

**The Persistence of Corruption in Italy:  
Politicians and the Judiciary since *Mani Pulite***

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**PRELIMINARY DRAFT – PLEASE DO NOT CITE OR CIRCULATE**

## Abstract

Starting in 1992, the *Mani Pulite* (“Clean Hands”) anti-corruption campaign promised to eradicate corruption from Italian political life. For a brief, yet intense period, the public rallied behind the prosecutors, and punished the allegedly corrupt politicians and parties at the polls. However, twenty years later, Italy is still ranked as highly corrupt by Western standards. Why, then, did the *Mani Pulite* campaign fail to have a long-lasting effect?

Relying on original data on the anti-corruption investigations in Milan, as well as on a variety of datasources from the existing literature, this paper argues, first, that the investigations left essentially untouched entire parts of the country where corruption was widespread. Overall, the *Mani Pulite* campaign had limited deterring effects because judicial inquiries were obstructed by the statute of limitations, and even in case of conviction the sentences were generally mild.

Second, the paper finds that the structures of corruption networks have changed since the *Mani Pulite* season, becoming less vulnerable to further judicial inquiries. There now seem to be multiple sites for corrupt transactions, somewhat dispersed throughout the political system, whereas in the past such activities were centrally managed by a cartel of parties. We reach this conclusion by combining evidence from the literature with original data on two subnational legislatures, the Regional Council of Campania (1992-94) and the Regional Council of Lombardy (2010-12) in which political malfeasance in general seemed widespread.

## 1. Introduction.

Why has corruption in Italy remained relatively stable and widespread after the *Mani Pulite* judicial campaign? The anti-corruption operation known as *Mani Pulite* (Clean Hands) was started in February 1992 by a group of prosecutors at the Court of Milan, and later extended to other prosecutorial offices around the country. While in the beginning only local and regional-level public officials were implicated, the investigations soon involved some of the main figures of the national establishment, both in the political and economic sphere. At first, the effect on national politics seemed dramatic. Most notably, in the 1994 election the major parties of the postwar era, which proved to be deeply involved in corruption and other wrongdoing, either failed to obtain parliamentary representation or won insignificant seat shares. Despite the emergence of new parties and a largely renovated political class, however, Italian politics has not ceased to produce corruption scandals.<sup>1</sup> In fact, the last two decades have seen both some high-profile cases, such as those involving former prime minister Silvio Berlusconi, and a plethora of minor cases, involving low-level members of the bureaucracy or local politicians (Vannucci 2012).<sup>2</sup> As shown later in the paper, cross-country indexes indicate that Italy still has an anomalously high level of corruption for an advanced democracy.

Aside from the *Mani Pulite* campaign, in the last twenty years Italy has undergone a

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1 Recently, corruption has occupied the political debate and the media discourse, following a wave of scandals that involved members of various regional governments. After essentially disappearing from the political agenda for twelve years, the theme of corruption was picked up by Mario Monti's technocratic cabinet, which finally passed a comprehensive reform in the fall of 2012 ([http://www.corriere.it/politica/12\\_ottobre\\_31/ddl-corruzione-approvato-legge\\_0f000198-235f-11e2-b95f-a326fc4f655c.shtml](http://www.corriere.it/politica/12_ottobre_31/ddl-corruzione-approvato-legge_0f000198-235f-11e2-b95f-a326fc4f655c.shtml). Accessed on February 2, 2013)

2 So much that the President of the Milanese section of *Corte dei Conti*, the Italian supreme Court of Audit, went on record saying that “nothing has changed since *Mani Pulite*, actually the situation has gone worse”. *Corriere della Sera*, Edizione Milano, February 21, 2012.

number of changes that, at least theoretically, should have decreased the level of corruption. At the national level, the open-list PR electoral system, which many considered responsible for feeding clientelism and bribery (Golden and Chang 2001), was replaced first by a mixed-member system, which should have restrained corruption. The system, in fact, had a large majoritarian component, as 75% of Parliament seats were assigned through SMD plurality. Focusing on the distinction between plurality and PR systems, Persson, Tabellini and Trebbi (2003) and Kunicová and Rose-Ackerman (2005) argue that the former are less prone to corruption, and find supporting cross-county evidence. Then, 2005 electoral reform reintroduced a purely proportional system, though in a closed-list form. As Chang and Golden (2007) have shown, once district magnitude is accounted for, closed-list PR systems are not associated with greater corruption than open-list ones, as argued by previous studies. Also, after being ruled by coalitions dominated by the Christian Democratic Party since 1948, Italy has constantly experienced government alternation since 1994, with center-left and center-right coalitions competing for power. According to some studies, government alternation too should improve quality of governance and reduce corruption (Milanovic, Hoff, and Horowitz 2010; Pellegata 2012), as government parties know that they might be replaced by opposition parties in case their corrupt practices get disclosed, and behave accordingly.

