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Framing and prosecutorial discretion: evidence from Brazil

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(Received 16 February 2023; revised 14 July 2023; accepted 12 October 2023)

Abstract

Prior studies in the United States argue that the discretionary decisions of federal prosecutors regarding which issues to prioritize are shaped by the politicians who appoint them, while studies on state prosecutors emphasize the role of press coverage and public opinion. However, these studies leave untheorized whether prosecutors' discretionary decisions are also affected by how their peers frame issues within and beyond prosecution offices. Building on the scholarship of collective action frames, this study develops a framework to explain how prosecutors' framing work affects their colleagues' decisions about which issues to focus on. I draw on the case of Brazil, where federal prosecutors focused on crime-fighting and human rights, but in the mid-2010s switched focus to corruption following a large-scale investigation called *Lava Jato*. I compare *Lava Jato* with two similarly large investigations that failed to transform corruption into the dominant issue within the Public Prosecutor's Office. Drawing on 131 original interviews, I show how federal prosecutors' framing work can persuade their colleagues to focus on the same issue through two stages: (1) *conceptualization* of versatile frames that speak to problems a variety of issues prosecutors care about and (2) *diffusion* of frames through professional meetings – providing roadmaps for how other prosecutors can implement the new frame – and to the press, increasing public attention.

Keywords: Prosecutors; discretion; framing; corruption; human rights

Introduction

In 2014, Brazilian federal prosecutors spearheaded an unprecedented crusade against corruption in a case that became known as *Operação Lava Jato* (Operation Car Wash) (Da Ros and Taylor 2022). This investigation uncovered bribery schemes between several public agencies and construction companies (Lagunes and Svejnar 2020). Most studies focus on the consequences of *Lava Jato* on the economy (Padula and Albuquerque 2018), politics (Silva 2020) and voting behavior (González Ocantos et al. 2023), but have paid less attention to its effects on prosecutors' discretionary decisions. Beyond visible social changes, *Lava Jato* also had important consequences for the work of prosecutors: surveys show that in the aftermath of *Lava Jato*, over 80% of Brazilian state and federal prosecutors reported corruption as the main priority in their offices (Conselho

Nacional do Ministério Público 2020). This shift in prosecutorial discretion to focus on corruption is surprising because in the 1990s only about a third of prosecutors worked on corruption cases; most prosecutors used their discretion to pursue human rights protection and the prosecution of other crimes beyond corruption (Arantes 2002).

Several studies have examined the factors that shape prosecutorial discretion (Lochner 2002; Pfaff 2017; Sklansky 2018). Some studies in the United States argue that politicians affect the discretion of federal prosecutors because prosecutors are appointed by the president (Buell 2016; Eisinger 2017). Other studies examine state prosecutors, who, in the United States, are typically elected by the people. According to these studies, state prosecutors use their discretion in ways that maximize their chances of electoral success (Pfaff 2018; Sklansky 2017), and as a result, pursue issues that resonate with the press and public opinion. Press coverage and public opinion can also affect how unelected prosecutors – such as federal prosecutors in Italy who are autonomous from the Executive branch (Rossetti 2000) – use their discretion (Sberna and Vannucci 2013), in part because these prosecutors' professional mission revolves around addressing issues that the public cares about (Della Porta 2001). However, scholars have left untheorized how prosecutors' efforts to frame issues within and beyond their prosecution offices affect which issues are prioritized by their colleagues. This is important because prosecutors' framing efforts can also affect press coverage and public opinion, which may in turn shape the issues their colleagues choose to pursue.

Social movement studies have long emphasized the importance of collective action frames (Gamson 1992; Snow et al. 1986), understood as “sets of action-oriented beliefs and meanings that legitimate and inspire social movement campaigns and activities” (Snow 2013: 471). Social movement activists engage in framing work to convince others to join their campaign, for example by highlighting why a particular issue is unjust (Gamson 1992). Building on these studies, I develop a framework to explain the processes through which prosecutors engage in framing to persuade their colleagues to pursue new issues.

I build this framework based on an analysis of how a critical number of federal prosecutors in Brazil started to use their discretion to prosecute corruption in the mid-2010s. Although prior studies report that federal (and state) prosecutors started to focus on corruption during the Lava Jato investigations (Lemgruber et al. 2016), it is not clear why or how that happened. In this paper, I compare the efforts of anti-corruption vanguards – prosecutors predisposed to working on corruption before becoming a prosecutor – in Lava Jato with failed efforts by similarly motivated actors in the *Banestado* and *Mensalão* investigations, two other large and influential investigations that did not result in significant changes in the issues prosecutors prioritize. In both comparison cases, vanguards obtained important convictions against political and economic elites (Mattos 2018). However, it was only during Lava Jato that the issue of corruption gained resonance widely across prosecutors beyond those already working on the investigation.

This paper thus addresses the following question: How do prosecutors frame the issue of corruption in ways that persuade their colleagues to pursue corruption cases? I use data from three surveys with prosecutors to map out changes in prosecutorial discretionary decisions. To understand why prosecutors started to prioritize corruption cases, I conducted 131 original interviews with federal prosecutors across five states.

I supplement the in-depth interviews with an analysis of 61 public interviews that prosecutors gave to journalists. The results show that federal prosecutors can persuade their colleagues to converge their discretionary choices by engaging in framing work that is comprised of two stages: (1) *conceptualization* of versatile frames that portray the issue as a solution to problems that different prosecutors care about, (2) *diffusion* of frames through professional meetings – thereby providing roadmaps for how other prosecutors could implement the new frame – and to the press, increasing public attention around the issue. This paper contributes to the literature on prosecutorial discretion, which typically emphasizes extralegal factors such as political influences (Buell 2016; Eisinger 2017) or public opinion (Della Porta and Vannucci 2007; Sberna and Vannucci 2013), by highlighting the importance of looking at the cultural and relational work of prosecutors to develop and diffuse new frames about issues they care about.

Prosecutorial discretion

Prior studies on prosecutors and the justice system broadly agree on two things. First, the decisions of prosecutors are highly consequential and can affect, for example, the chances someone will be charged, the crimes they are charged with and the length of their sentence (Lynch and Omori 2014; Pfaff 2018; Simon 2009; Sklansky 2018). As a result, prosecutors' decision-making can result in some crimes being more enforced than others, as well as in the reproduction of inequalities in the justice system (Langer and Sklansky 2017; Lynch and Omori 2018; Rehavi and Starr 2014).

Scholars also agree that prosecutors – at the state and federal level – typically have a lot of discretion to make decisions (Lynch 2023; Pfaff 2020; Sklansky 2018). Prior studies have examined prosecutors' decisions to ask for pretrial detention (Ribeiro et al. 2022), to offer defendants a plea bargain deal (Langer 2021), to press charges (Levine and Wright 2017) and to make recommendations about sentencing (Rainville 2001) and parole (Young and Pearlman 2022).

One key discretionary decision of prosecutors relates to issue-focusing, that is, which issues they give priority to vis-à-vis other issues. For example, why do some prosecutors focus more on drug trafficking compared to white-collar crime? Understanding why prosecutors use their discretion to prioritize some issues over others is important because this is a critical precursor to all downstream decisions prosecutors make when working on specific cases. This is because the areas prosecutors prioritize will likely receive more resources, thereby prompting more discretionary decisions related to charging and sentencing.

Some studies, in particular in the United States, emphasize how the Executive branch may affect how federal prosecutors (U.S. Attorneys) use their discretion (Buell 2016; Lochner 2002). These studies argue that political elites can affect prosecutorial discretion because the president appoints and the Senate votes to confirm U.S. Attorneys. As a result, U.S. Attorneys would then use their discretion in ways that align with the preferences of the politicians who appointed them, possibly because of partisan loyalty (Gordon and Huber 2009) or because they fear they may be fired if they do not abide by the government's directions.

Moreover, the U.S. president also appoints the Attorney General (AG), who can allocate resources to units that work on specific issues (Eisinger 2017). For example, John

Ashcroft, U.S. AG under President George W. Bush, increased resources and personnel available to U.S. Attorneys dedicated to prosecuting terrorism, which resulted in the weakening of units focused on other issues, such as environmental and white-collar crime (Eggen and Solomon 2007). This is because fighting terrorism emerged as a key priority for the Executive branch after the September 11th attacks. These studies would lead us to expect the discretionary decisions of federal prosecutors to converge around the same issue when the president appoints new U.S. Attorneys and an AG aligned with the government's agenda.

