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The International Anti-Corruption Doctrine and Operation Car Wash: Geopolitical Influences and Neoliberal Reforms

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Abstract

This paper examines the construction and implementation of an international anti-corruption doctrine, analyzing its historical origins, geopolitical underpinnings, and implications in the Brazilian context, with particular emphasis on Operation Car Wash (Operação Lava Jato). The research addresses the Foreign Corrupt Practices Act (FCPA), neoliberal political reforms associated with the so-called good governance agenda, and the importation of investigative practices from the United States. It further discusses the attempted creation of the "Lava Jato Foundation", assessing its institutional and political impact. Methodologically, the study relies on bibliographical and documentary research for data collection, adopts a qualitative approach, pursues exploratory and descriptive objectives, and is classified as basic research. The findings indicate that, although combating corruption is a legitimate objective, its instrumentalization may serve specific economic and geopolitical interests, as has generally been the case.

Keywords

Anti-Corruption, FCPA, Lava Jato, Neoliberalism, Geopolitics

1. Introduction

This paper offers a critical examination of the consolidation of an international anti-corruption doctrine, its geopolitical implications, and its influence on the Brazilian legal and political system, taking Operation Car Wash (Operação Lava Jato) as its empirical reference. It proceeds from the hypothesis that the anti-corruption discourse, although clothed in ethical and republican claims, has been

progressively instrumentalized by economic and strategic interests associated with the expansion of neoliberal reforms and the international projection of power by United States institutions. The methodology adopted consisted of bibliographic and documentary research for data collection, within a qualitative approach. Regarding the documentary research, the document embodying an agreement for the assumption of commitments entered into between the Federal Prosecution Service and Petrobras was used.

The article begins with a historical analysis of the Foreign Corrupt Practices Act (FCPA), enacted in the United States in the late 1970s, and of its role in disseminating an international "good governance" agenda, which has become a standard of transnational regulation and extraterritorial legal interference. This section further discusses the relationship between this anti-corruption agenda and neoliberal political reforms in the early 1990s.

Subsequently, the article discusses the emergence of a global anti-corruption doctrine, fostered by multilateral organizations and think tanks aligned with the Washington Consensus, and its function as an instrument for legitimizing and promoting neoliberal political and economic reforms. It then examines how Brazil internalized these international anti-corruption guidelines, particularly from the 2000s onwards, culminating in Operation Car Wash (Operação Lava Jato). The article argues that Lava Jato was instrumentalized through a hybrid modus operandi, developed as a maxi-trial marked by procedural gigantism, grounded in a combination of the United States plea bargain model and the Italian experience of Operazione Mani Pulite, both reinterpreted through a logic of lawfare and political-judicial activism. This paper also devotes a section to analyzing the attempted creation of the Lava Jato Foundation, a paradigmatic episode that illustrates the expansion of investigative powers and the overlap of typical functions among the Public Prosecution Service, the Judiciary, and the Executive. This episode is presented as an institutional and ethical turning point within the Brazilian justice system.

2. Historical Analyses of the Foreign Corrupt Practices Act (FCPA)

In the late 1970s, following a series of corruption scandals in the United States of America (USA), the Foreign Corrupt Practices Act (FCPA) imposed obligations on US companies that were not required of corporations based in countries lacking analogous legislation. According to Pagotto (2013), the FCPA formed part of the public reaction to the scandal involving bribes paid by Lockheed Aircraft Corporation to foreign public officials in several allied countries during the Cold War. This scenario rendered competition in transnational markets more difficult for US companies. Pagotto (2013) identifies this competitive disadvantage of the United States in relation to other industrialized countries and notes that some European jurisdictions not only failed to categorically prohibit the bribery of foreign public officials but even allowed such payments to be treated as tax-deductible business expenses.

An anti-corruption crusade emerged as a strategic means of placing all actors within the same competitive framework, as well as of exporting neoliberal political reforms. Under the purported aim of safeguarding capitalist free competition among participants in globalized markets, the FCPA authorized United States authorities to investigate companies with shares traded on US stock exchanges, even where the conduct under investigation had not occurred within US territory (Zanin, Zanin, & Valim, 2019; Pagotto, 2013; Banzatto, 2025). Within this political context, the United States came to project itself as a kind of international judge, empowered to intervene in events taking place in any country, since the way the Foreign Corrupt Practices Act is applied at the international level demonstrates this (Romano, 2019).

This geopolitical anti-corruption movement produced direct effects as early as the late 1980s. In this context, diplomatic initiatives began within the Organization for Economic Co-operation and Development (OECD). From 1993 onwards, political pressure intensified, and, in 1994, the first international anti-corruption agreement was adopted, an outcome that was no coincidence, given that many of its principles replicated the logic of the FCPA (Pagotto, 2013). In Brazil, efforts to conform to this international anti-corruption framework gained traction in the early 2000s, when the country began seeking to align itself with this neoliberal and ostensibly modernized international context. Thus, in 2001, Decree No. 3.810/2001 (Brasil, 2001) enacted the Mutual Legal Assistance Agreement in Criminal Matters between the Government of the Federative Republic of Brazil and the Government of the United States of America.

