

## CORRUPTION, POPULISM AND THE CRISIS OF THE RULE OF LAW IN BRAZIL

## CORRUPÇÃO, POPULISMO E A CRISE DO “RULE OF LAW” NO BRASIL

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**RESUMO:** O mundo testemunhou recentemente o aumento do populismo e do autoritarismo em várias democracias. O Brasil, é claro, não é exceção. No entanto, o processo que culminou com o resultado das últimas eleições presidenciais brasileiras é fundamentalmente diferente do que tem sido observado em alguns países do Norte Global. Embora a raiz da atual situação política no Brasil seja complexa, um de seus principais fatores é o nível notoriamente alto de corrupção do país. A hipótese que o presente artigo pretende explorar é a de que existe uma articulação entre a divulgação das investigações realizadas no âmbito da Operação Lava Jato, lançada em 2014 pela Polícia Federal do Brasil, e a subida ao poder de um governo populista de direita. A relevância desta análise é que tal correlação pode não só se aplicar exclusivamente ao caso do Brasil, mas também pode indicar que um fenômeno semelhante poderia ocorrer em outros países em circunstâncias semelhantes. A tese principal deste trabalho é que níveis extremamente elevados de corrupção são prejudiciais à democracia e ao “rule of law”.

**PALAVRAS-CHAVE:** Corrupção. Sistema político. Petrobras. Polarização. Populismo.

**SUMÁRIO:** Introduction. I Corruption and populism in Brazil: a conceptual account. II Operation Car Wash (Lava-Jato): an overview. III Operation Car Wash and political developments from 2014 onwards. IV The outcome of the 2018 election as a side-effect of Operation Car Wash. V Conclusion. References.

**ABSTRACT:** The world has recently witnessed the rise of populism and authoritarianism in several democracies. Brazil, of course, is no exception. However, the process that culminated in the result of the last Brazilian presidential elections is fundamentally different from that which has been observed in some countries of the Global North. Although the root cause of the current political situation in Brazil is complex, one of its main factors is the country's notoriously high level of corruption. The hypothesis which the present article aims to explore is that there is a linkage between the disclosure of the investigations which were carried out in the context of Operation Car Wash, launched in 2014 by the Federal Police of Brazil, and the rise to power of a populist right-wing government. The relevance of this analysis is that such correlation may not only apply exclusively to the case of Brazil, but it may also indicate that a similar phenomenon could take place in other countries under similar circumstances. The main thesis of this work is that extremely high levels of corruption are disruptive of democracy and the rule of law.

**KEYWORDS:** Corruption. Political system. Petrobras. Polarization. Populism.

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## INTRODUCTION

The world has recently witnessed the rise of populism and authoritarianism in several democracies. Brazil, of course, is no exception. However, the process that culminated in the result of the last Brazilian presidential elections is fundamentally different from that which has been observed in some countries of the Global North. Although the root cause of the current political situation in Brazil is complex, one of its main factors is the country's notoriously high level of corruption.

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The hypothesis which the present article aims to explore is that there is a linkage between the disclosure of the investigations which were carried out in the context of Operation Car Wash, launched in 2014 by the Federal Police of Brazil, and the rise to power of a populist right-wing government. The relevance of this analysis is that such correlation may not only apply exclusively to the case of Brazil, but it may also indicate that a similar phenomenon could take place in other countries under similar circumstances. The main thesis of this work is that extremely high levels of corruption are disruptive of democracy and the rule of law.

The Brazilian experience is a typical case of systemic corruption so understood a network high echelons of the Executive branch, leaders of of the main political parties in the legislature, state-owned companies and private enterprises. Each party performs different functions, but all are in search of the same goal: that is, to take private advantages. This explains why systemic corruption especially challenges the rule of law.

This article is divided in five sections. The first section intends to lay the theoretical foundations of the study by defining two fundamental concepts: corruption and populism. It also aims to show how they became interrelated in the Brazilian context. The second section presents a succinct panorama of the ongoing Operation Car Wash and its main results, while explaining the reason why it has represented a landmark in Brazilian History. The third section briefly exposes the chain of events that led the country to a political and economic crisis. The fourth section explains the main factors behind the election of President Jair Bolsonaro and the reason why his political ideas can be categorized as populist. The fifth section presents the conclusion.

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## I CORRUPTION AND POPULISM IN BRAZIL: A CONCEPTUAL ACCOUNT

Corruption is a multifaceted phenomenon that happens worldwide and encompasses a wide variety of practices, but in more general terms, it can be defined as “the abuse of public office for private gain” (WORLD BANK, 1997, p.8).

In any case, corruption takes place when public institutions are used to advance private interests rather than the common good. In corrupt countries, the distribution of public benefits and costs is significantly distorted, undermining both the economy and the legitimacy of the political system (ROSE-ACKERMAN, 2005, p. 226).