In contrast, scholarship on non-appointed prosecutors emphasizes shifts in public opinion and press coverage (Della Porta 2001). For example, state prosecutors in the United States – district attorneys (DAs) – are typically elected (Langer and Sklansky 2017). As a result, these prosecutors have incentives to use their discretion to pursue issues that resonate with voters (Pfaff 2017; Sklansky 2017). The logic of the argument is that DAs who pursue issues that are misaligned with the public mood may be voted out. For example, some scholars argue that DAs often showcase a punitive ideology centered on cracking down on street crime (Tonry 2012), especially in election years, possibly because of press coverage or public concern with safety and crime levels. Other authors show that DAs committed to prosecuting police misconduct have recently been elected in some states (Romero 2020), in part because increased coverage of police misconduct made this issue more salient to the public.

Scholars argue that public opinion and press coverage also affect prosecutorial discretion outside of the United States, such as in Italy, where federal prosecutors are recruited via impersonal exams and have tenure (Rossetti 2000). These prosecutors use their discretion to pursue issues that resonate with public opinion because they cultivate a professional identity centered around protecting the public (Della Porta 2001). In other words, Italian prosecutors understand their professional roles not as impartial agents who enforce the law, but as protectors of society against abuses of the State (Della Porta 2001). As a result, these prosecutors sometimes prioritize issues that are highly prominent to the public. For example, Italian federal prosecutors in the 1990s used their discretion to crack down on political and corporate corruption, in part because of the increased levels of street protests against corruption and because this issue was highly salient in public opinion (Della Porta and Vannucci 2007; Sberna and Vannucci 2013). However, the relationship between prosecutors' discretionary choices and public attitudes toward certain issues is not unilateral. Prosecutors can also proactively try to capture public attention because this may increase their legitimacy. For instance, Italian federal prosecutors cultivated networks with journalists to increase press coverage of corruption investigations to protect prosecutors from initiatives of politicians to curtail prosecutorial autonomy (Nelken 1996).

It is not clear from this literature, nevertheless, if prosecutors' efforts to increase public engagement also affect the discretionary decisions of fellow prosecutors who worked on different issues. Moreover, it remains unclear *how* prosecutors manage to increase press coverage and public awareness around a certain issue. This is particularly important in the context of corruption because political and economic crimes sometimes fail to get the attention of the press (Levi 2008), and even when there's press coverage, the ways in which journalists frame corruption may not increase public attention or mobilization around this issue. The literature on collective action frames may provide some guidance.

Prosecutorial efforts of framing

Multiple studies have theorized about the importance of collective action frames (McCammon et al. 2007; Snow 2013). Originally, scholars used this concept to explain how framing work can help activists gather supporters for their cause and participate in street protests (Gamson 1992; Snow et al. 1986), but subsequent studies have also examined how movements engage in framing to organize non-disruptive forms of collective action (Chua 2012; Morrill et al. 2003).

These studies focus on how social movement activists build collective action frames but have paid less attention to how prosecutors effectively build collective action campaigns. This is an important omission because convincing people to join a street protest or engage in less disruptive forms of movement activism is substantively different from persuading professional colleagues to pursue different issues. To switch their focus to another issue, prosecutors (or other legal professionals) not only need to be convinced that this transition will be aligned with their professional goals, but also learn new tools about how to work on a different topic, given that the investigative tactics effective in corruption cases may be different, for example, than tactics prosecutors use to investigate drug trafficking or human rights violations.

Other studies have examined how professionals engage in framing to promote changes within the organizations they inhabit (Giorgi 2017), for example, to sell issues to their superiors (Dutton et al. 2001) or to their colleagues (Howard-Grenville et al. 2017). While these studies have largely focused on private companies rather than prosecutors, they have discussed the importance of framing work in the context of organizational decision-making regarding for example which projects to adopt or which issues to prioritize (Dutton and Ashford 1993). Therefore, these studies provide analytical tools that can help understand how prosecutors engage in framing to shape their colleagues' discretionary decisions. For example, Howard-Grenville et al. (2017) show that to persuade their peers to change their work practices in order to reduce the environmental impacts of chemical products, chemists resorted to versatile framing, using distinct frames that specify how the proposed changes can be helpful for different types of chemists whose concerns range from scientific pursuits of discovery to being spokespeople for chemistry.

Building on the work of social movement and organization scholars, I develop a framework to explain how federal prosecutors affect the discretionary decisions of their peers through framing work. The process through which prosecutors use framing to change the behavior of their peers revolves around two stages: (1) *conceptualization* of a frame that speaks to the concerns of prosecutors with different backgrounds and (2) *diffusion* of the frame in professional meetings and the press, increasing public attention around the issue. The conceptualization stage of prosecutorial framing builds on the idea from social movement studies that frame articulators often engage in cognitive mechanisms aimed at changing collective perceptions (Giorgi 2017; McAdam et al. 2001). On the other hand, the diffusion stage can be understood as a relational mechanism focused on altering connections between actors and groups (McAdam et al. 2001) because frame articulators must ensure that their audiences will be exposed to the new frames.

First, if prosecutors seek to persuade a critical mass of colleagues to use their discretion to pursue the same issue, they may need to conceptualize multiple frames

that speak to different audiences. This is because prosecutors – at least those who are recruited via impersonal exams – typically constitute a heterogeneous profession, with members from diverse ideological backgrounds (see, e.g., Lemgruber et al. 2016). Expanding management studies that have looked at how professionals engage in framing to sell issues to their peers (Howard-Grenville et al. 2017), I argue that versatile framing is important for prosecutors because it allows them to speak to colleagues who care about different issues.

To be effective, however, frames must reach and become actionable to their intended audience (Campbell 2005). Prosecutors can diffuse frames both within and beyond prosecution agencies. Diffusing the frames in organizational channels, such as professional meetings, enables prosecutors to provide roadmaps that explain how the new frames can be implemented. Roadmaps provide guidance to other professionals about how to replicate or adapt the work being done by frame articulators. As a result, they help target audiences move ideas into concrete actions they can implement in the workplace. For example, prosecutors can reframe the issue of fighting corruption as a tool to improve social welfare policies, but their colleagues must first understand which actions they need to take to make that happen before they can implement this frame in their own work.

Beyond diffusing new frames in professional meetings, prosecutors can also disseminate frames to the press. Several studies show that prosecutors are increasingly talking to the press (Joy and McMunigal 2014; Modisett and Dreyer 2005) and using social media (Silva 2022) more than before. Framing a problem in the public sphere can be important to increase public attention around an issue, as well as the reputation of those trying to address the issue, thereby creating additional incentives for other prosecutors to follow. We know from management studies that professionals are more likely to join collective efforts to change organizations when they believe that this will result in reputational gains (Kellogg 2012).

Similarly, I expect that prosecutors will be more effective in affecting their peers' discretionary decisions if they manage to successfully increase the public attention and the reputation of prosecutors working on the issue being framed. This effect may depend, however, on the extent to which prosecutors care about their reputation. In the United States, for example, state and federal prosecutors tend to care about their professional reputations because this can increase their chances of being reelected or of landing a job at a private law firm, respectively (Buell 2016). In Brazil, prosecutors are some of the best-paid public servants and cannot be fired (Arantes 2002; Coslovsky 2011). As a result, they have few incentives to leave for the private sector. However, studies show that Brazilian prosecutors also care about their public reputation (Lemgruber et al. 2016), possibly because of the professional prestige associated with working on big cases, or because they may have professional ambitions to be appointed to higher courts or to run for political office. As a result, we should expect that prosecutors' framing efforts that increase their reputation will be more effective at persuading their colleagues to use their discretion to pursue the issue being framed.