When the international cooperation established in connection with Operation Car Wash is examined, it becomes evident that not only the United States, but also several other States engaged in cooperation with Brazil. According to the Federal Prosecution Service itself, fifty-eight countries received requests arising from Lava Jato investigations, while, conversely, forty-one countries submitted requests for cooperation related to Lava Jato (Brasil, 2021).

Although Operation Car Wash cooperated with several countries, the criminal enforcement system instrumentalized by the operation adhered to the modalities of a United States foreign policy of combating corruption. Given that these are strategic actions in the international arena, this cannot be regarded as a merely bilateral initiative devoid of intentions of intervention or the defence of political interests. Rodrigues (2020) notes that, in relation to Lava Jato, the potential interference and even the defence of the interests of foreign countries are also warning signs in view of the deficient control over communications and the exchange of information between Brazilian investigators and agents linked to other countries. Problematic relations, from the standpoint of legality, between US agents and Brazilian authorities were made public in at least six reports published by The Intercept Brasil and Agência Pública.

These relations between actors within the Brazilian judicial system and the United States legal and political agencies were already being structured even before Operation Car Wash. In the early 2000s, during the so-called "war on terror",

the Bush administration was concerned about possible Hezbollah cells in South America, particularly in the tri-border area between Brazil, Paraguay, and Argentina. Brazil, however, regarded these specific concerns as somewhat exaggerated. Precisely because it did not obtain responses it considered aligned with its strategic interests, the United States Embassy in Brasília sought to create a network of local specialists capable of defending American positions without appearing to be Washington's pawns, in the words of Ambassador Clifford Sobel in a US diplomatic cable consulted by Le Monde (Estrada & Boucier, 2021).

More recently, in 2019, the United States established a fourth task force for combating international corruption, based in Miami and responsible for operations in South America. Three such units already existed, in New York, Los Angeles, and Washington, D.C. Known as the International Corruption Squads, these teams seek to investigate cases of bribery, "kleptocracy", and related offences committed outside the United States but maintaining a connection with the country (FBI, 2019).

The argument that the transnational character of globalized markets would justify a necessary extraterritorial application of the FCPA does not seem to hold, since even in this globalized scenario, anti-corruption measures implemented by one country that have a direct impact on another may be carried out through consensual mechanisms between the sovereign entities involved. Thus, the unilateral imposition of fines under the FCPA becomes an illegitimate form of economic intervention in key sectors of a country and in its economic sovereignty (Augusto Jr., Gabrielli, & Alonso Jr., 2021). One thing is international cooperation in the criminal prosecution of white-collar crime; quite another, and very different, is the strategic use of a statute in other sovereign states, which, conveniently, results in substantial fines and economic sanctions being imposed on companies operating in strategic sectors of the countries under investigation.

These are significant findings because the relationship between Brazilian authorities involved in Operation Car Wash and United States authorities did not consist merely of disinterested investigative cooperation. Ramina (2021) argues that Operation Car Wash must be situated within the geopolitical context of new US hegemonic strategies. As outlined above, these relations are constructed within a US geopolitical framework aimed at safeguarding its own interests. However, the instrumentalization of such geopolitical interests does not occur through militarized means but instead seeks political and ethical legitimacy by presenting itself as devoted to combating corruption. It thus exploits a major social, political, economic, and ethical problem to create fertile ground for the exchange of information with other countries and for the training of foreign authorities, thereby disseminating the anti-corruption modus operandi previously discussed. In the Brazilian context, Engelmann (2017) identifies a connection between the international anti-corruption movement and the political protagonism of a Brazilian judicial elite. This anti-corruption doctrine was materialized in Brazil through Operation Car Wash, taking the form of a maxi-trial.

3. An Anti-Corruption Doctrine: International Organizations and Neoliberal Political Reforms

In the early 1990s, political discourse in defence of economic globalisation, supported by a form of political neoliberalism that provided its institutional framework, identified inefficiency and corruption as serious obstacles to social development, the promotion of human rights, and international competitiveness (Rose-Ackerman & Palifka, 2020). Alongside the entire fantasy of the "end of history" (Fukuyama, 1992), neoliberal actors justified the construction of their societal model based on the alleged need for state reorganization and, consequently, an imperative legal reform. This, in their view, would allow for greater efficiency in the few services that would remain public and would free society from the corruption said to plague the interventionist state (Romano, 2019).

According to Gloeckner and Silveira (2020), corruption was transformed into a transnational problem after the end of the Cold War, through the World Bank's efforts to establish a good governance agenda. The dissemination of the use of corruption perception indices by Transparency International also contributed to this development. In this way, neoliberalism came to regard the Social State as a political obstacle to the transnationalisation of markets. The State was thus recast as the principal locus of corruption, as the idea spread that the state apparatus was almost inextricably linked to corrupt practices, particularly through the private appropriation of public resources.

In this sense, corruption is strategically employed yet another justification for the dismantling of the Social State through privatization processes (Dardot & Laval, 2016). On the other hand, corruption involving private corporations, both in economically developed and in developing countries, was brought prominently to public attention by the Panama Papers, which exposed the activities of the Mossack Fonseca law firm and revealed the extent of systemic corruption linked to private-sector operations. Nevertheless, the international anti-corruption doctrine, led by the United States, was primarily directed at the dimension of corruption perpetrated by public agents associated with the functions of the Social State.

