

# Executive Leaders' Corruption in Contemporary Democracies

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Largely due to the process of the presidentialization of politics, executive leaders have gained a crucial position in legislative and governmental activities in most contemporary democracies<sup>1</sup>. We note a shift from a collegial form to a monocratic one, enabling Presidents and Prime Ministers to become the focal point of the institutional framework which parties have dominated for a long time<sup>2</sup>. At the same time, their ethical integrity is a prerequisite for both implementing good policies and shaping good societies<sup>3</sup>. However, judicial investigations against them have multiplied over the last decades. Between January 1990 and May 2008, 67 Heads of State or government from 43 countries had been formally charged or indicted with serious criminal offences such as corruption<sup>4</sup>.

Corruption cases involving top politicians seem to affect the most of contemporary democracies and could no longer be limited to non-democracies. In Brazil, three former Presidents – Fernando Collor de Mello, Luiz Inacio Lula da Silva, Dilma Rousseff – were accused of corruption in the Petrobras affair. Lula's imprisonment had big implications on the 2018 national election. In Portugal, the socialist leader, and former Prime Minister José Sòcrates has been arrested in 2014 after an investigation for corruption, fraud and money laundering. He would give commercial benefits to a construction group during and after his office (2005-2011). Besides, the former Slovenian Prime Minister Janez Jansa has been sentenced to two years in prison for bribery in a 2006 arms deal, because of the purchase of 135 armored vehicles from the Finnish defense group Patria while he was Prime Minister. Additionally, the Panama Papers affair has involved top politicians from all over the world, triggering serious political consequences. For instance, public protests against the former Icelandic President David Gunnlaugsonn – accused of hiding huge sums of money in an offshore account – compelled him to step down from office.

However, while a growing body of researchers analyzes the causes and consequences of political corruption, less has been written about executive leaders' corruption. By recognizing that «the bulk of studies of public leadership are essentially the studies of the lives and particular characteristics and behaviors of individuals occupying high public offices»<sup>5</sup>, we cannot overlook how relevant comparative analysis of political leaders is and the issue of high-level political corruption which represents one of the major shortcomings challenging contemporary democracies. Currently, there are no comprehensive studies on this subject and little information is available on the dimension of this phenomenon. Therefore, this paper aims to understand and explore this phenomenon by focusing on 82 Presidents and Prime Ministers from 14 full or flawed democracies over a period dating from 2000 to 2018. Particularly, it refers to Presidents in semi-presidential or presidential regimes and to Prime Ministers in parliamentary regimes. The object of the study is executive leaders' corruption. In a broad sense, we consider corruption the abuse of entrusted power for private gain. This paper presents a first insight based on field work notes about executive leaders' corruption and it is structured in three parts. Firstly, it explores how political corruption represents a nexus between personalization of politics, magistracy, media, and lobbies in the era of personal politics. Secondly, it shows relevant empirical evidence of leaders' corruption and its consequences. It argues that in a phase of personalized politics and less structured parties, executive leaders are increasingly involved in corruption cases. Therefore, it aims to achieve a better understanding of the transformations that are taking place within contemporary democracies and it stimulates further research on these topics.

## 1. Political Corruption in the Era of Personal Politics

Personalization is an established feature of contemporary politics. The rise of personal leaders underlines a revolution for party politics<sup>6</sup>, because of the political reinforcement of individual leaders and the resulting establishment of a more direct relationship with citizens. Therefore, regardless of formal constitution, we observe a significant change in executive power dynamics due to the direct relationship between monocratic leaders and citizens, their increasing weight within both executive and party and a new relationship between public and private sphere<sup>7</sup>. Personal leaders became «the main governmental driving force and the point of concentration of

