

An Assessment of Argentina's Anti-Corruption Regime

Major Research Paper
presented to the Graduate School of Public and International Affairs of
The University of Ottawa
in partial fulfillment of the requirements
for the Degree of
Master of Arts in Public and International Affairs



uOttawa

**École supérieure d'affaires
publiques et internationales**

**Graduate School of Public
and International Affairs**

Name: Beverly Alfred
Student Number: 0300137481
Supervisor: Dr. Roland Paris
Submission Date: July 14, 2021

Abstract

The following study attempts to elucidate why political corruption persisted in Argentina despite its comprehensive and robust anti-corruption regime between 1989 and 2019. Essentially, it asks why the country's anti-corruption efforts failed. To answer this question, this research conducts a within-case analysis and follows a process-tracing approach to examine and compare three competing explanations that rest on cultural, economic, political and institutional determinants of corruption. Through this analysis, this research paper advances that Argentina's political-institutional structure was a constraining environment for the effective implementation of its anti-corruption measures. In this light, this paper concludes that exogenous reform is necessary for the country to curb this endemic phenomenon, although this seems improbable for the near future.

Keywords: anti-corruption regime, corruption, implementation

Table of Contents

List of Tables	4
Introduction	5
The Puzzle	5
Competing Explanations	6
Structure	8
Chapter I: Definitions and Analytical Perspectives.....	10
Political Corruption: A Working Definition.....	10
Conceptual Framework: The Design-Reality Gap Model.....	12
Methodological Approach and Research Design	13
Limitations.....	14
Chapter II: An Overview of Argentina’s Anti-Corruption Regime	16
International and Regional Legal Frameworks	16
National Framework.....	18
Chapter III: Elucidating the Failure of Argentina’s Contemporary Anti-Corruption Regime	25
“Hard” Designs Met “Soft” Realities	28
Explanation 1: Argentina’s Socio-Cultural Context Constrained and Undermined the Effective Implementation of the Regime.	29
Explanation 2: Argentina’s Economic Policies Provided Opportunities for Sustained Corruption.....	35
Explanation 3: The Implementation of Argentina’s Regime Was Dependent on an Inherently Corrupt Political Structure.....	40
Conclusion.....	50
Discussion: The “Best Fit”	50
Is There a Required Approach to Curbing Corruption?	52
Final Remarks.....	56
References	58

List of Tables

Table 1 Perception of Corruption in Argentina	7
Table 2 Elements to Consider	17
Table 3 Perception of Corruption in Five Top-Ranked Countries	27
Table 4 Cross-Cultural Comparison	32

Introduction

“Corruption flourishes as luxuriantly as the bush and weeds which it so much resembles, taking the goodness from the soil and suffocating the growth of plants which have been carefully and expensively bread and tended.”

Wraith and Simpkins (2011, p. 3)

The Puzzle

Argentina continues to sink into a morass of political corruption: An endemic phenomenon that flourishes with no apparent obstruction and produces degenerative and devastating effects. Several indicators support this observation.¹ Notably, Transparency International’s (TI) Corruption Perceptions Index (CPI) and the World Bank’s Control of Corruption Indicator reveal the perception of high-level corruption in the Republic (as shown in Table 1).² Additionally, TI’s 2019 Global Corruption Barometer indicates that 93 percent of Argentines perceive corruption in the government as a significant issue, and nearly 70 percent believe that the government is doing poorly in tackling the phenomenon (Pring and Vrushi, 2019, pp. 10,13).

This reality is perplexing, even striking, considering that the country has built a robust

¹ The clandestine nature of corruption does not allow us to measure corrupt *behaviour* but instead people’s *perception* of corruption – its incidence and nature (Graycar, 2013, p. 35). The indicators are, therefore, proxy measurements. Whatever their limitations, as several authors highlight (Rose-Ackerman and Palifka, 2016; Woo and Choi 2018; Kaufmann, Kraay & Mastruzzi, 2010), the publication of the indexes helps gauge how well (or not) a society is performing regarding its contract to its citizens.

² TI’ CPI measures and characterizes the level of corruption in political systems since its inception in 1995. It is widely used in both political debate and research (Ruhl, 2011; Rose-Ackerman & Palifka, 2016; Woo & Choi, 2018;) and covers a broader range of countries – about 180 since 2016. The CPI draws on multiple surveys and expert and elite assessments/perceptions to measure public sector corruption on a scale from 0–100, where 0 indicates the highest level of perceived corruption and 100 the lowest level (Pring & Vrushi, 2019). The score was converted to a 0-100 scale in 2012. TI found that a majority of Latin American and Caribbean citizens tend to believe that pervasive public corruption exists and is expanding because their government is failing to make significant progress in the fight against corruption (2019). The World Bank’s Indicator captures “perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as ‘capture’ of the state by elites and private interests” (Kaufmann, Kraay & Mastruzzi, 2010, p. 4).

anti-corruption regime since the late 1980s. This regime encompasses international and regional legal-institutional frameworks and includes national measures, mechanisms, and policies capable, in theory, of curbing corruption.

Against this background, this research paper seeks to elucidate the following question: What explains the pervasiveness of political corruption in Argentina despite the numerous and far-reaching reforms enacted? In other words, why has the anti-corruption regime in Argentina been ineffective?

Competing Explanations

Scholars and analysts disagree over the answer to this question and provide three broad characteristics that drive corruption: cultural, economic and institutional.³ This paper draws on those determinants and analyzes three possible explanations for why Argentina's anti-corruption efforts failed, focusing on the period between 1989 and 2019.

Explanation 1: Argentina's socio-cultural context constrained and prevented the effective implementation of the anti-corruption regime. Corruption, in this explanation, is understood as a moral or cultural condition that trivializes respect for legality.

Explanation 2: Argentina's economic policy reforms provided opportunities for sustained corruption.

Explanation 3: The implementation of Argentina's regime was dependent on an inherently corrupt political structure.

This paper draws on the design-gap model, which underlines ineffective implementation

³ The literature on corruption has grappled with establishing a concise list of explanations on the causes of corruption and its pervasiveness. See Pozsgai (2017); Jetter and Parmerter (2018); Barr and Serra (2010); Sanyal and Samanta (2002); Fritzen (2005) See also: Johnston (2012); Rose-Ackerman and Palifka (2016); Sandoval-Ballesteros (2013).

as a driving force behind policy failure. Within this model, the three outlined explanations can be understood as constraining factors or environments – corridors through which implementation

Table 1

Perception of Corruption in Argentina

Year	CPI Ranking / No. of Countries	CPI Score	World Bank's Control of Corruption Indicator Percentile Rank*
1995	24/41	5.24	n/a
1996	35/54	3.41	53.76
1997	42/52	2.81	N/A
1998	61/85	3.0	52.06
1999	71/99	3.0	n/a
2000	52/90	3.5	50.25
2001	57/91	3.5	n/a
2002	70/102	2.8	39.39
2003	92/133	2.5	38.38
2004	108/146	2.5	40.00
2005	97/159	2.8	43.41
2006	93/163	2.9	42.93
2007	105/179	2.9	45.15
2008	109/180	2.9	39.32
2009	106/180	2.9	39.71
2010	110/178	2.9	43.33
2011	100/183	3.0	44.08
2012	102/176	35	39.34
2013	106/177	34	40.28
2014	107/175	34	35.10
2015	106/168	32	33.65
2016	95/176	36	47.12
2017	85/180	39	47.60
2018	85/180	40	55.29
2019	66/180	45	53.37

Note. Data retrieved from *Corruption Perceptions Index 1995-2019* by Transparency International (<https://www.transparency.org/en/cpi/2020/index/>) Copyright 2020 by Transparency International; And *Control of Corruption Indicator 1996-2019*, by Worldwide Governance Indicators. (<https://info.worldbank.org/governance/wgi/Home/Reports>) Copyright 2020 by The World Bank. *Percentile Rank (0-100) indicates the country's rank among all countries in the world: 0 corresponds to the lowest rank, and 100 corresponds to the highest rank.

must be forced (Smith, 1973). To clarify, this paper advances that political corruption is pervasive in Argentina due to constraining factors that undermine its effectiveness and successful implementation. By using a combination of within-case analysis and process tracing, this paper examines and compares these explanations and pinpoints the one that is the most comprehensive in explaining the failure of the regime.

From a policy perspective, there are two reasons to conduct this research. First, as Jetter and Parmeter (2018) suggest, it is important to understand “whether corruption is influenced by factors that can be changed within a society, or whether deeply rooted and largely unchangeable characteristics are at work.” Second, by paying attention to reform strategies, this paper can provide insights into the underlying conditions that facilitate or prevent their effectiveness. Therefore, this paper is relevant as it contributes to the study of such reforms, and it identifies patterns that support the assessment of possible constraints inhibiting anti-corruption movements.

Structure

The remainder of this paper is as follows. Chapter one covers the underlying concepts of this study. It first explains what political corruption entails and subsequently offers a clearer understanding of its underlying mechanisms. Secondly, it develops the conceptual framework of the study and outlines the chosen methodological approach. Chapter two explores the elements of Argentina’s comprehensive regime: the global and regional regulatory frameworks and its national measures, particularly the Anticorruption Office. Chapter three first analyzes and subsequently provides a discussion on the three explanations. The application of the design-reality gap model reveals that Argentina’s anti-corruption regime’s “hard” design faced a ‘soft’ reality, thereby creating a mismatch. The concluding section discusses which explanation is the

“best fit –” emphasizing that politico-institutional constraints were the main factor hindering the regime's effectiveness. It also attempts to determine what Argentina’s approach should be – refuting the need for more stringent laws. Lastly, it offers an outlook on the future of the regime and political corruption in the country.

Chapter I: Definitions and Analytical Perspectives

This chapter discusses the underlying concepts and model of the study and provides a brief overview of their application. It also discusses the methodological approach for the research.

Political Corruption: A Working Definition

Studying corruption means analyzing a controversial and complex phenomenon. Despite the increasing attention to the topic, there is no consensus on its constitutive elements; There are ongoing debates over numerous connotations, interpretations, definitions, and approaches. Accordingly, for practical reasons, this paper focuses on political corruption or grand corruption.

Political corruption is perceived primarily as a public-sector issue, but as Paul Heywood (2015, p. 2) explains: “[T]he changing nature of governance in the postmodern state [...] means that much public-service delivery is now performed in or by the private sector. Those developments have contributed to a blurring of the public-private distinction [...]” He further indicates that many of the major corruption scandals in recent years have involved the interplay between governments and private-sector entities (2015, p. 7).

This insight into the nature of political corruption requires, therefore, a suitable definition and approach.⁴ This paper opts for Mark Philp’s interpretation of corruption—one that is interwoven with a moral and political theoretical argument (Buchan and Hill, 2014, p. 7)

⁴ There are maximalist and minimalist definitions. Maximalist definitions widen “the scope of investigation of corrupt acts and their consequences, as the focus of analysis ceases to be only the dishonest behaviour of public officials and begins to encompass the actions of regular citizens” (Bohn, 2012, pp. 69-70). Because it is so broad and multiple behaviours can fall within this approach, it creates measurement issues, and cross-cultural application is difficult. Minimalist definitions, on the other hand, such as the most widely used definition of corruption: “the misuse of public office for private gain” (Rothstein & Teorell, p. 79), also have shortcomings. It leaves open the question of what exactly constitutes “abuse,” who decides the approaches and what should be the repercussions of such “abuses.” These puzzles deprive it of substantial content and evoke relativism. It also has measurement issues and “aggregates into a single category phenomenon of different scales” (Bohn, 2012, p. 70).

and accommodates certain key issues. Political corruption, he argues, occurs (in politics):

where a public official (A) violates the rules and/or norms of office, to the detriment of the interests of the public (B) (or some subsection thereof) who is the designated beneficiary of that office, to benefit themselves and a third party (C) who rewards or otherwise incentive[z]es A to gain access to goods or services they would not otherwise obtain. (Philp, p. 22 in Heywood, 2015)

In other words, political corruption occurs when transactions take place between private and public sector actors – specifically, elected government officials and political decision-makers to the detriment of society. They convert collective goods illegitimately for personal benefit (Amundsen, 1999, p. 3).⁵

Inge Amundsen (2019) provides two interlinked concepts that can help us understand the breadth and depth of political corruption: extractive and power-preserving political corruption. Extractive political corruption occurs when political decision-makers and their entourage abuse their hold on political power to extract from public and private resources. In short, it is “to get the money in” by way of embezzlement, privatizations, and bribes in public procurement (2019, p. 4). Power-preserving political corruption emerges when decision-makers seek to maintain and/or strengthen their hold on power. Essentially, it occurs when they use or reinvest “their corruptly acquired means and other resources [...] to safeguard and perpetuate their power position” (p. 4). In practice, those power-preserving methods include the manipulation and weakening of institutions, the same established by those officials, thereby creating a culture of

⁵ Political corruption differs from other forms of corruption particularly bureaucratic/administrative corruption in terms of actors, the way it is conducted and the extent it is practiced (Amundsen, 1999; 2019). The latter refers to corruption that takes place in public administration or in other words, low level interactions that take place where public policies are being implemented between citizens, the private sector, and officials (The UN-REDD Programme, 2012). For example, a teacher taking or nurse taking bribes to offer services.

impunity (p. 17). Other methods include buying support from individuals and businesses, buying institutions of oversight and control, such as courts, anti-corruption agency leaders and the use of state resources to win elections.⁶ The interaction of these two concepts, therefore, creates structural and systemic corruption in society.

For Sandoval-Ballesteros (2013, p. 9), structural corruption is “a specific form of social domination characterized by abuse, simulation, and misappropriation of resources arising from a pronounced differential in structural power.” In other words, whether in the public or private sectors, structural corruption:

[O]perates as a highly sophisticated organized system that organically integrates economic, legal, social, administrative, and political subsystems. Low- and middle-level extortions, payoffs, bribes, and kickbacks coalesce within complex pyramidal structures of clientelism, institutionalized patronage and impunity. Structural corruption reaches the highest levels of power and ruling authority through a dense network of connections, relations and complicities that interfere with and delay accountability. What is ultimately in play with structural corruption is an environment of authoritarianism and social exclusion. (2013, p. 11)

Conceptual Framework: The Design-Reality Gap Model

This research paper primarily relies on some elements of the design-reality gap model. This tool provides the framework to explore the failure and constraints in implementing Argentina’s anti-corruption regime and, therefore, to understand corruption’s pervasiveness. Heeks and Mathisen’s model (2012) ascribes the failure of anti-corruption measures to “gaps”

⁶ See Figueroa (2020) who explores what politicians do after extracting rent. He finds that corruption is a means to advance political goals.

between how projects – in this case, anti-corruption measures – are designed and the reality in which they are enacted.⁷ In other words, anti-corruption instruments fail due to a significant “mismatch between the expectations built into the designs as compared to on-the-ground realities in the context of their implementation” (2012, p. 533).