Also, in the years since *Mani Pulite*, the evolution of the Italian political economy has likely diminished the opportunities for corruption. First, as a result of both European laws and domestic reforms, the level of market regulation decreased to the OECD average (Simoni 2012). Italy also carried out a substantial privatization plan between 1993 and 2003, selling assets equivalent to roughly 12% of GDP (Goldstein 2003).<sup>3</sup> Such pro-market reforms probably

3 “In roughly 10 years the public ownership of banks was reduced from 70% to 10%; if only listed

reduced the rents available to politicians and bureaucrats, who used to have a larger influence over the country's economy. Second, the last twenty years have seen Italy enter the European monetary union and become more integrated with its European trade partners [source?]. As suggested by Ades and Di Tella (1999), openness to trade should attract foreign competitors and reduce the monopoly power of domestic firms, thus shrinking the resources that can be reaped by public officials. Although endogeneity makes it hard to advance a causal argument, the cross-country evidence does show a positive relationship between state regulation and corruption, and a negative relationship between trade openness and corruption (Treisman 2007).

Given all the above, the persistence of corruption in Italy represents a challenging puzzle. First, an investigation campaign of rarely seen proportions, widely covered by the national media, unearthed systemic corruption and induced voters to repudiate an entire political class. Next, the political and economic context changed in a way that, if anything, should have decreased the incentives for corruption. Thus, the fact that Italy has failed to improve its position in the international corruption rankings does appear counterintuitive, especially when contrasted with notable “success stories” such as Hong Kong and Georgia (Vannucci 2012: 253-7). As an additional motivation for this study, the in-depth exploration of the Italian case could have broader implications for anti-corruption policies, which are now in the World Bank and the European Union. By understanding the reasons behind the limited effectiveness of the *Mani Pulite* campaign, for example, scholars and practitioners may be able to design appropriate legal and political counter-measures. Ultimately, we may learn that, if a far-reaching and aggressive judicial campaign had little effect in an advanced democracy, in less-developed countries it might be advisable to focus on corruption prevention, rather than prosecution and punishment.

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banks are considered, the share of public ownership was down to zero in 2002.” (Simoni 2012)

Before proceeding further, let us present the definition of corruption used in the paper. As the literature offers different approaches, it may be useful to adopt a somewhat flexible definition of corruption, one that recognizes the complexity of the issue yet attempts to objectively identify the phenomenon. Working within a principal-agent framework, Della Porta and Vannucci (2012) define public corruption in a democracy as the violation, by a political or bureaucratic *agent*, of the explicit or implicit contract with the citizens, collectively acting as the *principal*. The violation consists of transferring some of the resources associated with public office to a third-party actor, in exchange for money – a bribe – or other valuable assets. In the following pages, this will serve as a “narrow” definition of corruption, corresponding to the crimes of *corruzione* and *concussione* in Italian law. Then, one may want to consider a broader definition of corruption, such as “the misuse of public office for private gain “ (Lambsdorff 2007), not necessarily involving a third-party actor. The case of a politician obtaining illicit reimbursements for her private expenses, for example, falls under this definition. In the context of this study, corruption in a broader sense will then include the crimes of *peculato*, *malversazione* (embezzlement), and *abuso d'ufficio* (abuse of office), as defined in Italian law.<sup>4</sup>

The paper will proceed as follows. First of all, we try to track the development of corruption in Italy in the two decades following the *Mani Pulite* operation (Section 2). Overall, examining cross-country indexes of perceived corruption, surveys of corruption experiences, and judicial statistics, we can at least conclude that corruption in Italy has *not* permanently