mass expectations» in contemporary democracies<sup>8</sup>. Hence, we observe a rising predominance of leader-centred executive and to the de-partyisation of the control on the government. This epochal passage is linked to the decline of the political parties, that has been accelerated also by a lack of trust in political class and élites, increasingly involved in corruption scandals and illegal activities<sup>9</sup>. Moreover, it follows the crisis of ideologies and the crisis of mass party in contemporary political regimes over the last few decades. Therefore, in the era of personal politics, executive leaders' norm violation has gained greater importance because every judicial act relating to political leaders assumes both high political significance and critical consequences on public policy as well as on the quality of democratic representation. However, Presidents and Prime Ministers are increasingly sued concerning cases of political corruption, pushing some scholars to talk about the presence of mighty «thieves in power»<sup>10</sup>. These events represent a widespread phenomenon in contemporary political regimes. Indeed, the «iron law of leadership»<sup>11</sup> seems to disclose its weakest side, and we increasingly observe a mounting tension between executive leaders and other political actors. Public opinion, magistracy, and corporations represent the main pitfalls for contemporary leaders, and political corruption a dangerous nexus between them. In more detail:

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- *Public opinion*. Because of the mediatization and personalization of politics, citizens have developed a direct relationship with leaders<sup>12</sup>. Indeed, media build an appealing image, establish an emotional connection with voters and investigate top politicians' private lives. They could either highlight or diminish the characteristics of candidates and their position on some issues and show them in a bad or good light. Therefore, media have the power to support or damage a leader's career. Indeed, «it is not difficult to find wrongdoing and damaging material for most parties and candidates. Since personal lives are rarely without shadows [...] personal sins and political corruption brew a powerful cocktail of intrigues and gossip that become the daily staple of media politics»<sup>13</sup>. Moreover, press tends to emphasize and dramatize corruption cases involving domestic public administrators and politicians and performs the traits of the issue in the political and public debate<sup>14</sup>. In such a scenario, the «transformation of judicial and political events into a scandal is by and large the result of media activity, which filters and communicates, but also simplifies, personalizes and sensationalizes information at high speed»<sup>15</sup>.
- *Magistracy*. The process of judicialization of politics has led to greater contamination between politics and judiciary. It refers to «the

expansion of the province of the courts or the judges at the expense of the politicians and/or administrators»<sup>16</sup>. This process has been characterized by a transfer to judges and courts of the responsibility to rule on sensitive political, social, and moral issues, by realizing a profound shift in power away from legislatures and government towards the judicial body. This change paved the way to the judicial function's expansion, and to a greater ability of the courts to limit and influence both legislatures and governments<sup>17</sup>. Judges have adapted to a changing environment – often favoured by the structure of the judicial system and the characteristics of penal law – and have embraced a new role. They are casting themselves as defenders of morality and rights and are intervening in political controversies more often than in the past. Therefore, because of parties' inadequacy, the checks of leaders' moral qualities have been more and more performed by the courts rather than by legislatures. Then, «judges have been increasingly willing to regulate the conduct of political activity itself [...] by constructing and enforcing standards of acceptable behaviour»<sup>18</sup>. Indeed, courts can also «determine the future of prominent leaders through impeachment or disqualification trials»<sup>19</sup> by impacting both political arena and electoral process.

- *Corporations*. Contemporary executive leaders have strong decision-making power and manage high financial resources. These aspects make them increasingly exposed to the capture by interest groups using intense lobbying to influence public policy<sup>20</sup>. Indeed, this process implies a closer and hidden relationship between high-level political actors and corporations, as clearly evidenced by the growing phenomenon of «Presidents and Prime Ministers in business»<sup>21</sup>. For instance, the former German Chancellor Gerhard Schroeder has been a strong supporter of the construction of a viaduct to transport gas from Russia to Germany while in office (1998-2005). After his tenure, he became responsible for Gazprom for building the same viaduct, and he worked for the multinational petroleum company TNK-BP. Interestingly, according to Sherr the term «Schroederization» underlines an untransparent and unconventional means of conducting business to the point that it became «a generic term for personal understanding between Moscow and foreign political leaders that elude due process and timely disclosure»<sup>22</sup>. Thus, leaders' career paths continue into business, suggesting that executive leaders may use their years in office to move into new positions. Then, it may lead to dubious exchanges of favors, perhaps shading into political corruption

«because of the perspective of working for the private firm after some time in exchange for his services»<sup>23</sup>.

