ARTICLE

Antipolitical class bias in corruption sentencing

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Abstract
Are corruption trials that involve the highest ranks in the public sphere and large private companies biased against some groups? Existing research predominantly focuses on corruption prosecutions of politicians, leaving unresolved the extent to which judges apply differential treatment when convicting and sentencing the political class compared to other defendants, including those in the private sector. To address this gap, we investigate judicial bias within Brazil's famous "Operação Lava Jato," the largest corruption investigation carried out in history. Leveraging an original database that traces the trajectory of the universe of the 3154 cases of Lava Jato, we show that judges' sentencing decisions were not governed by a partisan logic. Instead, judges were more inclined to impose longer prison times and higher fines to elected politicians when compared to all other defendants, particularly those from the private sector. We interpret these findings as evidence of *antipolitical class bias*.

Are corruption trials that involve the highest ranks in the public sphere and large private companies biased against some groups and in favor of others? This question, which has implications for our understanding of whether and how checks and balances work, has attracted the attention of legal scholars and social scientists across both consolidated and new democracies. A first set of works argues that judicial actors are responsive to politicians' motivations and therefore corruption prosecutions follow an electoral competition logic (e.g., Balán, 2011; Davis & White, 2021; Gordon, 2009; Maravall, 2003). A second group of studies argues, instead, that judges are not mere pawns in the hands of politicians; they harbor their own distinct preferences and incentives. According to this perspective, historical instances of widespread anticorruption endeavors targeting the political establishment demonstrate that, under certain conditions, judges and prosecutors operate independently and penalize

corrupt politicians irrespective of their party affiliation (Gonzalez-Ocantos et al., 2023; Manzi, 2022).

All these works have predominantly concentrated on examining the treatment of politicians accused of corruption in court but have paid scant attention to how judges adjudicate cases involving a broader category of defendants. Paradoxically, high-level corruption cases, such as the Mani Pulite case in Italy (Manzi, 2022), the Siemens transnational corruption scandal (Klinkhammer, 2015), and the Lava Jato prosecutions in Brazil (Da Ros & Taylor, 2022), involve a variety of actors beyond politicians. These include bureaucrats, business executives, and illicit money operators, some of whom may profit more significantly than politicians at the expense of taxpayers' funds.

Consequently, the extent to which there is political bias in courts' decisions regarding corruption cases and the ways in which political bias operates have not yet been fully disentangled. Specifically, a systematic examination of the existence of judicial bias against the political class as a whole is currently lacking. This gap arises in part because convictions and sentencing of politicians and private-sector executives are exceedingly infrequent occurrences. Additionally, in cases

where such investigations do occur, prosecutors and judges strategically withhold vital information from the public to prevent case contamination (Kroger, 2008).

Leveraging an original data set of corruption prosecutions, we build upon previous research on encompassing anticorruption campaigns to conceptualize and empirically assess the presence of "antipolitical class bias." This bias entails the informal judicial practice of providing different (and more severe) treatment to elected officials when compared to private-sector defendants and bureaucrats charged with similar corruption offenses, regardless of their party affiliations.

To test whether and why judges engage in antipolitical class bias, we examine one of the largest corruption investigations in history: the *Operação Lava Jato* (Operation Car Wash) in Brazil (Pressly, 2018). This investigation started in 2014, uncovering schemes of bribery and kickbacks between construction companies and Petrobras, a state-owned oil refinery. As the investigation expanded to different cities, prosecutors uncovered similar schemes across several public agencies, resulting in charges against 1053 individuals and over 150 convictions, in addition to the recovery of more than US$ 5 billion (Ministério Público Federal, 2021). Lava Jato had considerable implications for Brazilian politics and contributed to the impeachment of former President Dilma Rousseff (Workers' Party—*Partido dos Trabalhadores*) (Kerche & Marona, 2022), as well as to the election of far-right populist Jair Bolsonaro (Bastos dos Santos & Solano Gallego, 2022; De Sá e Silva, 2020).

Empirically, we adopt a mixed-methods approach. First, we built an original data set that traces the entire trajectory of the judicial proceedings of the universe of defendants charged in lower courts in the context of Lava Jato. In total, we examine 3154 cases in which 1053 defendants were involved, from the moment in which defendants were charged until their sentencing. To our knowledge, this is the first data set with complete information on all defendants involved in this case. Leveraging these novel data, we find that, on average, judges do not engage in partisan bias. Instead, they were more likely to give harsher sentences to elected officials compared to all other defendants, particularly those in the private sector. Most importantly, the effects we uncovered carry considerable substantive significance: Elected politicians, on average, received sentences with 73% longer jail time and fines 154% larger than comparable corrupt businesspeople. These effects hold after accounting for other possible explanations for why politicians might receive harsher sentences, including aggravating factors, the number (and seriousness) of crimes committed, the centrality of defendants in the corruption network, and plea bargain deals.

We supplement these results with qualitative evidence from 46 in-depth interviews with investigators, judges, and prosecutors who worked in Lava Jato. This qualitative approach allows us to delve deeper into the underlying reasons behind judges' antipolitical class bias. Our interview data reveal two nonmutually exclusive mechanisms. On the one hand, Brazilian judges have fostered a sense of *esprit de corps* centered around safeguarding society from state abuses. This sentiment is firmly rooted in a pessimistic perception of the political system (Gonzalez-Ocantos et al., 2023). We show how this mindset may have translated into more severe sentences for elected officials, as judges perceived crimes committed by politicians as particularly heinous and their harsh sentences as examples for other politicians. Furthermore, our interviews suggest that judges' antipolitical class bias may also be influenced by pressure of public opinion and social movement mobilization. These external pressures tend to focus on the transgressions of politicians and overlook those of private-sector actors (Melo, 2012; Tatagiba & Galvão, 2019).

This paper makes three contributions. First, we add to the ongoing debate regarding the treatment of corruption in courts, which has been dominated by two perspectives: those who emphasize the influence of partisan bias of judges and prosecutors (Balán, 2011; Davis & White, 2021; Feierherd et al., 2024; Gordon, 2009; Popova & Post, 2018) and those who view judges as autonomous actors (Gonzalez-Ocantos et al., 2023; Hilbink, 2007; Manzi, 2022). Building on the work of the latter group, we provide a new conceptualization and empirical test of antipolitical class bias in judicial cases of corruption. To our knowledge, this is the first systematic attempt to examine the presence and extent of antipolitical class bias. In doing this, we shift the focus of existing literature, which predominantly examines the treatment of politicians, toward a comprehensive assessment of how elected officials compare to other actors involved in corruption, particularly those within the private sector, who have been underexplored in the existing literature on grand corruption.

We also contribute to the growing body of literature on Lava Jato (Da Ros & Taylor, 2022; Gonzalez-Ocantos et al., 2023; Taylor, 2018). The question of whether courts were biased in the Lava Jato trials has drawn substantial attention, yet a consensus remains elusive among both academics and practitioners. Some researchers and practitioners argue that judges maintained impartiality (Bullock & Stephenson, 2020; Mattos, 2018), others that Lava Jato was an anticorruption crusade that did not follow an electoral logic (Gonzalez-Ocantos et al., 2023), while others contend that courts, at least in some jurisdictions, resorted to "lawfare" tactics, particularly against the

Workers' Party (Avritzer & Marona, 2017; Kerche & Marona, 2022). Our findings reconcile these seemingly conflicting viewpoints and provide a novel angle to the case by revealing that, while judges did not exhibit partisan bias against the Workers' Party (or any other party), they were not entirely impartial and did manifest an antipolitical class bias.