A noteworthy concept in this model is “hard-soft gaps.” Such gaps are found when “hard” designs meet “soft” realities – when the measures fail to consider potential constraining milieus such as social and cultural contexts and factors such as institutions, politics and economics (Masiero, 2016, p. 5-6). This mismatch, therefore, creates perceptions of substandard policies in societies.

Accordingly, to improve the likelihood of success in implementation and consequently reduce corruption, societies must find strategies to close these gaps. Such strategies may include the remodelling of projects, laws and measures – the “hard” designs— to bring them closer to existing reality (Heeks and Mathisen, 2012, p. 545), or complete reform of the existing “soft” reality.

Methodological Approach and Research Design

This paper is a qualitative study with an explanatory and naturalistic approach. Precisely, it is a within-case analysis, a method that facilitates holistic research or “an in-depth understanding of elements of the phenomenon under study” (Mills, Durepos and Wiebe, 2010, pp. 1-4). The use of process tracing further facilitates this study. These methods prove effective as I examine the evidence supporting each of the three competing or rival explanations for the failure of Argentina's anti-corruption regime. The most persuasive explanation presents adequate

⁷ The model includes seven dimensions that can help measure the gap, which is not used in this study. See Heeks and Mathisen (2012) for a comprehensive analysis.

evidence and acknowledges the other interpretations, providing rationales for their rejection (2010). In this regard, this paper does not necessarily attempt “to disprove the alternatives;” (Patton, 2002, pp. 553-554); instead, it looks for information that supports an explanation. It looks for the “best fit” (2002, p. 553). I ought to reassert that this paper adopts the prevailing arguments in the literature and analyzes Argentina's case through these paradigms.

The analysis of the competing perspectives and this study, in general, relies on a thorough review of the existing research on political corruption, including scholarly works, government policy documents and reports, civil society documents and news sources. I also heavily rely on intergovernmental organization reports, particularly in chapter two. Specifically, I evaluate and assess each claim using a combination of elements but primarily rely on an adapted version of the design-reality gap model. For example, I explore the cultural dynamics constraining Argentina -in the first explanation- with two complementary frameworks: Geert Hofstede’s cultural dimensions framework and Michael Collier’s approach to political culture. I also use the concept of elite cartels when analyzing the third explanation.

My findings suggest that political and structurally corrupt institutions inhibited the proper implementation and operation of the anti-corruption regime in Argentina. The other explanations offer crucial theoretical and conceptual understandings of the regime's failure, but they do not provide the “best fit” when analyzed.

Limitations

There are limitations to this paper. First, assessing the strengths and weaknesses of these explanations is not an easy task. In large, the objective is to critically evaluate evidence and the validity of the three competing explanations. Still, it remains that few studies synthesized the information on Argentina’s policy context and the policies in place against corruption. Second,

the choice of a case study method ultimately means that this paper cannot produce generalizations for understanding the failure of anti-corruption strategies. Third, due to its scope, this paper omits several elements and actors. Including other groups would increase the complexity and undermine the conciseness of the study. I mainly focus on presidents and, to some extent, their immediate entourage.

Chapter II: An Overview of Argentina's Anti-Corruption Regime

This chapter outlines and assesses the evolution of Argentina's regime by identifying the key measures enacted. It highlights the comprehensiveness of those measures which have preventive and monitoring, investigative, prosecutorial, judicial, and sanctioning responsibilities.

International and Regional Legal Frameworks

Argentina's anti-corruption regime is comprised of three transnational legal frameworks. The country first adopted the Inter-American Convention against Corruption (IACAC) in 1997, pledging to "promote and strengthen the development of the necessary mechanisms to prevent, detect, punish and eradicate corruption" (Inter-American Convention Against Corruption [IACAC], 1996).⁸ In 2001, it became a party to the Organisation for Economic Co-operation and Development's (OECD) Anti-Bribery Convention. This Convention criminalizes bribery of foreign public officials in international business transactions and provides several other measures. Lastly, in 2003, Argentina signed the United Nations Convention against Corruption (UNAC) and ratified it in 2006.⁹

The conventions, which were incorporated into domestic law, provide comprehensive tools regarding the control of corruption. They include guidelines on elements that states must consider when evaluating and implementing national laws, policies, and mechanisms (as shown in Table 2). They encourage the development of domestic mechanisms to fight corruption and promote international coordination on anti-corruption measures to make laws and

⁸ Regulations are provided to fulfill such purpose including, among others, preventive measures in article 3. It also outlines acts of corruption in article 6 and provisions against illicit enrichment in article 9.

⁹ The UNCA notably introduces standards, measures, and rules for countries to strengthen their legal and regulatory regimes, determines the legal criteria for the criminalization of corrupt acts and obligates states to implement preventive measures as per articles 5, 8, 9 and 10 among others.

investigations more effective (“Tracking Latin America,” 2016).¹⁰

Table 2

Elements to Consider

Conflict of Interest	Public Resources
Obligations to Report Corrupt Acts	Oversight Bodies
Disclosure of Assets	Access to Information
Consultation Mechanisms	Participation in public affairs
Monitoring of Public Affairs	Assistance and Cooperation
Government Hiring	Whistleblower Protection

Note. From *Model Laws and Legislative Guidelines*, by The Organization of American States (OAS) 2021 (<http://www.oas.org/en/sla/dlc/mesicic/leyes.html>)

Additionally, states established peer-based mechanisms for monitoring the enforcement and implementation of the provisions for each convention. These mechanisms also offer recommendations to strengthen national anti-corruption efforts. The latest report of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC) underscores Argentina’s progress in several areas (Organization of American States [OAS], 2017). The state notably adopted new rules for government procurement, presented various bills relating to whistleblowers' protection, and witnesses of acts of corruption. Similarly, the Mechanism for the Review of Implementation of the UNAC underlines Argentina’s extensive legal measures for its fight against corruption (United Nations Office on Drugs and Crime [UNODC], 2014; UNODC, 2015). Additionally, the State has promoted several initiatives to satisfy the recommendations of the OECD and made progress by

¹⁰ Further analysis of the international and regional regulatory framework points to certain defects preventing them from having the intended impact on states. See Brunelle-Qureishi (2011) and Wickberg (2013).

notably fully implementing 15 recommendations, partially implementing 23 and missing seven as of 2019 (Organisation for Economic Co-operation and Development [OECD], 2019a).

National Framework

Legislative Development

Argentina has developed a sophisticated legal apparatus to combat corruption, but the road there was long. Before 1989, while the concept of corruption was not absent in legislative statements, the enactment and implementation of countermeasures was not an urgent matter. This can be attested by the lack of bills related to corruption. However, from 1989 until 2001—especially with the onset of the international movement against corruption—the number of bills grew tremendously, showing that efforts to produce legislation were genuine (Pereyra, 2019, p. 354).

Starting in March 1990, President Carlos Menem’s administration laid down several measures pursuing heavier penalties for corrupt acts (Pereyra, 2019; Volosin, 2020; Arellano-Gault, 2020). Mainly, the administration started building a normative framework for public ethics and conflict of interest. This framework serves “as the backbone to ensuring integrity in the public service,” and it can “act as reference point for public servants” (OECD, 2019b). In 1992, it enacted the Ministerial Law (Law 25.164), prohibiting certain acts for presidential appointees. In 1997, it established the National Public Ethics Office—Oficina Nacional de Ética Pública (ONEP)—(Decree 152/1997), with preventive and operational functions. Furthermore, Congress enacted the Public Ethics Law (Law 25.188) in 1999 to regulate the affidavits regime, conflicts of interest and gifts policy. This Law also sought to regulate duties for all public officials within all three branches of the government, including armed and security forces, and

regardless of their position (Volosin, 2020, p. 92).¹¹ It is complemented by other regulations, including the Code of Public Function Ethics (Decree 41/1999) enacted the same year, regulating conflicts of interest of public officials in the sphere of the national public administration, but excluding the legislative branch, the Attorney General's Office, and the judicial branch (OAS, 2003, p. 7).¹² The Law also put forward the Public Ethics National Committee charged, among others, with receiving corruption allegations and promoting capacity-building programs. However, it was never fully implemented as the Supreme Court rejected it on the grounds of alleged violation of judicial independence (Volosin, 2020, p. 92).

In the absence of a law on access to information, a mixture of regulations was implemented with varying scopes and strengths. Notably, in 2003, Néstor Kirchner's administration issued a decree (1172/2003) proposed by the Anticorruption Office. Although limited to the executive body, the legislation aimed at enhancing transparency, strengthen citizens' access to information and participation, bolster accountability and efficiency of the public administration (UNODC, 2009; Manzetti, 2014; Farmelo and Belski, 2006). In the same year, the president decreed new measures for more rigorous and transparent procedures for improving the selection of supreme court judges, the attorney general, national Ombudsman, public prosecutors, and circuit court judges (Rodriguez, Waite & Wolfe, 2005).¹³ On September 16, 2016, Access to Public Information became law, stipulating new comprehensive regulations (Macri government, 2015; Argentinian deputies, 2016). Notably, the provisions compel all

¹¹ The most important anti-corruption legislation is found in the Argentine Criminal Code (ACC) which includes anti-bribery and anti-corruption regulations for property crimes, public administration crimes and books and records crimes. These provisions, which particularly target public officers or individuals who engage in corrupt practices with public officers, criminalize attempted corruption, money laundering, extortion, both active and passive bribery, facilitation payments and gifts (Caniza et al, 2020).

¹² For an outline of all the "normative framework" for public ethics and conflict of interest" see OECD (2019b).

¹³ Before, the president nominated supreme court judges and the Senate ratified the appointments, whereas, with those new regulations, the public and the legal community were invited to make observations or present objections about nominees.

branches of government, the Public Prosecutor, companies, political parties, universities, and private companies that receive public contributions to respond to requests made by any citizen within one month (Sol Porro, 2016).

Like his predecessors, Mauricio Macri built his presidential campaign and subsequent election in December 2015 on strong anti-corruption sentiments, especially after twelve years of “Kirchnerism.” Investigations on the previous administration were reactivated and led to the indictment and imprisonment of several individuals.¹⁴ In 2017, Congress passed the Law on Criminal Liability supported by the OECD (Law 27.401) and developed by the Anticorruption Office. It put Argentina in the same position as other countries such as Chile, Brazil, Colombia, Spain and France in making sure that “legal entities” – such as corporations— “will be held criminally liable for corruption offences if such offences were committed with their intervention, or in their name, interest or benefit” (Caniza et al., 2020; Law No. 27401, 2018).¹⁵ The law further bolstered the anti-corruption landscape as before; only natural persons could be prosecuted for corruption-related crimes (Yannett et al., 2017, p. 8).

In addition to Law 27.401, Argentina enacted several laws to accelerate corruption-related investigations and provide investigators with additional tools for prosecution. Among those regulations, the legal framework includes laws on whistleblowing processes and whistleblower protection programme (Law 27.304); the reorganization and simplification of courts (Law 27.307 and 27.308); extinction of property rights on assets obtained from drug trafficking, smuggling, money laundering and corruption (Decree 62/2019) (Caniza et al., 2020).

¹⁴ Among others, Lazaro Baez a close associate, former vice president Amado Boudou, public works secretary José López and former president Fernández de Kirchner faced trial and were indicted (Volosin, 2020).

¹⁵ Yet, there were several concerns for the enforcement of this legislation especially the “serious risks to judicial and prosecutorial independence, the politicization of the Office of the Attorney, and a lack of adequate resources and specialized expertise” (OECD, 2017) that have not been fully fulfilled (OECD, 2019).

Before Macri's departure in 2019, the Office and the Secretariat for Institutional Strengthening promoted the country's anti-corruption plan from 2019 to 2023 based on the international and regional legal framework discussed above. It is also based on "three fundamental axes: promotion of integrity; the control and punishment of corruption in the administrative sphere; and to commit all the Ministries and the decentralized agencies of the executive power to propose specific sectoral policies" (What is the, 2019; Oficina Anticorrupción, 2019). In all, it "aims to establish the priorities of the National Executive Branch in integrity and the fight against corruption, for the next five years. [Furthermore], it allows to plan, [...] strategically, the initiatives in matters of integrity and fight against corruption of the National Public Administration (APN), centralized and decentralized (OECD, 2019, pp. 204-205)." The government accordingly created more than 250 initiatives to be implemented. The executive branch also published a decree authorizing the OA to develop guidelines for corporate compliance programs, and it did so in 2018 and subsequently in 2019 (Brockmeyer et al., Jan. 2020, p. 63).

Regarding bribery, MESISIC's report (OAS, 2009, p. 10) purports that Argentina's laws "constitute a coherent set of measures that are pertinent for promoting the purposes of the Convention." Regarding transnational bribery, the provisions adopted by the Republic of Argentina for criminalizing this conduct are appropriate for promoting the purposes of the Convention (2009, pp. 13-15).

Oversight Bodies¹⁶

Menem's ten-year mandate left society eager for transparency and integrity. This fervour

¹⁶ Several other oversight bodies exist in the Argentina's regime including the PIA; the Judicial Branch of the Nation (PJN); Office of the Auditor General (AGN); Inspector General of the Nation (SIGEN). I focus on the OA. See OAS (2013) for an outline of the bodies.

allowed for the reinvigoration of his initial measures. Just days after his inauguration in 1999, President Fernando De La Rúa passed Law No. 25.333, thereby creating the Anticorruption Office – Oficina Anticorrupción (OA)— in 1999. The OA was subsequently regulated by Decree 102/00 within the Justice and Human Rights Ministry, primarily to correct the Menem government’s legacies, replace the National Public Ethics Office, and enforce the IACC’s provisions, to address systemic corruption.¹⁷

De la Ruá concentrated the efforts for anti-corruption in this exceptional entity with autonomy and political force, realizing that the political system in itself is incapable of transforming the culture of corruption through mere investigation (De Michele, 2001, p. 17; OAS; Arellano-Gault, 2020). Unlike its predecessor, the OA was conceived with enhanced powers (Pereyra, 2019, p. 356). It consists of two distinct but complementary parts: the Department for Investigations and the Department for Transparency Policies. The Department for Investigations manages allegations of corruption with the Prosecutor of Administrative Investigations (PIA) – another oversight body— and where there are wrongdoings, it brings about charges and requests prosecution. As for the Department for Transparency, it designs policies to enhance transparency and deter corrupt practices, and it also administers the system of financial disclosure forms for public officials (De Michele, 2001, pp. 17-18). In large, the OA is responsible for developing and coordinating programs in the fight against corruption in the national public sector and preventing and investigating corrupt acts using established and new legal frameworks and enforce the Ethics Law (Decree 102/99; OAS, 2017). It is also responsible

¹⁷The Ethics Office was flawed on several fronts: first, it was created as a strategic response to the numerous scandals plaguing the administration; second, it was part of the Ministry of the Interior – under the authority of the executive branch – a ministry that had been accused of indiscriminate behaviour and severe corruption (Riggirozzi, 2005, pp. 223-225).

for following up on legislative and regulations on public ethics in the executive branch. Under De la Rúa and the period after his fast resignation in December 2001, the OA was active against the previous administration, actively pushing for formal investigations and prosecutions.¹⁸ The OA also managed to “map and diagnose the types of corruption in the public sector to determine the structural conditions that facilitated corrupt practices, to discover constants [...] and to identify the characteristics, facts and organizational conditions that encourage their prevalence” (Arellano-Gault, 2020, p. 132). These findings were the basis for its innovative policies and projects in 2000 and 2001. For example, the Office promoted cooperation with Argentina’s neighbours via organizations such as the OAS, Mercosur, and the Free Trade Area of the Americas. It also pushed for public disclosure of assets by officials and a system to determine conflicts of interest (Hodess, Banfield & Wolfe, 2001).