In such a scenario, according to Calise considering the gravity and strong resonance of corruption scandals, the mass media recognize the judges as defenders of morality triggering mutual support and consolidating the power of the M-factor, where M stands for both «Media» and «Magistracy»<sup>24</sup>. The latter highlights the affinities between judiciary and mass media and the dangers that this symbiotic relationship can provoke. Such processes underline that the rising power of these two actors has gone conjointly with their more active role in cases of corruption involving Presidents and Prime Ministers. Indeed, media and magistracy may take advantage of being conceived as autonomous and independent bodies, not accountable to citizens through electoral mechanisms such as legislatures and governments. Moreover, as pointed out by Rotthingaus «more public and visible corruption at the highest level of the national and state executive branches should lead prosecutors to pursue more corruption cases involving public officials»<sup>25</sup>. At the same time, we note that new executive leaders, because of their high leadership capital<sup>26</sup> become able to ensure material advantages in policy strategies, preferential entry to government contracts or favorite opportunities to businessmen<sup>27</sup>. Then, whilst in the United States lobbying activities are legally regulated, the transparency in many contemporary democracies is minimal, by opening the way for opaque political financing and influence in decision making and lobbying by powerful corporate interest groups<sup>28</sup>. Yet, when the limits between public and private become evanescent, the risks for personal leaders to be involved in cases of corruption may increase. In such a scenario, while personalization of politics has strengthened leaders in contemporary politics, they may be exposed to the lobbyists' capture, which may get them involved in corrupt practices; judicial investigations can determine their fall or undermine their credibility; the support of the public opinion can vanish because of media bombardment by implying «the rapid decline of public support for presidents whose leadership appears ethically compromised»<sup>29</sup>. Therefore, «presidents in courtroom» becomes a widespread phenomenon and unleash its consequences in most contemporary political regimes.

## 2. Presidents in Courtroom

### 2.1 Notes on sources and methodology

34 The analysis of executive leaders' corruption increases our knowledge about the nature and challenges of contemporary democratic political systems. To explore this phenomenon, it has been created a dataset containing a list of 82 individuals who served as Presidents in semi-presidential or presidential regimes and as Prime Ministers in parliamentary regimes. It covers the period between 2000 and 2018. The list of the individuals considered in this study was constructed with the names of each Presidents and Prime Ministers, gender, number of years in office, number of terms, party affiliation, and information related to each corruption case.

**Tab. 1 - Country selected and number of executive leaders (2000-2018)**

Country	N
Australia	6
Brazil	4
Canada	4
Croatia	6
Czech Republic	9
Finland	8
France	4
Germany	2
Italy	8
Israel	4
Japan	8
Romania	9
Spain	4
United Kingdom	6
Total	82

*Source: own elaboration from the dataset.*

These information are the results of a two-step process. The first step in the construction of the dataset has been deciding on the list of countries and executive leaders to include in the study. The countries selected

had to provide an opportunity for cross-country comparison and had to be all members of the democratic genus. Then, it has been used the classification system designed by The Economist Intelligence Unit. Particularly, we focused on countries belonging to either «full democracies» or «flawed democracies» in line with EIU 2019 Democracy Index<sup>30</sup>. Then, we obtained two groups made up of seven democratic countries up to involve four geographical areas: Europe, America, Asia, Oceania. To the first group, «full democracies» belongs Australia, Canada, Finland, France, Germany, Spain, United Kingdom; to the second group «flawed democracies» Brazil, Croatia, Czech Republic, Japan, Italy, Israel, Romania. The second step has been related to gathering information about corruption case involving Presidents and Prime Ministers. The object of the study is executive leaders' corruption. Nevertheless, as Heywood pointed out «the construction of a comprehensive taxonomy may run the risk of sacrificing analytical purchase for descriptive detail but is probably an essential first step in providing a basis for meaningful comparison»<sup>31</sup>. Therefore, in a broad sense, we consider corruption the abuse of entrusted power for private gain. We elaborated digital and published data available by following scholars who have searched for political corruption, by focusing on references to heads of government, or works focused on former leaders<sup>32</sup>. Besides, encyclopedic texts such as Encyclopedia Britannica, Oxford University Press's Dictionary of Political Biography have represented useful sources to capture individual acts of wrongdoing.