Until the 1970s, however, the prevailing conception of corruption was that of an abuse of corporate power. Especially in the 1990s, the pendulum swung towards the notion of the corrupt State. Gloeckner and Silveira (2020) argue that there was an epistemological shift in the treatment of corruption: the "corrupt Corporation" was replaced by the "corrupt government", with a corresponding shift in the discursive axes from developed countries (and their corporations) to developing countries (and their corrupt governments) (Gloeckner & Silveira, 2020).

A 1978 publication by Rose-Ackerman is regarded as a landmark in this epistemological shift. Academic production on corruption expanded from the late 1970s onwards, and, by the early 1990s, analyses grounded in economic theory increasingly framed corruption in terms of its obstructive effects on countries' economic development (Pagotto, 2013). This entire intellectual and political movement was

driven by multilateral international agencies and by the United States through international legal norms advancing the idea of good governance and an anti-corruption doctrine (Rose-Ackerman & Palifka, 2020). In the same vein, Rose-Ackerman and Palifka (2020) state that international institutions, especially the World Bank, began to promote an anti-corruption agenda in the mid-1990s. The Washington Consensus, endorsed by Transparency International, the International Monetary Fund, and the World Bank, was crucial for the dissemination of this anti-corruption doctrine, as its directives structured political reforms aimed at reducing the role of the State through fiscal adjustments and cuts in public expenditure, and linked these measures to anti-corruption agendas. In this way, mechanisms for combating corruption became integrated with neoliberal policies (Gloeckner & Silveira, 2020).

According to Rose-Ackerman and Palifka (2020), the World Bank has promoted institutional reforms in such a way that bilateral aid and financing exclude countries listed as exhibiting certain levels of corruption. Consequently, the reform of political systems deemed corrupt, particularly in developing States, becomes a relevant condition for their inclusion in international commercial and financial arrangements. This dynamic entails a displacement of the locus of political decision-making: it is withdrawn from internal democratic and constitutional institutions and transferred to major financial corporations and international institutions controlled precisely by these corporations.

Ferrajoli (2014) argues that this process entails a deterioration of democracy, as it replaces the democratic and political governance of the economy with an economic and non-democratic governance of politics. From this perspective, neoliberalism offers a form of political rationality ostensibly suited to assisting developing countries, with corruption framed as the principal obstacle to economic and social development. For these States to overcome their pre-institutional condition, it would be necessary for them to adopt ready-made regulatory packages and standardised mechanisms of regulation.

Furthermore, one may question how this neoliberal modus operandi can be implemented in light of Brazil's own constitutional framework, as set out in Article 174 of the 1988 Federal Constitution (CF/1988), which establishes the State as the normative and regulatory agent of economic activity, providing that it shall, as the law determines, exercise the functions of supervision, incentive and planning, with planning being binding for the public sector and indicative for the private sector (Brasil, 1988).

The importance of think tanks in the construction and diffusion of an anti-corruption doctrine should not be overlooked, along lines also propelled by international multilateral agencies such as the World Bank and the OECD (Engelmann & Pilau, 2021; Romano, 2019). Among the many think tanks active in this field, Engelmann and Pilau (2021) note that at the Wilson Center, over the last decade, there has been a constant presence of Justices of the Supreme Federal Court in events and publications. They further state that this think tank established its Bra-

zilian section in 2006. Moreover, Brazil maintains relations with the United States within the judicial sphere through the Brazil–United States Judicial Dialogue Programme. Nassif (2024) also identifies the influence of the North American anti-corruption modus operandi on Operation Car Wash and on Sergio Moro, the operation's principal judge.

This demonstrates the diffusion of a model of anti-corruption enforcement based on imported frameworks, as outlined above, which are themselves expressions of the expansion of a neoliberal political order. In this regard, Sanchez (2021) notes that through training exchanges and specific courses aimed at Latin American judges and prosecutors, the United States has been disseminating its principles, values, and interests. These values and interests constitute an ideological element embedded within this international anti-corruption doctrine. Kennedy (1999) argues that this effort ultimately produces a stigmatization of certain economic regimes to the detriment of others, without due consideration of their social and distributive consequences.

All this accumulation does not appear to have yielded significant results. The American Trap, by Frédéric Pierucci in co-authorship with Matthieu Aron, is an autobiographical account that combines personal memoir, geopolitical analysis, and an exposé of the use of US anti-corruption legislation as a weapon of international economic competition. Pierucci, an engineer trained at the École Centrale de Lyon, built a solid career in the energy sector, holding senior positions at the French multinational Alstom, one of the world's leading suppliers of equipment and services for power generation and transmission. In 2013, when he was president of the company's boiler division, he was arrested in the United States on charges of involvement in alleged acts of corruption related to contracts in Asia, based on the FCPA (Pierucci & Aron, 2019).