Last but not least, our work contributes to the broader discussion on corruption, democratic accountability, and political inequality. Corruption carries significant political implications and affects, for example, public trust in political institutions (Anderson & Tverdova, 2003; Bowler & Karp, 2004), the likelihood of impeachment proceedings (Pérez-Liñán, 2007), antiestablishment sentiments (Petersen Cortes, 2022), and voting behavior and turnout (Chong et al., 2015). We contend that the flip-side of antipolitical class bias, namely, the advantage enjoyed by private-sector actors over politicians in courts, also holds implications for contemporary democracies. Existing research has demonstrated that the voices of the highest income sectors in the private sector are amplified within democratic systems through various channels. Numerous studies have established that the affluent have greater access to both the executive and legislative branches of government (e.g. Carnes & Lupu, 2023; Szakonyi, 2020; Weschle, 2022). However, to the best of our knowledge, no prior studies have systematically examined the differential treatment that public- and private-sector actors involved in corruption cases receive within the judicial system. We view this differential treatment as yet another mechanism through which unequal representation manifests itself in democratic systems.

CORRUPTION AND BIAS IN THE JUDICIARY

Significant scholarly attention has been devoted to understanding whether political motivations play a role in shaping corruption investigations, subsequent prosecutorial actions, and the resulting penalties. Two alternative models of judicial decision-making on corruption cases emerge from this debate.

The first one depicts prosecutors and judges as passive agents who act in accordance with the preferences of politicians driven by electoral incentives. According to this account, judicial decisions directly mirror the dynamics of electoral competition (Balán, 2011; Chang & Golden, 2007; Maravall, 2003). Courts and judges are perceived as tools employed by strategic politicians to weaken their political adversaries. These studies predominantly examine the degree to which prosecutors and judges exhibit *partisan bias*, that is, the practice of offering differential treatment to defendants based on their partisan affiliation. Evidence of this bias

has been identified across democracies with different levels of consolidation. For instance, research concerning the United States consistently suggests that the political appointment of prosecutors and judges establishes a principal–agent relationship between these actors and incumbent politicians, leading to distortions in the judicial proceedings for individuals accused of corruption (Gordon & Huber, 2009). These studies demonstrate that prosecutors and judges tend to align their decisions with the interests of those who appointed them, thereby displaying partisan bias when determining whom to prosecute and convict for corrupt activities (e.g. Davis & White, 2021; Gordon, 2009; Pavlik, 2017).

In Latin America, where there is widespread variation in the appointment mechanisms of prosecutors and judges (Ríos-Figueroa, 2012), research has pointed out yet other direct and indirect mechanisms through which politicians steer judicial decisions for their electoral benefit. These range from removing noncompliant judges, shutting down courts (Castagnola & Pérez-Linán, 2011), and directly bribing judges (McMillan & Zoido, 2004), to leaking information that instigates prosecutors to pursue a case (Balán, 2011; Damgaard, 2018) and raising accusations against political opponents during electoral campaigns (Feierherd et al., 2024). In this context, particularly prosecutors have been found to make biased decisions based on the partisan identity of those accused of corruption (Balán, 2011; Feierherd et al., 2024; Helmke et al., 2019).

A second set of studies emphasizes the independence of judicial actors in relation to politicians. In this view, prosecutors and judges are relatively autonomous actors organizationally embedded and guided by their distinct set of preferences, incentives, and ideas (González-Ocantos, 2016; Gonzalez-Ocantos et al., 2023; Helmke, 2012; Hilbink, 2007; Ingram, 2015). These works underscore that, contrary to being swayed by political directives, prosecutors and judges at times embark on endeavors to criminalize corruption (Da Ros & Taylor, 2022; Gonzalez-Ocantos et al., 2023; Sberna & Vannucci, 2013; Taylor, 2018). Notably, these studies do not place emphasis on the manifestation of partisan bias. Rather, they characterize anticorruption campaigns as the pursuit of a wide spectrum of political figures, even encompassing high-ranking members of major political parties, regardless of their partisan allegiances (Gonzalez-Ocantos et al., 2023, p. 27).

An illustrative and extensively examined instance of all-encompassing anticorruption endeavors is the Mani Pulite (Clean Hands) case in Italy. During the 1990s, prosecutors pressed charges against members from major political parties as well as high-ranking executives of prominent firms (Della Porta, 2001; Della Porta & Vannucci, 2007). Another example is the Lava Jato case. Contrary to prevailing scholarly

and public assertions that this investigation adhered to an electoral-based rationale (Avritzer & Marona, 2017; Kerche & Marona, 2022), Gonzalez-Ocantos et al. (2023) challenge this notion by portraying the Lava Jato case as an exemplar of an "anti-corruption crusade" where prosecutors and judges deliberately expanded their target pool by going against the most powerful establishment political actors in the system.

These studies collectively contribute to an enriched comprehension of the cognitive processes through which judicial actors make decisions in corruption trials. While the first body of scholarship exposes the influence of electoral dynamics and partisan conflicts on judges' deliberations, the second one challenges this notion and underscores this is not always the case. In certain instances, judges can act independently from the executive and legislative branches of government to broadly target political actors regardless of their party identity. These works contend that the emergence of anticorruption crusades hinges on a "judicial zeal" (Gonzalez-Ocantos et al., 2023). This attribute manifests through the utilization of unconventional tactics and is fueled by rhetoric that portrays judges as guardians of ethical standards, summoned to combat a corrupt political establishment. In both the Mani Pulite and Lava Jato cases, scholars argue that judges had a resolute aversion toward politicians, whom they perceive as inherently corrupt (Gonzalez-Ocantos et al., 2023). Other studies find evidence of similar behavior, which they refer to as "judicial populism," where judges perceive themselves (and are perceived by sectors of society) as heroes or saviors that have the moral duty of protecting the people from wicked politicians (e.g., Bakiner, 2020; Bencze, 2022; Gallego, 2018).

Some of these works imply that judicial actors' fervent engagement in anticorruption endeavors might be impelled by a sentiment against corrupt politicians (Della Porta & Vannucci, 2007). However, the ways in which bias against politicians—and in favor of other corrupt actors, particularly those in the private sector—operates remains undertheorized and largely untested empirically. First, it is not clear from prior studies whether judges' negative view of political institutions results in the differentiated treatment of politicians (compared to other corrupt actors) beyond the prosecutorial stage, and, if so, against whom. For instance, we know little about whether judges who consider themselves the guardians of ethical standards also believe that the private sector is characterized by systemic corruption, and, as a result, that business executives need to be punished equally as hard. Similarly, it is not clear whether judges perceive the entire realm of public administration, both elected and nonelected, as corrupt and consequently warranting uniform sanctioning. Elucidating these inquiries bears theoretical significance, as it is by no means apparent

that judges, even those who portray themselves as protectors of democracy, universally subject politicians to more stringent treatment than other defendants such as business executives or bureaucrats.

We contribute to this scholarship by theorizing and testing judges' *antipolitical class bias*, understood as the informal judicial practice of giving differential (and harsher) treatment to politicians, particularly elected ones, from private-sector defendants for committing comparable crimes, independently of their party of affiliation. We conceptualize judicial bias as judges' decision making on sentencing being driven by individual preferences of the judge for a harsher or more lenient sentence toward a group of defendants that is not explained by factors outside of the judges' own beliefs. While prior studies have explored the attitudes of prosecutors and judges toward the political system, our research takes a more comprehensive approach by examining the broad spectrum of actors embroiled in corrupt networks. This allows us to systematically assess if, how, and why judges treat elected officials more harshly compared to nonelected public servants and private-sector actors, particularly business executives.

