lens of a principal–agent model. Later, theoretical considerations were supplemented by empirical analyses that appeared to confirm that corruption had negative implications and no redeeming qualities, while also shedding light on its presumed determinants and effects. Theoretical considerations and empirical evidence combined to indicate policy solutions to fight corruption. An emerging tool kit of anti-corruption measures gradually became institutionalized, with contributions from a diverse group of actors. There was active involvement from international organizations, such as the World Bank and the United Nations. An influential anti-corruption international nongovernmental organization, Transparency International, was founded in Berlin in 1993. National governments also became involved, and in 1977, the passage in the United States of the Foreign Corrupt Practices Act had important implications and reverberations worldwide. Researchers at universities and other institutions, in the United States and elsewhere, became increasingly interested in corruption, and an industry of specialists on anti-corruption (and, more broadly, on governance issues) developed.

This, using a very broad brush, is what I mean by the current thinking on corruption. How should we correct it? I anticipate the main ideas of this book, together with a brief description of the methodology that I adopt.

RETHINKING CORRUPTION AS A CONTESTED CONCEPT: CORRUPTION AS A SOCIAL CONSTRUCT

I derive most of my conclusions from a detailed analysis, using both primary and secondary sources, of three countries: Brazil, Russia, and the United States. These countries have varied levels of corruption as we measure it, which would rule out the problem of "selection on the dependent variable."[4] However, the choice of these cases has not been random. As a precondition, I selected countries whose national language I understood at least well enough to be able to read primary sources. These countries were also chosen because I found them instructive in different ways, to the point that observing them over many years has partly shaped my theses. I could then be accused of a selection of cases, if not on the dependent variables, on the covariates, to the extent that, in leading me to the conclusions that I like, they would make me a victim of confirmation bias.

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[4] Which would occur when the dependent variable displays little variation. King et al. 1994, 128–129.

While such accusations could be leveled at all "small 'n'" studies, it is possible that the three countries that I have chosen represent unique quirks in a world that otherwise manifests regularities of a different type.[5] I aim to convince the reader of the generality of my conclusions in two ways: first, by providing good reasons to believe that they have a degree of generality, in that their motives are plausibly of wide application; and second, by summoning further evidence that supports my theses. I adopt an interpretative framework that is influenced by historical institutionalism and highlights the importance of contextual information. Additionally, my analysis of the country cases is not solely comparative, as I also consider each one of them individually for what they may teach us. Last, while occasionally I will refer to the most recent events or data, I conclude my analysis before the beginning of the COVID-19 pandemic, because of its exceptional nature.

I propose a methodological approach to thinking about corruption that distinguishes between two focuses of analyses. One I call "corruption-as-phenomenon," and it is familiar as it pertains to investigations that are conditional on a given definition of corruption. Within analyses of corruption-as-phenomenon, we ask questions such as how much corruption there is (e.g., in the form of bribes to public officials) and what its causes and effects are. Most current research on corruption falls under this category.

However, I am mostly interested in a distinct focus of analysis that emerges when we observe the debate on corruption from a distance. There has always been much disagreement about what and who deserves the label of corrupt. This is also evident from the cases that I consider. In Brazil, the anti-corruption protagonists of *Lava Jato* were eventually seen by many to be corrupt. In Russia, the state used its power to frame the leader of an anti-corruption movement, Alexei Navalny, as a criminal, while it sponsored a friendly anti-corruption movement. In the United States, there has been a concomitant, long-run increase in economic and social inequality. To account for these changes, I consider the concept of "legal corruption," which goes beyond the currently prevailing narrow definition of corruption. As different as they are, all these cases, which the chapters ahead consider in detail, indicate the contested nature of the concept of corruption.

We should, however, do more than recognize that corruption is an elusive and contested concept, as if such characteristics were ancillary or

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[5] Referring to themes considered in Chapter 4, they could express small "dapples" (Cartwright 1999) in an otherwise un-dappled world.

incidental, and perhaps reflective of a not-yet-achieved perfection in pro-
viding a satisfactory definition of what corruption really is. To the contrary,
the impossibility of proposing an agreed-upon definition is perhaps what
characterizes corruption the best, together with the struggle to influence
such an understanding and, at least occasionally, to ensure that its infa-
mous label falls on our enemies and not on ourselves.[6] In this light, corrup-
tion emerges as a concept that is always contested and that, as such, cannot
be defined univocally. This contested and elusive character of corruption
is at the center of my analysis, together with an invitation to go beyond a
common understanding of corruption as a set of behaviors, to be appropri-
ately defined, studied, and hopefully eradicated with the right treatment.