The political and economic stability brought by Néstor Kirchner at the end of 2003 was favourable for the development of the OA (Arellano-Gault, 2020, p. 134) with notably two restructurings in 2005 (Decree 163/2005) and 2007 (Decree 466/2007). These undertakings widened the “OA’s spheres of competence by including, as one of it’s objectives, the monitoring of compliance with international conventions” such as the IACAC and the UNAC (OAS, 2017, p. 84). From 2005, the Office undertook several programs to strengthen preventive measures and develop a strategic dissemination and institutional communication plan for greater visibility. It added the Admission and Derivation Unit responsible for receiving and classifying complaints that facilitated the other units' work. Also, in 2005, the Transparency Policies Planning Division of the Office implemented the Institutional Strengthening of the Anticorruption Office (FIOA) project to reinforce preventive measures with two stages spanning from 2005 to 2009 (OAS,

¹⁸ In the first two years the OA opened 1784 investigations with 489 complaints ending to the Ministry of Justice and 31 with the OA as a complainant (Arellano-Gault, 2020).

2006, pp. 112;163; Arellano-Gault, 2020). From 2010, the project was reformulated to encompass new components and make improvements.¹⁹ Mauricio Macri's political alliance called *Cambiamos* (Let's Change) sought to increase transparency (for example, with Decrees 201/17 and 202/17) and establish an independent anti-corruption body capable of investigating the president and his entourage, remove corrupt officials and support investigations against former officials without trampling on the judiciary's independence (Volosin, 2020, p. 140). The Office underwent another restructuring in December 2019 (Decree 54/2019), providing special changes.

The OA now has the character of a decentralized body of the Nation's Presidency, so it has greater independence, although it maintains its administrative structure and budget. Its leader enjoys technical independence, and they must perform their functions without receiving instructions from the President or any other higher authority of the National Executive Power (Oliver & Testa, 2020).

Following this overview, it can be said that Argentina by late 2019 had – at least on paper – solid laws, policies, and institutional arrangements for reducing political corruption.

¹⁹ Interestingly few information was found on the subject, and it is difficult to make an analysis of its effectiveness.

Chapter III: Elucidating the Failure of Argentina's Contemporary Anti-Corruption Regime

Our discussion so far demonstrates that Argentina enjoyed a robust anti-corruption framework. Nevertheless, it still struggled to translate its laws into practice, as revealed by the perception of corruption in the country (as shown in Table 1, in p. 6). Therefore, I posit that Argentina faced a 'policy failure' or a regime failure in this case.²⁰ According to McConnell (2015, p. 221), "a policy fails, even if it is successful in some minimal respects, if it does not fundamentally achieve the goals that proponents set out to achieve, and opposition is great and/or support is virtually non-existent." In response, one could posit that the effects of these policies will become discernible with time. In this sense, the fact that a curb in corruption is not instantly evident does not necessarily indicate failure – especially if the regime was built gradually. However, the empirical nature of this study gives ample room to disavow that claim.²¹ Another assumption could be that Argentina's regime was inadequate and inherently flawed, meaning that the policies enacted were lacking, insufficient or deficient and therefore failed to regulate behaviour.²² This is perhaps a ludicrous view as the previous chapter demonstrates the comprehensiveness of the measures and how they largely responded to the recommendations and expectations of international and regional demands. Arguably, the best response in this context would be to enhance and enact further legislation and measures. However, as we will see, new laws and regulations would face the same barriers as the current ones. Indeed, they would be enacted in environments that are not well suited for their implementation. They must be appropriately placed within their contextual realities.

²⁰ The following studies provide important elements to understand policy failure: Fitzgerald, O'Malley and Ó Broin (2019), Mueller (2019) and McConnell (2015).

²¹ I concur that future studies that study a longer period could prove (or disprove) such claim.

²² Fitzgerald, O'Malley and Ó Broin (2019) understand policy success as resulting from a good decision-making process – good policies that come from good decisions. With this understanding, Argentina's regime failure results from bad policies, flawed decisions and a bad decision-making process.

If we assess the comprehensiveness of Argentina's regime, it compares to those of several top-ranked countries and regions on the CPI and the World Bank's Control of Corruption Indicator (as shown in table 3) which adopted identical or similar measures.²³ Moreover, in some cases, Argentina developed and enacted further measures. The most apparent similarity between the anti-corruption efforts in Argentina and those leading countries is the participation in transnational anti-corruption initiatives. Finland, Denmark and New Zealand have ratified the OECD Convention. Similarly, those three countries and Singapore have ratified the UN Convention. However, only Denmark and Finland are part of a regional body, namely the Group of States against Corruption (GRECO). Hong Kong is the only entity that is not a participant in any transnational initiative.

National-level initiatives are much broader and differ in some instances. Here I do not seek to provide a comprehensive description of all national legislative measures and mechanisms. Instead, I will compare these initiatives with a few of the key measures discussed in the previous chapter. Denmark provides national measures to ensure and support behaviour and work ethics (Ministry of Foreign Affairs of Denmark, 2018). Like Argentina, its criminal code forbids active and passive bribery and most other forms of corruption offences provided by the conventions. The code also forbids bribes to foreign public officials, and companies can be held criminally liable for acts committed by individuals working on their behalf. However, there is little formal regulation of conflict of interest and asset disclosure in the public sector (Denmark corruption, 2020).

Like Argentina, Finland relies on a comprehensive legislative package. There are

²³ This does not mean that those countries have fewer corruption problems than other countries. Remember that those indicators rely on perceptions.

Several watchdog institutions including the Parliamentary Audit Committee, the Ombudsman, the Chancellor of Justice, and the National Audit Office (Ministry of Justice; Quah, 2013, p. 9) to implement those laws. On the other hand, Hong Kong primarily relies on the Independent Commission Against Corruption (ICAC) established in 1974. This body seeks to implement three approaches to combat corruption: investigation, prevention, and education (2013, p. 10). Its regime governs conduct concerning elections and bribery in the private and public sectors.

Table 3

Perception of Corruption in Five Top-Ranked Countries

Countries	2017		2018		2019	
	CPI Ranking and score	Control of Corruption Indicator	CPI Ranking and score	Control of Corruption Indicator	CPI Ranking and score	Control of Corruption Indicator*
Argentina	85 th (39)	47.60	85 th (40)	55.29	66 th (45)	53.37
Denmark	2 nd (88)	98.56	1 st (88)	98.558	1 st (87)	97.596
Finland	3 rd (85)	99.04	3 rd (85)	100.00	3 rd (86)	99.04
Hong Kong	13 th (77)	92.31	14 th (76)	92.31	16 th (76)	92.31
New Zealand	1 st (89)	100.00	2 nd (87)	99.52	1 st (87)	100.00
Singapore	6 th (84)	97.57	3 rd (85)	99.04	4 th (85)	99.52

Note. Data retrieved from *Corruption Perception Index*, by Transparency International, 1995-2019 (<https://www.transparency.org/en/cpi/2020/index/>); and *Control of Corruption Indicator*, by Worldwide Governance Indicators, 1996-2019 (<https://info.worldbank.org/governance/wgi/Home/Reports>)

New Zealand also has a comprehensive framework to combat corruption which notably criminalizes active and passive bribery. The State also enacted an organized crime and anti-corruption bill that provides several measures to tackle money laundering, bribery and drug-related crime (New Zealand, 2020). The State also set standards for public ethics, conflict of interest, elections, whistleblowing and more.

Lastly, Singapore's anti-corruption framework includes the Corruption, Drug Trafficking

and Other Serious Crimes Act and the Prevention of Corruption Act, which prohibits active and passive bribery, gifts, and facilitation payments in both the public and private sectors (Government of Singapore, 2020). Additionally, the public service is regulated by a Code of Conduct mandating good behaviour. The country also established an agency responsible for tackling corruption, namely the Corrupt Practices Investigation Bureau.

“Hard” Designs Met “Soft” Realities

From this overview, Argentina’s regime is comparable to those of high-ranked states. Consequently, if it was not the comprehensiveness of the measures enacted, why did these countries succeed in curbing corruption?

Heeks and Mathisen’s design-reality gap model provides an element of response, precisely for understanding implementation. This paper believes that a “hard-soft gap” impacted the pace, quality, and rigour of the implementation process. In other words, “hard” designs (the regime) met a “soft” reality (constraining environments) (Masiero, 2016, p. 6), that prevented successful implementation. However, the high-ranked countries examined generally did not face such gaps (Quah, 2013; Scott, 2017). We can also relate this model to the concept of the “implementation gap.” This concept refers to the “differences between the country’s legal framework surrounding good governance and anti-corruption and the actual implementation and enforcement of that same legal framework” (Trapnell, 2015, p. 54). Several researchers (Hudson, Hunter & Peckham, 2019; Persson, Rothstein & Teorell, 2010), have a similar approach. They believe that lax implementation processes cause the overall failure of reforms, meaning that policies cannot achieve the goals they are set to achieve.

Surely, implementation processes do not take place in a vacuum. Therefore, the remainder of this chapter examines the constraining environments in question: Those that

hindered the successful implementation of Argentina's anti-corruption regime. Precisely, it assesses three competing explanations: Argentina's socio-cultural, economic and politico-institutional contexts.

Explanation 1: Argentina's Socio-Cultural Context Constrained and Undermined the Effective Implementation of the Regime.

Several researchers have raised moral and cultural characteristics of individual societies as plausible determinants perpetuating corruption (Barr & Serra, 2010; Husted, 1999, 2002; Hofstede, 2010; Collier, 2005; Coronado, 2008). Essentially, this explanation which is derived from the structural-culturalist school, "conceives corruption as a phenomenon associated with specific cultural systems" and contends that "the nature of a state's culture affects its level of political corruption" (Rollón & Garcia, 2019, p. 6; Collier, 2005, p. 15).²⁴ This view infers that some cultures, like Argentina's, are more open or lenient towards corrupt acts. It also implies that "certain cultural and historical legacies explain and determine social behaviours that can be equated with corrupt or dishonest practices" (Rollón & Garcia, 2019, p. 6). Perhaps, this could explain the difference in implementation between the high-ranked and low-ranked countries in corruption indices.

Even so, who can say that a given society is *really* corrupt? By what standard do we measure those acts? Such questions come from the relativistic approach, which is a problem when studying political corruption. Collier (2005, p. 222) explains that "the cultural relativity argument offers that what is seen as corruption in one culture may not be seen as corruption in another." Therefore, cultural practices should be accepted as equal and understood within a

²⁴ Collier (2005) outlines three structural explanations for political corruption. Particularly interesting is the structural-culturalist school that argues that the nature of a state's culture affects its level of political corruption.

specific context, and there are no international rights and wrongs. In this sense, analysts argue that Western concepts of corruption cannot be applied to developing states in Asia, Africa, or the Americas (2005). These approaches have been undermined and discredited, especially as developing nations, such as Argentina, have adopted anti-corruption programs grounded in the normative Western concept of corruption (See Larmour, 2008 and Collier, 2005). Nonetheless, I concur with Larmour (2008, p. 237) who states that: “in spite of attacks on cultural relativism, and the universalistic doctrines of TI and the international community, ideas about culture still seem useful in understanding how people recognize and respond to corrupt behaviour.”

Culture of Corruption or Corruption of Culture

John Quah (2013) and Pillay and Dorasamy (2010) also contend that a society’s cultural norms and values mixed with historical experiences such as the history of corruption and its colonial legacy will considerably impact its anti-corruption strategy and determine the types of institutions it constructs. Several researchers such as Ruth Sautú and Mariono Grondona posit that corruption remained pervasive in Argentine politics and society because of its corrupt culture – a mistake dating back to colonial times (Olaechea & Engeli, 2009; Volosin, 2020). The failure of the country’s regime confirms Quah, Pillay and Dorasamy’s claims.

In a report for the Anticorruption Office, Olaechea and Engeli (2009, p. 30) argue that Argentines believe that “the concept of anomie and the description of a culture of transgression” are two intrinsic elements of this corrupt culture.²⁵ In a way, the interaction between those two elements fosters corruption and, in this sense, also hinders the regime's implementation. This understanding, therefore, points to the argument that Argentine society and its inherited or cultural attributes created a “soft” reality irreconcilable to the implementation of “hard” anti-

²⁵ On the cultural understandings of corruption in Argentina, see Soriano (2011), Marin (1999) and Muir (2016).

corruption measures. In this sense, corruption is so embedded in the local cultural context that it restrained the regime's well-functioning by notably guiding the population's behaviour toward non-adherence of the provisions and inertia.

Cultural Dynamics and Corruption.

To better understand this explanation, we explore the cultural dynamics constraining Argentina with two complementary frameworks: Geert Hofstede's (1980,2010) seminal cultural dimensions framework, which illustrates how values in a given institution are influenced by national culture (Hofstede Insights, 2021a), and Collier's (2005) approach to political culture, which is a subset of national culture.²⁶

Cultures that place high in Hofstede's "uncertainty avoidance" (UA) dimension seek to minimize ambiguity by implementing rules, regulations, and social norms of conduct that condemn deviant behaviour. Paradoxically, those same rules, which can be either stringent or perceived as such, are not practically observed. On the other hand, rules and regulations are less abundant in low-ranked societies, but they are more often observed (Yeganeh, 2014, pp. 6-7). Argentina experiences a high level of UA which means it has a low tolerance for uncertainty and ambiguity (as shown in Table 4). This is translated into the support and need for measures of control, such as anti-corruption laws. However, as expected, Argentines are less likely to obey such laws, and therefore corruption remains high.

This dimension is linked to the "culture of transgression" sentiment raised by the OA.