Comparing judges' decisions in corruption trials of cases involving politicians with other defendants such as bureaucrats or private-sector actors is important because corruption is a two-sided exchange. Corruption is typically defined as: "The illicit use of willingness-to-pay as a decision-making criterion. A private individual or a firm makes a payment to a public official in return for a benefit or to avoid a cost" (Rose-Ackerman, 2010, p. 47). This conceptualization depicts corrupt transactions as a problem that involves a bribee and a briber, usually one in the public sphere and the other in the private one. Therefore, to fully disentangle political bias in courts, it is imperative to consider the treatment that not only politicians, but the entire set of defendants receives, including bureaucrats and private-sector actors who have been charged with similar crimes.

In the remainder of this paper, we build on this definition of corruption to examine the extent to which judges are biased against political elites when compared to private-sector actors who are also involved in corruption schemes. In addition, in section " Mechanisms," we hypothesize different mechanisms that explain why judges punish more corrupt politicians than corrupt private-sector actors.

THE LAVA JATO CASE

Lava Jato started in the city of Curitiba as an investigation of four black-market money dealers, one of which was the owner of a gas station that had a car wash—hence the name "Operation Car Wash." The

investigation initially revealed a corrupt scheme in which a cartel of large construction companies offered bribes to the directors of Petrobras—a state-owned oil refinery—as well as to politicians who appointed these directors (Lagunes & Svejnar, 2020). However, as prosecutors uncovered similar schemes across other public agencies, the investigation quickly spread to Rio de Janeiro, São Paulo, and Distrito Federal (Ministério Público Federal, 2021).

The Lava Jato case offers a valuable context to explore partisan bias in corruption prosecutions. First, this scheme of corporate and political corruption involved a wide range of actors beyond politicians, including business executives, public officials, and illicit money operators, enabling a broader comparison of how politicians are treated in court relative to other actors, thereby expanding on previous research, which focused only on the treatment received by political elites.

Second, unlike in other countries where judges are appointed by the president, in Brazil, lower court judges are tenured professionals recruited via impersonal exams (Dahis et al., 2020). Just like prosecutors (Arantes, 2002), Brazilian judges are forbidden from having formal ties with political parties. This allows us to examine judges' biases in contexts where formal institutional mechanisms are in place to prevent political parties from affecting the behavior of judges.

Moreover, Lava Jato is a substantively important case, as it is the largest corruption scandal uncovered in the history of Brazil and possibly of the world (Pressly, 2018). Because prosecutors across several countries, including Mexico, Peru, and Ecuador, have sought to emulate the early apparent success of Lava Jato (Gonzalez-Ocantos & Hidalgo, 2019), its death amidst allegations of partisan bias offers a critical cautionary tale for other countries.

We are not the first to study the Lava Jato case. Some works have examined the organizational and institutional changes in the justice and law enforcement systems that made Lava Jato possible, both in Brazil (Da Ros & Taylor, 2022; Kerche & Marona 2022) and internationally (Gonzalez-Ocantos & Hidalgo, 2019). Others have focused on accusations of prosecutorial misconduct and overreach (De Sá e Silva, 2020; De Sá e Silva, 2022). Gonzalez-Ocantos et al. (2023) examine the emergence of Lava Jato as an anticorruption crusade and its effects on voting behavior, showing that biases in the justice system can have important electoral consequences.

Previous studies have also attempted to assess political bias in the Lava Jato case. Some have analyzed plea bargain negotiations, suggesting partisan bias as prosecutors selectively engaged in deals with business executives and money dealers to gather information against the Workers' Party (Avritzer & Marona, 2017). However, this analysis covers only 12 cases (about 1% of total defendants), making the findings inconclusive. Others have examined prosecutors' strategies, including depositions and pretrial detentions (Rodrigues, 2019). Additionally, existing research has noted politicians received harsher treatment than other defendants in judge Sérgio Moro's decisions (Da Ros et al., 2024). However, this leaves unclear whether the bias against politicians was consistent among all judges overseeing Lava Jato cases. Hence, the question of whether Lava Jato trials exhibited bias remains unresolved.

While recognizing the external validity challenges that quantitative single case studies face (Pepinsky, 2019), the study of the Lava Jato case allows us to test systematically if and how judges engage in judicial bias during corruption trials. This research provides insights about potential presence of bias in other cases such as Italy (Della Porta & Vannucci, 2007), Colombia (Bakiner, 2020), Hungary (Bencze, 2022), India (Sathe, 2001), or Pakistan (Riaz, 2020), where corruption scandals involving both politicians across the political spectrum and business actors gained visibility. We expect the dynamics we uncover are likely to extend to other democratic contexts where political corruption is also an endemic problem and where judges are not appointed.

EMPIRICAL ANALYSIS

Data

Lava Jato provides a unique opportunity for empirical examination of judicial bias. All charges and sentencing documents for all defendants were made publicly available by the Brazilian Public Prosecutor's Office (*Ministério Público Federal*) and the Federal Courts (*Justiça Federal*). These documents enabled us to manually reconstruct the entire trajectory of charges in the Lava Jato case, from the initial filing by prosecutors to lower court's conviction and sentencing decisions. In total, prosecutors charged 1053 individuals, many of them for multiple crimes, giving us a total of 3154 individual-crimes/charges. To code the judicial proceedings of each defendant, we read 217 criminal charges and sentences, which were on average over 100 pages long. Table A.6 (p. 13 of the online appendix) presents a summary of the distribution of charges and the main outcomes across the three states where charges were pressed (Paraná, Rio de Janeiro, and São Paulo).

Our data set includes all decisions made by judges who sentenced Lava Jato cases in lower courts across all states where trials took place. To our knowledge, ours is the most complete data set on this investigation. In the online appendix, we provide further information about the data collection procedures and

sources (section A.2 of the online appendix, pp. 3–4), as well as a detailed explanation of the procedural steps in a corruption lawsuit within the Brazilian justice system (section A.1 of the online appendix, pp. 2–3).

Our data have two main limitations. First, they do not include the initial stages of a lawsuit, such as the decision of police officers to initiate an investigation because data on police reports are not publicly available. While our study does not directly test if there was bias before cases reached courts, this should not affect our main result on antipolitical class bias: If prosecutors tended to press charges against politicians at a higher rate than they did against nonpoliticians, then we would expect our results to understate the magnitude of the true judicial bias. This implies that our estimates could be seen as a lower bound on an even greater bias, if prosecution decisions indeed had an impact on our sample.[1]

Another limitation is our exclusion of cases of politicians who have privileged jurisdiction (*foro privilegiado*). These cases bypass lower courts and go directly to higher courts like the Superior Court of Justice (*Superior Tribunal de Justiça*) and the Brazilian Supreme Court (*Supremo Tribunal Federal*). We exclude these cases from our data for two reasons: First, these cases lack publicly available files. Second, the number of cases tried in higher courts is substantially lower compared to lower courts, and thus unlikely to affect our quantitative results. Specifically, the latest official data published on this indicated that the Supreme Court had issued sentences only against six defendants with privileged jurisdiction, with seven remaining charges pending trials (Supremo Tribunal Federal, 2021).

Lower court prosecutions, our focus, were the most substantively important during Lava Jato. Lower courts tried dozens of high-level politicians, including elected officials who no longer held a public position at the time of the investigation or who lost their position during the investigation, and, as a result, did not have privileged jurisdiction. Table 1 describes the positions of politicians prosecuted in lower courts.

Methodology

Our choice of methodology is based on our identification strategy for the main treatment: The effect of being an elected politician on judicial decisions (Elected). The relevant outcomes are: (1) whether defendants were convicted (Convicted); for those who were convicted, (2) the amount in fines they were

TABLE 1   Percentage of elected officials by position occupied.