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4 Fan, Treisman, and Lim (2010) show, both theoretically and empirically, the differences between bribery and embezzlement. References to the debate on how to define and operationalize the concept of corruption can be also found in Lambsdorff 2002. It should be noted, of course, that sometimes it is the context of the analysis itself that suggests which definition to adopt. For example, the United Nations Convention against Corruption (UNCAC) adopts an even broader definition, including obstruction of justice and money-laundering, probably in an effort to make its worldwide anti-corruption campaigns more comprehensive and effective (TI 2010).

decreased, relative to other countries, since *Mani Pulite*. To explain why that was the case, we develop a two-fold argument. In Section 3, we combine existing data sources to show that the judicial campaign left untouched parts of the country where corruption was indeed widespread, and that even in those areas it had little long-term impact, if any. Overall, the *Mani Pulite* campaign had limited deterring effects, because judicial inquiries were obstructed by the statute of limitations, and even in case of conviction the sentences were generally mild. These conclusions are based on existing literature and original data on the investigations conducted by the Milan prosecutors. In Section 4, we explain that, in the post-*Mani Pulite* era, corruption networks have become less vulnerable to judicial scrutiny. To show this evolution, we combine anecdotal evidence drawn from the literature with a more structured comparison between two case of subnational legislatures, the Regional Council of Campania (1992-94) and the Regional Council of Lombardy (2010-12) in which corruption and political malfeasance in general seemed widespread. Finally, Section 5 concludes and suggests further avenues of research.

## 2. The Persistence of Corruption.

Although corruption is, by its very nature, an elusive phenomenon, scholars and practitioners have identified some relatively reliable methodologies to quantify it and track its development over time. The most commonly used data source is Transparency International's Corruption Perceptions Index (CPI), which is based on surveys conducted among foreign entrepreneurs, analysts, and experts on a large number of countries. It should be noted that the CPI has attracted much criticism, especially when used as a dependent variable in a time-series regression (Treisman 2007). In the context of a descriptive analysis, however, the CPI should be a reasonably safe measure of corruption.<sup>5</sup> In fact, it is on the basis of this and similar indexes that scholars singled out Italy as anomalously corrupt among advanced democracies (Golden and Chang 2001).

According to CPI data, corruption in Italy probably decreased right after *Mani Pulite*, but then reached a new height in the late 2000s. Figure 1 plots the (rescaled) index values for Italy and, as a term of comparison, the average values for the other countries that were part of the European Economic Community (later, European Union) as of 1992, i.e. at the beginning of the *Mani Pulite* campaign.<sup>6</sup> Unfortunately, the CPI scores for the period up to 1996 are either missing or taken from retrospective evaluations provided by Transparency International on the

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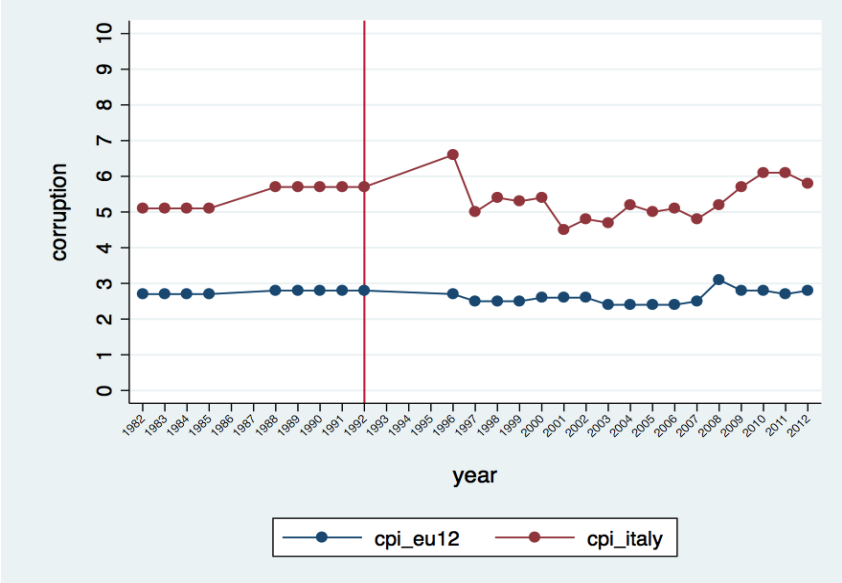
5 Still, one of main methodological limitation of this and similar indexes remains. These indexes do not measure corruption directly, but rather reflect how international and national observers perceive the phenomenon. Opinions on what constitutes corruption, and when it should be considered more “serious,” differ across countries, which means that the cross-national comparability of survey responses cannot be taken for granted.