The Brazilian Public Prosecutor's Office and criminal justice system

Brazil is a particularly interesting context to examine prosecutorial discretion because it allows me to examine a factor – prosecutorial framing efforts – that was

Table 1. Structure of the Brazilian Federal Public Prosecutor's Office

	Prosecutor (<i>Procurador da República</i>)	Associate Prosecutor (<i>Procurador Regional da República</i>)	Associate Prosecutor General (<i>Subprocurador-geral da República</i>)	Attorney General (<i>Procurador Geral da República</i>)
Recruitment	Impersonal exams	Prosecutors promoted based on seniority or merit	Associate prosecutors promoted based on seniority or merit	Appointed by the president and confirmed by the Senate
Role ¹⁷	Conduct investigations and decide to press charge or file civil suit	Decide whether to appeal cases that come from lower courts	Decide whether to appeal cases that come from lower appellate courts	Decide whether to appeal cases that come from higher appellate courts, make organizational decisions (e.g., creation of task forces)
Jurisdiction	Lower courts	Appellate courts	Superior Court of Justice	Supreme Court
Location	Branches located in every state (most states have multiple branches)	Branches located in Brasília, Rio de Janeiro, São Paulo, Pernambuco, Minas Gerais and Rio Grande do Sul	Single office in Brasília	Single office in Brasília

undertheorized in prior studies. This is because prosecutors in Brazil have few incentives to respond to elections, like DAs, or to the preferences of political elites, such as U.S. Attorneys.

Since Brazil's transition to democracy in the 1980s, prosecutors have accumulated increased levels of autonomy from political elites and from hierarchical superiors, including the AG.¹ Federal (and state) prosecutors in Brazil are recruited via impersonal exams and have tenure (Arantes 2002). As a result, Brazilian prosecutors do not have to be concerned about their electability. Moreover, political elites such as the president have limited ability to affect prosecutors' discretionary choices. First, politicians are not directly involved in the recruitment of prosecutors or in the decisions about their promotion. Federal prosecutors in Brazil, which are the focus of this paper, have three levels in their careers: Prosecutor, Associate Prosecutor and Associate Prosecutor General (see Table 1). Decisions about prosecutors' promotions are made by the Superior Council of the Public Prosecutor's Office (*Conselho Superior do Ministério Público*). At the federal level, this council is composed of nine members: the AG and eight prosecutors elected by their peers.²

Prosecutors also have high degrees of autonomy from the AG. The president appoints the AG, who has a term of 2 years with the possibility of reappointment, and the Senate confirms or rejects the appointment, but in practice, prosecutors have had an important say on who gets appointed. Since early 2000, federal prosecutors have

conducted internal elections for the AG position, with the three most-voted candidates being presented to the president. The president is not formally required to choose an AG from this list, but since 2002 only two presidents – Jair Bolsonaro and Luis Inácio Lula da Silva – picked an AG outside the list.³

More importantly, prosecutors have the discretion to choose which issues to prioritize irrespective of the preferences of their hierarchical superiors or the AG. Prosecutors in each branch – by which I mean each unit of the Public Prosecutor's Office, such as the office located in Rio de Janeiro or São Paulo – decide collectively how many positions they want to create for each issue, and then subject their decisions to the approval of the Superior Council of the Public Prosecutor's Office. Typically, each branch is composed of three types of positions: (1) criminal positions, where prosecutors work on any type of crime; (2) civil positions, which include human rights work; and, in some states, (3) positions specialized in specific topics, such as education, environment or corruption.

Finally, prosecutors have also increasingly accumulated more autonomy vis-à-vis other law enforcement agencies. Traditionally, prosecutors received investigations from the police and then decided whether to press charges or initiate civil lawsuits (Silva 2001). However, prosecutors gradually started to conduct their own investigations.⁴ For example, prosecutors who work in civil offices often receive tips from local non-profit or social movement organizations about potential human rights violations and then start their investigations (Vilaça 2020). Similarly, prosecutors working in criminal positions or offices specialized in corruption have also conducted their own investigations, for example in the Banestado and Mensalão cases (Marona and Kerche 2021).

Data and methods

This study examines different attempts from federal prosecutors to frame the issue of corruption to persuade their colleagues to pursue corruption cases. I compare one effective attempt (Lava Jato) by prosecutors to diffuse the focus on corruption inside the Federal Public Prosecutor's Office (henceforth MPF, for *Ministério Público Federal*) with two other large investigations (Banestado and Mensalão) in which the issue of corruption failed to gain resonance widely with federal prosecutors.

To determine which cases had the best chance of disseminating the issue of corruption inside the MPF, I combined data from secondary studies with interviews. I conducted an extensive search of books and articles on corruption investigations in Brazil (89 original publications). These pieces concentrated on 24 investigations between 2000 and 2018.⁵ I then asked prosecutors during my interviews about the most important investigations prior to Lava Jato. Prosecutors generally mentioned two cases: Banestado and Mensalão, both of which were present in my list.⁶ Table 2 presents a summary of the cases.

Data collection

I triangulate three sources of data: surveys, personal interviews and press interviews (for a summary of data sources, see Table 3). First, I drew on existing surveys with Brazilian prosecutors – conducted by Arantes (2002), Lemgruber et al. (2016) and the

Table 2. Summary of cases

	Banestado	Mensalão	Lava Jato
Timespan	2003–2007	2005–2012	2014–2021
State	Paraná	Distrito Federal	Multiple ¹⁸
Crimes	Bribe giving, bribe soliciting, money laundering, among others	Bribe giving, bribe soliciting, money laundering, among others	Bribe giving, bribe soliciting, money laundering, criminal organization, tax evasion, among others
Defendants	Corporate executives, elected officials, civil servants and illegal money operators	Corporate executives, elected officials, civil servants and illegal money operators	Corporate executives, elected officials, civil servants and illegal money operators
Description	Corporate executives and politicians from the state of Paraná laundering money	Politicians from the federal government giving monthly bribes to Congress members	Construction companies bribing politicians to get advantages in public procurement processes
Convergent use of discretion?	No	No	Yes

Conselho Nacional do Ministério Público (2020) – to measure changes in prosecutors’ priorities over time, that is, changes in their discretionary decisions about which issues to pursue. The first two surveys measure prosecutors’ choices about which issues to focus on through the same question: “In your opinion, which is the biggest priority at the branch you work on? Choose up to five areas.” In the first survey, conducted in 1996, researchers interviewed 763 prosecutors from seven states located in different regions of the country (Goiás, São Paulo, Rio de Janeiro, Paraná, Rio Grande do Sul, Sergipe e Bahia) to “capture the regional diversities in the country” (Sadek 2010: 43). The second survey was conducted in 2015. Researchers e-mailed 1,953 prosecutors based on whether they could find any contact information on the Public Prosecutor’s Office website. In total, researchers obtained 899 responses across all states, which is equal to 7.3% of the population. The sample is not random but was described as “sufficiently broad and diverse to represent the universe of prosecutors” (Lemgruber et al. 2016: 9). In the third survey, conducted in 2018, prosecutors had to select, for each issue, to what extent they believed it is a priority at their branch. This survey relies on a sample of 1,299 prosecutors including members of all states in Brazil (Conselho Nacional do Ministério Público 2020).

All three surveys contain both state and federal prosecutors. In the second survey – the only one I had access to the actual database – I was able to test whether the prevalence of corruption was present specifically among federal prosecutors, who are the object of study of this paper. Most survey respondents were state prosecutors, but among federal prosecutors, 83% of them reported corruption to be the top

Table 3. Summary of data sources

Data source	Description	Purpose
Secondary sources	89 articles and books published by academics, prosecutors and journalists	Create list of main corruption investigations conducted by prosecutors from 1990–2020
Surveys	3 surveys conducted by Sadek (2010), Lemgruber et al. (2016) and the Conselho Nacional do Ministério Público (2020)	Measure changes in the discretionary decisions of prosecutors to pursue different issues
Personal interviews	131 in-depth interviews in 6 different cities, 85 of which were with prosecutors	Identify whether and when federal prosecutors switched their focus to corruption, map reasons that prosecutors listed for shifting their focus to corruption, understand changes in how vanguards diffused information about corruption to their peers and to the public, and account for other explanations for the process of priority shifting (e.g., cohort replacement or political influence).
Press interviews	61 interviews prosecutors gave to various press outlets	Understand changes in how prosecutors discussed the issue of corruption with their peers and with the public

priority of their branch. Because I could not disentangle the preferences of state and federal prosecutors in the other surveys, I supplemented the survey data with in-depth interviews.

I conducted 131 original interviews from 2016 to 2022 in six cities. I recruited participants based on three criteria: the geographical location where they worked, whether they worked in investigations when corruption was a low or high priority issue within the MPF, and their rank. First, I selected cities that were nationally recognized for their work in fighting corruption⁷ (Curitiba, Rio de Janeiro and Brasília),⁸ as well as cities where prosecutors have done extensive work on human rights protection (Belém and Altamira) and on fighting non-corruption crimes (São Paulo). This was important because it enabled me to interview prosecutors who did not pursue corruption cases, as well as prosecutors who transitioned from both human rights and other crimes to anti-corruption work. Typically, I interviewed between 10% and 25% of prosecutors in each of these cities.