Position	Total	Percentage
Congress member	21	41.18
Cabinet member	9	17.65
Senator	7	13.73
State representative	4	7.84
Governor	3	5.88
Mayor or member of city council	3	5.88
President or vice president	2	3.92
Other	2	3.92

Note: Some defendants had more than one position at the same time.

asked to pay (Fine), and (3) the prison time as a percentage of the minimum sentence mandated by the law for their crime (Sentence).[2] For more information about how these variables were constructed, see section A.4 of the online appendix (pp. 5–12).

Figure 1 displays the relationships between variables posited in our empirical strategy. Confounders are the variables that cause both treatment and outcomes, which we include as controls; moderators are the variables that may affect the outcome but not the treatment, and their inclusion as control variables is optional; mediators are the causal mechanisms through which the treatment may affect the outcome. The latter are not included in our models as their inclusion would bias treatment coefficient estimates.

In our regression models, the following are assumed to be pretreatment confounders as they likely precede and could affect both a defendant's election to office and their sentencing: the defendant's political party affiliation (Party), which we gathered from the official website of the Brazilian Electoral Court (*Tribunal Superior Eleitoral*); the ideology of the defendant's party (Ideology), measured following Zucco and Power's (2019) 10-point scale, where 1 is left and 10 is right[3]; whether the defendant is a public servant (Public Service), operationalized as 1 when the defendant belongs to the public sector (elected or nonelected) and 0 when they belong to the private sector; Sex (male/not); whether the defendant's party of affiliation is incumbent or challenger (Incumbency); whether the defendant is a politician at the federal or state level (Federal); and the district where the case was treated (State).

We also include several mediating variables that could impact defendants' conviction and sentencing: Quantity of crimes; whether the defendant

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[1] For a general discussion of how sample selection via police or prosecutorial decision leads to attenuation bias in criminal justice contexts, see Knox et al. (2020).

[2] This is the measure typically used by judges to justify their calculations in sentencing documents. Our results also hold when we use sentence as a percentage of the maximum sentence of the crime (see section D of the online appendix, pp. 20–30).

[3] Our results hold when using two other alternative measures of ideology based on expert surveys (see section D of the online appendix, pp. 20–30).
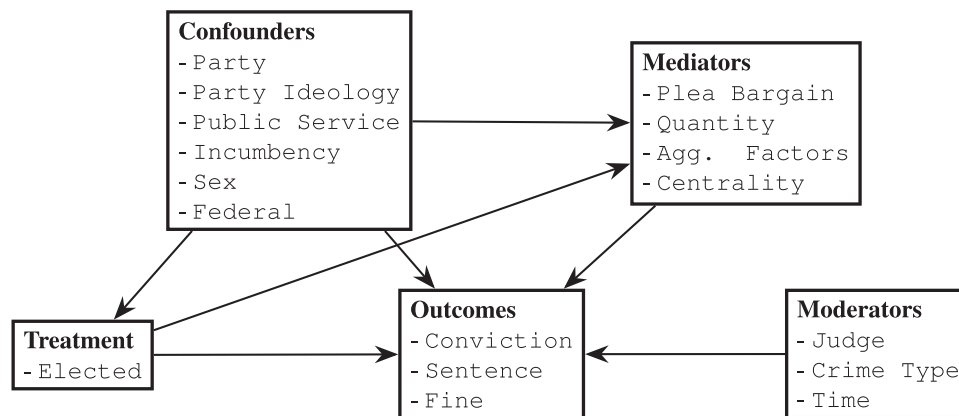
FIGURE 1 Directed acyclic graph (DAG). *Note*: The graph depicts the posited causal relationships between variables in our analysis. An arrow from box A to box B means "either of the variables in A could cause either of the variables in B."

signed any `Plea Bargain` deals, whether there were any `Aggravating Factors`; and the defendant's `Centrality` in the corruption network. These are all variables that can be influenced by a defendant's status in office, but also affect the final judicial decision.

Finally, we consider the sentencing `judge` as a moderator, as this variable affects outcomes, but is unlikely to be affected by any other variables as judges are randomly selected.[4] We also include as a moderator the `Time` that took the judge to reach a resolution and the `Crime type`, even though this variable could be thought of as a mediator. We incorporate it as a moderator because, first, we wish to maintain comparability of cases within crime types, and second, because there is no substantial correlation between crime type and treatment.[5]

The summary statistics of all our variables (Table A.6, p. 13 of the online appendix) and further details on data collection and measurement of the variables used in the main and supplementary models are available in section A.5 (pp. 5-13) of the online appendix.

Our main quantitative tool is linear regression with fixed effects at the judge level, including both `Elected` and all of the confounder and moderator variables. We use this model for all our results unless otherwise specified. We do not include any of the mediator variables in our models as this is likely to induce posttreatment bias in our results (Montgomery et al., 2018).

To deal with the mediators identified in Figure 1, we employ the Controlled Direct Effect (CDE) methodology of Acharya et al. (2016). This methodology allows us to exclude the possibility that all of our treatment effects are explained by one or more mediators. We

estimate the effect of our treatment on our outcomes of interest, while holding each of the mediators constant. Models employed for CDE analysis are also linear regressions, which include confounders and moderators. Standard errors and confidence intervals were obtained with the bootstrap strategy outlined in Acharya et al. (2016). This procedure produces an estimate of the effect of the treatment through channels that exclude the alternative mechanism posited by each mediator.

EMPIRICAL RESULTS

The first set of results is displayed in Figure 2 and offers support for the theory that judges engage in antipolitical class bias. We find that being an elected official has a statistically significant positive effect on the size of their sentence—including prison time and fine—irrespective of their party. We also find a statistically significant effect of being an elected official on the chances of being convicted when compared to private-sector actors, but this effect is not significant when comparing politicians with bureaucrats. The magnitude of the effects is considerable. For example, Figure 2 shows that, compared to all other defendants, elected officials tend to receive sentences that are 51% longer in terms of prison time and 129% larger in terms of fines on average.

When compared to bureaucrats, we find that elected politicians receive 41% longer prison sentences and 113% higher fines. However, we do not find a statistically significant effect of being an elected politician on the probability of conviction when compared to bureaucrats. This is likely due to the smaller sample size of our analysis when considering only bureaucrats ($N = 373$) versus when considering all defendants ($N = 1053$). Given this limitation, we cannot exclude the case that judges may be biased against

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[4] Details on judges' random selection process in each state are presented in section A.1 of the online appendix, pp. 2-3.