As pointed out by Arvind Jain (2001, pp. 71-72), studies indicate that corruption tends to impact the entire economic system, rather than confining itself to corruption -based transactions. It is associated with lower levels of investment and growth (ROSE-ACKERMAN, 2005, p. 2) and it can influence the income distribution within a country (JAIN, 2001, p. 72).

Even though corruption may take multiple forms, it is possible to identify three basic elements that are necessary for its existence: first, there must be an authority with discretionary power over the allocation of resources. Second, there must economic rents associated with this power that could be potentially captured by private groups. Third, there must be a low probability of punishment for the wrongdoing (JAIN, 2001, p 77).

As will be demonstrated in the following sections, all of these elements made the Petrobras scandal possible. Even if the key actors involved did end up being punished, what matters is that for years they had the perception that they could get away with it.

Brazilian politics has been plagued with corruption throughout its entire History<sup>1</sup> and the phenomenon of patrimonialism as one of its central characteristics has been studied by many scholars, notably Raymundo Faoro and Sérgio Buarque de Holanda.<sup>2</sup>

In his classic work, “Os Donos do Poder” (The Owners of Power), Faoro (2001, p. 866) states that the country’s sociopolitical structure remained more or less the same across the centuries, from the rule of King Dom João I to the Vargas’ administration, as the lines between the public and the private spheres have always been blurred. According to him, patrimonialist rule in Brazil has always relied on tradition.

Building on Faoro’s ideas, Sérgio Lazzarini (2010, p. 3-4) conceptualizes the Brazilian economic system as a “capitalism of ties”, that is, a web of alliances, contacts and support strategies that gravitate around political and economic interests. He argues that, even though the specific dynamics of such a system has both positive and negative aspects, there is always the risk that ties between public and private actors end up becoming channels for favoritism, collusion and unjustified protectionism.

<sup>1</sup> Lilia M. Scharcz and Heloisa M. Starling (2018, p. 504) argue that while corruption has always been present in Brazil, it is a problem that happens in the majority of countries around the world. They criticize the simplistic and prejudiced approach according to which corruption is just another cultural trait of the Brazilian people, as it ignores the strong reaction of public opinion against corruption crimes and the effort of institutions to punish and prevent it.

<sup>2</sup> In his essay “Raízes do Brasil” (Roots of Brazil), Sérgio Buarque de Holanda criticized what he perceived as patrimonialism in civil service, pointing to the fact that personal ties used to prevail over objective criteria in the selection of bureaucrats.



The construction of Brasília, inaugurated in 1961, illustrates the functioning of this particular form of capitalism. For the first time, large contracting companies, once isolated in their own states, began to collude and form political connections (DEL PRIORE, 2019, p. 24).

Since redemocratization, corruption scandals have taken place in every government (SCHWARCZ; STARLING, 2015, p. 504). Brazilian state capitalism has proven to be a fertile terrain for corrupt practices, since, as pointed out by Costa et al. (2017, p. 299), its dynamics happens through close relationships of personal, family and private ties between businessmen and public officials.

However, the news headlines of the past few years point to a paradigm-shift in terms of how corruption crimes committed by high-profile authorities and businessmen are dealt with. The scale of the embezzlement of Petrobras and the operational sophistication of the scheme have deeply affected Brazilian society on multiple levels.

The recent crusade against corruption carried out by the Brazilian Federal Police and the Federal Prosecution Service has produced two main side-effects: the first one is economic, given the relevance of the companies involved. The second one, which shall be studied in more detail, is society's reaction, which resulted in the election of a right-wing populist leader.

However, what makes the government of President Jair Bolsonaro a populist one? Much has been said lately about populism on the media, but conceptual precision is hard to achieve. The term has now become omnipresent, as there is the perception that authoritarian populists are on the rise all over the world and voters seem to be tired not only of parties and governments, but of liberal democracy itself (MOUNK, 2018, p. 2). What exactly then does that mean? In the words of Jan-Werner Müller (2016) populism 'is not anything like a codified doctrine, but it is a set of distinct claims and has what one might call an inner logic' (p. 10).

According to the author, this logic is composed of two distinctive features. The first feature is that populists are strongly critical of elites, which are deemed corrupt or morally inferior, as opposed to "the people". This condition alone, however, is not sufficient for a party or a politician to be accurately described as a populist, since anyone who criticizes the elites for some reason or another would fall into this category (MÜLLER, 2016, pp. 19-20).

The second feature is antipluralism, since populists claim that they are the single and genuine representatives of "the people" and any kind of political opposition is illegitimate. In this conception, "the people" is a morally pure and unified entity and anyone with a divergent view is not really a part of it (MÜLLER, 2016, pp. 20-21). Hence, populist leaders always have

something to say on the values of the “authentic people” they claim to represent (MÜLLER, 2016, p. 25).