Drawing on Pierucci's personal experience, the authors argue that although the FCPA is presented as an instrument for promoting integrity in international business, it is selectively employed as an economic weapon against foreign competitors. Pierucci describes how the US judicial and investigative apparatus, in conjunction with bodies such as the Department of Justice (DoJ) and the Securities and Exchange Commission (SEC), operates with extraterritorial jurisdiction to prosecute companies that maintain any connection with US territory or the US financial system, including dollar-denominated transactions carried out outside the United States (Pierucci & Aron, 2019).

The book sets out a critical perspective on the disparity in the treatment afforded to US and foreign companies: while US corporations involved in corruption scandals frequently secure more lenient settlements and preserve strategic assets, foreign companies are subjected to billion-dollar fines, operational restrictions, and pressure to sell profitable divisions to US firms. The emblematic case recounted is the sale of Alstom's energy division to General Electric (GE), which took place during a period in which Alstom was facing intense investigations in the United States and under the impact of the arrest of key executives, including Pierucci himself. According to his account, the transaction was the re-

sult of a strategic "capture": judicial and financial pressure rendered resistance by Alstom unfeasible, culminating in the transfer of crucial assets to a direct US competitor (Pierucci & Aron, 2019).

Throughout the book, Pierucci contends that his imprisonment had less to do with individual accountability and more to do with using him as a means of blackmail against the company. He describes the conditions of his detention, the internal negotiations within Alstom, and the behind-the-scenes dynamics of the acquisition by GE, arguing that the United States employs anti-corruption legislation as an instrument of industrial policy and geostrategy. In this framework, economic sanctions, selective law enforcement, and asymmetric international cooperation are combined to protect and expand the influence of US corporations in the global market (Pierucci & Aron, 2019).

The modus operandi of Operation Car Wash had adverse economic repercussions, particularly for companies in strategic sectors such as Petrobras and construction firms, thereby weakening the country's productive capacity through a wide-ranging cascading effect. Furthermore, the restructuring of Brazil's principal strategic company, Petrobras, because of Operation Car Wash, adopted a new corporate management orientation that prioritized the distribution of dividends to shareholders, in line with a neoliberal profit logic, rather than restructuring aimed at safeguarding Brazilian energy sovereignty (Augusto Jr., Gabrielli, & Alonso Jr., 2021).

4. 1989: Washington Consensus and Regulatory Agencies

The Washington Consensus was a political-economic framework consolidated in November 1989, when economists and representatives of multilateral organizations met in the US capital to discuss measures aimed at addressing the fiscal and inflationary crises affecting, above all, Latin American countries. The meeting brought together the International Monetary Fund (IMF), the World Bank, the United States Department of the Treasury, and Latin American economists linked to international financial institutions, under the coordination of John Williamson, a British economist who systematized and disseminated the ten points of the consensus.

These points set out an agenda of structural reforms geared towards economic liberalization and the downsizing of the State, among which the following stand out: strict fiscal discipline aimed at eliminating public deficits; reduction of public spending through cuts in social policies and subsidies; tax reform designed to broaden the tax base and reduce rates; financial liberalization, allowing market-based interest rates and the free movement of capital; competitive exchange rates to stimulate exports; trade liberalization through the reduction of tariffs and non-tariff barriers; incentives for foreign direct investment; large-scale privatizations; economic deregulation, with fewer constraints on markets and companies; and the protection of intellectual property in line with international standards.

The deregulatory nature of the Consensus was evident: the State was expected to abandon its role as a central normative and regulatory agent and restrict itself

to creating a favorable environment for private capital. Emphasis was placed on the imposition of fiscal discipline and on the transfer of state assets and services to the private sector, under the justification that this would generate efficiency and competitiveness. In practice, however, the effects for Latin America were socially devastating. The orthodox implementation of these guidelines, often imposed as conditionalities for the granting of loans by the IMF and the World Bank, led to a profound retreat of the State from essential areas, exacerbating social inequalities, weakening public health and education systems, and disrupting domestic economies that depended on state protection to compete in the global market.

In Brazil, the reforms inspired by the Washington Consensus advanced particularly during the 1990s, culminating in the creation of Regulatory Agencies, such as the National Telecommunications Agency (ANATEL), the National Electric Energy Agency (ANEEL), and the National Agency for Petroleum, Natural Gas and Biofuels (ANP), among others. Unlike the New Deal model in the United States, where regulatory agencies were established from 1933 onwards to enable the State to assume the strategic direction of the economy in the face of the 1929 crisis and the imminence of the Second World War, Brazilian agencies were conceived with the opposite objective: to withdraw the State from the direct regulation of economic activity. Rather than coordinating public investment and steering strategic sectors, as in the United States of the 1930s and 1940s, the Brazilian model transferred regulatory competences to autonomous bodies, often with limited capacity for direct intervention, operating as intermediaries between the market and society rather than as direct agents of economic development.

Thus, the creation of Brazilian regulatory agencies represented the internalization of a neoliberal paradigm in which the State no longer directs the economy, but acts in a limited and subsidiary manner, consolidating the transition to a governance model aligned with the guidelines of the Washington Consensus and the requirements of multilateral organizations. This new institutional apparatus proved entirely incapable of delivering what it ostensibly sought to promote: transparency in governmental action, a reduction in the costs associated with corruption, and the consolidation of Brazilian democracy. During the two presidential terms of Fernando Henrique Cardoso (1995-2002), Brazil underwent a series of structural reforms inspired by the neoliberal project and aligned with the directives of the Washington Consensus.