Corruption emerges from these considerations as a socially constructed
concept, one that may be articulated in different problematic areas. One of
them I simply mention without considering it further. It is the *problemati-
zation* of corruption, a term that I use in a loose Foucaldian sense. How and
when did it happen that humans started to think about corruption? When
did they elaborate such a concept, and when did they start arguing about
competing definitions of it? When, in different words, did corruption begin
to be considered a problem? I can only speculate that it happened together
with the appearance of the first proto-states, which possibly also marked
the emergence of forms of codified punishment that could be meted out to
persons guilty of such "corruption." These are just suppositions, as a "deep
history" of the concept of corruption has never been written and probably
cannot be written due to lack of documentary evidence.

A second element regards the *politicization* of corruption, that is, the
possible instrumentality of accusations of corruption in the political arena
(as a "tool of politics," as I will propose later). The politicization of cor-
ruption is part of the broader activity of social construction of the con-
cept, which doesn't only include intentional uses of corruption as a tool of
politics. In fact, many attempts to influence the debate on corruption do
not have an explicit political objective. However, and regardless of con-
scious intentions, they all contribute to our understanding of corruption
and have a political effect (this book being no exception). Therefore, as a
focus of analysis, the social construction of corruption is general enough
to include all the relevant elements (problematization, politicization, and

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[6] As Giorgio Blundo puts it, "It is possible to avoid the dead end of definition by concen-
trating on the processes of qualification of behaviors termed deviant or transgressive from
an emic point of view: in a Beckerian optic, corruption would then be 'an act to which this
label was successfully applied'" (Blundo 2007, 29, citing Lascoumes 1999, 49).

participation in the debate on corruption) that characterize the contested nature of the concept.[7]

The thesis that corruption is a socially constructed phenomenon, and that we will never conclusively agree upon what and who is corrupt, may be criticized for being dangerously relativistic. If we deny the possibility of agreeing on a definition of our object of inquiry, perhaps we are left in a vacuum where no interesting statement about corruption might be heard or uttered. I am convinced that this is not the case and that in fact an adequate recognition of the contested nature of corruption is a prerequisite to progress in its study. While much of this book attempts to demonstrate and to give substance to this thesis, here I would like to preliminarily justify it while referring to an important antecedent to the idea that a concept might be subject to endless contestation.

Walter Bryce Gallie proposed that some concepts "are not resolvable by arguments of any kind" and inevitably involve "endless disputes." An example of such "essentially contested concepts," as he called them, would be art.[8] Recognizing that art is an essentially contested concept does not stop us from going to museums and, more generally, from participating in the endless discussion about whether what we see there is, or isn't, an expression of art. We are perfectly able to engage the debate on art at two distinct levels: from a distance, while recognizing that it will never be resolved conclusively; and also from within, where we weigh in with our opinions. If we successfully do so, while distinguishing these two focuses of analysis, our participation in the debate on art may become more mature and nuanced.

Gallie claims in fact that "one very desirable consequence of the required recognition in any proper instance of essential contestedness might therefore be expected to be a marked raising of the level of quality of arguments in the disputes of the contestant parties."[9] Such conclusion provides the main justification that has been proposed for the introduction of the category of essentially contested concepts, which is perhaps understandable

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[7] My choice of terms echoes that in Granovetter 2007, but similar arguments may also be found elsewhere in the literature.

[8] Gallie 1956. On accusation of relativism, Collier et al. 2006 note that "Both Gallie himself, and subsequent commentaries on his contribution, have expressed concern that the approach can encourage a conceptual relativism that is undesirable and destructive." They also conclude that this is not the case.