Antipluralism is at the core of populism, as the apparent representativeness of populist leaders is based on a symbolic construction that expresses a distorted interpretation of reality (Müller, 2016, p. 68). This interpretation consists of a monist view of society, which excludes anyone who does not fit into this ideal mold (MÜLLER, 2017, p. 3).

For that reason, populist movements tend to be hostile to cultural, linguistic, religious, racial and other minorities, as “the people” is viewed as a homogenous grouping in cultural and economic terms (PLATTNER, 2010, p. 88). They refuse to acknowledge the existence of conflicts of interests and tension between various groups as inherent to society.

Another common denominator of populists seems to be the fact that they claim to know straightforward solutions for the most pressing and intricate problems of our time. Since these problems simply do not automatically vanish once they take office, they put the blame for it on someone else, e.g. immigrants (MOUNK, 2018, p. 7).

It is important to highlight that populism happens in the shadow of democracy (MÜLLER, 2016, p. 20), as populists do not oppose the idea of representation as such, but rather, have a particular notion of what it means (MÜLLER, 2016, p. 25). Although it may seem that they espouse the idea of democratic representation, they actually rely on a symbolic version of it (MÜLLER, 2016, p. 27).

Therefore, populist movements are not purely antidemocratic, as they do not seek to abolish democracy from the start, but to rise to power by democratic means instead. Once they are in power, however, they are free to attack liberal institutions. In other words, the peculiar nature of populism is the fact that it is both democratic and illiberal (MOUNK, 2018, p. 35). It is democratic in the majoritarian sense while it simultaneously rejects the liberal emphasis on the protection of individual rights and procedural guarantees (PLATTNER, 2010, p. 88).

The forces behind populism are complex and their detailed analysis falls outside of the scope of this article. Nonetheless, a few observations must be made on this subject.

First of all, as remarked by Cas Mudde and Cristóbal Rovira Kaltwasser (2017, p. 97) it is simplistic to explain the success of populist politics only by the appearance of a charismatic leader whose ideas appeal to a disappointed majority of the electorate that feels ignored by the establishment. This is because this kind of assessment does not take into account the demand and the supply sides of populism: in societies where demand for populism is strong, there must

exist credible populist forces for it to flourish; conversely, a strong supply of populism without the demand will result in failure (MUDDE; ROVIRA KALTWASSER, 2017, p. 97).

Second, the demand side of populism manifests itself when a specific set of circumstances is present, such as economic crisis or the disclosure of cases of systematic corruption. Corruption, in particular, might give people the perception that “elite” groups behave in a dishonest manner, causing them to feel angry and more susceptible to embrace a populist mindset (MUDDE; ROVIRA KALTWASSER, 2017, pp. 100-101).

Hence, in countries where the political system is unresponsive to the demands of citizens, they might feel more inclined to support populist candidates (MUDDE; ROVIRA KALTWASSER, 2017, p. 101). In times of economic hardship, a large portion of the electorate may have the feeling their concerns are being ignored by the government, which causes them to distrust the establishment.

In advanced economies, economic progress has slowed down radically and the combination between slowing growth and accelerating inequality has resulted in a stagnation in living standards for most of the population (MOUNK, 2018, p. 149). There are many factors that explain this development, such as globalization, automation and the rise of digital economy, and while the right policies could potentially minimize the wealth distribution problem, they are far from being simple and immediate (MOUNK, 2018, p. 37). With the end of prosperous times, people no longer have the same incentives to believe in the political system, which helps to erode the foundations of liberal democracy (MOUNK, 2018, p. 152).

In the case of Brazil, the predominant causes of the victory of a right-wing populist government in the 2018 elections were corruption and unresponsiveness to the demands of the population. As will be detailed in the following sections, even though economic instability contributed to the perception that a radical change in the political status quo was needed, this problem was, on many aspects, linked to the broader crisis provoked by the Petrobras corruption scheme.

## II OPERATION CAR WASH (*LAVA-JATO*): AN OVERVIEW

In 2014, the Brazilian Federal Police launched the ongoing Operation Car Wash (Operação Lava-Jato), the biggest anti-corruption investigation that has ever taken place in the History of Brazil (Ministério Público Federal - MPF). Although originally intended as a money

laundering investigation, it expanded and reached its climax when a major corruption scheme at Petrobras,<sup>3</sup> a state-owned oil company, was uncovered.

The operation started in Curitiba, capital of the state of Paraná, and it aimed, initially, to investigate four criminal organizations led by black-market money dealers, known as *doleiros*. At the time, one of the organizations was laundering money through carwash businesses, hence the name of the operation (MPF).