However, this period was also marked by numerous corruption scandals, one of the most emblematic being the case involving vote-buying for the approval of Constitutional Amendment No. 16/1997 (Brasil, 1997), which introduced the possibility of re-election for executive offices at the federal, state, and municipal levels. The amendment proposal, presented in 1995, sought to allow presidents, governors, and mayors to run for a second consecutive term. Although the measure enjoyed significant political support, allegations emerged during the legislative process indicating that members of Congress had received financial benefits in exchange for voting in favor of the proposal. The case gained national prominence

in May 1997, when the newspaper Folha de S. Paulo published a report containing statements by deputies who admitted to having received R$200,000 each, allegedly paid with funds diverted from state-owned enterprises and companies linked to the government to secure support for the amendment. The accusations primarily implicated the governing coalition in the Chamber of Deputies and pointed to a scheme of direct vote-buying, mediated by party leaders and political operatives close to the Presidential Palace.

Despite the seriousness of the allegations, the investigations conducted by the Office of the Prosecutor-General (PGR) and by the Parliamentary Commissions of Inquiry (CPIs) established in the National Congress did not lead to the criminal accountability of high-ranking authorities. The official narrative maintained by the government denied any irregularities, and the episode was ultimately closed without significant convictions. Nonetheless, from a historical and political perspective, the case became a landmark in shaping public perceptions of the ethical limits of coalition presidentialism in Brazil. The scandal starkly exposed the vulnerability of the legislative process to unlawful practices of parliamentary co-optation, particularly in the context of decisive votes on constitutional amendments. Furthermore, it brought to light the use of state resources and political influence to serve the immediate interests of those in power, to the detriment of democratic debate and institutional transparency.

The approval of re-election, although formally legitimate from a legal standpoint, thus became associated with a politically costly and morally contentious process. The episode is frequently cited as a paradigmatic example of the distortions arising from the weakness of oversight and accountability mechanisms within the Brazilian political system in the 1990s, a period in which, even as austerity and pro-market reforms were publicly promoted, patrimonialist and clientelist practices continued to operate behind the scenes of power.

5. The Importation of a United States *Modus Operandi* and the "New Methods" Implemented by Operation Car Wash

Operation Car Wash, launched in 2014, marked the adoption in Brazil of a model of investigation and criminal prosecution strongly inspired by foreign practices, particularly those of the United States system and the Italian operation Mani Pulite (Clean Hands) of the 1990s. This importation of methods involved the intensified use of plea bargaining, leniency agreements, and direct international cooperation between prosecutorial bodies, as well as the strategic use of the media to exert pressure on suspects and shape public opinion. This operation also generated intense political repercussions and has been identified by Talento and Megale (2022) as a determining factor in the 2018 Brazilian presidential elections.

A key milestone for understanding this methodological appropriation is the article published by Moro (2004), entitled "Considerations on Operation Mani Pulite". In it, the then federal judge examined the Italian experience, describing how the Milan Public Prosecutor's Office employed instruments such as prolonged

pre-trial detention, incentives for defendants' cooperation, and strong interaction with the press to create a political environment conducive to advancing investigations. Moro (2004) emphasized that these mechanisms were decisive in breaking pacts of silence and exposing networks of systemic corruption.

In the Brazilian case, Operation Car Wash incorporated not only this logic, but also practices from the United States judicial system, such as plea bargaining, adapted to the mechanism of rewarded cooperation provided for in Law No. 12,850/2013 (Brasil, 2013). This adaptation involved direct negotiations between prosecution and defence, with subsequent judicial homologation, thereby bringing Brazilian criminal procedure closer to a more flexible and pragmatic accusatorial model. Another characteristic element of this imported framework was the intensification of informal international cooperation with foreign authorities, particularly the US Department of Justice (DoJ) and the Securities and Exchange Commission (SEC). On many occasions, these interactions took place outside traditional diplomatic channels, such as the Ministry of Justice and Itamaraty, raising legitimate and lawful concerns regarding violations of sovereignty and compliance with the rules on international legal cooperation set out in multilateral treaties and conventions.

The presence of a "hybrid" modus operandi, combining elements of United States-style law enforcement with strategies drawn from Mani Pulite, resulted in an unprecedented expansion of the investigative and bargaining powers of the Federal Prosecution Service (MPF). However, it also prompted criticism regarding the balance between efficiency and procedural safeguards, and fuelled debate about the risk of the political instrumentalization of anti-corruption efforts. In short, Operation Car Wash did not emerge in an institutional vacuum; it was shaped by international references which, once transplanted into the Brazilian legal and political context, acquired distinctive features, at times strengthening criminal prosecution, at others infringing constitutional limits related to due process of law and the separation of powers.