[5] Individual-level results that do not include this variable confirm that its inclusion does not produce any substantial posttreatment bias (see section C of the online appendix, pp. 18-20).
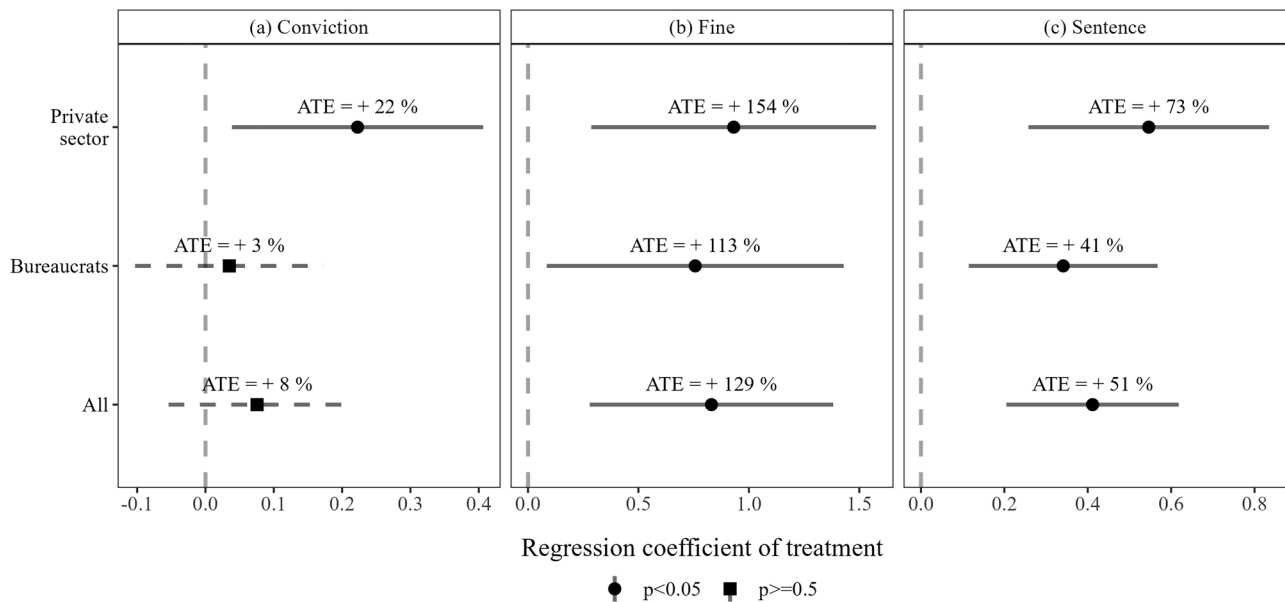
FIGURE 2   The effect of being elected on sentencing outcomes, by defendant group. *Note*: Coefficient estimates and 95% confidence intervals of treatment (Elected) on outcomes (top) when comparing elected politicians to different subsets of the defendants (left); ATE: average treatment effect. All models include the sex of the defendant, party ideology of the defendant, incumbency status of the defendant's party, judge and crime fixed effects, and a nonlinear time trend. A numerical version of this figure is available in Table A.7 (p. 15 of the online Appendix)

anyone affiliated with the public sector, rather than specifically against elected officials *when making conviction decisions*. Nevertheless, we find that the bias against elected politicians persists in sentencing decisions when compared to bureaucrats or nonelected public servants.

Second, when compared to private-sector citizens, elected politicians are 22% more likely to be convicted and receive sentences with 73% longer jail time and 154% larger fines. The magnitude of these results is substantial and in line with our argument that judges discriminate against elected politicians and in favor of private-sector actors. Private-sector actors are slightly less likely to get convicted than elected politicians for committing comparable crimes, but once they are, they are significantly less likely to go to prison and pay significantly lower fines.

Next, we test the theory that judges are biased in favor of certain political parties. In the context of Lava Jato, several scholars claim that judges were biased against the Workers' Party (Avritzer & Marona, 2017; Evans, 2018; Kerche & Marona, 2022). However, Figure 3 provides evidence that this is not the case. When compared to affiliates of the Brazilian Democratic Movement (MDB), a center-right party, we find that affiliates of the Workers' Party are no more likely to be convicted or receive harsher sentences or fines. Even if we were to look at our coefficient estimates on sentencing in isolation from the statistical uncertainty around them, the coefficient signs run again against the main theoretical prediction of partisan bias in

corruption trials in the existing literature on Lava Jato (Avritzer & Marona, 2017; Kerche & Marona, 2022). The lack of statistical significance of all the coefficient estimates around the party variables, together with the implausibility of the alternative theory that judges were being more lenient against the Workers' Party, we opt for the simpler and more robust conclusion that, conditional on bringing charges to defendants, there is no support for the existence of judicial partisan bias. In the online appendix, in section D (pp. 20–30), we present complementary results showing that judges do not penalize elected politicians affiliated with the incumbent party more than others affiliated with opposition parties, both at the state and federal level.

Next, we consider another set of alternative explanations that could be driving the disparities in conviction and sentencing outcomes from the political class compared to civil servants and private-sector actors. We assess four competing explanations for the harsher sentences of elected officials by producing a new set of models with mediation variables, which are presented on Figure 4. First, it may be that elected politicians commit more crimes when compared to other defendants, potentially because as decision-makers they are exposed to more opportunities to engage in corrupt acts (first row, Figure 4). Second, it is also possible that prosecutors and judges strategically tried to give plea bargain deals—and therefore more lenient sentences—to private-sector actors to help investigators gather evidence against
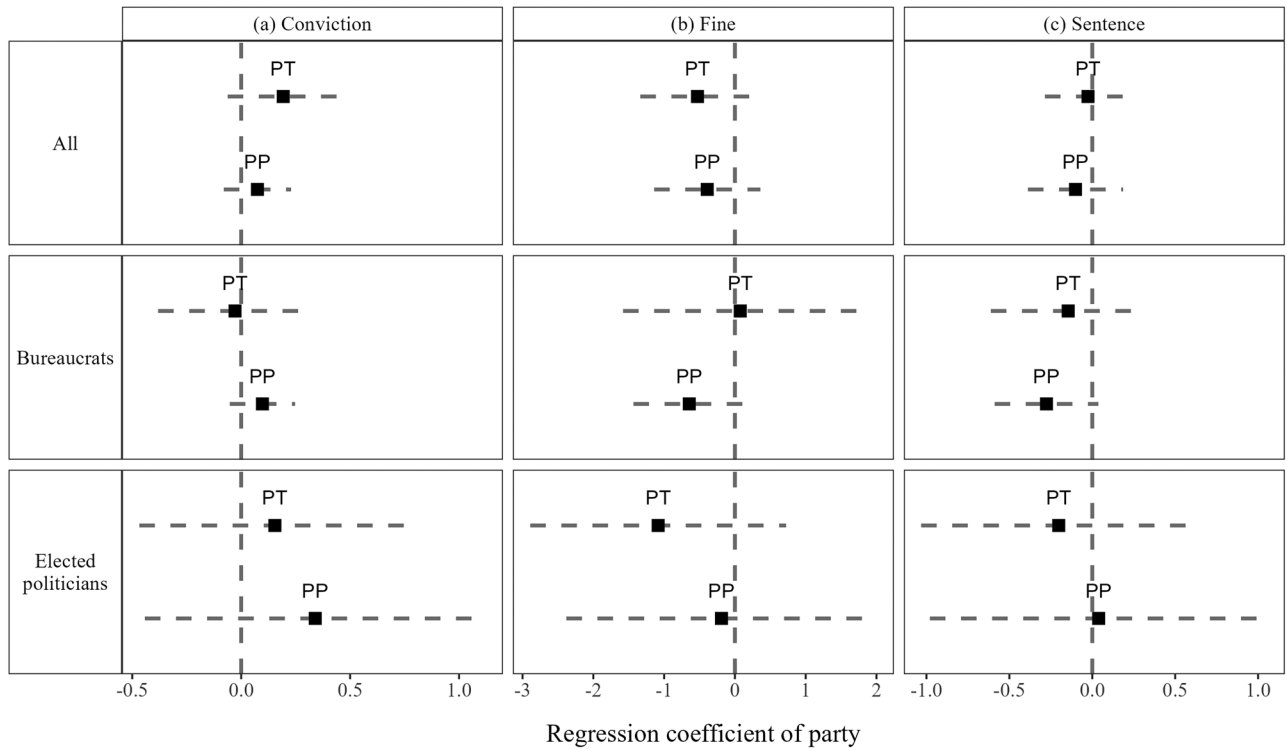
FIGURE 3 The effect of partisanship on sentencing outcomes. *Note*: Coefficient estimates and 95% confidence intervals of party affiliation on outcomes (top) for different subset of defendants (right); PT: *Partido dos Trabalhadores*, PP: *Partido Progressista*. The control group is defendants affiliated with the *Movimento Democrático Brasileiro* (MDB). All models include the sex of the defendant, judge and crime fixed effects, and a nonlinear time trend. A numerical version of this figure is available in Table A.9 (p. 17 of the online appendix).
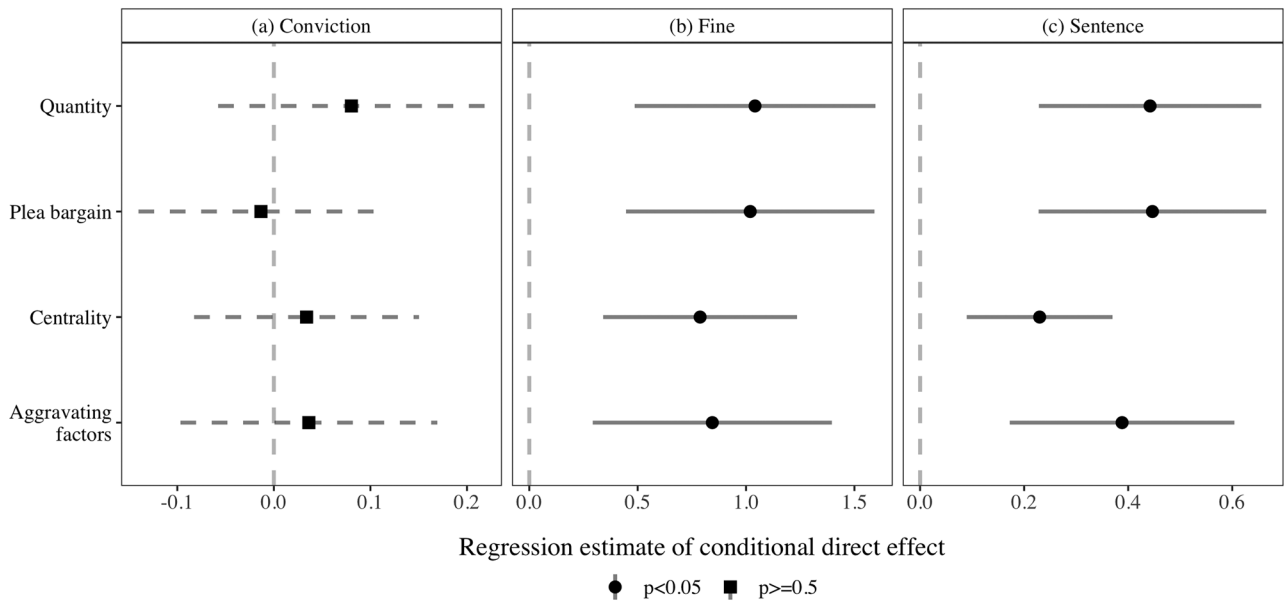