Through wiretapping it was identified that one of the *doleiros*, Alberto Youssef, had donated a car to the then Director of Supply of Petrobras, Paulo Roberto Costa (AGUILERA, 2019). As the investigation evolved, evidence was found pointing to the existence of a vast corruption network with the oil company at its center.

A scheme was perpetrated by big contracting firms (*empreiteiras*), in violation of the Brazilian public procurement legislation. They organized a cartel in order to be awarded contracts at inflated prices that were worth billions of dollars.

The companies would offer hefty bribes to politicians and high executives of Petrobras, varying between 1% and 5% of the contracts' value. This cartel, referenced in judicial sources as "The Club", was in charge of coordinating which company would get a contract with Petrobras by manipulating some of the requirements during the public tender and setting the prices of services and bribes (SALCEDO-ALBARÁN et al. 2017, 2018, p. 11). Petrobras officials linked to the cartel would favor the companies by restricting the entry of others (COSTA et al., 2017, pp. 300-301).

The bribes were distributed by financial operators, including the dealers (*doleiros*) investigated in the first part of the operation (MPF). According to Costa et al. (2017, p. 301), their function was not only to deliver the payment of tuition fees, but also to distribute the disguised bribe clean money to beneficiaries.

The directors of Petrobras that accepted the bribes had been appointed by political parties, thus revealing the existence of an intricate criminal association formed by political groups (MPF). Paulo Roberto Costa (former supply director), Renato Duque (former services director) and Nestor Cerveró (former international operations director) had been appointed,

<sup>3</sup> As explained by Costa et al. (2017, 299), Petrobras, whose main shareholder is the Government of Brazil (Union), operates in 25 countries in the energy sector, primarily in the areas of exploration, production, refining, marketing and transportation of oil, natural gas and its derivatives. Hence, the company has an enormous relevance for Brazilian economy.

respectively, by PP, PT and PMDB. It was the testimony of Paulo Roberto Costa that was the first to shed light on the control of the board of directors by political parties and the division of tasks among those involved in the scheme (ALMEIDA; ZAGARIS, 2015, pp. 89-90). In 2015, in another chapter of the operation, criminal investigations were opened against parliamentarians who were either part of or related to parties responsible for appointing the company's directors (COSTA et al., 2017, p. 301).

Furthermore, according to the Superior Electoral Court, (TSE) the companies involved in the corruption network had donated millions of reais to political parties in the form of campaign donation, thereby influencing the outcome of the 2014 election (GONÇALVES; ANDRADE, 2019, p. 281). Of the ten largest donors, five were in the construction industry (COSTA et al., 2017, pp. 301). As detailed by Salcedo-Albarán et al. (2017, 2018, p. 12), even though some of the illicit payments were made directly, through offshore accounts, front companies or in cash, an alternative strategy used by the cartel to deliver the bribes consisted on funding political campaigns of politicians and public servants.

Of all companies implicated in the scheme, Odebrecht S.A was perhaps the most important one, considering the coverage by media outlets of Operation Car Wash (SALCEDO-ALBARÁN et al. 2017, 2018, p. 12). By November 2014, when the cartel was uncovered by the Brazilian Federal Police, the company had no less than nineteen contracts with Petrobras which totaled 17 billion reais (SALCEDO-ALBARÁN et al. 2017, 2018, p. 12).

In March 2016, Odebrecht's CEO, Marcelo Odebrecht – grandson of the company founder – was sentenced to 19 years in prison for paying 35 million dollars in bribes for Petrobras executives (JUSTI; DIONÍSIO, 2016, para.1). He agreed to collaborate with authorities through a leniency agreement, which provided a reimbursement to the public coffers of 2.6 billion dollars and seventeen other oil and engineering companies decided to do the same (AGUILERA, 2019; BRANDT, 2017). As revealed by the former CEO of the biggest engineering and contracting company in Latin America during a plea bargain, the company had created an entire division (Division of Structured Operations) with separate and off-book communications and payment system whose single purpose was to deliver bribes for public officials (BEDINELLI, 2017, para. 2-3). High executives of six of the main contracting companies of the country – Camargo Correia, UTC, OAS, Mendes Júnior, Engevix and Galvão – have also been imprisoned (SCHWARCZ; STARLING, 2015, p. 503).

The findings of the investigations demonstrate that the political system as a whole was organized to perpetuate corruption (GONÇALVES; ANDRADE, 2019). Politicians from all five regions of the country and belonging to different positions in the ideological spectrum were implicated in the scheme, which shows that corruption was a generalized practice (GONÇALVES; ANDRADE, 2019, pp. 285-28).