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## 2.2 Preliminary empirical evidence

Starting from the '90s, judicial investigations against political leaders have multiplied. As Thompson observed «the growing prevalence of political scandals has less to do with a general decline in the moral standards of political leaders than with the changing ways in which and the extent to which the activities of leaders are disclosed and scrutinized in the public domain»<sup>33</sup>. The rise in the number of political scandals seems to be a consequence of personal politics if one considers the American experience where scandals have appeared «a constant occurrence»<sup>34</sup>. Particularly, corruption cases involving top politicians seem to affect the most of contemporary democracies and could no longer be limited to non-democracies. A first summary of our quantitative descriptive analysis shows that from 2000 to 2018, 20 out of 82 (24.3 per cent) individuals serving as Presidents and Prime Ministers in 14 democracies have been involved in a corruption scandal. It seems that almost no country has

found an effective antidote to tackle high-level political corruption and there is no shortage of empirical evidence of that.

36 Prosecution of top politicians has become a permanent trait of the Southern Europe political landscape<sup>35</sup>. In France, Nicolas Sarkozy, former Union for a Popular Movement's (UMP) leader and former President of the Republic, has been accused of corruption, trafficking of illegal influences and breaking of the confidentiality of investigations. Yet, Jacques Chirac has been convicted for corruption and handed a two-year suspended prison sentence for embezzling public funds to illegally finance the Conservative Party he led. Another member of the Conservative Party, the candidate to the French presidential election of 2017 and former Prime Minister, Francois Fillon, has been investigated in the middle of the election campaign for embezzlement in the scandal *Penelopegate*. The latter influenced the public opinion and weakened his position in the race to the Élysée Palace during 2017 Presidential election.

Neighboring Spain has similarly suffered corruption scandals that have touched up to high-level politicians. The heritage of Francoist political and administrative corruption has widely affected the entire country until today, from the local to the national level, from right to leftist parties<sup>36</sup>. In 2009, the former Spanish Attorney general – Cándido Conde-Pumpido – revealed to the parliament that 730 judicial proceedings for corruption were undergoing against Spanish politicians. Among them, 266 interested politicians belonging to small parties, and 464 to the biggest parties, with respectively 200 investigations for the PP, and 264 for the PSOE. Recently, José Maria Aznar, former leader of People's Party (PP) and Prime Minister, has been linked to the Gürtel scandal. This scandal has also involved the former PP's leader, Mariano Rajoy, who has faced a wave of arrests, revelations, and resignations within his party. In July 2017, he became the first serving Spanish premier to testify in a criminal case, denying any knowledge of illegal financing schemes or anonymous cash donations. Besides, Rajoy has also been involved in the Bárcenas affair, where prosecutors allege that he may have received extra payments from the former treasurer of his party, Luis Bárcenas. The scandals forced him out of office in June 2018 when he left its position to the current Spanish Prime Minister Pedro Sanchez.

Italy enjoys the reputation of having one of the hugest problems of corruption among Western Democracies<sup>37</sup>. The Clean hands scandal uncovered endemic corruption in the early 1990s, when judges headed a battle against the whole political class, and the scandal involved – among others – three formers Italian Prime Ministers such as Bettino Craxi,

Giulio Andreotti and Arnaldo Forlani. Moreover, the scandal gave the impression that the judiciary served as the keystone of the Italian transition and the moral improvement of politics<sup>38</sup>. Besides, it paved the way to Berlusconi's decision «to take the field» in 1994 and to the establishment of the so-called Second Republic. However, Berlusconi has been accused of misdeeds, even worse than those of the old political class he replaced as far as has been subject to over thirty judicial proceedings<sup>39</sup>. For over twenty years, «Berlusconi has managed to beat the charges in every case. In several he was found guilty by a trial court and sentenced to jail time. In these he was either acquitted on appeal or won motions to have the cases thrown out because the statute of limitations had run out [...]. To beat others, he had to take advantage of his position at the helm of Italian politics»<sup>40</sup>. More recently, the Court of Cassation has convicted in 2013 to four years imprisonment Berlusconi in the context of «Mediaset trial» because of tax fraud.