Second, I also interviewed at least 50% of the prosecutors who worked in each of the cases I examine – Banestado, Mensalão and Lava Jato. As I will explain in the next subsection, this enabled me to map different ways in which prosecutors framed and diffused the issue of corruption within and beyond the MPF.

Third, I structured the interview sample to control for alternative explanations. For example, because organizational changes can result from processes of

Table 4. Distribution of interviews per organizational rank and state

	Brasília	Rio de Janeiro	Paraná	São Paulo	Pará	Other states
Attorney General	1	N/A	N/A	N/A	N/A	N/A
Associate Federal Prosecutor General	14	N/A	N/A	N/A	N/A	N/A
Associate Prosecutor	9	6	N/A	1	N/A	4
Prosecutor	8	12	12	6	12	5
State prosecutor	3	2	2	4	0	4
Other bureaucrats, politicians and journalists	8	5	3	2	6	2
Total	43	25	17	13	18	15

cohort replacement, I maximized the variation of cohorts in my interview sample. I interviewed prosecutors at different stages of their careers, ranging from lower court prosecutors to the AG (Table 4).⁹

Overall, 85 (about two-thirds) of the interviews I conducted were with prosecutors. In addition to prosecutors, I interviewed the former head of the *Ministério da Justiça* (equivalent to the Department of Justice in the United States), and professionals from agencies that work with prosecutors, such as detectives of the *Polícia Federal* (Federal Police) and tax inspectors from the *Receita Federal* (Internal Revenue Service). Interviews lasted an average of one hour, but some were as long as 2.5 hours. Nearly all interviewees consented to being recorded. For three interviewees who declined, I took notes.

To analyze the frames used by prosecutors, I draw on interviews that prosecutors gave to the press. I relied on press interviews because I needed to map which frames prosecutors used when trying to reach the public or their colleagues, and it is possible that these frames are different from the ones prosecutors used during my personal interviews. I searched for public interviews in each of the three cases by using keywords that included both the name of the investigation and the names of the prosecutors in charge of the case. I retrieved 8 interviews from the Banestado case, 18 from Mensalão and 35 from Lava Jato.

Data analysis

Following Timmermans and Tavory (2012), I employed an abductive analysis, which consists of a series of iterations between data analysis and engagement with prior literature to generate new theory. The analysis took place in three steps. The first step was to differentiate, based on the data, anti-corruption vanguards – prosecutors who were already interested in corruption before becoming prosecutors – from prosecutors who transitioned to anti-corruption work over the course of their work as a prosecutor.¹⁰

By coding the interviews from these groups separately, I inductively came up with a list of reasons that drove non-vanguards to transition to corruption work.

In the second step, I reanalyzed the interviews with the Lava Jato vanguards according to the reasons that other prosecutors reported being important for having switched their focus to corruption. My goal was to determine which actions of the Lava Jato vanguards had enabled their colleagues' transition to anti-corruption work. Finally, to ensure that the relationship between the actions of Lava Jato vanguards and the reasons prosecutors transitioned to anti-corruption work was not spurious, I coded the interviews of vanguards who had worked in corruption cases prior to Lava Jato (Banestado and Mensalão) that failed to sell the corruption issue to their fellow professionals.

Interviews enabled me to analyze whether the results in the surveys hold up across federal prosecutors from different states, as well as to explain what changed in vanguards' framing strategies. I asked prosecutors involved in each case about how they discussed the issue of corruption with their colleagues and with the public. I triangulated this information with interviews with journalists in which I asked how they obtained information about corruption across different investigations.

Findings

In the 1990s, following Brazil's transition to democracy and the empowerment of prosecutors, the focus of the MPF was divided between two issues: crime-fighting and human rights protection (Arantes 2002). As one prosecutor recounts, "We had that division in our profession between human rights and crime. The human rights camp had that appearance of novelty following the 1988 [Constitution] but [fighting] crime was what the Public Prosecutor's Office always did" (Interview 85, MPF 2021). According to interviews, these groups constantly fought over financial and human resources (Interview 54, MPF, 2019).

Interviews revealed that the issue of corruption first began being discussed within the MPF in the early 1990s in response to domestic social movements¹¹ and transnational organizations.¹² However, at that time, fighting corruption was not the dominant issue inside the MPF. The survey data show that, in 1996, only about a third of prosecutors reported that corruption was the main priority in their branch (Figure 1). By 2016, the number of prosecutors who prioritized corruption had risen to almost two-thirds, and then to more than three-fourths in 2018. By comparison, crime-fighting and human rights-related issues all fell down the list of priorities for prosecutors.

The surveys report aggregated data from both state and federal prosecutors, thereby leaving unresolved whether this shift occurred at the state or federal level (or both), but interviews revealed that this shift in the use of prosecutors' discretion did take place among federal prosecutors. When asked which areas federal prosecutors perceived to be dominant in the MPF, all interviewees, including those who did not switch their focus to corruption cases, pointed to corruption. As one prosecutor explains, "Combating corruption became practically a unanimous priority. There is no resistance against that" (Interview 34, MPF, 2019). Moreover, interviews revealed that most prosecutors who deliberately shifted their focus to corruption did so during or after Lava Jato. Table 5 reveals differences over time in the patterns of why prosecutors

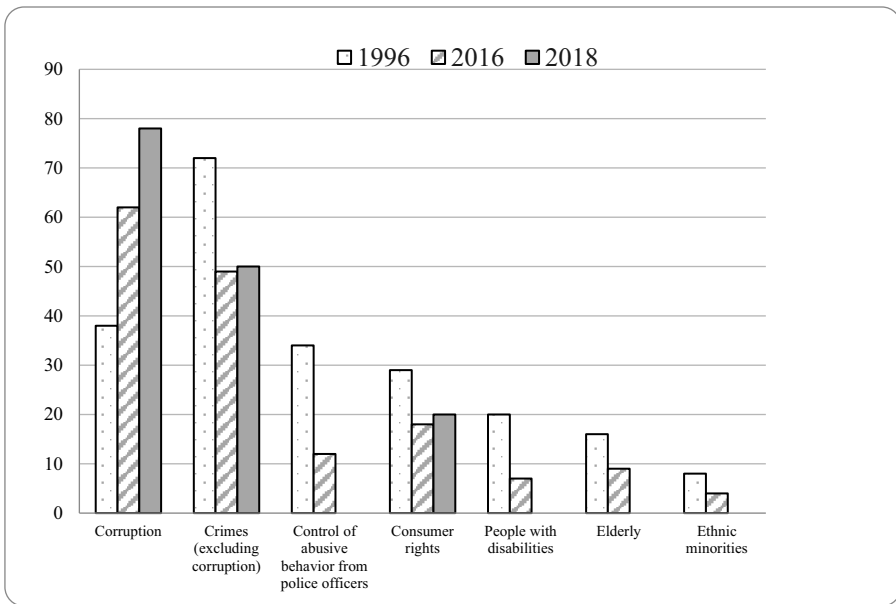


Figure 1. Prosecutors' issue focus over time. Sources: Arantes (2002), Lemgruber et al. (2016) and Conselho Nacional do Ministério Público (2020).

Note: The 2018 survey did not ask directly about prosecutors' attributions to protecting the rights of ethnic minorities, the elderly, people with disabilities, or those who suffered from police abuse. Rather, it asked prosecutors about "human rights", which was reported to be a key issue by 41% of prosecutors (Conselho Nacional do Ministério Público 2020).

became involved with corruption. Most prosecutors who transitioned during the 1990s or 2000s stumbled upon corruption cases when working in criminal or civil offices. In contrast, during the 2010s, most prosecutors who transitioned deliberately sought to get involved in corruption work.

This raises the question of why prosecutors started to focus on corruption during Lava Jato but not in prior similar cases. For example, in the Banestado (2003–2007) case, prosecutors investigated corporate executives and politicians from the state of Paraná who laundered money in foreign countries by using black-market money dealers. Prosecutors pressed charges against 684 people and obtained over 100 convictions in lower courts (Mattos 2018). This case also held the record – until Lava Jato – for successful attempts to cooperate with foreign authorities to collect evidence of corruption (Ministério Público Federal 2008).