Operation Car Wash is a sum of the efforts of a taskforce integrated by the Brazilian Federal Prosecution Service (Ministério Público Federal), the Federal Police, the Brazilian Internal Revenue Service, the Central Bank and the Council for Financial Activities Control (COSTA, 2019, para. 9). Its scope is impressive, as it involved seven eleven countries, sixteen companies and five billion dollars in bribes to company executives, political parties, fifty congressmen and four former Brazilian Presidents (WATTS 2017, cited in MANOUSHAGIAN, 2019, p. 413).

Five years after its beginning, it resulted in 50 lawsuits in which 155 people were sentenced for money laundering, active and passive corruption, public procurement fraud, criminal association, money evasion, and money laundering, among other crimes (COSTA, 2019, para. 1). Also, 13 billion reais that had been embezzled from Petrobras have been recovered so far (RICHTER, 2019, para. 2).

According to the Federal Prosecution Service, the collaboration agreements (*delações premiadas*) between the prosecutors in charge of the case and the indicted were instrumental for the development of the operation. Without them, it would have been impossible to dismantle the web of corruption at Petrobras, since material evidence for the kind of crimes that were committed was very difficult to obtain (VENTURINI; ARAGÃO, 2018, para. 23). The agreements are based on a cost-benefit analysis by which several factors are taken into account, such as the existence of new information on crimes and its authors, the relevance of the evidence that will be made available, the potential retrieval of diverted money and the likelihood of a positive outcome for the lawsuit (MPF).

Other strategies adopted throughout the operation involve extended preventive detentions, bench warrants, search warrants and international cooperation (VENTURINI; ARAGÃO, 2018, para. 22-25). Many aspects of the method used by the prosecutors are controversial and have been criticized by legal experts (TORON, 2016; BOTTINO, 2016; CANOTILHO; BRANDÃO, 2017).

**Car Wash Operation in numbers****484**

Number of people indicted

**4 billion reais**

The amount of money that has been recovered to far

**2,1 billion reais**

Estimated value of compensatory fines in collaboration agreements

**12,4 billion reais**

Estimated value of compensatory fines to be paid in leniency deals

**14,3 billion reais**

Total sum to be recovered

Source: Ministério Público Federal

Even though systemic corruption has always been part of Brazilian politics, the social impact of Operation Car Wash can be perceived as a major paradigm-shift, since there was the perception that high profile politicians and business tycoons were finally being held responsible. While bribery and other acts of corruption have always been punishable under Brazilian law, the efficacy of these laws had always been virtually non-existent (TOBOLOWSKY, 2016, p. 6). Historically, only a few egregious corruption crimes were ever prosecuted, and the court proceedings were lengthy and entailed no punishment (SOTERO 2016, cited in TOBOLOWSKY, 2016, p. 6). For this reason, the operation may have become a landmark in Brazilian History (SCHWARCZ; STARLING, 2015, p. 505).

As remarked by Aguilera (2019, p. 3), for the first time in the country's History there were judgments being followed live and a massive coverage of the investigations by the news media. Regardless of social class, the Brazilian population came to follow all the facts. Research conducted by Data Popular Institute shows that seven out of ten middle-class Brazilians support the operation (ESTADÃO CONTEÚDO, 2019). Former Federal Judge Sérgio Moro, one its head judges and now Minister of Justice, became the face of the fight against corruption.

Besides the social impact, the economic consequences of the corruption scandal have been dramatic. Since 2014, the ten largest engineering and contracting companies involved in the scheme have cut over 600 thousand jobs due to credit restriction and the need to sell assets to improve liquidity (SCHELLER, 2017 and ALVARENGA, 2017, cited in GONÇALVES; ANDRADE, 2019, p. 280-281).

As for Petrobras, the damage that has been caused by the embezzlement of the company, the largest in Brazil (VALOR, 2019), amounts to billions of reais. Besides the financial loss, the company's image has been destroyed, as it used to be a source of national pride and enjoyed a lot of credibility in the market. In 2013, it was ranked the 13<sup>th</sup> biggest oil company in the world by Forbes magazine and its liquid revenue amounts to 349.836 million reais (roughly 86 million US dollars) (VALOR, 2019). Before the scandal, Petrobras was regarded by experts as a rare example of insulation against political exploitation, as opposed to other state-owned companies (ALMEIDA; ZAGARIS, 2015, p. 87). At the peak of Operation Car Wash, it lost eighty percent of its market value and the raising of funds for the continuation of its activities was virtually paralyzed (ALMEIDA; ZAGARIS, 2015, p. 96; COSTA et al., 2017, p. 303).

A study of the evolution of Brazil's gross domestic product shows that it plunged from 7.6% in 2010 to 0.1% in 2014 and -3.6% in 2016, which resulted in a huge loss of formal jobs and caused many families to go into debt (COSTA, 2018, p. 499).