²⁶ In this paper, I only make use of three dimensions, but Hofstede advances in total 6 national cultural dimensions. Uncertainty avoidance, power distance, individualism-collectivism, masculinity-femininity, long term orientation versus short term normative orientation and indulgence versus restraint. Each dimension places the culture of a nation on a scale from 0 to 100 (roughly). Also, several researchers have tested these claims. See Achim (2016); Amini, Douarin and Hinks, (2021); Herlach and Eriksson (2021). Hofstede's work dates back to 1980 with his book *Culture's Consequences: International Differences in Work-Related Values*.

Indeed, Olaechea and Engeli (2019, p. 13) point to this by stating that “Argentines have an ambivalent relationship with norms” as, for example, they “give an optional character to

Table 4

Cross-Cultural Comparison

Countries	Uncertainty Avoidance	Power Distance	Individualism-Collectivism
Argentina	86	49	46
Denmark	23	18	74
Finland	59	33	63
Hong Kong	29	68	25
New Zealand	49	22	79
Singapore	8	74	20

Note. Data retrieved from Country Comparison, by Hofstede Insights, 2021b

(<https://www.hofstede-insights.com/country-comparison/>) and *Geert Hofstede's Cultural Dimensions*, by Clearly Cultural, n.d. (<http://clearlycultural.com/geert-hofstede-cultural-dimensions/individualism/>)

the link between knowledge and action.” They further argue that Argentina’s culture privileges shortcuts, transgressions and develops habits to avoid punishment or tolerates illegality.

Essentially, Argentina has a:

Mixture of attitudes of arbitrariness and ‘turning a blind eye,’ of severity in punishment for some and the ‘law of the funnel’ for others (...). there is a double system of exculpation of transgression: in the direction of the powerful, because for many, power is inseparable from abuse; in the direction of other citizens, because as life is a ‘jungle,’ ‘either you impose yourself or you are crushed.’ (...) In any case, the law does not apply to everyone equally: for some, it only has an ‘indicative’ function; for others, not even that, since its interpretation is always carried out through double standards” (2009, p. 30).

These behaviours are often referred to as expressions of “viveza criolla” – a keenness to take advantage of circumstances, whether by good or corrupt means, in favour of one’s self-interests.²⁷ This also means the outright neglect of the law. This perception also reached Mauricio Macri, who in 2018 insisted that the “Argentina of the “viveza criolla” and corruption will end (“Macri: “Nunca más,” 2018) reiterating similar words in 2019 (“Macri: “Nunca más la mentira,” 2019).

The second dimension – power distance (PD)— infers that higher-ranked societies are prone to be more corrupt than lower-ranked ones (Yenageh, 2014). In high PD societies, elites enjoy more discretionary powers and are less likely to be challenged or persecuted. They also tend to be autocratic and paternalistic (Yoshifumi, 2017, p. 3). On the other hand, in low PD societies, gaps between superiors and subordinates are smaller, and titles and status are less important, reducing opportunities for discord. Argentina stands in the middle rank of this dimension which offers an ambivalent explanation. Interestingly, Hong Kong and Singapore, which have successfully implemented anti-corruption measures, rank relatively higher in this realm.

The third dimension – individualism versus collectivism —refers to “the degree of interdependence a society maintains among its members” (Hofstede Insights, 2021b). A high score in this realm indicates a high individualist society in which rules and regulations are respected. Therefore, it is expected that people in collectivist cultures are inclined to violate the law to “support their own group based on unquestioning loyalty” (Achim, 2016), thereby

²⁷ Blair (2020) explains that in English this «means “creole way of life’, but, in reality, it is far more specific than that. It’s a sort of cleverness, a cunning determination to both defy authority and ignore rules, but doing so sneakily, surreptitiously, and successfully. At its best, it is a playful deviousness, a tongue-in-cheek humour for all to enjoy; at its worst, it results in a complete lack of social responsibility, morality, and widespread corruption.”

increasing corruption. Amini, Douarin and Hinks (2021) refer to Francis Fukuyama and Vito Tanzi's argument that in collectivist societies, "the public sphere is characterized by clientelist networks that fuel corruption, whereas the public sphere in individualistic societies is based on meritocracy, which results in better quality formal institutions." In this dimension, Argentina enjoys a middle rank, referring to the fact that it is the most individualist of all Latin countries but with many prevailing collectivistic traits (Hofstede Insights, 2021b). Also, interesting is the fact that in this dimension, Hong Kong and Singapore which are highly ranked in corruption indices are at lower ranks than Argentina, meaning that they are primarily collectivist societies.

These elements correspond to Collier's (2005) conception of a mixed political culture: a mixture of collectivism and individualism. In such cultures, power is placed in the hands of a small governing elite who conceives politics as a business – as a means of self-advancement and expectation for personal benefits. These cultures are associated with hegemonic or mixed hegemonic-hierarchical forms of rule, which are often personalistic and also rely on strong patron-client ties. Furthermore, political competition is restricted and remains among "the small group of self-perpetuating governing elite" (p. 31) or individual attempts to gain and maintain power. Lastly, the rule of law can be robust and comprehensive, but it is focused on controlling the masses and offering limited accountability for the governing body.

Remarks on Adherence and Implementation

In the fight against political corruption, the outlined aspects of Argentina's culture seem to have indeed constrained the regime. Therefore, the country's socio-cultural system was a "soft" reality or milieu in which successful implementation of its "hard" anti-corruption programs could not occur. In this context, the regime was not necessarily inherently ill-equipped to combat corruption, as discussed previously. Instead, it was placed in an environment plagued

by inertia: One that did not favour adherence to laws and measures. Indeed, lack of integrity was a prevalent element, which led to trivial respect for legality and, in this sense, a lack of respect for upholding good values.

Explanation 2: Argentina's Economic Policies Provided Opportunities for Sustained Corruption.

As the anti-corruption movement grew internationally, international organizations such as the World Bank and the International Monetary Fund promoted the notion that economic reforms can reduce corruption. This policy is rooted in the neoliberal paradigm which covers a series of political and economic liberties. Proponents of neoliberal reforms question state intervention, as in neoliberal theory, all government interventions are destructive.²⁸ They argue that extensive intervention, particularly in the economic realm, is the culprit to the pervasiveness of corruption (Manzetti & Blake, 1996).²⁹ This approach suggests that: “state intervention (through exchange rate control, subsidies, quotas, etc.) distorted markets—” the optimal allocation of resources—“and created opportunities for state bureaucrats to extract economic rents from their monopoly position” (Brown & Cloke, 2004, p. 286). For example, in statist Latin American countries, politicians could acquire economic clout, enabling them to use the state apparatus to establish corrupt practices, particularly privileging the private sector (Manzetti & Blake, 1996).

To curb the phenomenon, liberal economists have advocated for market-oriented reforms which essentially seek to minimize state intervention. As Gary Becker stated, “if you want to cut corruption, cut government” (Becker & Becker, 1997, p. 203, as cited in Hopkin & Rodriguez-

²⁸ Kajsiu (2014) notes however that “neoliberalism does not mean simply less state intervention, since in order to create new markets [...] more state intervention is often required. Neoliberalism implies the creation of new markets along with the penetration of market logic in those areas where new markets cannot be created” (p.103).

²⁹Other researchers have sought to clarify the extent to which a state can intervene and their potential impact on corruption. See for example Gerring and Thacker (2005).

Pose, 2007, p. 4). Policies should reorientate the state to minimal regulatory policies to foster competitive markets and market-clearing prices and lead to rapid and dynamic growth.

Proponents have also heavily advocated for the privatization of state-owned companies, the opening of domestic markets, and the reduction of government size and scope of activity.³⁰ In light of these recommendations, Gerring and Thacker (2005, p. 235) purported that “less involvement in the economy and in civil society should result in less corruption.” The opportunities for corruption would decrease “since political corruption can only occur in a policy area where government has substantive powers.” They further contended that:

Fully market-based systems, almost by definition, should be less prone to governmental graft [...]. By the same token, widening the scope of the free market and enhancing its competitiveness should dampen at least some of the demand for political corruption, since corruption itself is often a response to blocked market transactions. (p. 235)

However, this approach did not curb corruption. Instead, it intensified, especially in Latin America and the Caribbean basin (Undurraga, 2015; Rowland, 2013; Collier, 2000). Indeed, those reforms create and influence what Manzetti and Blake (1996) call the “opportunity structure” for corruption, which means that there is an increase in incentives for participating in corrupt acts, as well as new opportunities for corruption. Remarkably, even the World Bank was impelled to acknowledge that economic liberalization and the expansion of foreign trade and investment provided new opportunities for corruption (Brown & Cloke, 2004, p. 288). These opportunities can include increased discretionary power and new modes of corrupt practices.

Statism versus Neo-liberalism in Argentina

³⁰ See Hopkin and Rodriguez-Pose (2007) who provide a succinct literature review on the claims.

Like several countries in Latin America, Argentina relied on a state-led development model until the early 1990s. However, throughout most of the 20th century, particularly in the 1980s, the country faced significant political and economic crises. To address these structural issues, pressures to implement neoliberal reforms intensified from the international community. Debates on the issue also intensified on the domestic front, in line with these pressures. Two sides arose in this debate which we can refer to as the “public-sector bias” and the “private sector bias” (Volosin, 2020). For now, I focus on the former. This bias denounces excessive state interventions (Volosin, 2020, p. 30). Essentially, it categorized the state as “the principal site of inefficiency, inefficacy and waste,” so that “corruption is equated with the bribery of or extortion by a public agent, elected official or politician” (Sandoval-Ballesteros, 2013, as cited in Volosin, 2020, p. 30). In all, corruption was nothing “but a symptom of inadequate state intervention” (Lambsdorff, 2017, as cited in Volosin, 2020, p. 30).

As previously pointed out, the logic in minimizing the state’s role in managing the economy is that extensive involvement allows politicians to manipulate markets (Menocal et al., 2015, p. 17). These acts occur mainly where checks and balances and accountability mechanisms are lacking. Several politicians adhered to this bias, including President Carlos Menem. To him, “reforming the state, deregulating the economy, privatizing corrupt companies, and defeating a culture of inflation... [were] indispensable tools to face and disarm the structural corruption” that the country inherited (Volosin, 2019, p. 134).³¹ This was the exact language of proponents of market reforms who:

Underscored the anti-corruption nature of privatization and market deregulation. The basic assumption of their argument was that, by freeing the market from state

³¹ Argentina was held up as the poster child of neoliberalization. Not only did the country fully transition to a neoliberal state (Rowland, 2013), but it was largely successfully carried out.

intervention and political manipulation, the opportunity to engage in corruption activities would be reduced if not eliminated altogether. According to this logic, corruption would ‘cease because its cost [could] no longer be hidden or subsidized, and better managers [would] now be found’ [...]. These ideas were reinforced by several scholars who asserted that deregulation [...] and privatization [...] could be important weapons in the battle to combat corruption. (Manzetti & Blake, 1996, p. 668)

The 2015 president-elect Mauricio Macri also conveyed a neoliberal rhetoric. In general, his economic measures echoed those of Menem. His approach “represented the beginning of a new process of economic liberalization, deindustrialization, and external indebtedness” (Ormaechea, 2021, p. 322).

However, as previously noted, these policies can lead to increased levels of corruption. For example, Menem’s ten-year rule was plagued by 33 scandals as opportunities and incentives for corruption were created and subsequently maintained (Bálan, 2011, 2014). Macri was also involved in several corruption scandals. According to Sandoval-Ballesteros (2013, p. 12), “the reforms did not reduce the power of the state and empower technocracy but reshaped the state and political power in accord to the interests of new distributional coalitions.” Manzetti and Blake (1996) similarly contend that market reforms changed but did not eliminate the politics of corruption in Argentina. Lastly, Reinsberg et al. (2020, p. 711) find evidence that policies such as:

Privatization creates highly concentrated rents that increase corruption risks, while at the same time creating incentives among rent-seeking elites to weaken state capacity. This leads to a vicious circle of weakening institutions and increasing corruption, which is hard to break because corruption is a collective action dilemma [...].

I concur with Manzetti and Blake's view that "unless market reforms are pursued in a context of transparency, they can be used as new means to pursue old corrupt ends" (1996, p. 662).

Argentina's neoliberal trial was affected by the return to statism with the Kirchners, who capitalized on the backlash against the 1990s reforms.³² Following the relative decline of neoliberal policies after 2001, the public-sector bias was also used to explain the Kirchners' economic approach and rightly so. The couple adopted Juan Perón's populist tradition but also promised greater state control of the economy—"by adopting *neodesarrollismo* or neo-developmentalism as a strategy for governance (Kurlantzick, 2016, p. 143). While such an approach proved popular with the public, this return to statism quickly allowed the government to strangle democracy and several sectors of the economy. They nationalized several sectors and seized control over oil and gas companies, giving them increasingly more power. They also closely monitored banks and used their economic power against critiques: including opposing political parties and media outlets such as Clarín, which had been a regular critique of the administration's patronage politics and corruption. (2016, pp. 142-144; Grugel & Ruggirozzi, 2007; Undurraga, 2015).

Briefly, Argentina's private-sector bias was as significant as the public-sector bias. Essentially, Argentines called out the role and pervasiveness of corruption in the private sector. This bias was reinforced as global corruption scandals linked with offshore havens, wall street firms, multinational companies, and powerful businesses became prevalent (Volosin, 2020). This bias also reached the highest echelon of the public sphere. For example, in reaction to the 2016 monastery scandal, Fernández de Kirchner claimed:

³² See Villalón (2007) who explores the wave of social movements in Argentina against neoliberal economics and corrupt politics between 1993 and 2006.

Someone gave engineer López the money, but it was not me, nor any of the thousands who share this political space. Make no mistake ... when a public official receives money, it is because someone from the private sector gave it to them. This is one of corruption's structural patterns in both Argentina and universal history. The other pattern is infinitely deeper yet and has much dire consequences: the establishment of political and economic projects that relinquish national wealth, indebt the country, and plunge millions of Argentines into poverty. (2020, p. 31)³³

Remarks on Implementation

The country's cyclical engagement with and departure from market reforms and the blurred relationship between the public and private sectors are thought-provoking. These insights help us understand Argentina's "soft" economic reality, which paralleled the enactment of its anti-corruption regime. Indeed, the country's two economic policies generated their batch of incentives and opportunities for corruption, thereby acting as pillars to the development of corrupt acts leaving no place for adherence to the law and leading to the weakening of institutions that were capable in theory of curbing the phenomenon.

Explanation 3: The Implementation of Argentina's Regime Was Dependent on an Inherently Corrupt Political Structure.