6 We used the EU-12 countries, instead of EU-15 or EU-27, to keep our term of comparison constant over time. After 1992, most of the new EU member states were Eastern European countries ranked as “more corrupt” than Italy, or not ranked in the CPI in the early 1990s. Thus, a comparison between Italy and the EU-12 countries is more logical and can rely on better data.



basis of different data sources. Thus, the early scores are not immediately comparable with the rest of the data series. However, at least as a first approximation, it seems that the “corruption gap” that separated Italy from the other European countries in the early 1990s still existed in the late 2000s. The very high score of 1996 (CPI=6.6) probably reflects the observers' reactions to the wave of scandals that had hit the country since 1992, some of which involving the then prime minister Silvio Berlusconi. After 1996, one can observe a decline in perceived corruption up to 2001 (CPI= 4.5), and then a steady increase in the first decade of the new century. Finally, the CPI rankings tell a similar story. Among the 53 countries for which data exists, Italy ranked as the 21<sup>st</sup> most corrupt country in 1988-92 and 1996), then descended down to the 30<sup>th</sup> place (2001; 2002; 2003), and finally recovered the 21<sup>st</sup> spot in 2012.

**Figure 1. Perceived Corruption in Italy and Europe (CPI data)**



**Source:** Own elaboration on Transparency International Corruption Perception Index dataset.

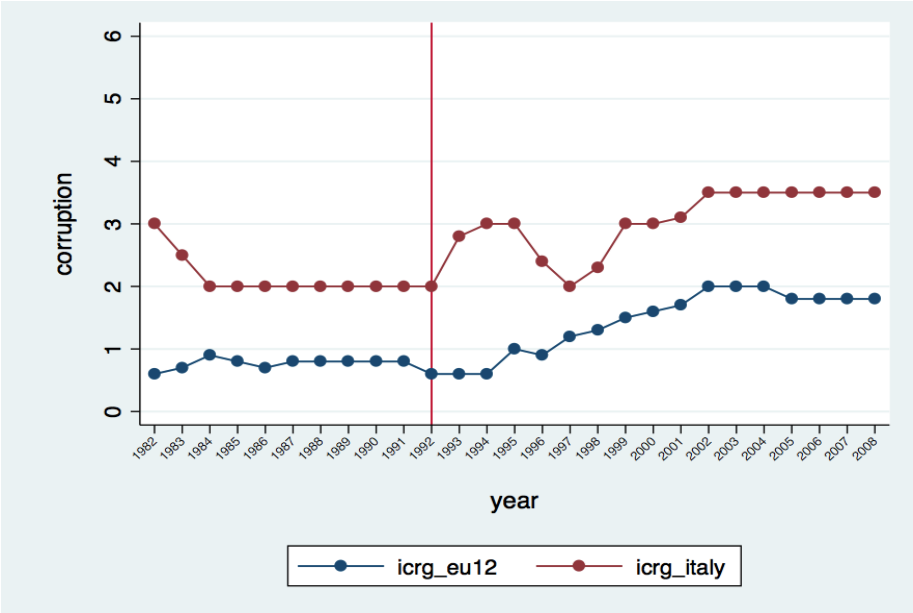
**Note:** The original index is rescaled. 10 = highest corruption.

Similar results are obtained using an alternative index of perceived corruption, the International Country Risk Guide (ICRG) developed by PRS Group, Inc., a global consulting firm. Data is available for a larger number of country-years, although the ICRG index, ranging from 0 to 6, is less precise than CPI's 0-10 scale. If we repeat the same procedure used for CPI data, we observe a similar trend in the evolution of corruption over time (Figure 2). The distance between Italy and the average EU country that existed in 1992 was never closed, rather it became even wider in the 2000s. Corruption in Italy was at its lowest point in 1997, after a period of very negative ratings coinciding with the peak of *Mani Pulite*. However, the improvement turned out to be only temporary. Overall, then, it seems that *Mani Pulite* did not help Italy permanently close the gap, in terms of perceived corruption, with neighboring European countries. Also, if we look at the rankings, among the 117 countries in the ICRG dataset as of 1992, Italy was considered the 76<sup>th</sup> most corrupt. As the investigations unfolded, Italy's reputation deteriorated (41<sup>st</sup> place in 1995), then improved in the second half of the 1990s. Lately, the country has been ranked as more corrupt than it was in 1992 (66<sup>th</sup> in 2008).