Even though the economic recession had multiple causes, such as a drop in the price of commodities and the adoption of wrong interventionist policies, the investigations carried out by MPF have certainly catalyzed the crisis, since Petrobras had to suspend business with many companies and many workers had to be laid off (BARBOSA FILHO, 2017, p. 51). This shows how high levels of corruption can undermine social order.

The general discontent of the Brazilian population with the status quo became evident in the protests of 2013, when a million people took the streets to demand accountability from political leaders and the end of impunity (WINTERS, 2015, cited in TOBOLOWSKY, 2016, p. 7). It became clear that Brazilians could no longer withstand the country's exploitation by the political class, since, according to a research by the Federation of Industries of São Paulo (FIESP) in 2012, the cost of corruption in Brazil varies between 1.4% and 2.3% of its GDP every year, that is, around \$ 146 billion USD (ERNST & YOUNG, 2012, cited in TOBOLOWSKY, 2016, p. 7).

Moreover, the protesters were revolted at the fact that the economic growth the country had experienced in the previous years had not translated into an increase in welfare and improved public goods (FLANNERY, 2013, cited in TOBOLOWSKY, 2016, p. 7). In spite of Brazil's position as the ninth biggest economy of the world according to World Bank data

(2018) the country ranks 79 in UNDP's Human Development ranking (2019), way below Chile and Argentina.

The social and economic expression of the facts that came to light in the context of Operation Car Wash have affected Brazilian society in multiple ways. The instability it caused produced extremely damaging consequences, such as an increase in unemployment and poverty (GONÇALVES; ANDRADE, 2019 p. 281). The magnitude of these events has significantly shaped the changes in the political landscape that came to follow.

### III OPERATION CAR WASH AND POLITICAL DEVELOPMENTS FROM 2014 ONWARDS

Even though politicians affiliated with different parties and ideological positions played a role in the corruption scandal, the Worker's Party (PT), which was then in power, became the main target of public dissatisfaction.

In 2014, former President Dilma Rousseff was re-elected with 51.64 percent of vote against 48.36 percent for Aécio Neves, a senator from the Social Democracy party (PSDB) (BENITES, 2014, para.1). In 2015 and 2016, prominent members of PT, former Chief of Staff José Dirceu and former Minister of Finance Antonio Palocci (JUSTI; MATOS, 2015; JUSTI, 2016), were arrested for receiving bribes in contracts involving Petrobras.

The years that followed the 2014 election were marked by massive protests in several states and the polarization of public opinion. Even though the demands of the protesters were somewhat diffuse, there was a general discontent with corruption in the Brazilian political class. There was significant popular pressure for then President Dilma Rousseff to leave office, although there were also some pro-government demonstrations, led mainly by workers' unions and social movements.

In December 2015, the impeachment process against President Dilma Rousseff started at the National Congress. The petition was received by Eduardo Cunha, who was then President of the Chamber of Deputies. Cunha was later sentenced to 15 years of prison by Federal Judge Sergio Moro for corruption, money laundering and currency law evasion (ISAIA, 2017, para.1).

The charges were about allegations that the President had violated fiscal and budget laws. She was accused of committing a practice known as fiscal pedaling, which consists of borrowing large amounts of money from state banks without Congress approval.

Even though the prosecutors in charge of Operation Car Wash never found any evidence that the President was involved in the scandal, her critics argue that she must have been aware of what was happening at Petrobras, since she chaired the company's board of directors at the height of the investigations (SAMPAIO, 2016, para. 14). In any case, she was not formally charged with corruption.

In March 2016, hundreds of thousands of people took the streets of several cities all over Brazil to demand the ousting of the President. It was the biggest demonstration of the country's History after the end of military rule and it represented the apex of the protests that had been going on since 2014 (ROSSI et al., 2016, para. 1-2).

Later that year, in August, the impeachment of former President Dilma Rousseff took place against a backdrop of economic recession and social turmoil, putting an end to thirteen years of the Worker's Party (PT) rule. Her supporters called it a coup d'état, arguing that the President's political opponents had created a pretext to overthrow the government.

As remarked by political scientists Felipe Nunes and Carlos Ranulfo Melo (2017, p. 284), the feeling that the President was responsible for the economic crisis and the media coverage of the Petrobras corruption scandal caused her popularity to plunge very quickly. However, they point out that the impeachment is also explained by the dynamics of Brazilian coalition presidentialism, according to which the success of a government depends on the relationship between the executive and the legislative powers. By Dilma Rousseff's second term, the Congress was fragmented as never before and she failed in her strategy to form a coalition that could support her (NUNES; MELO, 2017, p. 285).

Despite the controversy on whether former President Dilma had played a role in the embezzlement of Petrobras, it is fair to say that the developments of Operation Car Wash tainted her image, as well as that of the Workers' Party (PT) as a whole (SAMPAIO, 2016, para. 9-10). After the impeachment, Vice-President Michel Temer, a center-right member of the Brazilian Democratic Movement Party, became Brazil's new president.