In the Mensalão case (2005–2012), prosecutors uncovered a scheme in which the federal government gave monthly bribes to Congress members in exchange for supporting the president's legislative priorities (Praça and Taylor 2014). Prosecutors obtained 24 convictions, including high-level officials such as the former president of the Workers' Party and the president's chief of staff (Michener and Pereira 2016).

Both cases opened opportunities for other prosecutors – beyond those working on these investigations – to redirect their focus to corruption. Both cases were considered national-scale investigations and led to the creation of parliamentary commissions of inquiry at the Brazilian Congress (Michener and Pereira 2016). When Banestado took

Table 5. Examples from vanguards and prosecutors who transitioned to corruption work

	Prosecutors who transitioned to corruption			Prosecutors who never transitioned to corruption	
	1990–2000	2000–2010	2010–2020		
Anti-corruption vanguards	21.43	7.14	12.5	21.43	
% of interviewees					
Prototypical examples	<p>"I did not want to work with murder or rape cases, my focus has always been on white-collar corruption"</p> <p>"I joined the Public Prosecutor's Office because it is a career that allowed me to work on white-collar crime and crimes against the financial system"</p>	<p>"I worked on these cases by chance. When we first join the institution, we do not have that much freedom to choose where we go, and I ended up at a criminal office, where I stumbled upon cases of civil misconduct"</p> <p>"When my generation joined the organization, our work was not as specialized, so we did everything. I had corruption cases right at the start of my career"</p>	<p>"When I worked here [Public Prosecutor's Office in Rio de Janeiro] there was an operation called Gladiador: (...) And then my colleague who worked on this case asked me to listen to some audio files of wiretaps"</p> <p>"I have done everything here. I worked in Manaus, in several areas, including criminal cases, then moved to Espírito Santo, where sensitive corruption cases fell on my lap"</p>	<p>"In the beginning of my career I worked more on human rights cases, environmental protection, consumer rights. (...) But over time I noticed that corruption was so entrenched that it caught my attention, so I decided to work on this topic because I saw the possibility of changing this status quo"</p> <p>"I worked with modern slavery. (...) Then when I moved to Brasília, Dodge [Attorney General] was recruiting people to work for her task force [on corruption] and I applied, I thought it was an interesting opportunity"</p>	<p>"I think [that the focus on corruption] was a huge mistake. I always believe that the largest problem in Brazil was structural inequalities, not corruption"</p> <p>"I was part of a group in São Paulo called Democratic Public Prosecutor's Office. When I joined it focused on people with disabilities, women's rights, environment, and then they started with that story of corruption and I left"</p>

place, it was considered the biggest scandal in the country. Similarly, the Mensalão case generated great public attention because it was tried at the Supreme Court and because the chief-of-staff of the president was convicted.

However, it was only during Lava Jato that a critical number of prosecutors started to use their discretion to pursue corruption cases. In Lava Jato, prosecutors initially investigated a corruption scheme between construction companies and state-owned oil refinery Petrobrás (Lagunes and Svejnar 2020). However, the investigation expanded and revealed similar bribery schemes across multiple public agencies. Why did a substantial number of federal prosecutors start to use their discretion to pursue corruption cases during and in the aftermath of Lava Jato but not during the two similar prior cases?

One possibility is that this shift was driven by political elites, for example through the appointment of an AG during Lava Jato who was committed to fighting corruption. However, the AG in charge throughout the transition years (2013–2017) did not try to stir the MPF toward anti-corruption work. Rather, at the beginning of his term, he sought to channel more resources into human rights positions, but this move never took off because prosecutors were concentrated on corruption investigations (Janot 2019). As one prosecutor reports, “When Janot became the Attorney General, his focus was not on fighting corruption. (...) It was not what he wanted, he did not want to have his career marked by criminal prosecutions, he was interested in other areas” (Interview 14, MPF, 2018).

It may also be that prosecutors were driven to fight corruption because of exogenous pressures. For example, it is possible that changes in the curriculum of law schools exposed newer cohorts of prosecutors to the issue of corruption. However, the vast majority of prosecutors I interviewed – except for vanguards – were not predisposed to fighting corruption before joining the MPF and had not even studied the subject during law school; on the contrary, they transitioned from human rights or criminal investigations to corruption-related work. Additionally, prosecutors do not see the shift in the use of prosecutorial discretion through a cohort lens:

I was a member of the search committee the last four times we recruited new members. (...) I do not think this [focus convergence] is a cohort phenomenon. (...) I do not see this as a problem of one generation. On the contrary, I have always counted on younger, motivated prosecutors in the Citizen Rights Prosecution Office [department focused on human rights cases]. (Interview 69, MPF, 2020)

It may also be that prosecutors transitioned to corruption because this topic became more resonant in the press and in public opinion. As I will show, increased media coverage and public attention around corruption were important because they created symbolic incentives for other colleagues to transition to anti-corruption work. However, this still leaves unexplained how press coverage on corruption increased given that prosecutors are typically gatekeepers of information that is sent to the press about corruption investigations.

Interviews revealed that vanguards persuaded their colleagues to transition to anti-corruption work by reframing the way they talked about corruption. Specifically, Lava Jato vanguards *conceptualized* new ways to frame corruption as a versatile solution

to multiple problems and *diffused* the new frames within the Public Prosecutor's Office and to the broader public through the press, cultivating public support for prosecutors working on corruption.

Frame conceptualization: corruption as a versatile solution

Before Lava Jato, anti-corruption vanguards tended to use restrictive frames that largely emphasized corruption as an impunity problem, that is, as a problem of holding accountable economic and political elites who often escaped prison time (Interview 45, MPF, 2019). For example, prosecutors in the Banestado case emphasized that “the Public Prosecutor's Office can and must become an institution more efficient in the combative repression to large crimes, and especially white-collar crimes” (Ministério Público Federal 2006). Similarly, prosecutors in the Mensalão case also talked about corruption in terms of holding accountable economic and political elites: “We used to believe that those in power cannot be reached. The trial left us hopeful, but this hope will only become concrete when the Supreme Court executes the sentences. (...) Those who were convicted must serve their time in prison just like what happens with poor people [when convicted]” (Tribuna do Norte 2012).

In contrast, during Lava Jato, anti-corruption vanguards developed versatile framing strategies. The impunity frame did not disappear but was now accompanied by a new frame that connected the fight against corruption to the protection of human rights (Table 6). For example, in one of the anti-corruption seminars hosted at the MPF in 2018, prosecutors emphasized that “fighting corruption is not just an end in itself, but a means to ensure that human rights are protected in this country” (fieldwork notes). Nearly all Lava Jato prosecutors I interviewed also emphasized the new frame that connects corruption work to human rights issues. According to one prosecutor: “Fighting corruption is a type of human rights work. Corruption takes the money away from public policies, from the biggest human rights issues we have, from public health, education, and housing. (...) Therefore, by fighting corruption, we can also help solve human rights problems” (Interview 35, MPF, 2019).

Because these new multivocal frames provided solutions to problems prosecutors from both camps – crime-fighting and human rights advocacy – cared about, the issue of corruption started to gain resonance with an increasingly larger number of prosecutors. For example, some prosecutors who previously worked on human rights started to see the issue of corruption so closely associated with human rights protection that they did not even recognize the focus on corruption as a change from their prior work: “Fighting corruption and protecting human rights are simply two sides of the same coin. (...) What became clear to us today is that corruption leads to the erosion of public goods for society because corruption means fewer resources for education, healthcare, and transportation” (Interview 11, MPF, 2018). Other prosecutors saw fighting corruption as a necessary and causally prior step to the protection of human rights:

Is public education important? Yes. Is public healthcare important? Yes. Is the environment important? Yes. But the prior question is about the resources that are embezzled. (...) *If you do not address this prior problem effectively, you will never be able to guarantee these civil rights.* (Interview 31, MPF, 2019)

Table 6. Frame conceptualization across cases^a

Case	No collective action frame	Impunity frame	Human rights frame	% of versatile frames
Banestado	“There was negligent behavior from employees of the Banestado in relation to tax evasion practices” (Valle 2003)	“The privileged jurisdiction benefits those who was more power. In practice, high-level authorities are not held accountable for their actions. This offends our moral sense of justice” (Bertotti 2007)	“Mr. Roriz is the champion of investigations at the Superior Court of Justice. He takes money away from healthcare and lets little children left to die” (Conjur 2003)	14
Mensalão	“The charges were carefully elaborated over a long period of time. It was an artisanal work of examining the evidence, the relevant crimes, the people who committed them” (Alves 2009)	“This is a new chapter in our history in terms of holding accountable people involved in corrupt schemes” (Conjur 2013)	No entries found	0
Lava Jato	“The companies simulated an environment of competition and engaged in fraud in secret meetings that defined who would receive the public procurement contracts” (Matoso and Castro 2014)	“In Brazil there is complete impunity for white-collar criminals. Punishment takes 10, 15, 20 years to happen, if it happens, and that leads to the statute of limitations expiring” (Brito 2015)	“Corruption kills. (...) Corruption is a sneaky, invisible, and mass assassin. It is a serial killer disguised in the form of potholes, medication shortage, street crime, and poverty” (GI 2016)	62

^aTable 6 shows prototypical examples of quotes from prosecutors talking to the press, as well as the percentage of interviews prosecutors gave to the press that contained versatile frames.