In the United States, plea bargains and judicial agreements between the prosecuting authority and the accused are routinely employed. In Brazil, however, such investigative practices had never been used in the systematic manner seen during Operation Car Wash. Although plea bargaining (delação premiada) was legally provided for in Brazil, it had been very rarely resorted to. In Operation Car Wash, these plea bargains became a fundamental method that enabled the deepening of investigations. Imported, therefore, as a central investigative mechanism inspired by North American practice, they constituted an innovation in relation to the tradition of criminal prosecution that had prevailed in Brazil up to that point.

To this importation were added other strategies that did not derive directly from North American practice. The extensive use of the media to shape public opinion in favor of Operation Car Wash also contributed both to the expansion of the investigations and to the accrual of charismatic legitimacy by the main agents involved in the operation. This strategy was implemented during Operation Car Wash and proved successful, particularly through a combination of the

specific disposition of major mass media outlets in Brazil, which operated in symbiosis with the Operation, and the Italian experience of Mani Pulite which, in turn, was regarded by the principal judge of Operation Car Wash as the greatest anti-corruption operation in history, to be replicated in Brazil.

5.1. Expansion of the Powers of Investigative Authorities

One of the central criticisms levelled against Operation Car Wash concerned the extraordinary expansion of the powers granted to investigative bodies, particularly the Federal Prosecution Service (MPF) and the Federal Police. This phenomenon manifested itself in the ability of these bodies to conduct largely autonomous investigations, under limited judicial supervision and with little accountability to society or to internal oversight mechanisms. Among the practices highlighted as problematic were: successive extensions of pre-trial detention based on generic reasoning, used as a tool to secure plea agreements; broad authorizations for the lifting of banking, tax, and telecommunication secrecy, often granted in bulk and affecting dozens of individuals without clear delimitation; direct negotiation of collaboration and leniency agreements conducted by the Prosecution Service with near-exclusive protagonism, relegating the Judiciary to a merely homologatory role; and the strategic use of the media, including the selective disclosure of confidential investigative information, thereby generating intense public pressure on suspects and judges.

This expansion of investigative powers led to an excessive concentration of functions, bringing prosecutorial bodies closer to an inquisitorial profile and prompting criticism from legal scholars and human rights organizations. The lack of robust institutional checks within this framework was identified as a risk factor for procedural abuses and for the erosion of fundamental safeguards.

5.2. Reduction of Enforcement Powers

In contrast with the heightened prominence of investigative bodies, Operation Car Wash witnessed a significant reduction in the centrality of the institutions responsible for the penal and budgetary execution of judicial decisions, a development that weakened the balance between the phases of prosecution and the enforcement of sanctions. Traditionally, criminal enforcement in Brazil is characterized by more intensive judicial control, with close monitoring of the implementation of sentences and reparatory measures. During Lava Jato, however, the task force-centered model created a parallel circuit in which those responsible for the investigations themselves also directly influenced the allocation of resources arising from fines and agreements.

This arrangement was sharply criticized for three main reasons: the diversion of enforcement functions to structures linked to the Public Prosecution Service, reducing the role of administrative bodies and the Judiciary itself in the enforcement phase; the lack of transparency in the management of the billions recovered, exemplified by the attempted creation of the "Lava Jato Foundation", which would

have exercised direct control over a substantial portion of these funds; and the weakening of social and legislative oversight, since decisions concerning the allocation of resources and enforcement priorities were not subjected to scrutiny by representative institutions. Thus, the reduction of enforcement powers, combined with the expansion of investigative powers, produced a structural imbalance which, according to several analysts, compromised the impartiality and legitimacy of Operation Car Wash's actions and opened space for allegations of selectivity and the political use of the anti-corruption apparatus.

6. The Lava Jato Private-Law Foundation

On 23 January 2019, a Commitment Assumption Agreement was signed between Petrobras and the Federal Prosecution Service (MPF), through the Lava Jato task force, under which part of the fines paid by Petrobras to the SEC and the US DoJ would be deposited by the Brazilian mixed-capital company into a court account linked to the 13th Federal Court of Curitiba. The amount totaled USD 682,500,000 (six hundred and eighty-two million, five hundred thousand dollars). This sum was to be divided into two equal parts: one half would be allocated to a set of initiatives constituting a veritable complex of public policies across various fields related to the protection and promotion of a wide range of fundamental rights; the other half would be used to pay compensation in judicial proceedings or arbitral proceedings brought against Petrobras up to 8 October 2017.

This development unequivocally reveals an unprecedented facet of institutional fusion. It is known that, in maxi-trials, the fusion between judge and prosecutor, that is, the conflation of the typical functions of the Judiciary and the Public Prosecution Service within a monolithic modus operandi, has already been discussed by Ferrajoli (2002). In the Lava Jato case, however, what emerged was an attempted fusion among the Public Prosecution Service, the Executive, and the Legislature. The Federal Prosecution Service, through the Lava Jato task force, with the agreement of the Judiciary, via the 13th Federal Court of Curitiba, devised the creation of a private-law foundation that would receive astronomical sums. This foundation would be administered by a Council comprising representatives of the Federal Prosecution Service (MPU), the Public Prosecution Service of the State of Paraná, and institutions and individuals nominated by certain organisations with expertise in themes related to anti-corruption.