The year of 2017 was marked by protests pro and against the impeachment. The results of a survey conducted by Gallego, Ortellado and Ribeiro (2017, pp. 43-44) indicate that although the demonstrators who identified themselves as 'conservative' or 'right-wing' diverged on many important issues, such as the adoption of more liberal economic policies, their cohesion was based on a strong rejection for the Workers' Party, 'traditional politics' and

political parties as a whole. In other words, what most of the protesters really had in common was a strong anti-political stance.

In the same year, another chapter of the operation rattled the country as former President Luis Inácio Lula da Silva was sentenced to nine years and six months of prison for corruption by Federal Judge Sérgio Moro in a historical and controversial trial. According to Federal Prosecution Service, the former President had been given an apartment in the coastal town of Guarujá by contracting company OAS in return for contracts signed with Petrobras (BRETAS; CALEGARI, 2017, para.4).

Once again, Brazilian public opinion was divided. According to a research conducted by IPSOS, no less than 46% of the Brazilian population is against the prison of former President Lula, even though 69% think that he is somehow involved in the Lava-Jato scheme. However, 51% of those interviewed believe that Lula is no more corrupt than other politicians and 73% have the opinion that he was imprisoned because the 'elite' wanted him out of the next presidential elections (SHALDERS, 2018, para. 2-3). This shows how great is the political capital of the former President, who served from 2003 to 2011 and enjoyed an eighty-seven percent approval rating at the end of the second term (LANGLOIS 2018, cited in MANOUSHAGIAN 2019, 414).

Two years later, the operation suffered a major setback due to a Supreme Court ruling according to which defendants could only be imprisoned after all appeals to higher courts had been exhausted (SUPREMO TRIBUNAL FEDERAL, 2019). Because of this, former President Lula has been released.

Ironically, Operation Car Wash has recently become a scandal of itself, as The Intercept, a self-proclaimed independent non-profit news outlet, leaked a series of private text messages between former Federal Judge Sérgio Moro and the prosecution, indicating that he overstepped his role as a judge (MARTINS; DE SANTI; GREENWALD, 2019, para. 1). This kind of collusion between the Judiciary and the prosecution is problematic because it violates due process of law and calls into question the legitimacy of the trials.

As for former interim President, Michel Temer, he was arrested in another branch of Car Wash Operation for heading a criminal organization involved in the construction of Angra 3 nuclear plant. (GUIMARÃES, 2019, para 1-3).

The main political events that occurred in Brazil since 2014 reveal a state of anomy in which public institutions are captured by private interests (GONÇALVES; ANDRADE, 2019,

p. 287). While the country has experienced important advances in control mechanisms, with the strengthening of institutions such as the Public Prosecution Service and changes in legislation, it is also an undeniable fact that corruption is far from being a marginal issue (SCHWARCZ; STARLING, 2015, p. 504).

The extensive media coverage of massive corruption scandals has forever impacted the way Brazilians perceive politics,<sup>4</sup> as democracy and the rule of law have been significantly undermined. This paved the way for a radical turn to the right in the 2018 presidential election.

#### IV THE OUTCOME OF THE 2018 ELECTION AS A SIDE-EFFECT OF OPERATION CAR WASH

In 2018, Jair Bolsonaro became the new President of Brazil, after an electoral race marked by harsh rhetoric and ideological polarization. The far-right candidate won 55.13% of the vote against 44.87% for Fernando Haddad of the Workers' Party (PT) (MAZUI, 2019, para. 2).

President Bolsonaro graduated from the Agulhas Negras Military Academy in Rio de Janeiro and served as a federal deputy for seven terms (Planalto). Once a marginal political figure, he came under the spotlight during his electoral campaign by making polemic remarks and promoting a conservative agenda.

As remarked by researchers Ribeiro and Ortellado (2019, p. 1) Bolsonaro's campaign was a low-budget one and it relied almost exclusively on social media, thus differing from the traditional political campaign style, characterized by costliness and considerable television exposure. Three main themes have been identified in his Facebook campaign: (i) an anti-establishment populist stance, accusing the entire political system and the Workers' Party, more specifically, of being corrupt and contrary to the interests of the people; (ii) a defense of 'traditional family values', supposedly under threat by the feminist and LGBT movement; (iii) criticisms to mainstream media, as it allegedly supported traditional political forces.

<sup>4</sup> This has reflected in Brazil's Corruption Perception Index (CPI) in studies conducted by Transparency International. As concluded by Aguilera (2019, p. 8), because of the real-time disclosure of Operation Car Wash investigations, the country's CPI has been significantly affected. Out of an universe of 180 countries, Brazil has lost considerable positions between 2015 and 2017, which proves that it is perceived as far more corrupt than before.