The increased resonance of versatile frames was boosted by the fact that Lava Jato prosecutors had effectively expanded investigations, uncovering corrupt schemes across a variety of organizations (Ministério Público Federal 2020). This is because the perceived effectiveness of the Lava Jato case brought hope to other prosecutors that fighting corruption was also a solution to human rights issues that they had been unable to address. For example, prosecutors who worked on defending ethnic minorities affected by dam-building saw Lava Jato as a potential exemplar of how to use corruption investigations to prevent the construction of dams that cause environmental and social impacts:

Prosecutors in the Belo Monte [dam built in Pará] case focused on addressing human rights violations and protecting the environment. (...) But then Lava Jato showed that the Public Prosecutor’s Office had not gotten to the heart of the

Table 7. Frame diffusion across cases

Case	Frame diffusion
Banestado	<p>“At the time we did not publicize things. Everything was done under extreme caution. So, nothing went to the press, things only started being released to the press later, when the charges were pressed”</p> <p>“The press standing at the door of the Public Prosecutor’s Office did not happen at that time [Banestado], it was an innovation of Lava Jato”</p> <p>“Social communication was a pillar during Lava Jato, but not Banestado”</p>
Mensalão	<p>“My name and of [other prosecutor working on the case] were only revealed much later. People questioned why the Public Prosecutor’s Office’s work was so quiet, they always said prosecutors were stalling and not working”</p> <p>“Our work was absolutely discrete”</p> <p>“Before [during Mensalão] we were much more discrete. There was an institutional caution to avoid ruining defendants’ reputations”</p> <p>“In the prior cases, including Mensalão, (...) the Public Prosecutor’s Office did not have well-prepared people to talk to the press”</p>
Lava Jato	<p>“Prosecutors made the people and civil society aware of the case, of all the steps and procedures”</p> <p>“They [prosecutors] sent us [journalists] things in advance so that the press could be there [location of search or arrest warrant] at the same time that officials arrived”</p> <p>“It was clear that they [Lava Jato prosecutors] developed skills to use the press to publicize issues of their interest. (...) This did not exist before”</p>

Source: Interview quotes.

problem. (...) The Lava Jato case revealed illegal negotiations between politicians and construction companies. *Our interventions in human rights reached a part of the problem but were unable to get the evidence needed to stop the dam, that is, to show the corruption of the people who oversaw that project.* (Interview 33, MPF, 2019)

Versatile framing also enabled vanguards to make the issue of corruption gain resonance with prosecutors who worked with criminal cases other than corruption. This is because crime-fighting prosecutors saw the shift toward fighting corruption as an opportunity to expand their crusade against impunity, which in the past had only reached lower-level criminals: “I always thought that the biggest problem in Brazil was the generalized impunity that was predominant until not long ago. There was complete impunity, right? I thought that [fighting corruption] was an area worth investing in, that it would bring me personal satisfaction” (Interview 41, MPF, 2019).

Frame diffusion within and beyond the Public Prosecutor’s Office

Versatile frames only resonated with a wide variety of prosecutors because Lava Jato vanguards diffused those frames both in professional settings and in the media. First, vanguards diffused the new frames in formal organizational spaces, such as national meetings of the Association of Federal Prosecutors (*Associação Nacional de Procuradores da República*), as well as in informal channels, such as groups in messaging applications: “We created groups in WhatsApp and Telegram to discuss these topics [corruption]. (...) We created a big network across the country” (Interview 46, MPF, 2019).

While vanguards from Banestado and Mensalão had already used some of these channels, such as professional meetings, Lava Jato vanguards innovated by diffusing roadmaps to help their colleagues implement the new frames in their work as they transitioned to anti-corruption work. To ensure that new versatile frames gained resonance with fellow prosecutors, vanguards provided roadmaps to show other prosecutors how they could use corruption investigations as tools to protect human rights and fight white-collar impunity. For example, vanguards developed a model for how their work recovering money that was embezzled by corrupt politicians could help address human rights issues, such as public education:

We made an agreement with the state of Rio de Janeiro to establish procedures for how to use the money from corruption we recovered. It was not restricted to Lava Jato, even though it started because of Lava Jato. We asked the judge to use R\$16.9 million to renovate public schools. (...) *I have been going to meetings with prosecutors who work with public education to tell them: 'Look, you can all do the same thing. It does not have to be Lava Jato money, but any money recovered from corruption investigations.* (Interview 18, MPF, 2019)

Similarly, Lava Jato vanguards also provided roadmaps for how their peers could use money recovered from corruption cases to pay late pensions of retired public employees. One vanguard explains how the task force noticed that the state was experiencing this problem and how they acted to address it through corruption investigations:

We recovered, through a plea bargain deal, part of the money that was embezzled by Cabral [governor]. The state of Rio [de Janeiro] had failed to pay pensions for retired public employees for 3 or 4 months. (...) When we recovered this money, we made the following agreement with the state: 'We can give this money to you as long as you commit to using it to pay the pensions of the retired employees.' This was to ensure that the money would not go back to other government contracts in which there was corruption. It was a lot of money, US\$ 100 million. (...) This is one of the legacies we left. We worked in the task force to reach this solution and to give an answer to society. (Interview 88, MPF, 2022)

Vanguards also provided roadmaps for how prosecutors could use corruption cases to combat white-collar impunity, a frame that resonated with prosecutors working on criminal cases other than corruption. Prior to Lava Jato, most investigations failed to obtain convictions against economic and political elites (Alencar and Gico Jr. 2011). As one prosecutor explains, "For the poor, the law has always worked, but the rich have always managed to escape. (...) We have a judicial system in which being corrupt pays off" (Interview 45, MPF, 2019). Another prosecutor agrees: "Impunity [in corruption cases] was always something that society already expected" (Interview 31, MPF, 2019).

To increase their chances of obtaining convictions, Lava Jato prosecutors combined three strategies: (1) work in task forces – as opposed to individual prosecutors – to maximize the potential to collect and analyze evidence, (2) use plea bargains to uncover new crimes,¹³ and (3) cooperate with the Federal Police and transnational authorities (Interviews 45 and 70, MPF, 2019). In prior cases, in particular Banestado, prosecutors had already used similar strategies (Mattos 2018).

However, it was only during Lava Jato that vanguards systematically created and diffused a roadmap for how fellow prosecutors could uncover corruption, press charges and obtain convictions. As one prosecutor explains, “The main innovation [of Lava Jato] was the social communication of our strategies” (Interview 55, MPF, 2019). Lava Jato vanguards organized workshops in which colleagues could attend and learn about the inner workings of Lava Jato: “There were national workshops. We were I think 80 [prosecutors] in total. We stayed in Curitiba [Lava Jato’s original home] and they gave us classes on how to deal with the media, procedures, practical training, etc.” (Interview 77, MPF, 2021). Another prosecutor agrees and explains how vanguards diffused their investigative strategies to their colleagues in professional settings:

Lava Jato became a brand, a method of investigating, which is why it inspired other prosecutors to change their behavior. (...) This method diffused across other units within the Federal and State Public Prosecutor’s Office. Several colleagues always ask me to teach courses about our experience and our methods. For example, last Monday and Tuesday I was in [the city of] Aracaju teaching a seminar for federal prosecutors, state prosecutors, judges, and inspectors. *By sharing this knowledge, we can generate collective action.* (Interview 8, MPF, 2018).