To illustrate the breadth of the initiatives that could have been undertaken by such a private-law foundation, it suffices to consider clause 2.3.1 of the Commitment Assumption Agreement, reproduced translated: "The promotion of a republican culture grounded in respect for legality and democratic values […] (I); the strengthening of Brazilian civil society and the fostering of participatory citizenship (II); the reparation, protection, and promotion of civil, political, social, and economic rights, especially through education, training, and professionalisation, for communities directly or indirectly affected by the suspension of Petrobras projects and works, in cases where such suspension bears some relation to corruption

uncovered by Operation Car Wash, for a period of up to fifteen (15) years from the start of the activities of the entity referred to in item 2.4.1 (V); and the reparation, protection, and promotion of rights (civil, political, social, economic, cultural, and other fundamental rights guaranteed by the Constitution) affected by corruption, such as the rights to health, education, a healthy environment, protection of those in situations of social vulnerability, and public security […]" (Brasil, 2019, n.p.)

Seen as a locus of distortion of the public interest, professional politics, from the Lava Jato perspective, was deemed so deeply permeated by corruption that a veritable crusade would be required to establish a worthy government and legislature. In view of the weaknesses of the Commitment Assumption Agreement between Petrobras and the MPF, the Federal Supreme Court (STF) was seized by the then Prosecutor-General of the Republic, Raquel Dodge, through Allegation of Breach of Fundamental Precept (ADPF) No. 568. The Workers' Party (PT) and the Democratic Labour Party (PDT) also brought a claim, ADPF No. 569. On 15 March 2019, by decision of Justice Alexandre de Moraes, the STF ordered the suspension of all effects of the decision issued by the 13th Federal Court of Curitiba that had approved the agreement, as well as the freezing of the corresponding funds (Brasil, 2019).

The most significant aspect, however, is the very conclusion of the agreement and its judicial approval, which speaks volumes about the degree of autonomy attained by Operation Car Wash. This Commitment Assumption Agreement embodies a particular understanding of the relationship between law and politics, of a specific modus operandi in the fight against corruption, and, more broadly, of the relationship between the public and the private spheres.

The financial resources that were to be allocated to the Lava Jato Foundation, a private-law legal entity, should instead be directed to the public administration. The use of such resources by the Foundation would have removed from the public sphere the decisions concerning the allocation of these funds, which reveals an alignment with neoliberal thought in seeking to neutralize the inherently political character of certain decisions, treating them merely as technical choices to be taken by small groups or individuals drawn from the state bureaucratic elites and economic elites, who did not hold elected office and could not be held politically accountable. For Barry (1996), it is "a great mistake" to assume that "justice as impartiality" can be conceived as a self-sufficient moral system.

7. Corruption and Republican Institutions in Spinoza: A Counterpoint to the Moralistic Approach to Combating Corruption

The mistaken conception that corruption is an evil that can be completely eradicated may give rise to a moral crusade to combat it, leading to the use of heterodox methods. By contrast, the idea that corruption is present in social life not as something extraordinary, but as a common, albeit harmful, element entails the under-

standing that it must be tackled in a measured way through ordinary mechanisms. This second way of conceiving corruption and the means of combatting it can be found in Spinoza (2009).

Spinoza's (2009) reflections on human nature, politics, and republican institutions offer an important counterpoint to moralistic and absolutist views on corruption. In his political philosophy, Spinoza starts from the premise that human behavior is governed by affects and self-interest, and that these impulses do not disappear merely through the existence of laws or through the moralization of customs.

Corruption, in this sense, is not an accidental anomaly that emerges only in exceptional moments, but a phenomenon inherent to societies composed of individuals with conflicting desires and needs. For Spinoza (2009), the central function of the republican State is not to eradicate human vices completely, a task he deems impossible, but to construct institutions capable of containing and managing them, preventing them from jeopardizing collective peace and freedom. Corruption may thus be understood as an inevitable social vice that can be reduced, controlled, and regulated, but never eliminated. The problem, therefore, does not lie in its mere existence, but in the absence of institutional mechanisms capable of preventing its expansion to the point of undermining political stability.

In the Spinozist perspective, republican organization does not depend on any supposed moral purity of rulers or citizens, but on the structure of laws and the balance of powers. The political system must be designed in such a way that it does not rely on individual virtue, but on the legitimate coercive force of norms and the effective functioning of oversight and accountability mechanisms. This is why, for Spinoza (2009), even a republic that coexists with certain levels of corruption can remain stable and functional, provided it upholds robust institutional arrangements and preserves citizen participation.

In this sense, Spinoza's (2009) lesson cautions against the notion that the mere exposure of corrupt acts, or the replacement of political agents, suffices to regenerate a republic. Without structural reforms that alter incentives and strengthen institutional safeguards, corruption tends to reorganize itself within new configurations of power, since it does not stem exclusively from the bad character of isolated individuals, but from systemic relations that enable and reproduce such practices. Spinoza's second significant contribution to the contemporary debate on corruption lies in his refusal to treat social and political phenomena as manifestations of a metaphysical evil or a curse upon the community. In "Theological-Political Treatise and the Political Treatise", he insists that political facts must be understood through reason, by investigating their causes and objective conditions, rather than being reduced to emotional or moralizing judgements.