Therefore, one of the main factors behind President Bolsonaro's victory is not only a strong rejection of the Workers' Party, but a disbelief in the political establishment. As pointed out by Almeida (2019, pp. 185-186), this is the result of a social process that he identifies as a 'conservative wave', which aims to articulate four elements: economic liberalism, moral patrolling, a punitive approach to public safety and social intolerance.

An analysis of the President's inaugural speech is indicative of a populist mindset (Planalto, 2019). First, the President talked about 'uniting the people' and 'respecting our Judeo-Christian tradition' by 'fighting gender ideology'. Second, he stated that it was urgent to put an end to 'the ideology that defends criminals and criminalizes policemen' and that the safety of the 'good people' would be his government's priority. He then emphasized the importance of guaranteeing the right to property and self-defense. Third, he expressed his will to 'fight socialism' and 'nefarious ideologies', pointing to the 'ethical, moral and economic crisis' the country was facing. Fourth, the President stressed the need for "structural reform" and a rupture with 'old practices'. He exhorted the congressmen to help him in his mission to free the country of 'the yoke of corruption, criminality, economic irresponsibility and ideological submission'. And fifth, he expressed his will that Brazil finally occupies 'the place it deserves in the world', which would be achieved by freeing foreign policy of 'an ideological bias'.

All of these ideas are, of course, expressed in his government plan, an 81-page document titled 'The Path to Prosperity'. Even though the proposals are vague, the plan emphasizes the need to free the country of 'cultural Marxism', corruption and 'indoctrination' in basic education, that is, left-wing ideologies. Moreover, it supports the 'right' of every citizen to carry a gun for self-defense, drawing a line between 'good' and 'bad' people, and a change in human rights policies in order to prioritize victims of urban violence.

The content of the inaugural speech and the government plan suggest that President Bolsonaro intends to come across as a representative of 'the good people', as opposed to criminals and minorities. According to this worldview, 'the authentic Brazilian people' would only encompass those who meet certain criteria and hold conservative values. Also, his discourse conveys the idea that the country's biggest challenges, such as high criminality rates, the poor quality of school education and slow economic growth could be solved by the adoption of simple, straightforward policies.

Besides his conservative agenda, the President has become notorious for adopting a polemic political style and many of his remarks have been regarded as offensive by certain social groups

This state of affairs shows that President Bolsonaro's government fits perfectly into the description of the nature of populism as both 'democratic and illiberal'. Not only did he win by democratic means, but also, he was already a congressman, not a complete outsider. He managed to successfully channel the desire of the average middle-class Brazilian voter for change and his moralizing views pleased many people that were angry at the corruption of the 'political caste'. Nevertheless, if the democratic system made his victory possible, his political agenda expresses a contempt of values that are essential for every liberal democracy, notably pluralism.

## V CONCLUSION

Populism as a political movement has two main aspects. The first one is that is critical of the 'establishment'. The second and most important one is that it is antipluralist. Although populist leaders win by democratic means, populism is only democratic in the majoritarian sense. It is detrimental to liberal democracy because it seeks to undermine its counter-majoritarian side, that is, the institutions that protect the fundamental rights of minorities.

There are many reasons why populist leaders are elected. In some developed countries, this was an expression of economic discontent and anxiety, due to a worsening of the living standards for a great part of society. In the case of Brazil, however, this development is directly linked to the extensive coverage of Operation Car Wash investigations by the media and the perception of many Brazilians that a radical political change was needed.

Even though the prevention and punishment of corruption is something positive in itself, the scale and mediatization of the operation carried out by the Federal Prosecution Service and the Federal Police have produced an important political side-effect: the rise to power of a right-wing populist government. Economic recession also played an important role in terms of shaping the public opinion, but it was, in many aspects, linked to the Petrobras scandal and policies adopted by a government regarded as corrupt.



The Brazilian case demonstrates that, while corruption is a dysfunction that happens in most countries around the world, extremely high corruption levels can undermine liberal democracy and the rule of law.

At present-day, corruption is an ubiquitous phenomenon. To a greater or lesser degree, it appears all over the world, at different levels of public administration. Overall, to fight corruption contributes to make the rule of law even more robust. Although, in cases of systemic corruption, where a network in the realm of state administration often articulates with private companies, the situation becomes potentially much more complex. Of course, failures in judicial procedures, breaches of legal rules during investigation, disputes around the conception of criminal law between judicial courts and “politicization” of justice, all of those facts, together or in isolation, can take place. Our purpose in this article is, nevertheless, different. We simply highlight that while in ordinary circumstances punishing corruption strengthens the rule of law the quest for curtailing pervasive corruption leads sometimes, even though as a collateral effect, to undermining both the rule of law and democracy with the rise of populism.

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