Beyond diffusing new versatile frames – and roadmaps for how colleagues could implement them – Lava Jato vanguards also innovated by disseminating the frames to the broader public through network-building with journalists. Before Lava Jato, anti-corruption vanguards were largely unknown to the public. For example, the identity of the two prosecutors who worked on the Mensalão case was only revealed after the investigation was concluded (Interview 111, MPF, 2022). In part, this was a result of how vanguards used to conduct their work: with caution and secrecy to prevent any leakage of sensitive information (Table 7).

In contrast, prosecutors changed strategies during Lava Jato and started to develop close ties with journalists. At every step of the investigation, prosecutors would send press releases, participate in press conferences and let journalists know beforehand where the next search or arrest warrants would take place (Interviews 45 and 71, MPF, 2019). This became known as “the phase method,” in which every step of the investigative process was presented to the public as a new episode of a show (Interview 125, MPF, 2022). One prosecutor explained that “this was a strategy of social communication that we used precisely to call out public attention to what we were doing because as we give a number to a certain phase, the public knows what is happening” (Interview 27, MPF, 2018). Journalists thus had plenty of information on their hands: “It was easy to access information, they [prosecutors] sent us things in advance so that the press could be there [location of search or arrest warrant] while officials arrived. This did not happen before. It was an innovation of Lava Jato” (Interview 71, Press, 2019).

Lava Jato vanguards also diffused the issue of corruption by launching their own bill, called the 10 Initiatives to Fight Corruption [*10 Medidas Contra a Corrupção*]. One prosecutor explains:

The 10 initiatives started from a conversation I had with [prosecutor], in the sense that our work alone could not change things. Everything would remain

the same and this [Lava Jato] would only be an outlier. Thus, we had this perception that we needed to make structural changes in the system to leave a legacy. (Interview 27, MPF, 2018)

The bill did not pass, but this initiative put the issue of corruption front and center of the public agenda: “The 10 initiatives mobilized many colleagues, everyone only talked about that. The National Association of Public Prosecutors also bought into the idea of the bill” (Interview 127, MPF, 2022).

As a result of Lava Jato vanguards’ new social communication strategies, press coverage of corruption cases increased substantially, for the most part portraying prosecutors as heroes of the country (Feres Júnior et al. 2018).¹⁴ Although here I emphasize the shift in vanguards’ social communication strategies, the increased press coverage on Lava Jato was also only possible in part because corruption is typically a salient issue in the press, especially when scandals involve elected officials. Prosecutors who worked on other issues, such as human rights advocacy, also tried to use the press to publicize their work, even though not with the same frequency as anti-corruption vanguards (Interview 12, MPF, 2018). However, interviews revealed that, in general, the press was more receptive to corruption-related work. As one assistant of the Lava Jato task force explains, prosecutors’ corruption work attracts more interest from the press than other areas: “We receive a lot of demands from the press about corruption investigations. With human rights, we have to be proactive and try to publicize things, but with corruption cases, the press is always eager [for more news]” (Interview 71, MPF, 2019).

Vanguards’ new strategies to publicize their work and attract the attention of the press also increased public awareness of the issue of corruption. Following the increase in press coverage of corruption cases, Brazilians not only listed corruption as the most important problem in the country for the first time in 2017 (Latinobarometro 2018), but also started to organize hundreds of protests and demonstrations across the country against corruption (Tatagiba and Galvão 2019).

Lava Jato vanguards cultivated networks with the press to diffuse new frames about corruption in part because they wanted social mobilization and public opinion to pressure courts to convict those charged with corruption (Interviews 36 and 45, MPF, 2019). However, this strategy also had important effects within the MPF because it created symbolic and material incentives for their colleagues to transition to anti-corruption work. First, by increasing the visibility and prominence of prosecutors in the public agenda, Lava Jato vanguards made the transition to corruption work appealing to their colleagues. For example, when asked about what drove them to work on corruption cases, one prosecutor who previously worked on other criminal cases discussed the visibility the MPF gained from corruption investigations: “The work of the Public Prosecutor’s Office is much more present in society. If you said before [Lava Jato] that you were a prosecutor, no one really knew what the Public Prosecutor’s Office was. Today people have a better understanding” (Interview 119, MPF, 2022).

Several prosecutors who had transitioned from human rights or crime-fighting work to anti-corruption efforts talked about the social recognition associated with anti-corruption work when justifying their decision. One prosecutor, for example, reported: “We see nowadays how society no longer accepts corruption, they are

demanding change. I see prosecutors and judges [working on corruption] vocalizing these grievances that emerged from society. We are only reproducing what society wants” (Interview 124, MPF, 2022). Another prosecutor corroborates this idea that by transitioning to anti-corruption work, prosecutors were simply doing what society was asking them to do: “We noticed the people taking a stand against corruption, protesting against political figures that were being investigated, we saw what they [protesters] were asking for, right? They gave us a clear sign, which for us is really important” (Interview 29, MPF, 2018).

One possibility for why the increased public awareness and mobilization around corruption resonated with federal prosecutors in Brazil, given that they are not elected or directly accountable to the public, is that prosecutors have built a professional identity centered around protecting society against abuses of the State (Arantes 2002; Coslovsky 2011; McAllister 2008).¹⁵ Indeed, interviewed prosecutors typically described their mission as protecting society: “In 1988, the Public Prosecutor’s Office took on the role of protecting the collectivity, not just criminally but in civil law as well” (Interview 9, MPF, 2018). Another prosecutor corroborates, adding that prosecutors’ mission to protect society is grounded on a concern of serving the public and offering solutions to problems society cares about: “We have a great concern with giving society the feeling that Brazil can change and that we can solve its main problems” (Interview 15, MPF, 2018). Another possibility is that some prosecutors had professional ambitions to run for office or to be appointed to a position in higher courts. As a result, prosecutors may have switched to corruption investigations to align with public opinion and increase their own visibility. For example, the former chief prosecutor of Lava Jato, Deltan Dallagnol, decided to run for Congress after the investigation had ended.¹⁶

Finally, frame diffusion efforts also helped anti-corruption vanguards block attempts of countermobilization from prosecutors who disagreed about the focus on corruption. As one prosecutor who was critical of their colleague’s abandonment of human rights issues explains:

The [Lava Jato] task force built so much power, with the backing of the press, that no one dared to oppose them. Anyone who said anything against Lava Jato was labeled as being favorable to corruption. Together with the press, they [Lava Jato vanguards] created an argumentative power that was just really impressive. (Interview 120, MPF, 2022)

For example, human rights prosecutors who were critical of the investigative tactics of anti-corruption vanguards released a statement reflecting upon the MPF’s unprecedented focus on corruption cases, but were stunned by anti-corruption vanguards’ powerful response:

We wanted to make it clear that the Public Prosecutor’s Office did not agree with that [Lava Jato]. (...) We brought friends to discuss from Rio de Janeiro, Pernambuco, and Minas Gerais. In two days, we had a petition signed by 140 prosecutors that criticized the due process violations [in Lava Jato]. But in the following day, they [anti-corruption vanguards] counterattacked with another public

document, and they had signatures of almost 2,000 prosecutors. (Interview 126, MPF, 2022)

To summarize, Lava Jato vanguards' strategies to cultivate ties with the media helped diffuse the versatile frames they had conceptualized to the broader public, which resulted in increased public awareness and mobilization around corruption. This, in turn, helped corruption gain resonance across other federal prosecutors because it increased prosecutors' own visibility or connected the issue of corruption to prosecutors' professional mission of protecting society.

Conclusions

This paper contributes to the literature on prosecutorial discretion, which typically focuses on extralegal factors, by highlighting that we also need to pay attention to cultural and relational mechanisms associated with prosecutors' work: their efforts to frame issues within and beyond the Public Prosecutor's Office. Studies about U.S. Attorneys emphasize the influence of political elites on prosecutors' discretionary decisions because, in contexts such as the United States, the president appoints federal prosecutors (Buell 2016; Lochner 2002). Studies about state prosecutors in the United States (Nelson 2014; Sklansky 2017; Tonry 2012) and federal prosecutors in Italy (Della Porta 2001; Della Porta and Vannucci 2007) focus on the effect of press coverage and public opinion on prosecutors' decision-making. I expand the scope of current scholarship on prosecutorial discretion by showing that prosecutors' efforts to frame problems within the Public Prosecutor's Office and to the press also affect the discretionary decisions of their colleagues around which issues to prioritize. Building on studies on collective action frames, which emphasize the power of versatile frames to change organizations (Howard-Grenville et al. 2017) and the work of social movement activists to build connections between groups (McAdam et al. 2001), I built a framework to explain how prosecutors can effectively engage in framing work to affect the decision-making of their colleagues: by conceptualizing frames that portray the issue as a solution to problems that diverse prosecutors care about, as well as by diffusing frames in professional meetings and to the press. Diffusion in professional meetings enables prosecutors to provide roadmaps that explain how new frames can be implemented, while diffusion to the press increases public attention around the issue.