Though limited to recent years, the individual-level survey data on experiences of corruption confirms that there remains a gap between Italy and other Western European countries. Instead of relying on the opinions of experts and businessmen, cross-country studies such as the Eurobarometer and Transparency International Global Corruption Barometer directly survey citizens about their personal encounters with corruption in various public services. According to the former source, in 2009 the percentage of Italian citizens who were asked to, or expected to, pay a bribe for public services was 17%, whereas the average among the 27 EU countries was 9% (Eurobarometer 2009). Similarly, the 2010 Global Corruption Barometer

reported a percentage of 13% for Italy (12% in 2011), with an European average of 5% (8% in 2011). Only Greece, among Western European countries, has double-digit rates in this type of studies. On the other hand, Romania, Lithuania, and Slovakia have percentages higher than 25%.

**Figure 2. Perceived Corruption in Italy and Europe (ICRG data)**



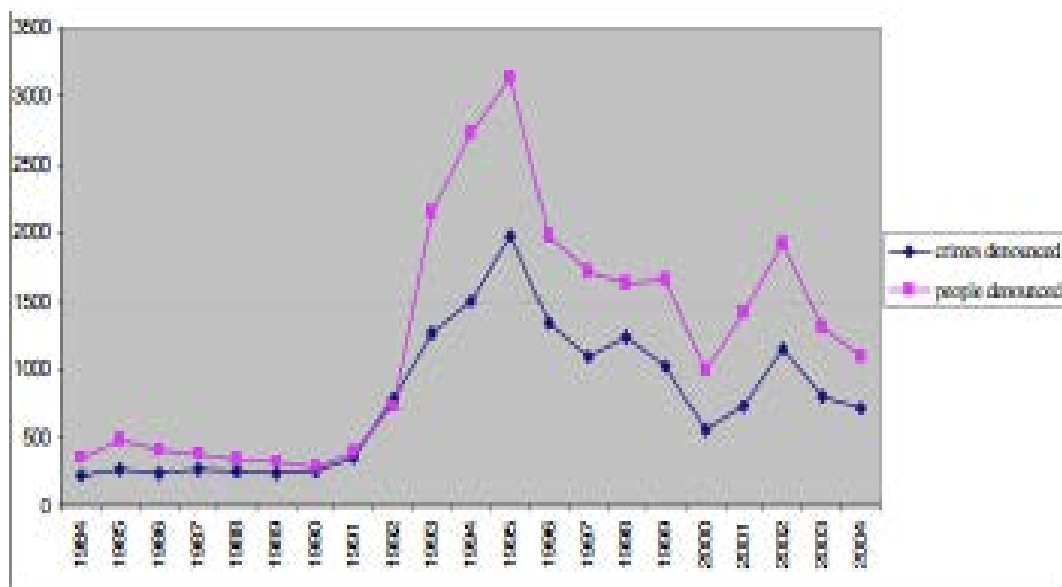
**Source:** Own elaboration on International Country Risk Guide dataset.

**Note:** The original index is rescaled. 6 = highest corruption.

On the other hand, Italian judicial statistics do suggest a permanent decrease in corruption since *Mani Pulite*. One of the few time series available for this period is the number of reported instances of corruption and the number of people incriminated for corruption, as defined by Italian law under *corruzione* and *concussione* (Vannucci 2009: 236). Here, the most obvious caveat is that, by relying on judicial proceedings, we only capture those crimes that are

effectively discovered and prosecuted, which may be a small proportion of the total. However, if, for the time being, we assume that the reported corruption represents a *constant proportion* of the “real” corruption, we should still see whether the latter has decreased over time. The data clearly shows the impact of the campaign that started in February 1992 with the *Mani Pulite* investigations (Fig. 3). The upward trend started in 1992 and continued until 1995, with the highest increase between 1992 and 1993. With the exception of a new peak in 2002, reported corruption has declined since 1995 up to 2004. Based on a similar data series, which refers only to crimes reported to the police, Vannucci (2012) concludes that the decline has probably continued since 2004.<sup>7</sup>