In addition to socio-cultural and economic explanations for the pervasiveness of corruption and the failure of anti-corruption measures, researchers point to the nature of political institutions and political power (Gerring & Thacker, 2004; Acemoglu, Johnson & Robinson,

³³ José López was a former minister in the Fernández administration who was caught hiding \$8.9 million and other valuables in several bags in a monastery. He was sentenced in 2019. (Goñi, 2016; "Argentine ex-official," 2019).

2005).³⁴ Specifically, this explanation advances that those elements were inherently corrupt, thereby creating a “soft” reality irreconcilable to Argentina’s “hard” countermeasures. In this section, I analyze the country’s political system and subsequently the institutionalization of behaviours that hindered the effective implementation of the regime.

As a political institution, Peronism shapes the contemporary political arena in Argentina and has been interwoven into the country’s social fabric.³⁵ During the period under study, non-Peronist leaders were few, and their presidency usually short. This political reality can be seen as damaging for the country because the Peronist party transformed itself into a patronage-based entity and concentrated decision-making power in select public officials (Guillan-Montero, 2011, p. 23).³⁶ Since democracy was reinstated in Argentina in 1983, the party ruled 68 percent of the time, winning six out of nine presidential elections (Abal Medina, 2020, p. 150). Raúl Alfonsín left approximately six months before the end of his term, and Fernando de la Rúa, elected in 1999, resigned halfway through his term. Lastly, Mauricio Macri, who took office in 2015 by a slim margin, could not consolidate a second mandate. Cristina Fernández de Kirchner’s imposing re-election in 2011 and Alberto Fernández’s election in 2019 served as a reminder of the “remarkable durability and ideologically flexible appeal of the Peronist “brand” in Argentine politics” (Calvo & Murillo, 2012, p. 148).

What is Peronism? As Federico Finchelstein (2014, p. 609) asserts, “Peronism is an ‘ism’ that is ideologically hard to pin down.” It extends from the right to the left, encompassing

³⁴ The term political institutions include the following entities “voters, political parties, parliament, popularly elected authorities at a regional and local level, administration in a broader sense, supranational political and administrative organizations, courts of law, the ombudsman, the state auditor, interest groups and the media” (Goldmann, Pedersen and Østerud, 1997, as cited in UNODC, 2019).

³⁵ Peronism emerged in 1943 with Juan Domingo Perón during his three terms as president of Argentina. While here, we focus on the contemporary expression of this system, the country has for nearly a century pledged allegiance to Peronism (Taladrid, 2019).

³⁶ Interestingly, the only two cycles of economic expansion (which started after two deep socioeconomic crises) were under Peronist governments (1991-1997 and 2003-2011).

schools of thought across the ideological spectrum, uniting those who practically share a religious devotion to the nation and Juan and Eva Perón, leaving no clear distinction (2014, p. 609; Faiola, 2019). For example, the Kirchners' center-left Peronist governments – with a socialist inclination – mirror Menem's center-right government (Manzetti, 2014). Finchelstein further explains that:

[F]luid transition from right to left and vice versa is a defining characteristic of Modern Populism. This is an ideological pendulum that nonetheless always keeps central facets: an extremely sacralizing understanding of the political, a political theology that considers the people as being formed by those who follow a unique vertical leadership; an idea of the political antagonists as enemies who are potentially (or in fact) traitors to the nation; a charismatic understanding of the leader as an embodiment of the voice and desires of the nation as a whole; a strong executive and the discursive, and often practical, dismissal of the legislative and judicial branches of government; a radical nationalism and an emphasis on popular culture as opposed to other forms of culture that do not represent «national thought» and finally an attachment to a vertical form of electoral democracy that nonetheless rejects in practice dictatorial forms of government. (2014, p. 611)

In practical terms, the interaction between Peron's reformed fascist ideas and his need for an “organic government” created Argentina's modern populism: a “marriage of social reform, state interventionism, nationalism and anti-imperialism with the logic of single-party rule, social polarization, clientelism, censorship of the press, ostracism, and the persecution of opponents up to, in some cases, prison and torture” (2014, p. 618). Political parties such as Peronism are deeply embedded within the country's representative, republic and federal form of government. For Gerring and Thacker (2004), such a form of government runs contrary to unitarism and

parliamentarism – two institutional arrangements that contribute to lowering political corruption.

From Menem to Macri: Unpacking Argentina's Corruption Machine

The Argentine political system— even under non-Peronist administrations—may have fuelled the country's structural political corruption. Primarily, this system permitted the formation of what Michael Johnston (2005) classifies as elite cartels. For Johnston, an elite cartel develops in new or reforming democracies with liberalizing markets and only relatively moderate economic and political institutions, as seen in Argentina's case starting with Carlos Menem— a Peronist president. The core function of this type of institution “is to protect, as well as to enrich, networks of higher-level elites” (Johnson, 2005, p. 89), whereby those elites actively seek to counter rising political and economic competitors. For example, large corporations fund political campaigns and deploy cash and gifts in exchange for favourable financing and regulation. In particular, economic elites misuse their power to strengthen their positions and control most of the state's economic power. There is apparent resistance to sharing wealth and influence even though the economy is liberalized. Moreover, while corruption is relatively widespread, it is tightly controlled, centralized, organized by the elites, and it is relatively predictable. This helps corruption coexist with rapid economic growth – at least for some time (2005).

These are apparent enactments of the extractive and power-preserving mechanisms of political corruption discussed in chapter one of this paper. This indicates a structural capture of the state by private economic interests, thereby steadily building what Volosin (2020) refers to as a “corruption machine.” This machine began as power shifted from the private sector to government officials, particularly presidents who enjoy hyper-presidentialism – a system that

incorporates both vertical and horizontal concentration of quasi-legislative, administrative and financial powers (Volosin, 2020, pp. 3-4).

The corruption machine started with state capture (colonial times –1989) –which is beyond the focus of this study and moved towards bilateral monopoly from 1989 to 1999 and inched closer to kleptocratic behaviours from 2003 until 2014. The last two periods greatly resembled the elite cartel institution previously discussed. Additionally, Volosin (2020) refers to the period between 1999 and 2003 as the “Chinese trap” mode and suggests that this mode has returned since 2015.³⁷ The “trap” can be understood as a political hindrance. It is a concept whereby an administration –such as De la Ruá’s or Macri’s – had to respond to its duty and decrease corruption but was concerned with its own survival. In a sense, an anti-corruption campaign reinforces the corruption regime: It is used to remove political adversaries, rein in the bureaucracy, and restore public confidence in the party’s ability to rule.

Carlos Menem’s ten-year rule moved Argentina’s corrupt system from state capture to a bilateral monopoly mode. Power was kept by a small group that aimed to make business for itself – restricted to the president’s and minister’s inner circle. Such arrangement guaranteed the extraction of bribes and future rents from three main entities: international organized crime, multinational procurement companies, and the foreign-local conglomerates that ogled massive privatizations (Volosin, 2020, pp. 83-92). These corrupt acts were further facilitated by the neoliberal policies implemented, as previously discussed. Therefore, it is not surprising that flagrant corruption occurred during Menem’s mandate: The administration was responsible for 33 out of the 44 scandals that occurred between 1989 and 2007 (Balán, 2011, p. 464). The President’s first three congressional terms during his first five years (1989-1995) were

³⁷ The ‘Chinese trap’ evolved from Fu Hualing’s assessment of Xi Jinping’s crackdown against corruption. See Volosin 2020 (p. 2; 38-39; 93; 141;145 and 157).

plagued by corruption scandals with many mid to high-level scandals in the first two terms, such as Swiftgate and Yomagate, and two major scandals in his last term (Balán, 2011, p. 465) for a total of 7. Menem's second presidency (1995- 1999) was also beset by scandals, with twelve in total— nine in the first two years (such as Yabrán and post-service scandals).

Menem's corrupt practices were only a prelude. Fernando De la Rúa's administration, which only had a short two-year tenure was plagued by three high-level scandals, notably the senate bribery scandal, despite having taken office on an anti-corruption campaign. In short, the government did not change the relationship between the state and the private sector. The 2001 economic crisis led to De la Rúa's resignation, and Eduardo Duhalde as an interim president from 2001 to 2003, had one scandal. The economic collapse allowed the successors to open new avenues to use their authority for personal gain, including reports of a multimillion-dollar bribe scheme for government contracts (Gedan & Alonso, 2018).

From 2003 to 2015, under Néstor Kirchner and Cristina Fernández de Kirchner, the corruption machine moved toward kleptocracy. This is “a system in which a powerful head of government can organize the political system to maximize its rent extraction possibilities” (Volosin, 2020, p. 153). Multiple cases indicate that corruption during the kleptocratic stage was different from the previous stages.³⁸ The Kirchners' approach was facilitated by Menem's presidential corruption and the powers amassed by the executive level after De la Rúa. Furthermore, the increasing dependence of the private sector on the state for survival and the above institutional setting helped the two presidents secure power. In the words of Fernández de Kirchner “, they wanted it all” (2019, p. 155). Not only to enjoy abundance but also:

³⁸ See Volosin (2019, p. 154; 2020, ch. 5)

Because they accurately understood that sustaining political power in Argentina requires lots of cash, not just to finance campaigns illegally but also to buy the will of governors, judges, the media, and the big private gamers who have been capturing the state ever since the revolution. (p. 155)

The rampant corruption during the combined mandates of the late Néstor Kirchner and Cristina Fernández is well documented. Néstor Kirchner's presidency (2003-2007) was plagued with eight scandals, including the Skanska case, which opened the door to revelations of other corruption cases involving public officials and illicit campaign financing (Balán, 2011, p. 465).³⁹ Allegations are increasing against Macri, who took office in 2015. Once elected, he surrounded himself with conglomerates, resulting in several conflicts of interest and leading to criminal indictments (Volosin, 2020, pp. 140-141). These allegations involved his friends and family's friends and offshore operations (2020, p. 152). Additionally, several articles point to numerous other cases of concern that plague the former president ("Mauricio Macri y," 2019; Medina, 2020).

Remarks on Implementation

Tracing the configuration of Argentina's contemporary corruption machine gives us an idea of the underpinning issues that undermined the regime's effectiveness. The combination of bilateral monopoly, kleptocratic tendencies and the so-called 'Chinese trap' points to the overtaking of the state by an elite cartel suggesting that the political structure was inherently corrupt. Cartels bridge public and private sectors, political and economic power, and political parties to extract illegal rents (Johnston, 2005, p. 94). Argentina's elite cartel featured

³⁹ This sudden surge in corruption scandals was in part explained by internal disputes among different factions within the government, which used denounces of corruption to obtain political benefits (Balán, 2011).

all of these elements. It nurtured a self-reinforcing environment that first undermined governance which in turn fomented lack of integrity, infringed on the independence of critical mechanisms, and often neglected their needs. Additionally, accountability systems were dramatically reduced, thereby strengthening impunity and giving more power to the elites.

In such an environment, governance—defined as “the exercise of political authority and the use of institutional resources to manage society’s problems and affairs” (Hough, 2013; Keping, 2018) was impacted. Officials and private sector members sought to protect the structure that benefited them by using numerous methods, such as infringing on the work of the judiciary. The government’s influence on judicial institutions was significant throughout the 30 years under study, raising questions on the independence of investigations. On several occasions, the Working Group from the OECD was concerned about judicial independence and Argentina’s ability to detect and report foreign bribery. There are several examples of executive contact with judges and prosecutors in specific cases and the use of disciplinary processes to pressure judges and prosecutors (OECD, 2014, p. 5).

The OA particularly faced systemic difficulties. It was created within the Argentine political system, which was ultimately, as we have seen, the source of corruption itself.⁴⁰ As Arellano-Gault (2020, p. 124) contends, the underlying logic of agencies such as the Office makes fruitful implementation of measures difficult.⁴¹ Indeed, their legitimacy depends on the political system they are supposed to monitor and punish, and they are expected to be integral parts of the system; Yet, they must have an “autonomous logic.” Arellano-Gault (2020, p. 124) further notes that:

⁴⁰ For an in-depth discussion on the conceptual logic of ACA’s refer to Arellano-Gault 2019.

⁴¹ Sousa (2009, p. 3, as cited in Arellano-Gault, 2019, p. 123) defined ACAs as permanent organizations “financed with public resources, whose specific mission is to combat corruption and reduce opportunities for corruption through prevention and punishment strategies.”

Achieving this capacity for autonomy and organizational power in an agency that must act in parallel with the formal bodies of a political system is the most difficult challenge to meet for logical reasons. An anti-corruption agency of this nature will almost immediately face resistance and counter-offensive, not only by the actors involved in acts of corruption, but also by formal organizations in the political system, which feel that their activities and even their legitimacy are affected by the existence of a parallel organization that monitors and sanctions them.

In this sense, the Office had to constantly adapt its strategy to survive in a context that constantly undermined its mandate. Arellano-Gault's expectations occurred since the beginning. Essentially, the Office was not the solution capable of combatting corruption. Its effectiveness rested on certain conditions that were not met. First, it did not exist in a vacuum; therefore, its success was greatly determined by the overall governance environment: "When the country's governance system is weak and dysfunctional, the establishment of a centralized [agency] is likely to achieve little more than just adding an additional layer of (ineffective) bureaucracy in the enforcement sector" (Chêne, 2012, p. 6). Second, since its creation, it faced accusations of party-political bias. Third, it generally lacked functional independence and financial autarky.

As mentioned above, the Office was created as part of the executive branch, therefore, limiting its autonomy and financial freedom (Pereyra, 2019, p. 356). Within this context, the agency's policies and investigations were established and oriented by the government primarily to maintain its interests. Under the Alianza coalition, the OA received significant backlash as it sought to investigate the government, ultimately affecting the agency's reputation. Its head was appointed and removed unilaterally by presidents of the Republic, and usually, it was a politician close to the ruling party (Volosin, 2020, p. 165) therefore pointing to control over anti-corruption

policy and investigation by the executive (2020, p. 94).

From 2009 to 2015, Julio Vitobello, the OA director, was a Peronist and a close friend to Néstor Kirchner. As for Macri, like his predecessors, he appointed a close ally who failed to prosecute and charge members of the administration.⁴² According to Volosin (2020, p. 146), the director could not guarantee the OA's independence, affecting significant preventive reforms or the prosecution of misdeeds. This points to an evident culture of impunity. As previously mentioned, the Kirchners, alongside their family and other officials, were charged with illicit enrichment yet were acquitted by several federal judges. There are indications of irregularities in this case: Even the OA refused to investigate on its own (2020, p. 113).

Moreover, Laura Alonso dropped 44 cases against officials of the Macri administration – pressing charges only three times and allegedly leaving over 100 conflicts of interest cases unresolved by the end of her term (“Anti-corruption office withdraws,” 2020; Volosin, 2020, p. 146).