Future work could examine whether prosecutors' work on framing affects their colleagues' discretionary decisions not just about which issues to focus on, but also about charging and sentencing (Lynch and Omori 2014; Pfaff 2018; Simon 2009; Sklansky 2018). For example, it is possible that prosecutors' work to conceptualize and diffuse new frames about corruption not only makes it more likely that their colleagues will focus on corruption cases, but also that they decide to charge defendants sooner or that they ask for harsher sentences. This can open interesting areas for future research, given that different types of frames may have different effects on prosecutors' decisions regarding charges and sentences. For instance, it may be that when prosecutors frame corruption as a tool to address human rights issues, they lead their colleagues to ask for harsher sentences in cases in which defendants allegedly embezzled money originally conceived for welfare policies or other causes associated with human rights.

Although I focus on this paper on prosecutors, it is possible that the mechanisms described in this paper – conceptualization of versatile frames and diffusion of frames to the press and of roadmaps for frame implementation – also operate across other legal professions, such as police officers, lawyers and public defenders. For example, in contexts where police officers have the discretion to choose which crimes to investigate, it may be that their decisions are also shaped by how fellow officers who engage in frame conceptualization and diffusion discuss different crimes.

One important question revolves around the extent to which these findings are generalizable across other contexts. Although beyond the scope of this paper, I hypothesize that prosecutors' framing work may be particularly effective at changing their peers' discretionary decisions in contexts where prosecutors have tenured positions and high degrees of autonomy vis-à-vis the Executive branch, such as Italy (Rossetti 2000). This is because where prosecutors do not have job safety, such as in the United States where DAs are elected and federal prosecutors are appointed, their discretionary decisions may be more strongly shaped by their effect on future chances of employment, whether that means running for reelection or seeking another appointment. Moreover, in contexts where prosecutors have little autonomy, their discretion may be influenced by top-down orders to focus on certain types of crime. Future studies could examine the conditions under which prosecutors' framing efforts successfully affect their peers' decision-making by comparing prosecutors embedded in different organizational settings with varying levels of autonomy.

This study also contributes to the literature on collective action frames. Prior studies have typically looked at how social movement activists frame issues to convince others to join collective action campaigns (Gamson 1992). As a result, these studies emphasize discursive elements of frames that seek to convince others to join movements and participate in protests – for example, whether frames manage to showcase the injustice caused by a problem, build a collective identity and provide solutions (Snow et al. 1986). By analyzing framing efforts in the context of prosecutors, this study highlights a previously overlooked factor: the difficulty of implementing the frame. This is because persuading colleagues to use their discretion to pursue a new issue requires not only conceptualizing frames that speak to the importance of addressing the issue, but also explaining how peers can implement this issue in their work.

Finally, this study also contributes to the burgeoning literature on Lava Jato (Lagunes and Svejnar 2020; Silva 2022). Several studies have examined the consequences of Lava Jato for the economy, for example by leading to a drop in the share prices of state-owned oil refinery Petrobrás (Padula and Albuquerque 2018), for politics, by contributing to the election of Jair Bolsonaro (Silva 2020), or for public attitudes, by increasing the skepticism that corruption can be solved (González Ocantos et al. 2023). This study contributes by demonstrating that the actions of Lava Jato vanguards also had organizational consequences, leading to a shift in the discretionary decisions of federal prosecutors. This is an important outcome because prosecutors' discretionary decisions of which issues to prioritize have downstream effects on prosecutors' work and shape which issues receive more resources and efforts within the MPF.

Acknowledgements. This article benefited greatly from the editor's and anonymous reviewers' thorough and constructive comments. I am also grateful for comments on previous drafts by Erin McDonnell,

Ann Mische, Rory McVeigh, Anibal Pérez-Liñan, David Gibson, Terry McDonnell, and Tamara Kay. Early versions were presented at the Culture and Theory Workshop at the University of Notre Dame and the Prosecution in the Americas meeting at Rutgers University.

Notes

1. The Brazilian Public Prosecutor's Office became independent from the Executive branch during the 1970s and 1980s, as Brazil transitioned from an authoritarian to a democratic regime. As part of a new Constitution passed in 1988, prosecutors gained political, administrative and financial autonomy from the Executive branch, as well as the mandate to work on a variety of new issues, including human rights protection (Arantes 2002). This means that Brazilian prosecutors not only work on "traditional" prosecutorial work associated with criminal investigations, but also file class action suits, many of which are associated with human rights violations (McAllister 2008).
2. Four of these prosecutors are elected by the whole body of prosecutors, whereas the other four are elected by Associate Prosecutor Generals.
3. At the state level, prosecutors also conduct internal elections, and the governor must by law appoint one person from the list of three most voted state prosecutors to the position of state AG.
4. Prosecutors' initiatives to start their own investigations sparked legal controversies because technically the police is the agency with jurisdiction to investigate, but in 2012 the Supreme Court ruled that prosecutors could also conduct their own investigations (Kerche 2018).
5. I searched for books and articles using keywords "corruption" (*corrupção*), "investigation" (*investigação*), "prosecutor" (*procurador*) and "Brazil" (*Brasil*). Although I prioritized academic books, I also included in my search books written by journalists and practitioners (including prosecutors, detectives and judges). I read all these works and created a list of the investigations of corruption that they reported. I stopped the search when I reached saturation, that is, when new books were no longer referring to other investigations that I already had listed.
6. Interviewees also mentioned the cases *Satiagraha* and *Castelo de Areia*, but prosecutors who worked on these cases failed to obtain convictions (Mattos 2018), which means that these cases likely would have struggled to generate broader changes in the MPF. This is because corruption cases that do not result in convictions likely receive less public attention and produce less excitement among other prosecutors who may be interested in working on corruption.
7. To identify states that were nationally recognized for fighting corruption, I relied on secondary sources and interviews with journalists and members of civil society organizations, such as Transparency International.
8. I interviewed more prosecutors in Brasília because, at the federal level, this is where all higher-ranked prosecutors are based.
9. Hierarchical position is a good proxy for the cohort of prosecutors because prosecutors are selected through impersonal exams and typically promoted based on seniority (Arantes 2002).
10. I asked prosecutors to explain what drove them to become prosecutors. I operationalized anti-corruption vanguards as prosecutors who mentioned fighting corruption as a reason to join the organization.
11. Large-scale social movements against corruption emerged in Brazil in 1991 following a corruption scandal involving former President Collor de Mello (Pérez Liñan 2007).
12. Transnational pressure from the United Nations contributed to the approval of bills that facilitated the prosecution of corruption cases, such as the Money Laundering Act of 1998: "We cannot ignore that there was international pressure. (...) Brazil signed into several conventions from the United Nations to address corruption" (Interview 62, MPF, 2020).
13. Prosecutors forced defendants who signed a plea bargain deal to reveal crimes committed by different actors (Interviews 56 and 77, MPF, 2020). This allowed prosecutors to expand the investigation.
14. Press coverage on Lava Jato only started to systematically criticize the operation in 2019, when messages leaked from one prosecutor's cell phone revealed that prosecutors used controversial investigative tactics (Greenwald et al. 2019).
15. On prosecutors' professional identities, see also Arriagada (2023).
16. Dallagnol was elected in 2022 but lost his mandate in 2023 as the Electoral Courts ruled that he could not have run for office with pending administrative procedures against him (Camargo 2023).

17. Although Associate Prosecutors, Associate Prosecutor Generals and the AG typically work on appeals, they sometimes conduct their own investigations when the defendant has privileged jurisdiction.
18. Lava Jato started in the state of Paraná, but the investigation later diffused to Rio de Janeiro, São Paulo, Distrito Federal, among other states (Ministério Público Federal 2020).

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