**Figure 3. Corruption-related crimes reported and number of people incriminated**



**Source:** *Statistiche giudiziarie penali Istat*, 1985- 2006 (from Vannucci 2009: 237)

7 However, using a broader range of corruption-related crimes that includes bribery, embezzlement, fraud, and abuse of office, Vannucci (2012) reaches different conclusions. After reaching a peak in 1994 (5.4 crimes per 100,000 inhabitants), the number of prosecuted crimes declines significantly, then goes up again in the 2000s (4.3 crimes per 100,000 inhabitants in 2010)

While this data suggests a remarkable decline in corruption crimes since *Mani Pulite*, such a conclusion would be premature for two reasons.<sup>8</sup> First of all, the graph shows that reported corruption in 2004 was still as high as in 1992. Knowing what the investigations would reveal in the following years, it would be hard to say that “real” corruption was low in 1992. Rather, most of it simply went undetected until *Mani Pulite* started. Similarly, the 2004 level could conceal a substantial gap between reported and real corruption. Next, as will be explained later, the 1992-1995 spike largely comes from a few, very “active” judicial districts (Davigo and Mannozi 2007: 74). By looking only at this data, we should infer that corruption was high in the “active” districts, while it remained constantly low in the other ones, located especially in the South. However, scholars and practitioners alike agree that, in the Southern regions with a strong *mafia* presence, corruption is instead well-established and widespread, but particularly hard to detect (Calderoni and Caneppele 2009). In conclusion, given that the validity of the reported corruption data varies widely across time and region, we cannot treat the rate between reported and “real” corruption as constant. As a result, we cannot rely on judicial data to track the development of corruption over time.

Overall, it seems that corruption in Italy has not significantly decreased in the last two decades, but rather that there is an increasing gap between real and reported corruption. The comparison with Finland, unarguably one of the most transparent countries in the world, further proves this point.<sup>9</sup> In 2010, the two countries had the same number of criminal proceedings for corruption charges, weighted by population, and a similar (weighted) number of convictions for corruption crimes, while one would expect such figures to be much higher in the case of Italy.

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<sup>8</sup> For an opposite view, see Acconcia and Cantabene (2008)

<sup>9</sup> Davigo and Mannozi (2007: 112) argue that the cases of Italy and Finland are fairly comparable, given that both are civil law systems and have similar legal definitions of corruption.

*Mani Pulite* and similar operations did contribute to close the gap between real and reported corruption, at least in the few regions involved, but their impact was only temporary. For reasons that will be discussed later, the judiciary was able to effectively detect and prosecute corruption cases only for a short window of time, approximately between 1992 and 1994 (Davigo and Mannozi 2007: 73). Today, the perceptions of experts and foreign observers, along with the experiences of common citizens, indicate that the level of corruption in Italy is still anomalously high for an advanced democracy. Although, given the scarcity of reliable historical data, it would be hard to say that corruption has increased in this period, one can safely conclude that Italy has *not* improved its situation, relative to other countries, in the twenty years following *Mani Pulite*.

### 3. Explaining the Persistence of Corruption: The Limits of *Mani Pulite*.

Any attempt to explain the persistence of corruption in Italy must start from an analysis of the *Mani Pulite* investigations. First of all, it would be hard to argue that *Mani Pulite* was not “big” enough to have a long-lasting effect. The investigations undertaken by the Milan prosecutors soon inspired, enabled, or accelerated similar operations in other parts of the country (Barbacetto, Gomez, and Travaglio 2012: 85-92). As a result, scores of local officeholders, bureaucrats, and entrepreneurs were incriminated or arrested, and frequently brought to trial. It was probably the involvement of national-level officials, including five former prime ministers, that captured the attention of the national media. During the Eleventh Legislature of the Italian Parliament (1992-1994), more than one third of the Lower House members were incriminated with charges such as illicit party funding, abuse of office, and corruption proper (Chang, Golden, and Hill 2010). The same authors report a surge in press coverage of corruption in 1992 and 1993, which they consider responsible for influencing voters' behavior in the 1994 election.<sup>10</sup> In that election, the major governing parties of the postwar era, all implicated in the scandals, either failed to obtain parliamentary representation or won insignificant seat shares.