Ultimately, proper implementation was largely impossible in such an environment. There was a clear misuse, sabotage and underutilization of the provisions enacted. With such control by those enforcing the rules, the regime was unable to fundamentally achieve the goals it was set out to achieve. This includes preventing, investigating, prosecuting and sanctioning, thereby allowing the corruption machine to endure.

⁴² Laura Alonso was a House representative for Macri's party.

Conclusion

Discussion: The “Best Fit”

In the methodology section, I stated that this paper does not necessarily focus on disproving the competing perspectives. Instead, it looks for the best fit – an explanation that contains more sound evidence. Following the analysis of the explanations, I suggest that the “best fit” is the third one – that Argentina’s anti-corruption regime failed as a result of its inherently political institutions. This section provides a concise explanation for this selection. The politico-institutional explanation provides a more comprehensive account of the regime’s failure for three reasons. First, it offers the best explanation for the cause of corruption. Second, it explains how the structural nature of corruption obstructed effective implementation. Lastly, it combines elements of the other explanations, particularly the economic one.

On the cause of corruption, the political approach is not deterministic, unlike the cultural approach. Several authors critique the cultural conceptions of corruption for this reason.

Essentially the cultural approach advances that:

If [Argentine] institutions are corrupt, while Danish institutions are not, it must be because culture causes [Argentines] to act corruptly in a way that they cannot help themselves, while Danish culture causes different behaviour. Unless [Argentine] culture transforms, we cannot expect [them] to behave differently.⁴³

To Beltrán and Gonzalez (2019), such social determinism is questionable because it does not seek to explain or understand the phenomenon: Things are simply what they are. They further highlight that the deterministic approach to the study of corruption is flawed on two fronts: First, it is a trivial approach as everything humans do is cultural in some sense. Second,

⁴³ Here, I transposed the authors’ assessment of Mexico to Argentina’s case.

the argument becomes circular or question-begging: Indeed, it becomes trivial to say that “certain cultural norms cause corruption because corruption exists; corruption exists because of certain cultural norms” (Dalton, 2005, p. 244, as cited in Rose-Ackerman & Palifka, 2016, p. 235). Within Argentina’s context, Volosin (2020) perceived the cultural approach to corruption as “futile.” Notably, she argues that “what appears to be cultural tolerance is nothing but frustration, resignation, and fear of reprisal” (Volosin, 2020, p. 12) or what Sarah Muir (2016) calls “historical exhaustion.” I concur with Beltrán and Gonzalez that this approach fuels more questions to this paper’s puzzle than it answers. While it is important to consider culture, doing it in a one-dimensional way is problematic as it is a complex phenomenon.

From the political perspective, the causes of corruption are power-preserving, and rent-seeking opportunities and interests bounded in a small group, as discussed in the previous chapter. Nonetheless, one could argue that the country’s individualist/collectivist nature guided these aims.

In addition, the economic explanation is relatively weak. To say that statism and the neoliberal economic models, as such, result in detrimental forms of corruption is excessive. One can note that state capitalism can generate sub-optimal behaviour, and it might yield some critical threats (Kurlantzick, 2016). However, the idea that such policy has inherently deficient characteristics that foment corruption does not hold much ground, especially if we look at other countries. Volosin (2020, p. 112) points to several examples of welfarist states that display outstanding integrity (i.e., the Nordic countries). Similarly, there is nothing inherently corrupt about neoliberal or free-market economic policies. Several high-ranked countries on corruption indices employ such policies.

In light of this evidence, it can be argued that economic policies can be co-opted for

corrupt means if they are enacted in a political structure that is incentivized and has opportunities for corruption. Therefore, in Argentina's case, the economic policies alone should not be understood as constraining environments to the regime. Instead, they weakened the already "soft" reality by expanding the state's capabilities and opportunities for corruption. This further undermined the implementation and adherence to the regime.

The state's political system, its institutions –such as elite cartels— and its overall corruption machine were organized to integrate every aspect of society: the economy, the legal and administrative spheres, and social structures. This deep embeddedness facilitated the social domination of the elite, who abused and misappropriated resources for their benefit. Such embeddedness also allowed for delayed accountability, political interference, lack of independence of oversight bodies and outright neglect of the law. It is within this political and institutional environment that Argentina's anti-corruption regime was enacted, leading, therefore, to its failure.

Is There a Required Approach to Curbing Corruption?

Definite success stories remain scarce not only in Argentina but worldwide. A sobering observation from 2020 highlights that "most countries [...] made little to no progress in tackling corruption in nearly a decade [and] more than two-thirds of countries score below 50" out of 100 (Transparency International, 2021, p. 4). In response, researchers continue to examine the appropriate approaches to reducing corruption (Rothstein, 2011, 2018; Persson, Rothstein & Teorell, 2012; Johnston, 2005; Stephenson, 2020). They recognize that the corrupt equilibrium in a society must be disrupted but largely disagree on whether this disruption demands direct or indirect or dramatic or incremental tactics.

Before discussing the most plausible path for Argentina, we must understand what kind of reform the country requires. In other words, the nature of required reforms. Wathne (2021, p. 13) argues that “for an anti-corruption intervention to have a sustained impact, it needs to either be feasible within the current system or sufficiently alter the system.” These recommendations are not feasible with Argentina’s regime because the measures cannot attain their full potential with the current system, nor can they sufficiently *alter* the system. In this sense, to curb its political corruption, the country requires structural or institutional reform. The need for this type of reform implies underlying problems with institutions and incentives, demanding, therefore, more than just additional laws (Volosin, 2020; Rose-Ackerman & Palifka, 2016). Whatne further points out that:

When corruption is deeply entrenched or systemic, it has to be recognized and dealt with as such. Treating corruption as if it were a series of individual bad acts will not work.

Similarly, treating manifestations of corruption rather than the underlying drivers will not work. The system underpinning corruption needs to be understood and either altered, co-opted, or countered. (2021, p. 31)

Larry Diamond (2007, p. 119, as cited in Rothstein, 2011, p. 246) follows a similar approach and argues that such: “corruption is not some flaw that can be corrected with a technical fix or a political push. It is the way that the system works, and it is deeply embedded in the norms and expectations of political and social life.” Curbing its rise, therefore, “requires revolutionary” or radical “change in institutions.” Bo Rothstein’s (2011; 2018) “indirect ‘big bang’ approach” is the closest match to Diamond’s recommendation.⁴⁴ This approach understands that for a society to escape the “social trap” of structural corruption, dramatic and

⁴⁴ Rothstein has built his ‘big bang’ theory and approach by primarily relying on Sweden’s administrative reform in throughout the 19th century. He also refers to Hong Kong and Singapore’s reforms as emulating this approach.

not incremental reconfigurations are necessary. In practice, this means pushing out “a comprehensive reform package that attacks corruption on many fronts simultaneously, thoroughly, and quickly, so that the society pushes past the so-called “tipping point” and shifts from the high-corruption equilibrium to the low-corruption equilibrium” (Stephenson, 2020).

However, from this vantage point, reform seems challenging for two reasons. The first one is related to the “big bang” approach. As Saint-Martin (2015) remarked, such an approach pays “insufficient attention to the adaptive nature of structural corruption.” As discussed primarily in the economic explanation, incentives that lead to corruption can be created by the self-reinforcing nature of corruption itself or self-interested actors. In this sense, sequential or gradual reform would be best as it is more flexible and adaptable (Stephenson, 2020).

The second reason is related to the general idea of reform in Argentina. While it is possible to devise different approaches to combat corruption, the necessary approach must arise from within – from the members of the corrupt institutions. However, how can that be if the system is dealing with more than three decades of political and institutional corruption, which, as we have discussed previously, incentivizes maximizing behaviour? Fritzen (2005, p. 79) also raises this point and argues that: In the face of such behaviour, “many anti-corruption initiatives face an inherent dilemma: the very actors who must adopt and implement policies to curb corruption are those who may face weak, or even negative incentives to do so.” Indeed, “why would agents that either stand to gain from corrupt practices or who can only lose by refraining from corruption at all be interested in creating such efficient institutions” (Rothstein, 2011, p. 235).

Elite cartel members get to extract rents, so there are no incentives to change the status

quo from which they all benefit (Volosin, 2019, p. 151). For example, the Kirchners, who enjoyed hyper-presidential powers, went unchecked when mismanaging public resources to extract rents – exemplifying extractive political corruption.⁴⁵ Between 2003 and 2015, their assets grew by more than 800%. Néstor Kirchner, in particular, used “money to manage the state, build political devices, and hurt those he considered his enemies” (Volosin, 2020, p. 111) – exemplifying power-preserving corruption.

Rose-Ackerman and Palifka (2016, p. 416) explain that “powerful politicians must believe that reform is in their interest,” but “this often occurs in response to pressures by influential private groups who decide that reform will benefit *them* [emphasis added].” Therefore, change might never occur as groups may not want to change the system they are already a part of. De la Ruá and Macri exemplify this issue. After years of corruption under Menem and the Kirchners, the need for reform was apparent. Nevertheless, both faced structural limitations. Their own private interests and that of their entourage weakened their willingness to break the status quo and undermine the corrupt machine (Volosin, 2020, p. 141).

Rose-Ackerman and Palifka (2016, p. 415) also assert that “past practices create inertia”. That “it is often easiest to go on as before –especially because the beneficiaries of the status quo will struggle against change.” It is apparent that officials can make changes or implement measures but merely unwilling. Essentially, if politicians and private actors “do not find reform to be in their best interest, they might just attempt to restore public confidence with

⁴⁵ When they were brought to justice many officials claimed that the charges were just excuses to “delegitimize, and in some cases overthrow popular administrations” (Volosin, 2020, p. 28). Point in case is Cristina Fernández who denied several claims and said they were politically motivated: “popular political movements are always accused of grave crimes associated with abuse of power, corruption, and embezzlement as an excuse to hide adjustment plans and policies that seep away social conquests” (2020, p. 29; Chambers, 2019).

minor changes or even “good governance facades.” Perhaps, the anti-corruption regime is nothing but a façade.

These points also expose potential drawbacks for the incremental approach. Indeed, as incremental measures are implemented, incentives and opportunities for corruption also flourish. In such a context, society fails to reach the ‘tipping point’ and slides back into its old practices (Rothstein, 2011, p. 246). With these considerations, it is difficult to assert with certainty which approach—incremental or an aggressive ‘big bang’ – can work in Argentina. However, the need for an endogenous transformation is evident and undeniable, which means an internal process that can lead to the internalization of integrity (Jackson, 2020).

Final Remarks

This research paper began with a puzzle: Why was political corruption so pervasive in Argentina between 1989 and 2019 despite the presence of comprehensive countermeasures against corruption? By applying some elements from the design-reality gap model, this paper suggests that the environment – the constraining factors – in which the regime was enacted was not conducive to sound implementation. This paper reaches this conclusion after first discussing three explanations –cultural, economic and institutional— for the regime’s failure. Particularly persuasive is the politico-institutional approach that showcases the far-reaching effects and constraints of the institutionalization of corruption in Argentina’s political system. In this context, even though penalties and measures were in place, other credible elements of deterrence were missing, mainly if the benefits of engaging in corruption outweighed the costs.

It remains, therefore, that Argentina must adjust the balance, allowing for a reality that is favourable to its regime. While it is beyond the scope of this paper to provide pointed policy recommendations, I have argued that Argentina’s structural corruption cannot be curbed with

merely new or enhanced legislation or regulations. To reach this new reality, the State requires an endogenous institutional transformation – a change starting from within. However, I also posit that waiting for such transformation is self-defeating. My conclusion may seem limiting as I assume that all actors within the system are rationally self-interested therefore will have no incentives in undertaking visceral changes.

For now, the future looks bleak. Past presidents have hailed anti-corruption rhetoric and enacted several laws but to no avail. A noticeable and interesting trait in election campaigns and administrations since Menem is anti-corruption rhetoric. Johnston (2005) points out that in elite cartel societies, anti-corruption activities may be prominent and that “there will be no shortage of official anti-corruption proclamations and campaigns, though often they will be used to punish dissidents or rivals rather than to pursue reform as such and sustaining elite cohesion” (p. 90). The current president, Alberto Fernández, also campaigned on an anti-corruption rhetoric, along with his vice-president Cristina Fernández de Kirchner. Already, the pair is marred with allegations of corruption (Chambers, 2021). Evidently, deeply rooted norms cannot be changed within electoral cycles.

Therefore, as political corruption continues to flourish in Argentina, could we say that curbing its rise is an impossible dream?

References

- Abal Medina, J. M. (2020). Peronism back in power in Argentina: Economic crisis and political stability. *Latin American Policy*, 11(1), 148–153. <https://doi.org/10.1111/lamp.12184>
- Acemoglu, D., Johnson, S., & Robinson, J. A. (2005). Institutions as a fundamental cause of long-run growth. In P. Aghion & S. N. Durlauf (Eds.), *Handbook of Economic Growth* (Vol. 1., pp. 385–472). Elsevier B.V. [https://doi.org/10.1016/S1574-0684\(05\)01006-3](https://doi.org/10.1016/S1574-0684(05)01006-3)
- Achim, M. V. (2016). Cultural dimension of corruption: A cross-country survey. *International Advances in Economic Research*, 22(3), 333–345. <https://doi.org/10.1007/s11294-016-9592-x>
- Amini, C., Douarin, E., & Hinks, T. (2021). Individualism and attitudes towards reporting corruption: Evidence from post-communist economies. *Journal of Institutional Economics*, 1–16. <https://doi.org/10.1017/S1744137420000648>
- Amundsen, I. (1999). *Political corruption: An introduction to the issues* (CMI Working Paper No. 7). Bergen: Chr. Michelsen Institute. <https://www.cmi.no/publications/1040-political-corruption>
- Amundsen, I. (Ed.). (2019). *Corruption in Africa: Extraction and power preservation*. Elgar. <https://doi.org/10.4337/9781788972529>
- Anti-corruption office withdraws as plaintiff in cases involving former officials. (2020, October 24). *Buenos Aires Times*. <https://www.batimes.com.ar/news/argentina/anti-corruption-office-withdraws-as-plaintiff-in-cases-involving-former-officials.phtml>
- Arellano-Gault, D. (2020). *Corruption in Latin America* (1st ed.). Routledge.
- Argentine ex-official sentenced in money scandal at convent. (2019, June 17). *Associated Press News*. <https://apnews.com/article/84803852e23c43439733162fa07bf2c4>
- Argentinian deputies approve access to information bill. (2016, May 19). Freedominfo.org. <http://www.freedominfo.org/2016/05/argentinian-deputies-approve-access-to-information-bill/>
- Balán, M. (2011). La denuncia como estrategia: Escándalos de corrupción en Argentina y Chile. *Desarrollo Económico (Buenos Aires)*, 51(202/203), 163–187. <http://www.jstor.org/stable/23612380>
- Balán, M. (2014). Assessing progress in transparency and anticorruption. *Latin American Research Review*, 49(2), 262–272. <https://doi.org/10.1353/lar.2014.0026>
- Barr, A., & Serra, D. (2010). Corruption and culture: An experimental analysis. *Journal of Public Economics*, 94(11), 862–869. <https://doi.org/10.1016/j.jpubeco.2010.07.006>
- Beltrán, E. C., & González, F. G. (2019). When corruption is cultural: Exploring moral, institutional and rule-based concepts of corruption. *Boletín Mexicano de Derecho Comparado*, 52(156), 1325–1360. <https://doi.org/10.22201/ijj.24484873e.2019.156.15155>
- Blair, A. (2020, May 30). *Viveza Criolla Explained*. Alexabroad.info. <https://www.alexabroad.info/post/viveza-criolla-explained>

