
Contents

- 1 Introduction** 1
- 2 Theoretical Basis for Studying Legal Professionals in White-collar Crime** 9
 - 2.1 Social Theory, Sociology, and the Professions 9
 - 2.2 Towards a Sociology of Knowledge: Exclusive Claims, Knowledge and Expertise 13
 - 2.3 Towards a Political Sociology: Legal Professionals and Legal Elites 16
 - 2.4 Merging an Elite and a Profession Perspective to Study the White-collar Crime Workgroup 21
- 3 Research Design** 31
 - 3.1 First Step of Research Strategy: Modes of Thinking and Hermeneutic Method 35
 - 3.2 Second Step of Research Strategy: Modes of Acting and Decision-making Analysis 46
 - 3.3 Third Step of Research Strategy: Additional Explanations 54
- 4 How do Legal Professionals Think?** 59
 - 4.1 Explanatory Variables for Collective Mindsets 76
 - 4.1.1 Social origin 78
 - 4.1.2 Sex 84
 - 4.1.3 Career 89
 - 4.1.4 Sector 94
 - 4.2 Institutional Anchors 100
 - 4.2.1 White-collar Crime 101

4.2.2	Republicanism and Positivism	104
4.2.3	Pragmatism	112
4.2.4	Critical School and Guarantism	116
4.3	Cultural Backwardness	119
5	How do Legal Professionals Decide?	129
5.1	A “differentiated kind of investigation” to deal with “a differentiated kind of criminality”	132
5.1.1	“Centralize and Conquer”	132
5.1.2	“Any Port in a Storm”	140
5.1.3	“All’s Fair in Love and War”	146
5.2	Business and Politicians on the Dock	154
5.2.1	Processing Time of Criminal Proceedings	154
5.2.2	Convictions and Penalties of Offenders	161
6	Additional Factors of Explanations	173
6.1	The Logic of the Law and the Administration of Justice	174
6.2	The Logic of Global Norms	191
6.3	The Aggregated Logic of Decision-making: A Research Agenda	201
7	How Autonomous has the Legal Elite been in Respect to the State and the Market?	209
8	Conclusion	231
	Epilogue	239
	References	243

List of Figures

Figure 3.1	Research steps, the research question they respond to and the sources used	32
Figure 3.2	Analytic framework to assess how meaning systems and action are interconnected	34
Figure 3.3	Map with white-collar experience of interviewees	41
Figure 3.4	White-collar crime scandals in which interviewees worked chronologically cited and case studies	42
Figure 3.5	Summary of the two case studies: Mensalão and Petrolão (Car Wash)	52
Figure 4.1	Showcase of collective mindset analysis method with interpretation steps	62
Figure 4.2	Exemplary quotations of <i>corruption as a moral problem of politicians</i> mindset	63
Figure 4.3	Exemplary quotations of <i>corruption as a system that feeds and regulates itself</i> mindset	65
Figure 4.4	Exemplary quotations of <i>systemic political corruption</i> mindset	67
Figure 4.5	Exemplary quotations of <i>corruption as an unintended consequence of the capitalist model</i> mindset	68
Figure 4.6	Exemplary quotation of <i>politicians as the dispatchers of a bourgeoisie</i> mindset	69
Figure 4.7	Exemplary quotations of <i>the Judicial system ought not to be political</i> mindset	72
Figure 4.8	Exemplary quotations of <i>The Justice administration ought to be cooperative and legal professionals ought to be qualified</i> mindset	73

Figure 4.9	Exemplary quotations of <i>Legal professionals ought to attune to international trends mindset</i>	75
Figure 4.10	Representation of worldviews about bribe payers and payees in four quadrants	102
Figure 4.11	Public contest question about Republicanism	105
Figure 4.12	Minimum curriculum for legal education and Republicanism	107
Figure 4.13	Historical source about U.S. influence in Latin American universities	125
Figure 4.14	The trajectory of ideas explaining the reconstructed corruption mindsets	126
Figure 5.1	Expected nexus between modes of thinking and acting ...	130
Figure 5.2	Number of criminal proceedings by type of defendant in the dataset	136
Figure 5.3	Supreme Court decisions challenging the competency of the Paraná jurisdiction to process Car Wash defendants	138
Figure 5.4	Description from positive law about most common charges pressed, sanctions and statute of limitations	142
Figure 5.5	Network analysis of criminal proceedings and defendants in the Car Wash dataset	147
Figure 5.6	Duration of criminal proceeding by sentencing judge	157
Figure 5.7	Criminal cases that were sentenced in the shortest time ...	158
Figure 5.8	Individual sanctions given in a sentenced cartel case to an executive from a construction company	167
Figure 5.9	Summary of research steps one and two	172
Figure 6.1	Flowchart of Brazilian justice system	176
Figure 6.2	Description of legal principles related to the creation of specialized units on financial crime	178
Figure 6.3	Timeline with international and domestic changes in the white-collar crime domain	194
Figure 6.4	Model of decision making with sequential steps of legal accountability	204
Figure 7.1	Analytic derivations of how meaning systems and action are interconnected in the white-collar crime and corruption professional field	210

List of Tables

Table 2.1	Theoretical constructs, indicators and implications for the workgroup of white-collar crime and corruption	27
Table 3.1	Description of qualitative dataset with interviewees	40
Table 3.2	Database of court records	51
Table 3.3	Indicators for the three-pronged research design	56
Table 4.1	Overview of the collective mindsets reconstructed	77
Table 4.2	Mindsets disaggregated by family ascendancy of carriers	79
Table 4.3	Mindsets disaggregated by sex of carriers	84
Table 4.4	Sex distribution of defendants sentenced in the quantitative dataset	86
Table 4.5	Mindsets disaggregated by the profession of its carriers . . .	90
Table 4.6	Distribution of postgraduate studies by type of education (legal and not legal)	93
Table 4.7	Distribution of mindsets according to position of carriers	94
Table 5.1	Number of co-defenders in dataset	135
Table 5.2	Typologies of defendants in the dataset	135
Table 5.3	Types of crimes filed in indictment	141
Table 5.4	Charges of money laundering in the dataset	141
Table 5.5	Plea agreements by defendant typology	151
Table 5.6	Average time until sentence	154
Table 5.7	Processing time of criminal proceedings and charges of AML offences	155
Table 5.8	Average duration of proceedings in days by sentencing jurisdiction	157

Table 5.9	Processing of criminal files in days and typology of defendants	159
Table 5.10	Duration of criminal proceedings from indictment to sentence pondered by the number of defendants	160
Table 5.11	Crimes found guilty at sentences	161
Table 5.12	Charges and convictions of money laundering in the dataset	161
Table 5.13	Range of penalties given during the two corruption probes	162
Table 5.14	Odds ratio of process-related variables with statistical significance	166
Table 5.15	Odds ratio of offender-related variables with statistical significance	168
Table 5.16	Odds ratio of offender-related variables (political and economic elites) with statistical significance	170
Table 5.17	Odds ratio of company man being convicted	170
Table 6.1	Specialized authorities on money laundering and financial crimes in the sample	180
Table 6.2	Charges of criminal organization against politicians and parties sentenced at Brasilia	187
Table 6.3	Cross-tabulation of place of jurisdiction and success of conviction for the crime of criminal organization: frequencies of accused politicians	189
Table 6.4	Professionals' specialization by place of post-graduation ...	197
Table 6.5	Collective mindsets on corruption by international mobility of carriers	198
Table 6.6	Collective mindset on international solutions by mobility of carriers	198
Table 7.1	Theoretical constructs juxtaposed with findings	216
Table 7.2	Composite social capital of Justice Ministers	227