In theory, the anti-corruption campaign did have the potential to permanently improve the situation. Formal theory and empirical research alike describe corruption as a self-reinforcing equilibrium, in which the actions of corrupt public officials lead citizens to expect a high level of government corruption. Acting on the premise that “everybody does it,” citizens would then be more likely to offer bribes, or to request them when they occupy a public office (Aghion et al.

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<sup>10</sup> The number of articles on corruption and party financing on *Corriere della Sera*, Italy's main newspaper, was 51 in 1990, and 2,603 in 1993 (Chang, Golden and Hill 2010)

2010; Rothstein 2011). Also, corruption can be modeled as a prisoner's dilemma, in which citizens and firms have individual incentives to offer bribes, although in the long run they all suffer from the resulting collective outcome. However, from a rational choice perspective, criminal behavior is also influenced by the likelihood of being monitored and punished (Becker 1968). As shown by the judicial data above, such likelihood did increase dramatically with the *Mani Pulite* investigations. Therefore, the anti-corruption campaign seemed aggressive enough to affect the strategic calculations of all the actors involved. Bureaucrats and politicians *should* have refrained from imposing bribes and pocketing public money, while citizens and firms *should* have observed that the costs of corruption had increased, both in terms of likelihood of punishment and moral sanctioning.

Why, then, did *Mani Pulite* fail to have a permanent effect? First of all, we should get at least a rough picture of the geographical distribution of the investigations. While the number of reported crimes and the number of incriminated people (used in Figure 3) are not available at the subnational level, we do have the number of corruption crimes established with final conviction, disaggregated by *Distretto di Corte d'Appello*, or judicial district (Davigo and Mannozi 2007: 65-77). However, since this data is aggregated over time, we can only rely on the authors' discussion to identify some districts as especially “active” in prosecuting corruption in the first half of the 1990s.<sup>11</sup> Thus, we code each of Italy's 20 regions as “active” or not based on the presence of at least one active district within it.<sup>12</sup> Next, to capture the level of corruption in each region as of the mid-1990s, we use the objective index built by Golden and Picci (2005),

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11 That is, the districts with the highest number of corruption crimes, committed approximately in the period 1988-1994 and punished with final sentence, weighted by population.

12 Each region contains at most two judicial districts. Once complete data, disaggregated by year *and* district, becomes available, it will be possible to adopt a more accurate coding procedure.



measuring misappropriation and inefficiency in public works over the postwar period up to 1997. The index reflects “the degree of historically cumulated corruption in public work contracting” (Golden and Picci: 43), hence it should be a good proxy for the earlier period. Finally, to measure the current level of corruption, we use the European Quality of Government Index dataset (EQI), which relies on surveys conducted in 181 European regions (Charron, Lapuente and Dykstra 2012). In 2009, representative samples of citizens were asked to report their experiences with, and perceptions of, bribery in various public services in their region.<sup>13</sup>