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Elsewhere in Central and Eastern Europe, corruption trials have proceeded against former heads of government in Czech Republic, Croatia, and Romania<sup>41</sup>. In the Czech Republic, the corruption scandal due to the privatization of the oil and chemicals group Unipetrol to a Polish Company in 1999 led to several judicial investigations against both low and high-level politicians. The case involved Prime Minister Gross who resigned in 2005 because of the widespread speculation about the ownership of its luxury apartment that would be paid thanks to kickbacks. Another case involved the leader of the Civic Democratic Party – Petr Nacas – who resigned over a corruption and spying scandal in 2013, while formally charged of bribery in 2014. Recently, corruption investigations against the leader of Action for Alienated Citizens (ANO) party, Andrej Babis, started immediately before the 2017 general election. However, judicial action did not prevent the billionaire businessmen from winning the election in October 2017.

In Croatia, the former Prime Minister Ivo Sanader has been sentenced in 2010 to ten years imprisonment for taking bribes from a Hungarian energy company and an Austrian bank. Four years later, Sanader and his party Croatian Democratic Union (HDZ) have been found guilty of corruption and sentenced to eight years and six months in prison by the Supreme Court. Additionally, focusing on Eastern Europe, we recall the cases of the Romanian Prime Ministers Adrian Nastase and Victor Ponta. The former, who served as Prime Minister between 2000 and 2004, has been involved in several corruption scandals which led him for two times in prison. In 2012 he was found guilty and jailed because of

funding illegally his 2004 Presidential campaign by using his position of Prime Minister to obtain over one billion euros from various companies. In 2014 he was sentenced to four years in prison for taking bribes from a Chinese construction entrepreneur. The latter has been investigated for conflict of interests, money laundering and tax evasion, which compelled him to resign from Social Democratic party leadership (July 2015) and later as Prime Minister (November 2015), while on 2018 anticorruption prosecutors have asked for jail sentence.

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Shifting our attention to the Israeli case we notice how corruption trials are not rarely finalized with imprisonment. In 2014 the Supreme Court of Israel sentenced to six years in prison for accepting bribes former Israeli Prime Minister Ehud Olmert, involved in a serious corruption scandals that forced him out of office. He was jailed in 2016 and released from prison after 16 months. Nevertheless, he is also involved in business activities and is serving on the boards of various corporations such as Univo, a medical marijuana company. Another Israeli Prime Minister – Benjamin Netanyahu – is implicated in different separate cases. One of them – Case 4000 – concerns regulatory benefits that the current Prime Minister would give to the country's largest telecommunication firm Walla. He appeared in Court in March 2020 for the start of his trial, not before having signed a law that exempt ministers charged with crime from resign.

Additionally, in other countries political sanctions rather than judicial investigations have been adopted then limiting high-level corruption. In Germany, the allegation of corruption cost Helmut Kohl his public office as far as voted out of office in the wake of CDU corruption scandal<sup>42</sup>. Similarly, two Australian Prime Ministers – Rudd and Gillard – have been involved in respectively Utegate and AWU affairs that destabilized their governments. Finally, it should be noticed that few countries have displayed good results in insulating top politicians from political corruption. This is the case of Scandinavian countries where the institutionalization of preventive measures granted these countries the status of «Scandinavian exceptionalism» for a long time. More recently, however, some authors talk about «an increasing scandalization» in Nordic countries by observing how mediated political scandals represent a standard feature of political life<sup>43</sup>. Hence, it has been highlighted an increase in high-level political corruption cases over the last twenty years to the point that «one-third of the 66 economic scandals were based on accusations of corrupt behavior»<sup>44</sup>, although no Prime Ministers has been ever involved.

### 3. Perspectives

This article sheds light on executive leaders' corruption in 14 contemporary democracies. It offers a first insight on the Presidents in courtrooms phenomenon with the revolution of personal leaders. In this new democratic ground and favorable political environment, it observed the spread of corruption cases involving Presidents and Prime Ministers. Indeed, calls for trials of high-level politicians who commit true or alleged corruption crimes have been heard repeatedly over the last twenty years by creating a growing embarrassment in many contemporary democracies. Preliminary results of our descriptive quantitative analysis show that from 2000 to 2018, 20 out of 82 individuals serving as Presidents and Prime Ministers in 14 democracies have been involved in corruption case. In some cases, executive leaders are directly involved in the criminal acts, while in others they seem to be damaged by the scandals which surround their party or their inner circle.