FIGURE 4 Conditional direct effect (CDE) of being an elected politician on sentencing outcomes. *Note*: Coefficient estimates, 95% confidence intervals of the CDE of treatment (Elected) on outcome (top) when mediator (left) is held constant. All models include all the confounders detailed in Figure 1 as first stage controls, as well as combinations of the mediators as second stage controls. See Table A.8 (p. 15 of the online appendix) for a tabular version of this figure as well as more details on the control variables included in each model, and Table A.11 (p. 19 of the online appendix) for results at the individual level.

politicians (second row, Figure 4). Third, elected politicians may be more involved in an underlying network of both corruption and political influence: this would imply that elected officials' harsher sentences are due to judges recognizing their role within these networks and penalizing them for it (third row, Figure 4). Finally, it may be that legal mechanisms, such as aggravating circumstances that apply specifically to elected politicians, explain why these defendants get harsher treatment (fourth row, Figure 4).

When the CDE is statistically significant, we can conclude that the mechanism on the right does not explain all of the effect of treatment on outcome. This indicates that the mechanism on the right can be excluded as the sole responsible for the effect of treatment on outcome. We observe that even when holding these mediators constant, the effects of being an elected official on sentencing persist. Specifically, we note that the effect of being elected is still roughly the same as the total from Figure 2, indicating that all the alternative mechanisms we test do not seem to account for the effect of being elected on sentencing outcomes. By exclusion, this suggests that antipolitical class bias is likely the main driver of this effect. Contrary to this, we see that the CDE of elected on likelihood of conviction is statistically insignificant (though always positive) when each of our mediators is held constant. While this could suggest that the alternative mechanisms mentioned before do explain the effect of being elected on conviction, we also do not find any statistically significant result for the average mediation effect (AME) of each of the mediators on conviction (see Table A.8 in p. 16 of the online appendix for AME results). This suggests that there is also no strong evidence in our data in favor of the alternative mechanisms tested here for conviction outcomes.

Overall, while we have evidence that judges may be biased when making conviction decisions, this latter outcome may be linked to being an elected politician through mechanisms other than judicial bias. However, our results show statistical and substantive significance in favor of the hypothesis that judges manifest antipolitical class bias when making sentencing decisions. In other words, judges tend to punish more harshly elected politicians compared to any other type of defendants. Our results are particularly strong when comparing elected politicians vis-à-vis private-sector actors, who according to our results enjoy a significantly more lenient treatment in courts.

Robustness checks

We conduct several robustness checks. First, our main results consider multiple trials for the same defendant,

but we also re-evaluate all our main models using defendant-level data in online Appendix C (pp. 18–19) and find that all our main results hold. In online Appendix D (pp. 20–30), we conduct several additional robustness checks: We re-estimate models treating all mediating variables in Figure 1 as potential confounders (Table A.15, p. 24 of the online appendix). We test whether being in an incumbent party has any moderating effect on sentencing but find no evidence that politicians in incumbent parties are treated any differently by judges (Table A.13, p. 21 of the online appendix). To address potential unobserved pre-election confounders related to Lava Jato, we re-evaluate models in Figure 2 by considering as treated only those elected officials with over 15 years in office, indicating they were elected before Lava Jato schemes began (Table A.16, p. 26 of the online appendix). We also account for sample-selection bias using a two-stage sample selection model (Heckman, 1979; Toomet & Henningsen, 2008) (Table A.14, p. 23 of the online appendix). Finally, we present sensitivity analysis results (Table A.19, p. 30 of the online appendix) following Cinelli and Hazlett (2020). Our robustness checks confirm the results in this section.

MECHANISMS

The next inquiry we address concerns why judges exhibit this antipolitical class bias in their rulings on corruption cases. We draw on qualitative data from 46 in-depth interviews with federal prosecutors, detectives, and judges who were directly involved in the investigation[6] to evaluate four nonmutually exclusive explanations for why judges might be harsher with corrupt politicians: (1) judges' *esprit de corps*, (2) popular pressure, (3) judges' political ambitions, and (4) career aspirations.

The *esprit de corps* of the judiciary

One possible explanation for judicial antipolitical class bias lies in judges' negative sentiments toward politicians (Della Porta, 2001; Gonzalez-Ocantos et al., 2023; Manzi, 2022). This sentiment is exemplified by the case of the Mani Pulite investigations in Italy, where judges developed a professional culture centered on safeguarding society from state abuses (Morisi, 1999). This collective spirit among judges may not promote institutional impartiality but instead leads judges to perceive themselves as the last line of defense for

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[6] These interviews were conducted between 2018 and 2022 in four cities: Brasília, Rio de Janeiro, Curitiba, and São Paulo. In section A.3 of the online appendix (pp. 4–5), we provide details of the numbers of interviews conducted in each state and our interviewing protocol.

the community, particularly when the political class appears ineffective (Della Porta, 2001). Consequently, the roots of antipolitical class bias may be traced back to judges' perceptions of their professional responsibilities.