Applying this reasoning to the issue of corruption, Spinoza (2009) directs us to abandon the fatalistic view that regards the phenomenon as an uncontrollable plague hanging over society and inevitably condemning it to failure. On the contrary, corruption must be examined as the outcome of specific institutional, cul-

tural, economic, and historical conditions, which can be analyzed and transformed. Such an approach demands empirical inquiry, rigorous diagnosis, and the formulation of public policies that address the structural causes of corruption, rather than confining themselves to the punishment of isolated effects.

By advocating a rational understanding, Spinoza (2009) also rejects any discourse that turns the fight against corruption into an instrument of political persecution or emotional mobilization of the masses. He would caution that when anti-corruption efforts are transformed into a moral crusade, detached from concrete and balanced reforms, there is a serious risk of destroying the very political stability they purport to protect. The effect is twofold: on the one hand, it opens space for arbitrariness and abuses committed in the name of "morality"; on the other, it legitimises the notion that politics must be purged of its vices through exceptional measures, thereby straying from republican principles of legality and due process.

In this perspective, Spinoza's approach contributes to the contemporary debate by shifting the focus from abstract moral condemnation to concrete institutional design. If corruption is treated as a curse, it becomes a pretext for authoritarian or exceptional measures; if it is understood as a natural phenomenon of political life, it opens the way for preventive policies grounded in institutional design, oversight, transparency, and civic education. Thus, the "rational understanding" advocated by Spinoza does not downplay the gravity of corruption but rejects moral alarmism and simplistic solutions. On the contrary, it proposes a more demanding path: to understand the causes of the phenomenon in depth, to acknowledge the inevitability of a certain degree of vice in political life, and to invest in building resilient institutions capable of preventing such vices from undermining the functioning of the republic and the freedom of its citizens.

In his "Tractatus de Intellectus Emendatione", Spinoza (2009) embarks upon an ambitious task: demystifying the order of ideas, now freed from the confusion between what is known and what is unknown. In pursuit of this clarity, he maintains that inquiry must always be grounded in physical things, or real beings (*entibus realibus*), so as to avoid falling victim to disorder in thought, a disorder which, as Chauí (2000) observes, is responsible for the confusion between what lies in the imagination and what lies in the intellect, "a dreaming with one's eyes open", which leads one to begin with abstractions that confuse true axioms and "pervert the order of nature", placing abstract universals in the place of the principles or of the "source and origin of Nature".

In this way, social vices are not linked to the bad character of individuals, nor virtue to the construction of a superior moral conscience; rather, they rest upon political institutions, capable of grounding their functions in the institutional foundation of freedom as a counter to the moralistic voluntarism that presupposes the need to disseminate universal moral virtues (Guimaraens, 2010). This, therefore, is the constitutional challenge that remains to be confronted. Addressing it requires, above all, the civic courage of all and of their institutions: the courage, ultimately, of those willing to confront vices, wickedness, and the partiality of false

freedoms, always so tempting to those who seek the reign of fear and the subjugation of free reason

8. Final Considerations

The analysis developed throughout this study demonstrates that the global anti-corruption discourse, far from being confined to an ethical-universal commitment, constitutes a structuring element of a political and economic rationality that has been consolidated since the second half of the twentieth century, in close connection with United States hegemony and the advance of neoliberal reforms. The normativity inaugurated by the Foreign Corrupt Practices Act (FCPA) and expanded through multilateral organizations such as the World Bank, the OECD, and Transparency International has proved to be not merely a legal instrument for regulating corporate practices, but above all a mechanism of geopolitical reordering and institutional disciplining of peripheral countries.

In the Brazilian context, Operation Car Wash constituted a clear materialization of this international anti-corruption doctrine, reproducing its normative, rhetorical, and methodological premises. The incorporation of instruments typical of the United States system, such as rewarded cooperation and direct negotiation between prosecution and defence, resulted in a model of criminal prosecution oriented towards efficiency and the moralization of politics, but often detached from the constitutional limits of due process of law and the separation of powers.

While the scope of the investigations did expose a vast corruption scheme and recover public funds, Operation Car Wash also produced corrosive effects on democratic institutionalism, expanding the powers of prosecutorial bodies and weakening the regulatory role and impartiality of the Judiciary. The attempted creation of the "Lava Jato Foundation" represented the apex of this dysfunction, transforming the fight against corruption into an autonomous and self-legitimating project of power, operating on the margins of republican mechanisms of oversight and public accountability.

It has also been concluded that the phenomenon of corruption may be reinterpreted not merely as a moral deviation to be eradicated through purifying crusades, but as an anthropological and institutional constant of republican life, whose containment depends on the quality and balance of institutions. The aspiration to eliminate corruption entirely, when instrumentalized by projects of power, tends to reproduce authoritarian forms of exception and to erode the very republican ideal it claims to preserve.

The present article likewise indicates avenues for further development. Since the Lava Jato investigations extended to other Latin American countries, it becomes possible to examine whether the investigative modus operandi in those jurisdictions replicated the model implemented in Brazil.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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