- Bohn, S. R. (2012). Corruption in Latin America: Understanding the perception–exposure gap. *Journal of Politics in Latin America*, 4(3), 67–95.
<https://doi.org/10.1177/1866802X1200400303>
- Brockmeyer, K., Ceresney, A. J., Levine, A. M., & O’Neil, D. A. (2020, January). The year 2019 in review: A record-breaking year of anti-corruption enforcement. *Debevoise & Plimpton*, 11(6), 1-78. <https://www.debevoise.com/insights/publications/2020/01/fcpa-update-january-2020>
- Brown E, & Cloke J. (2004). Neoliberal reform, governance and corruption in the south: Assessing the international anti-corruption crusade. *Antipode*, 36(2), 272–294.
<https://doi.org/10.1111/j.1467-8330.2004.00406.x>
- Brunelle-Quraishi, O. (2011). Assessing the relevancy and efficacy of the United Nations Convention against Corruption: A comparative analysis. *Notre Dame Journal of International & Comparative Law* 2(1) Article 3, 101-166.
<http://scholarship.law.nd.edu/ndjicl/vol2/iss1/3>
- Buchan, B., & Hill, L. (2014). *An intellectual history of political corruption*. Palgrave Macmillan.
- Calvo, E., & Murillo, M. V. (2012). Argentina: The persistence of Peronism. *Journal of Democracy*, 23(2), 148–161. <https://doi.org/10.1353/jod.2012.0029>
- Caniza, M.V., Goldaracena, F., Rostello, F.F., León, A., Servente, N., Máspero, C., & Wegbrait, K. (2020). The Anti-Bribery and Anti-Corruption Review: Argentina. In M. Mendelsohn (Ed.), *The Anti-Bribery and Anti-Corruption Review*. The Law Reviews.
<https://thelawreviews.co.uk/title/the-anti-bribery-and-anti-corruption-review/argentina>
- Chambers, B. (2019). *The resilience of Peronism in Argentina*. TRTWorld.
<https://www.trtworld.com/magazine/the-resilience-of-peronism-in-argentina-31486>
- Chambers, B. (2021). Argentine president decries ‘defamatory’ allegations. *Anadolu Agency*.
<https://www.aa.com.tr/en/americas/argentine-president-decries-defamatory-allegations/2253064>
- Chêne, M. (2012). *Centralised versus decentralised anti-corruption institutions*. Transparency International. <https://www.u4.no/publications/centralised-versus-decentralised-anti-corruption-institutions.pdf>
- Collier, Michael W. (2000). *Political corruption in the Caribbean basin: A comparative analysis of Jamaica and Costa Rica*. [Doctoral Dissertation, Florida International University]. <https://digitalcommons.fiu.edu/etd/2408>
- Collier, M. W. (2005). *Political corruption in the Caribbean basin: Constructing a theory to combat corruption*. Routledge. <https://doi.org/10.4324/9780203942703>
- De Michele, R. (2001). The role of the anti-corruption office in Argentina lessons on corruption and anti-corruption: Policies and results. *The Journal of Public Inquiry. Fall/Winter*, 17-20. <https://www.ignet.gov/sites/default/files/files/f01c05.pdf>
- Denmark Corruption Report*. (2020, September). The Risk & Compliance Portal.
<https://www.ganintegrity.com/portal/country-profiles/denmark/>

- Faiola, A. (2019). Argentina's economy is collapsing. Here come the peronistas, again. *Washington Post*. https://www.washingtonpost.com/world/the_americas/argentinas-economy-is-collapsing-here-come-the-peronistas-again/2019/10/23/c83b3f04-f131-11e9-bb7e-d2026ee0c199_story.html
- Farmelo, M., & Belski, M. (2006). *Two steps forward, one step backwards: The access to information campaign in Argentina*. Freedominfo.org. <http://www.freedominfo.org/2006/06/case-study-access-campaign-in-argentina/>
- Figueroa, V. (2020). Political corruption cycles: High-frequency evidence from Argentina's notebooks scandal. *Comparative Political Studies*, 54(3-4), 482–517. <https://doi.org/10.1177/0010414020938102>
- Finchelstein, F. (2014). The Peronist reformulation of fascism. *Contemporanea (Bologna, Italy: 1998)*, 17(4), 609–626. <https://doi.org/10.1409/78316>
- FitzGerald, C., O'Malley, E., & Ó Broin, D. (2019). Policy success/policy failure: A framework for understanding policy choices. *Administration (Dublin)*, 67(2), 1–24. <https://doi.org/10.2478/admin-2019-0011>
- Fritzen, S. (2005). Beyond “political will”: How institutional context shapes the implementation of anti-corruption policies. *Policy & Society*, 24(3), 79–96. [https://doi.org/10.1016/S1449-4035\(05\)70061-8](https://doi.org/10.1016/S1449-4035(05)70061-8)
- Gedan, B.N., & Alonso, D. R. (2018). Only criminals can clean up Argentina's corruption: A plea for plea bargains in Buenos Aires. *Foreign Policy*. <https://foreignpolicy.com/2018/11/15/only-criminals-can-clean-up-argentinas-corruption/>
- Geert Hofstede's Cultural Dimensions*. (n.d). Clearly Cultural. <http://clearlycultural.com/geert-hofstede-cultural-dimensions/individualism>
- Gerlach, P., & Eriksson, K. (2021). Measuring cultural dimensions: External validity and internal consistency of Hofstede's VSM 2013 scales. *Frontiers in Psychology*, 12. <https://doi.org/10.3389/fpsyg.2021.662604>
- Gerring, J., & Thacker, S. C. (2004). Political institutions and corruption: The role of unitarism and parliamentarism. *British Journal of Political Science*, 34(2), 295–330. <https://doi.org/10.1017/S0007123404000067>
- Gerring, J., & Thacker, S. C. (2005). Do neoliberal policies deter political corruption? *International Organization*, 59(1), 233–254. <https://doi.org/10.1017/S0020818305050083>
- Goñi, U. (2016, June 16). Argentina gripped by mystery: the ex-minister, a convent and bundles of cash. *The Guardian*. <https://www.theguardian.com/world/2016/jun/17/argentina-ex-minister-convent-cash-jose-lopez>
- Government of Singapore. (2020). *Singapore's corruption control framework*. <https://www.cpiib.gov.sg/about-corruption/corruption-control-framework>
- Graycar, A., & Prenzler, T. (2013). *Understanding and preventing corruption*. Palgrave Macmillan UK.

- Grugel, J., & Riggirozzi, M. P. (2007). The return of the state in Argentina. *International Affairs (London)*, 83(1), 87–107. <https://doi.org/10.1111/j.1468-2346.2007.00604.x>
- Guillan-Montero, A. (2011). *As if: The fiction of executive accountability and the persistence of corruption networks in weakly institutionalized presidential systems. Argentina (1989–2007)* [Doctoral Dissertation, Georgetown University].
<https://repository.library.georgetown.edu/handle/10822/558062>
- Heeks, R., & Mathisen, H. (2012). Understanding success and failure of anti-corruption initiatives. *Crime, Law, and Social Change*, 58(5), 533–549.
<https://doi.org/10.1007/s10611-011-9361-y>
- Heywood, P. (Ed.). (2015). *Routledge handbook of political corruption*. Routledge.
<https://doi.org/10.4324/9781315739175>
- Hodess, R., Banfield, J., & Wolfe, T. (Eds.). (2001). *Global Corruption Report 2001*. Transparency International.
https://images.transparencycdn.org/images/2001_GCR_Inaugural_EN.pdf
- Hofstede Insights. (2021a). *National Culture*. <https://hi.hofstede-insights.com/national-culture>
- Hofstede Insights. (2021b). *Country Comparison*. <https://www.hofstede-insights.com/country-comparison/argentina/>
- Hofstede, G. (1980). *Culture's consequences, international differences in work-related values*. Sage Publications.
- Hofstede, G., Hofstede, G. J., & Minkov, M. (2010). *Cultures and organizations: Software of the mind: intercultural cooperation and its importance for survival* (3rd ed.). McGraw-Hill.
- Hopkin J., & Rodríguez-Pose, A. (2007). “Grabbing hand” or “helping hand”? Corruption and the economic role of the state. *Governance (Oxford)*, 20(2), 187–208.
<https://doi.org/10.1111/j.1468-0491.2007.00353.x>
- Hough, D. (2013). *Corruption, anti-corruption and governance*. Palgrave Macmillan.
- Hudson, B., Hunter, D., & Peckham, S. (2019). Policy failure and the policy-implementation gap: Can policy support programs help? *Policy Design and Practice*, 2(1), 1–14.
<https://doi.org/10.1080/25741292.2018.1540378>
- Husted, B. W. (1999). Wealth, culture, and corruption. *Journal of International Business Studies*, 30(2), 339–359. <https://doi.org/10.1057/palgrave.jibs.8490073>
- Husted, B. W. (2002). Culture and international anti-corruption agreements in Latin America. *Journal of Business Ethics*, 37(4), 413–422. <https://doi.org/10.1023/A:1015248921716>
- Inter-American Convention Against Corruption, March 29, 1996,
http://www.oas.org/en/sla/dil/inter_american_treaties_b-58_against_corruption.asp
- Jackson, D. (2020). How change happens in anti-corruption: A map of policy perspectives. *Chr. Michelsen Institute*, U4 Issue 2020:14, 1-20. <https://www.u4.no/publications/how-anti-corruption-change-happens>
- Jetter, M., & Parmeter, C. F. (2018). Sorting through global corruption determinants: Institutions and education matter – Not culture. *World Development*, 109, 279–294.
<https://doi.org/10.1016/j.worlddev.2018.05.013>

- Johnston, M. (2005). *Syndromes of corruption: Wealth, power, and democracy*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511490965>
- Johnston, M. (2012). Why do so many anti-corruption efforts fail? *NYU Annual Survey of American Law*, 67, 467-496.
http://www.law.nyu.edu/sites/default/files/upload_documents/NYU-Annual-Survey-67-3-Johnston.pdf
- Kajsiu, B. (2016). *A discourse analysis of corruption: Instituting neoliberalism against corruption in Albania, 1998-2005*. Routledge. <https://doi.org/10.4324/9781315564661>
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2010, September). *The Worldwide Governance Indicators: Methodology and analytical issues* (Policy Research Working Paper No. 5430). The World Bank. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1682130
- Keping, Y. (2018). Governance and good governance: A new framework for political analysis. *Fudan Journal of the Humanities and Social Sciences*, 11(1), 1–8.
<https://doi.org/10.1007/s40647-017-0197-4>
- Klitgaard, R. (2011). Fighting corruption. *CESifo DICE Report* 9 (2), 31-35.
<https://www.ifo.de/en/node/28663>
- Kurlantzick, J. (2016). *State capitalism: how the return of statism is transforming the world*. Oxford University Press.
- Larmour, P. (2008). Corruption and the concept of “culture”: Evidence from the Pacific Islands. *Crime, Law, and Social Change*, 49(3), 225–239. <https://doi.org/10.1007/s10611-007-9098-9>
- Law No. 27401: Corporate criminal liability*. (2018, April 12). Canosa Abogados.
<https://canosa.com/law-no-27401-corporate-criminal-liability/>
- Macri government begins work on Argentinian FOI bill*. (2015, December 30). Freedominfo.org.
<http://www.freedominfo.org/2015/12/macri-government-begins-work-on-argentinian-foi-bill/>
- Macri: "Nunca más la Argentina de la viveza criolla y de la corrupción." (2018, August 21). *Los Andes*. <https://www.losandes.com.ar/macri-nunca-mas-la-argentina-de-la-viveza-criolla-y-de-la-corrupcion/>
- Macri: "Nunca más la mentira, la corrupción y la viveza criolla mal entendida." (2019, July 10). *Crónica*. <https://www.cronica.com.ar/politica/Macri-Nunca-mas-la-mentira-la-corrupcion-y-la-viveza-criolla-mal-entendida-20190710-0018.html>
- Manzetti, L. (2014). Accountability and corruption in Argentina during the Kirchners' era. *Latin American Research Review*, 49(2), 173-195,297,301.
<https://doi.org/10.1353/lar.2014.0030>
- Manzetti, L., & Blake, C. H. (1996). Market reforms and corruption in Latin America: New means for old ways. *Review of International Political Economy: RIPE*, 3(4), 662–697.
<https://doi.org/10.1080/09692299608434376>
- Marin, O.L. (1999). Una mirada psicosociopolitica de la corrupción. *Psicología Política*, 19, 7-21. <https://www.uv.es/garzon/psicologia%20politica/N19-1.pdf>