We find empirical support for this mechanism, corroborating previous works on Lava Jato (Gonzalez-Ocantos et al., 2023). The Brazilian Judiciary was restructured during the country's transition to democracy in the 1980s, such that all judges in lower courts and lower level appellate courts started to be recruited through impersonal exams and obtained tenured positions (Sadek, 2004). Following these changes, judges built an *esprit de corps* focused on protecting a society perceived to be weak from abuses of the State (Sadek, 2004). For example, a survey from 2018 shows that 92% of lower court judges in Brazil believe that the judges are not neutral, either because judges "must interpret their decisions to make social change" or because they "must consider the consequences of their decisions" (dos Magistrados Brasileiros, 2018, p. 142). Although judges have been proactively promoting change in several areas, fighting corruption was elected the top priority for judges in 2018, when Lava Jato was active (dos Magistrados Brasileiros, 2018).

The qualitative evidence revealed that this *esprit de corps* centered around protecting society, particularly against corruption, often translated into punishing the political class more harshly. First, interviews revealed that judges sought to use Lava Jato as an example to other politicians. For example, Judge Bretas, who spearheaded the Lava Jato chapter in Rio de Janeiro, mentioned how the convictions of politicians can have an educational effect on elected officials:

> Although not every politician and every party is corrupt, I believe that impunity is the biggest reason we are where we are today. I think some defendants thought for years they would never get caught. That is why, if the Judiciary acts firmly now, there will be better public officials [in the future], because maybe politicians will think twice before engaging [in corruption]. Firmness can have a positive and educational effect. Moreover, we need to remove the corrupt from the political field. No second chances.[7]

Our interview data indicate that judges' use of the Lava Jato case as an example stems from their frustration about the Judiciary's past failures to punish elected officials. As one judge explained us, "In every country there is corruption. But here there was just such great impunity over the course of so many years, and this generated a culture of permissiveness towards crime inside the legislative power."[8] Judge Moro, for example, had worked in a similar investigation about a decade earlier called *Banestado*, which largely failed to hold accountable political elites (Mattos, 2018).

Lower court judges who worked on Lava Jato also showed frustration about the failure of higher courts to convict politicians. Elected officials who have privileged jurisdiction are tried directly at higher courts, many of them at the Supreme Court. However, because the Supreme Court is overwhelmed by cases from a variety of areas, it can be slower than lower courts (Sardinha, 2018). Interviews revealed that this delay frustrated lower court judges: "The Supreme Court has not even admitted the charges [against politicians]. People speak about effectiveness, but in relation to politcians, we have zero effectiveness."[9] Judge Moro, for example, criticized the Supreme Court for being "slow" with the trials of politicians:

> The second main reason for criminal impunity among the powerful is the fact that the Supreme Court of Brazil has jurisdiction over criminal charges against high federal official authorities, including the president, vice president, cabinet ministers, and members of the federal Congress. (…) In practice, the special jurisdiction of the Supreme Court over criminal charges involving high-ranking official authorities worked as a shield against accountability.[10]

Judges' negative perceptions of politicians may have also led them to see crimes committed by elected officials as particularly egregious. For example, when sentencing the former vice speaker of the House Eduardo Vargas, Moro argued that "The responsibility of the Vice President of the House of Representatives is enormous, and so is their culpability when they commit crimes" (Moro, 2017a, p. 57). Similarly, when sentencing the Speaker of the House Eduardo Cunha, he argued that "There is no offense more serious than betraying the Parliamentary Term of Office and the sacred trust given by the people to obtain personal advantages" (Moro, 2017b, p. 110). Judge Bretas also made a similar argument when sentencing Sérgio Cabral, former governor of Rio de Janeiro: "The defendant's social conduct must be evaluated negatively because he is a nationally known politician. (…) But he opted to act against the morals and the public

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[7] Quote from Carbajosa (2023).

[8] Authors' interview no. 14, Federal Courts, July 30, 2019.
[9] Authors' interview no. 17, Federal Courts, June 12, 2019
[10] (Moro, 2018, p. 158).

good, despite his great social responsibility" (Bretas, 2017, p. 77).

In sum, our interview data indicate that judges' professional mission contributed to their antipolitical class bias. This bias stemmed from judges' desire to set a precedent with Lava Jato, due to the historic impunity among corrupt elected officials. Additionally, judges perceived politicians' crimes as exceptionally egregious, warranting severe punishment.

Popular pressure

A second explanation is that judges engaged in antipolitical class bias as a reaction to external pressure from public opinion and social movements, which tend to focus more on the punishment of politicians compared to private-sector defendants (Melo, 2021; Tatagiba & Galvão, 2019). In this view, far from being insulated from external pressures, judges make decisions to please the public (Casillas et al., 2011). For example, in the Mani Pulite case, some scholars argued that judges' "struggle against the political class was fought in order to obtain the recognition and the positive judgments expressed in the public sphere" (Pizzorno, 1998, p. 98).

Our qualitative data also revealed support for this mechanism. Press coverage on corruption cases reached an all-time high during Lava Jato and focused mainly on the crimes committed by politicians compared to other actors involved in the scheme (Feres Júnior et al., 2018). Similarly, civil society mobilization against corruption also spiked during Lava Jato, but most protests centered around holding accountable politicians rather than other actors (Melo, 2012; Tatagiba & Galvão, 2019). As one prosecutor explains, cases of political corruption generally manage to get much more attention than cases of corporate corruption:

> There were a lot of politicians involved in Lava Jato, and this raises attention. When politicians are involved, it raises much more public attention. When you catch a business executive, no one knows who they are. But when it involves politicians, traditionally both the press and society pay much more attention.[11]

The two main judges involved in Lava Jato gave public statements that suggest they took into account the public mood and social mobilization when making decisions. For example, Judge Bretas said: "Who says, and under which authority, that the Judiciary should not listen to the voices in the streets?" (Lacsko, 2018).

Similarly, Judge Moro reacted to a wave of demonstrations: "I was touched by the public support for the Lava Jato investigations" (Ortiz, 2016). Another judge claimed that the Judiciary has been proactively trying to be more responsive to what society is asking of them: "Brazilian judges want to build a relationship with society, they understand that the population is the final recipient of judicial decisions, and judges are concerned about all of that."[12]

Interviewed prosecutors also broadly agreed that popular pressure affected the decisions of judges in Lava Jato. We would not expect prosecutors to openly admit that courts were affected by social movements because this takes away the attention from the evidence that prosecutors collected to prove the defendant's guilt and because this may create a perception that judges were biased. However, several prosecutors agreed that the public mood affected the decision making of judges: "The courts were affected by public opinion and the press. (…) There was a big public outcry, the press followed the case diligently, and this may have pressured the Judiciary into sentencing [politicians]."[13]

Therefore, there is suggestive evidence that judges' antipolitical class emerged, at least partially, from pressure from the media and social movements to punish politicians harshly for their involvement in corruption.

Career incentives

A third explanation posits that antipolitical class bias is driven by judges' career incentives. According to this account, in contexts where higher ranked judges regulate the promotion of lower ranked judges, such as in Brazil, the latter will adjust their ruling decisions to match the preferences of the former (Hilbink, 2007; Manzi, 2022).

There are two ways judges can be promoted in Brazil: seniority or merit. Promotion decisions are decided by the Circuit Court judges.[14] If antipolitical class bias in the Lava Jato case was explained by promotion incentives, we would expect to see judges who worked in Lava Jato—in particular those who were harsher against politicians—to receive merit-based promotions at higher rates compared to the broader population of judges. However, out of the nine judges who participated in the Lava Jato trials in lower courts, none were promoted based on merit, with only two judges receiving promotions based on seniority (Abrão, 2022; Conjur, 2022). Rather, our qualitative data suggests antipolitical class bias resulted in

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[11] Authors' interview no. 14, Public Prosecutor's Office, July 01, 2019

[12] Authors' interview no. 17, Federal Courts, July 13, 2019.
[13] Authors' interview no. 27, Public Prosecutor's Office, March 15, 2022.
[14] Alternatively, appointments to higher courts are decided by the president subject to confirmation by the Senate.

career obstacles for judges. For example, politicians who were prosecuted in Lava Jato filed complaints to the National Council of Judges (*Conselho Nacional de Justiça*), the body mandated to investigate and punish judicial misconduct, against several judges involved in Lava Jato, such as Sérgio Moro, Gabriela Hardt, and Marcelo Bretas. Although the Council has not found any judges guilty of misconduct as of December 2022, the council suspended Judge Bretas until a final decision has been made on his case (Marques & Nogueira, 2023). This suggests that judges engaged in antipolitical class not because of career incentives, but rather despite the challenges that this represented for their careers.