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Our preliminary findings may support a classic argument: «the corruption follows the power as the shadow follows the body»<sup>45</sup>. However, they suggest new features, which may increase our knowledge about the nature and developments about how democratic political systems are changing. In a phase of personalized politics, the rising predominance of presidents and Prime Ministers guaranteed a stronger influence on politics than in the past. However, they have been facing a hard-institutional challenge because of an increased exposure towards other powerful actors which may undermine their prominence. Then, by detecting the main dimensions and dynamics involved in the phenomenon of executive leaders' corruption, the paper underlined how public opinion, magistracy, and corporations represent the major pitfalls for contemporary leaders as far as they identify in the leader the main object-subject of their attention. Yet, in the era of personalized politics and less structured parties, and an increasingly attention on moral qualities of politicians, judicial investigations against executive leaders are becoming frequent, often showing dubious relationships between leaders and private companies. In such a scenario, the emergence of judicial investigations and corruption scandals involving executive leaders helps to illustrate their vulnerability. Once deprived from parties' «armor» which had protected their predecessors, contemporary leaders live their own solitude. As Poguntke and Webb pointed out once «deprived of their previously relatively stable power bases that were built on alliances within political parties, leaders are left stronger in victory, but weaker in defeat»<sup>46</sup>.

Executive leaders' corruption seems to represent one of the major shortcomings challenging old and new democracies. It will be useful carry out further analysis to better evaluate the characteristics of «Presidents in courtroom» phenomenon and its consequences on contemporary democracies. Firstly, it would be useful deepen the understanding of the prosecution process, from the appearance of the first allegation to its conclusion by shedding more light on the prosecution side<sup>47</sup>. Particularly, we may refer to the time of the criminal prosecution, the type of corruption, the allegations against executive leaders, the veracity of the charges. Secondly, we need to better appreciate whether the corruption scandal impacts on both the composition and life cycle of political executives and leaders' political career, taking into account that some studies have already warned that the electorate does not always «throw the Rascals out»<sup>48</sup>. This information became even more salient by considering that several leaders in our dataset have been in charge for more than one term. Thirdly, considering that many contemporary leaders centre their narrative «against» (traditional) media, it would be stimulating recognizing the nature of these challenges especially in the light of the rising power from new populist parties in government<sup>49</sup> and the use of digital media. Fourthly, given the emergence of closer and hidden network between executive leaders and private poles, we need to better understand – and undiscover – the characteristics of this interplay and its legacy and how it affects democratic legitimacy and *accountability*.

Finally, future research will suggest how to check corrupt practices, and how political leaders could become more accountable, responsive and responsible. Executive leaders are at the top of the chain of command in terms of responsibility. Leaders' corrupt behavior «may be copied, complemented, and reinforced by actors further down the hierarchy»<sup>50</sup>. Their conduct influences citizen behavior and plays a decisive role in the struggle against corruption. As stated by the World Bank's document on anti-corruption, «every country that has achieved some success on the anticorruption front has had leaders who have tenaciously pushed the reform agenda»<sup>51</sup>. Undoubtedly, embedded political institutions such as successive democratic elections, separation of powers, the rule of law, and solid codes of ethical responsibility may be beneficial to prevent executive leaders' misconduct<sup>52</sup>. Otherwise, this trend could prompt a downward spiral which leads to low trust in political institutions, by creating a political environment in which it will be more and more difficult for the new – and solitary – leading character of contemporary politics to succeed.

## Notes

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<sup>7</sup> T. POGUNTKE, P. WEBB (eds), *op. cit.*

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<sup>23</sup> F. MUSELLA, *Political leaders beyond party politics*, cit., p. 130.

<sup>24</sup> M. CALISE, *La Democrazia del Leader*, Laterza, Roma-Bari 2016, pp. 56-69.

<sup>25</sup> B. ROTTINGHAUS, *The institutional effects of executive scandal*, Cambridge University Press, Cambridge 2016, p.144.

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<sup>29</sup> B. ROTTINGHAUS, *op. cit.*, p. 15.

<sup>30</sup> <https://www.eiu.com/topic/democracy-index>. Last consulting January 10, 2021.

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