- Masiero, S. (2016). The origins of failure: Seeking the causes of design-reality gaps. *Information Technology for Development*, 22(3), 487–502. <https://doi.org/10.1080/02681102.2016.1143346>
- Mauricio Macri y sus causas por corrupción. (2019, July 28). *Politica Argentina*. <https://www.politicargentina.com/notas/201907/29936-mauricio-macri-y-sus-causas-por-corrupcion.html>
- McConnell, A. (2015). What is policy failure? A primer to help navigate the maze. *Public Policy and Administration*, 30(3-4), 221–242. <https://doi.org/10.1177/0952076714565416>
- Medina, W.C. (2020). *Las causas judiciales que preocupan a Mauricio Macri*. Nuevatribuna.es. <https://nuevatribuna.publico.es/articulo/global/causasjudiciales-mauriciomacri-justicia-argentina-kirchner/20200131142757170671.html>
- Menocal, A. R., Taxell, N., Johnsen, J. S., Schmaljohann, M., Montero, A. G., De Simone, F., Dupuy, K., & Tobias, J. (2015, February). *Why corruption matters: understanding causes, effects and how to address them* (Evidence Paper). Department for International Development. <https://www.gov.uk/government/publications/why-corruption-matters-understanding-causes-effects-and-how-to-address-them>
- Mills, A. J., Durepos, G., & Wiebe, E. (Eds.). (2010). *Encyclopedia of case study research*. SAGE Publications, Inc.
- Ministry of Foreign Affairs of Denmark. (2018, October). *Ministry of Foreign Affairs of Denmark: Anti-Corruption Policy*. <https://um.dk/en/danida-en/about-danida/danida-transparency/anti-corruption/>
- Ministry of Justice. (n.d.). *National Legislation*. <https://korrupTIONtorjunta.fi/en/national-legislation>
- Mueller, B. (2019). Why public policies fail: Policymaking under complexity. *Economia (Associação Nacional Dos Centros de Pós-Graduação Em Economia: 2000)*, 21(2), 311–323. <https://doi.org/10.1016/j.econ.2019.11.002>
- Muir, S. (2016). On historical exhaustion: Argentine critique in an era of “total corruption.” *Comparative Studies in Society and History*, 58(1), 129–158. <https://doi.org/10.1017/S0010417515000596>
- New Zealand Corruption Report*. (2020, August). The Risk & Compliance Portal. <https://www.ganintegrity.com/portal/country-profiles/new-zealand/>
- Oficina Anticorrupción. (2019). *Plan Nacional Anticorrupción 2019-2023*. https://www.argentina.gob.ar/sites/default/files/plan_nacional_anticorrupcion.pdf
- Olaechea, C., & Engeli, G. (2009). *¿Y vos qué?: Herramienta pedagógica para la Asignatura de Formación Ética y Ciudadana*. Oficina Anticorrupción. https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2013-August-26-28/Responses_NV/Argentina_SP.pdf
- Oliver, G. L. M., & Testa, M. A. (2020, February 10). *La Oficina Anticorrupción se transforma en un organismo desconcentrado de la Presidencia de la Nación y tiene nuevo titular*. Marval, O'Farrell y Mairal. <https://www.marval.com/publicacion/la-oficina->

- anticorrupcion-se-transforma-en-un-organismo-desconcentrado-de-la-presidencia-de-lanacion-y-tiene-nuevo-titular-13510
- Organisation for Economic Co-operation and Development (OECD). (2014). Phase 3 report on implementing the OECD anti-bribery convention in Argentina. <https://www.oecd.org/corruption/anti-bribery/Argentina-Phase-3-Report-ENG.pdf>
- Organisation for Economic Co-operation and Development (OECD). (2017). Phase 3bis report on implementing the OECD anti-bribery convention in Argentina. <https://www.oecd.org/corruption/anti-bribery/Argentina-Phase-3bis-Report-ENG.pdf>
- Organisation for Economic Co-operation and Development (OECD). (2019a). *Argentina: follow-up to the phase 3bis report & recommendations*. <https://www.oecd.org/corruption/anti-bribery/OECD-Argentina-3bis-follow-up-report-ENG.pdf>
- Organisation for Economic Co-operation and Development (OECD). (2019b). *OECD Integrity Review of Argentina: Achieving Systemic and Sustained Change*. OECD Publishing. <https://doi.org/10.1787/g2g98ec3-en>.
- Organization of American States (OAS). (2003). *Report on implementation in Argentina of the convention provisions selected for review in the framework of the first round*. http://www.oas.org/juridico/english/mec_rep_arg.pdf
- Organization of American States (OAS). (2006). *Questionnaire on the provisions of the Inter-American Convention against corruption selected in the second round and for follow-up on the recommendations formulated in the first round: Argentina reply to the MESISIC-OAS questionnaire for the second round July 2006*. http://www.oas.org/juridico/spanish/mesicic2_arg_resp.pdf
- Organization of American States (OAS). (2009). *Republic of Argentina final report*. http://www.oas.org/juridico/english/mesicic_III_rep_arg.pdf
- Organization of American States (OAS). (2013). *Republic of Argentina final report*. http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic4_arg_en.pdf
- Organization of American States (OAS). (2017). *Argentina final report*. http://www.oas.org/en/sla/dlc/mesicic/docs/Mesicic5_InformeARG_en.pdf
- Organization of American States. (2021). *Model Laws and Legislative Guidelines*. Retrieved from <http://www.oas.org/en/sla/dlc/mesicic/leyes.html>
- Ormaechea, E. (2021). The failures of neoliberalism in Argentina. *Journal of Economic Issues*, 55(2), 318–324. <https://doi.org/10.1080/00213624.2021.1907155>
- Patton, M. Q. (2002). *Qualitative research & evaluation methods* (3rd ed.). Sage Publications. https://books.google.ca/books?id=FjBw2oi8E14C&dq=Qualitative+Evaluation+and+Research+Methods&lr=&source=gbs_navlinks_s
- Pereyra, S. (2019). Corruption Scandals and Anti-Corruption Policies in Argentina. *Journal of Politics in Latin America*, 11(3), 348–361. <https://doi.org/10.1177/1866802X19894791>
- Persson, A., Rothstein, B., & Teorell, J. (2010). *The failure of anti-corruption policies a theoretical mischaracterization of the problem* (QoG Working Paper Series No. 19). <https://core.ac.uk/download/pdf/43558967.pdf>

- Persson, A., Rothstein, B., & Teorell, J. (2013). Why anticorruption reforms fail-systemic corruption as a collective action problem. *Governance (Oxford)*, 26(3), 449–471. <https://doi.org/10.1111/j.1468-0491.2012.01604.x>
- Pillay, S., & Dorasamy, N. (2010). Linking cultural dimensions with the nature of corruption: An institutional theory perspective. *International Journal of Cross Cultural Management: CCM*, 10(3), 363–378. <https://doi.org/10.1177/1470595810389793>
- Pozsgai, J. (2017). A systems model on corruption and anticorruption reform: International, domestic pressure, and government strategies to preserve the status quo. *Air and Space Power Journal-Africa and Francophonie* 8(3). https://www.airuniversity.af.edu/Portals/10/ASPJ_French/journals_E/Volume-08_Issue-3/pozsgai_e.pdf
- Pring, C., & Vrushi, J. (2019). *Global corruption barometer: Latin America and the Caribbean 2019 - Citizens' views and opinions of corruption*. Transparency International. https://images.transparencycdn.org/images/2019_GCB_LAC_Report_EN1.pdf
- Quah, J. S. T. (Ed.). (2013). *Different paths to curbing corruption*. Emerald.
- Reinsberg, B., Stubbs, T., Kentikelenis, A., & King, L. (2020). Bad governance: How privatization increases corruption in the developing world. *Regulation & Governance*, 14(4), 698–717. <https://doi.org/10.1111/rego.12265>
- Riggirozzi, M. P. (2005). *The World Bank as a norm-broker: Knowledge, funds and power in governance reforms in Argentina*. [Doctoral Dissertation, University of Warwick]. http://wrap.warwick.ac.uk/58326/1/WRAP_THESIS_Riggirozzi_2013.pdf
- Rodriguez, D., Waite, H., & Wolfe, T. (Eds.). (2015). *Global corruption report 2005*. Transparency international. https://www.ceic.gouv.qc.ca/fileadmin/fichiers_client/centre_documentaire/ceic-r-3579.pdf
- Rollón, M. R., & García, F.J.A. (2019). *El control de la corrupción en América Latina: agenda política, judicialización e internacionalización de la lucha contra la corrupción*. (Documento de Trabajo No. 11(2)). Fundación Carolina. https://www.fundacioncarolina.es/wp-content/uploads/2019/07/DT_FC_11.pdf
- Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and Government: Causes, consequences, and reform*. Cambridge University Press.
- Rothstein, B. (2011). Anti-corruption: the indirect “big bang” approach. *Review of International Political Economy: RIPE*, 18(2), 228–250. <https://doi.org/10.1080/09692291003607834>
- Rothstein, B. & Teorell, J. (2015). Causes of corruption. In P. Heywood (Ed.), *Routledge handbook of political corruption* (pp. 79-94). Routledge.
- Rothstein, B. (2018). Fighting systemic corruption: The indirect strategy. *Daedalus*, 147 (3), 35–49. https://doi.org/10.1162/daed_a_00501
- Rowland, A. T. (2013). *How left a turn? Legacies of the neoliberal state in Latin America*. [Doctoral Dissertation, University of Tennessee]. https://trace.tennessee.edu/utk_graddiss/2475

- Ruhl, J. M. (2011). Political corruption in Central America: Assessment and explanation. *Latin American Politics and Society*, 53(1), 33–58. <https://doi.org/10.1111/j.1548-2456.2011.00108.x>
- Saint-Martin, Denis. (2015). Systemic corruption in an advanced welfare state: Lessons from the Quebec Charbonneau inquiry. *Osgoode Hall Law Journal* 53 (1), 66-106. <https://digitalcommons.osgoode.yorku.ca/ohlj/vol53/iss1/4>
- Sandoval-Ballesteros, I. (2013). *From 'institutional' to 'structural' corruption: Rethinking accountability in a world of public-private partnerships* (Working Paper No. 33). Edmond J. Safra. <http://dx.doi.org/10.2139/ssrn.2370576>
- Sanyal, R. N., & Samanta, S. K. (2002). Corruption across countries: The cultural and economic factors. *Business & Professional Ethics Journal*, 21(1), 21–46. <https://doi.org/10.5840/bpej20022119>
- Scott, I. (2017). The challenge of preserving Hong Kong's successful anti-corruption system. *Asian Education and Development Studies*, 6(3), 227–237. <https://doi.org/10.1108/AEDS-03-2017-0027>
- Smith, T. (1973). The Policy implementation process. *Policy Sciences*, 4(2), 197-209. <http://www.jstor.org/stable/4531525>
- Sol Porro, M. (2016). Argentina: Congress passed the new regulation of access to public information. *Mondaq*. <https://www.mondaq.com/argentina/data-protection/533622/congress-passed-the-new-regulation-of-access-to-public-information>
- Soriano, R. (2011). La corrupción política: Tipos, causas y remedios. *Anales de la Cátedra Francisco Suárez*, 45, 383-402. <https://doi.org/10.30827/acfs.v45i0.538>
- Stephenson, M. C. (2020). Corruption as a self-reinforcing trap: Implications for reform strategy. *The World Bank Research Observer*, 35(2), 192–226. <https://doi.org/10.1093/wbro/lkaa003>
- Taladrid, S. (2019). Argentina considers a return to Peronism. *New Yorker*. <https://www.newyorker.com/news/news-desk/argentina-considers-a-return-to-peronism>
- Tracking Latin American foreign policies and human rights anti-corruption efforts: OAS and OECD conventions and domestic freedom of information laws. (2016, Fall). Global Americans. <https://theglobalamericans.org/reports/anti-corruption-efforts-fall-2016/>
- Transparency International. (2021). *Corruption Perceptions Index 2020*. https://images.transparencycdn.org/images/CPI2020_Report_EN_0802-WEB-1_2021-02-08-103053.pdf
- Transparency International. (n.d). *Corruption Perceptions Index 1995-2019*. Retrieved from <https://www.transparency.org/en/cpi/2020/index/>
- Trapnell, S. E. (2015). *User's Guide - Measuring corruption and anticorruption*. The United Nations Development Programme. <https://www.undp.org/publications/users-guide-measuring-corruption-and-anticorruption>

- Undurraga, T. (2015). Neoliberalism in Argentina and Chile: Common antecedents, divergent paths. *Revista de Sociologia e Política*, 23(55), 11–34. <https://doi.org/10.1590/1678-987315235502>
- United Nations Office on Drugs and Crime (UNODC). (2009). *Pilot review programme: Argentina*. <http://archivo.anticorrupcion.gob.ar/documentos/Argentina,%20country%20report.pdf>
- United Nations Office on Drugs and Crime (UNODC). (2014). *Review of implementation of the United Nations convention against Corruption*. <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries/V1388719Ae.pdf>
- United Nations Office on Drugs and Crime (UNODC). (2019). *Political institution-building as a means to counter corruption*. <https://www.unodc.org/e4j/en/anti-corruption/module-3/key-issues/political-institution-building-as-a-means-to-counter-corruption.html>
- United Nations Office on Drugs and Crime (UNODC). (2015). *Informe sobre el examen de Argentina*. https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2018_06_14_Argentina_Final_Country_Report.pdf
- United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD Programme). (2012). *Asia-Pacific lesson learned: Anti-corruption measures*. <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/a-p-knowledge-management-a-resources/asia-pacific-lessons-learned-series-749/6524-asia-pacific-lessons-learned-anti-corruption-6524/file.html>
- Villalón, R. (2007). Neoliberalism, corruption, and legacies of contention: Argentina's social movements, 1993-2006. *Latin American Perspectives*, 34(2), 139–156. <https://doi.org/10.1177/0094582X06299083>
- Volosin, N. A. (2019). Argentina's corruption machine: Toward an institutional approach. In R. Rotberg (Ed.) *Corruption in Latin America: How politicians and corporations steal from citizens* (pp. 127-161). Springer.
- Volosin, N. A. (2020). *Corruption in Argentina: Towards an institutional approach* (1st ed.). Routledge.
- Wathne, C. (2021). Understanding corruption and how to curb it: A synthesis of latest thinking. *Chr. Michelsen Institute*, U4 Issue 2021:3, 1-55. <https://www.u4.no/publications/understanding-corruption-and-how-to-curb-it>
- What is the national anti-corruption plan that seeks to consolidate “transparency and integrity”?* (2019, May 23). Fundeps. <https://fundeps.org/en/what-is-the-national-anti-corruption-plan-that-seeks-to-consolidate-transparency-and-integrity/>
- Wickberg, S. (2013). *Comparative analysis of the UNCAC and the OAS convention*. Transparency International. <https://knowledgehub.transparency.org/helpdesk/comparative-analysis-of-the-uncac-and-the-oas-convention>

- Woo, J., & Choi, E. (2018). *Political corruption and democratic governance*. Lexington Books.
- World Bank. (2020.) *Control of corruption indicator 1996-2019*. Retrieved from <https://info.worldbank.org/governance/wgi/Home/Reports>
- Wraith, R. E., & Simpkins, E. (2011). *Corruption in developing countries*. Routledge.
- Yannett, B.E., Levine, A.M., Kupferman, C., & Czerwonko, S. (2017, November). Argentina adopts anti-corruption law imposing corporate criminal liability. *Debevoise & Plimpton*, 9(5), 8-12. <https://www.debevoise.com/insights/publications/2017/11/fcpa-update-novem-2017-vol-9-no-5>
- Yeganeh, H. (2014). Culture and corruption: A concurrent application of Hofstede's, Schwartz's and Inglehart's frameworks. *International Journal of Development Issues*, 13(1), 2–24. <https://doi.org/10.1108/IJDI-04-2013-0038>
- Yoshifumi, H. (2017). A cultural comparison of business practices in Thailand and Japan with implications for Malaysia. *Cogent Social Sciences*, 3(1), 1-9. <https://doi.org/10.1080/23311886.2017.1370994>