[9] Gallie 1956. Several concepts, besides art, have been considered to be essentially contested, for example, democracy and the rule of law (Collier et al. 2006). Surprisingly, to the best of my knowledge, no one has suggested that corruption also is an essentially contested concept.

if we consider that philosophers, such as Gallie, are naturally preoccupied with questions that pertain to the quality of intellectual disputes. This line of reasoning certainly would also apply to the debate on corruption. However, I am convinced that, at least in the case of corruption, at stake there is more than the quality of the debate. Corruption is not just *any* concept. It is, and perhaps has always been in history, the most negative value in politics – on par, in some places and epochs, with crimes of heresy, or of high treason in times of war. Influencing a societal understanding of what and who is corrupt is a very high-stakes game, and we should consider it as such.

To do so, we should keep the two levels of analysis that I propose – that of corruption as a phenomenon, and that of corruption as a social construct – distinct. And since, as I will argue, any definition of corruption as a phenomenon hinges on values and on a normative view of society (or at least, on a standard of action), doing so requires that we as researchers are forthcoming about our values, to the extent that they shape our own understanding of what and who deserves the label of corrupt.[10] I advocate for transparency in this regard, recognizing that whenever we discuss corruption-as-phenomenon, we participate in the very high-stakes game of the social construction of corruption. My value judgments, normative views, and perhaps my idea of justice, as they pertain to a discussion of corruption, may be briefly summarized as follows: Democracy is desirable, and a working democracy cannot exist in the presence of pronounced inequalities. The reader will observe these convictions of mine emerge in the pages ahead.

CORRUPTION IS A TOOL OF GOVERNMENT, AND ANTI-CORRUPTION IS A TOOL OF POLITICS

A focus on the social construction of corruption leads to the two main conclusions of this book.

First, corruption is a powerful *tool of government*, in part because it offers reasons for elites to remain cohesive. These incentives may be in the form of both benefits and punishments. To the first type belong the enticements of corruption, and they are reinforced whenever the ruler has the possibility to assign at will the label "corrupt" and the ensuing punishments. This helps rulers solve an existential *problem of control*. I use this term in the Madisonian sense that "you must first enable the government to control

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[10] Collier et al. 2006 express a similar consideration in the context of the wider debate on essentially contested concepts, in vouching for a "a frank recognition that research in the social sciences routinely has a normative component."

the governed,"[11] or, seen from a different angle, that it is necessary for a government to have a degree of control in the choice and in the execution of policies. Control in government is a prerequisite for political order and a vital necessity of any political system. However, corruption as a tool of government has fundamental flaws,[12] and a polity should strive to develop better ways of governance. This is easier said than done, and occasionally there may be no concrete alternative solution to the problem of control in government but the use of corruption, as is the case in Russia and Brazil.

My second broad conclusion is that anti-corruption is a *tool of politics*, because it can be used to pursue a political agenda. Rulers may politicize corruption in a self-serving way, as we observe in the imprisonment for alleged corruption of Aung San Suu Kyi in Myanmar.[13] Additionally, corruption is a tool of politics that is available more widely, because it is a powerful "valence issue," that is, one of those issues on which most people agree, either negatively (as in the case of corruption) or positively (as it would be for, e.g., "competence"). As such, it is a compelling political rallying cry, as populist movements around the world know well. However, as a tool of politics, anti-corruption has many shortcomings. The case of Brazil suggests that it is rather unpredictable in its outcomes; in Russia, anti-corruption efforts have led to state repression, instead of positive reforms. Perhaps, then, anti-corruption should be avoided as a political platform, but in concrete situations, this might be difficult to do for lack of feasible alternatives.

The two main conclusions of the book – that corruption is a tool of government and anti-corruption is a tool of politics – derive from the distinction between the two levels of analysis discussed earlier. This distinction reveals an interesting symmetry between corruption and anti-corruption, as both are tools, one of government and one of politics. Both have serious shortcomings, but in certain situations, they may be almost inevitable. By acknowledging such symmetries between corruption and anti-corruption, one appears as the obverse of the other.

THE CHAPTERS AHEAD

This book is divided into three parts. In Part I, I provide a critique of the current prevailing view on corruption and propose a methodological

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[11] Hamilton et al. 2008 [1788], 256–261 (Federalist paper n. 51).
[12] For a summary of the effects of corruption, see Fisman and Golden 2017, 84–112. Chapter 4 of this book, however, casts doubt on the possibility of a causal discourse on corruption.
[13] Ratcliffe 2022.