Nevertheless, it is possible that judges were not trying to please their immediate superiors, but rather politicians who were in charge of making appointments to higher courts. For example, the two main judges involved in Lava Jato, Sérgio Moro, and Marcelo Bretas were mentioned by the press as favorites for a seat at the Supreme Court during Lava Jato (Rezende, 2018). Even though neither of them was appointed, we cannot rule out that judges were considering their chances for an appointment to higher courts when they were making sentencing decisions.

Judges' political ambitions

Finally, a fourth explanation is that judges engaged in antipolitical class bias because of their own political ambition (Newell, 2015). According to this perspective, judges may strategically leverage corruption scandals as a stepping stone for pursuing political office. Imposing harsher penalties on politicians, especially incumbents, can potentially enhance judges' visibility and public perception as champions of anticorruption efforts.

In the aftermath of Lava Jato, Judge Moro decided to run for the federal senate and was elected in 2022.[15] If the political ambition hypothesis is correct, we would expect to see harsher treatment against elected officials by judge Moro compared to judges who did not run for office. To test this, we rely on our quantitative data. However, we find that judge Moro did not favor or disfavor politicians compared to other judges (see Table A.17, p. 27 of the online appendix).

To summarize, we have presented qualitative evidence in support of two nonmutually exclusive mechanisms that explain judges' antipolitical class bias: The development of an *esprit de corps* in the Judiciary focused on protecting society from corrupt

politicians, and pressure from the media, social movements, and public opinion to punish in particular politicians.

CONCLUSION

As global attention turns to corruption within the development agenda, prosecutions of high-rank politicians and business executives are on the rise. Existing literature primarily delves into legal proceedings involving politicians. Some studies suggest potential partisan bias from prosecutors and judges, while others argue for judicial autonomy and skepticism toward the political establishment. Yet, there is limited research on how judges treat politicians compared to other individuals, especially those in the private sector. To bridge this gap, we analyze previously untapped judicial data from Brazil's Operation Lava Jato to assess the treatment of elected officials, bureaucrats, and corporate executives implicated in this corruption network.

We find that judges did not differentiate defendants by party affiliation but exhibit what we called antipolitical class bias. Elected politicians received sentences with 73% longer jail time and fines 154% larger compared to their corrupt business counterparts. Data from interviews revealed this bias emanates from their collective ethos centered on safeguarding society from State abuses and from pressure from public opinion and social movements to punish politicians in particular.

These findings are especially relevant for less consolidated democracies where public–private corruption is the norm, not the exception. Replication of this research in other Latin American countries and beyond could help address several additional questions of generalizability. We expect our results to hold in countries that have experienced similar grand corruption scandals, and where judges go through similar selection and promotion mechanisms, particularly selection via impartial exams and tenure process, since these admission procedures can help insulate judges from political pressures. However, future research should also explore whether antipolitical class bias occurs in mature democracies. We would expect this dynamic to be less common and to vary depending on the degree of autonomy judges have from the executive branch. In this regard, more case studies and cross-country analyses could explore bias variations in jurisdictions with different judicial appointment methods.

In addition, the causes of antipolitical class bias need to be further explored. For example, in contexts where revolving doors from the Judiciary to politics or the private sector are not uncommon, this bias might be rooted in career incentives rather than an *esprit*

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[15] Judge Moro's wife also run and was elected a Congress member, just like Lava Jato's chief prosecutor in Curitiba, Deltan Dallagnol. Outside Brazil, another illustrative example is the case of judge Antonio Di Pietro, who upon spearheading the Mani Pulite investigations in Italy successfully ran for office and was elected senator (Newell, 2015).

de corps or popular pressure. Moreover, investigating whether judges consistently treat private-sector actors differently based on rank, organizational ties, or other characteristics, will not only deepen our understanding of judicial bias in corruption trials but also expand our knowledge on the extent to which businesspeople use judicial courts to exert their influence and power. Finally, we also propose exploring the political consequences of antipolitical class bias and its potential impacts on the quality of democracy, trust in institutions, and corruption levels.

We conclude by discussing the practical and normative implications of antipolitical class bias. From a policy perspective, our study offers valuable insights for practitioners engaged in the fight against corruption. International organizations have been advocating anticorruption measures since the 1990s. Our findings underscore the importance of addressing corruption within the private sector. As we showed, in cases where judges vigorously penalize corrupt elected officials to uphold accountability, this may come at the expense of neglecting the punishment of private-sector defendants equally involved in the same corruption scheme.

Normatively, we recognize that antipolitical class bias can have two distinct impacts on the functioning of democracy. On one hand, anticorruption bias might instill positive sentiments among citizens disenchanted with corrupt democracies. When citizens witness comprehensive judicial efforts aimed at holding politicians from all corners of the political spectrum accountable, it can signal that democratic accountability mechanisms are effective. This, in turn, may lead voters to explore new electoral solutions within the existing party system, whether by supporting nonmainstream parties or seeking fresh political figures within the established parties.

On the other hand, antipolitical class bias can exacerbate antiestablishment sentiments. When judicial processes result in severe punishments for politicians across the board, it can reinforce the notion that the entire political system is fundamentally corrupt. In such cases, voters may begin to seek alternative solutions outside the conventional political system, potentially paving the way for the emergence of populist figures. This latter point is in line with previous research, particularly in the context of Latin America. Even when initially fostering hope and satisfaction with the system among some portions of the electorate, these efforts have eventually fueled distrust in the system (Gonzalez-Ocantos et al., 2023), and potentially contributed to the rise of populist figures (De Sá e Silva, 2020). For instance, Bastos dos Santos and Solano Gallego (2022) have demonstrated a significant correlation between the narratives of those supporting the Lava Jato investigation and Bolsonaro supporters. They argue that the "punitivist" discourse of the former group, which prioritized punishing politicians ("the enemy") over respecting constitutional limits and due process, played a role in fueling the pro-Bolsonaro far-right and antipolitical discourse (Bastos dos Santos and Solano Gallego, 2022).

Our findings are aligned with this more pessimistic perspective. However, we identified yet another potential mechanism through which antipolitical class bias can detrimentally impact democracy. While it is often argued that leniency toward business figures in corruption cases is necessary to secure their cooperation in prosecuting corrupt politicians (Nelken, 1996), our research reveals that business figures continue to receive preferential treatment in courts. This raises the possibility that antipolitical class bias may be symptomatic of the influence of business within the judicial system.

Our study thus underscores the critical importance of paying attention at how business actors are treated in courts. When business figures evade legal consequences for their actions, it erodes the fundamental principle of equal treatment under the law, undermining the quality of democracy and leaving some citizens at a disadvantage. Moreover, the absence of penalties for businesspeople offering bribes may perpetuate a bad equilibrium of high corruption levels, as businesses may be incentivized to continue engaging in corrupt practices.

In conclusion, we emphasize the need for caution in the face of corruption trials. The finding that the business establishment often receives more lenient punishment for corruption can further erode public trust in democratic institutions, particularly in the context of young democracies like Brazil, where antidemocratic forces are not to be underestimated.

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SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.