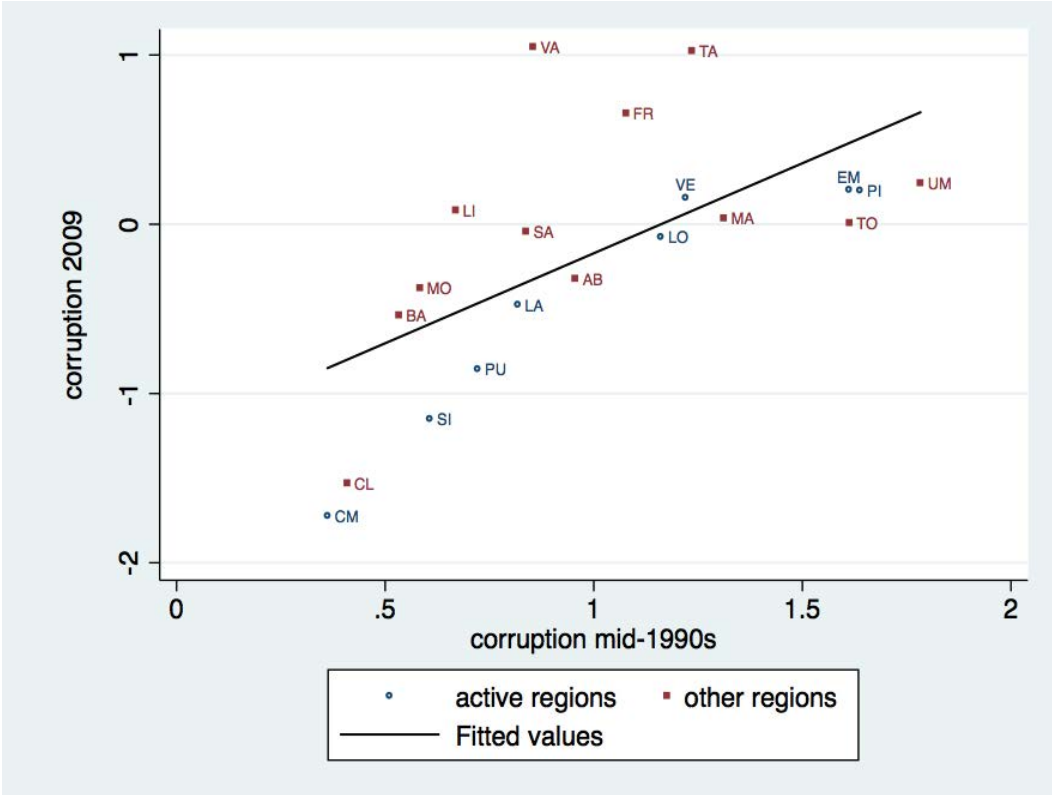
As seen in Figure 4, which combines the data described above, the investigations left essentially untouched parts of the country in which corruption was widespread. Out of the eight regions in which the judiciary was most active against corruption, only half were more corrupt than the national average. One might even question the coding of the three such regions (Campania, CM; Sicily, SI; Apulia, PU), all in Southern Italy, as “active” regions, given that only one of their judicial districts was indeed classified as such. As for the less-than-average-corrupt regions, instead, all but one include only one judicial district, which makes the coding more straightforward. Then, looking at the regions whose involvement in the anti-corruption campaign was limited, this group includes some of the historically best performing regions, such as Tuscany (TO) and Umbria (UM), as well as some of the worst performing areas, such as Basilicata (BA) and Calabria (CL) in the South. Quite obviously, the case of Calabria can be linked to the presence of organized crime, which obstructs any attempt to prosecute corruption crimes (Calderoni and Caneppele 2009; Davigo and Mannozi 2007). Overall, it seems that

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<sup>13</sup> One possible objection could be that the survey questions tap into aspects, or types, of corruption that are different from the infrastructure-related corruption measured by Golden and Picci's index. As the only available measure of corruption at the regional level, however, the QoI should at least help us identify some general patterns.

Southern Italy, historically characterized by high levels of inefficiency and waste, remained at the margins of the anti-corruption campaign of the early 1990s.

**Figure 4. Corruption at the regional level**



**Note:** “Corruption mid-1990s” is the “Corruption G Measure” in Golden and Picci (2005), i.e. the ratio between existing physical infrastructure and infrastructure expenditures, normalized so as to have a unit average. “Corruption 2009” is the variable “Corrupt” in the EQI dataset, i.e. the aggregated regional score from five different survey questions, regarding experiences with, and perceptions of, bribery in various public services in the respondent’s region. In both cases, lower values correspond to higher corruption. For regional abbreviations, see Appendix.

**Sources:** Golden and Picci 2005; Davigo and Mannozi 2007; Charron, Lapuente and Dykstra 2012.

From this data, it appears that the investigations had little impact on the level of corruption. The regions that experienced a high rate of judicial activity do not show a clear improvement from the mid-1990s to 2009, rather the opposite seems true. Campania, which among Southern regions had an exceptionally active judiciary in the field of corruption prosecution, was the most corrupt region back then, and still remains so. In fact, Campania and Calabria remained at the bottom of both rankings, even though the latter barely experienced the *Mani Pulite* campaign. Interestingly, most of the “active” regions, including Piedmont (PI), Lombardy (LO), and Emilia-Romagna (EM) in Northern Italy, saw their corruption ranking deteriorate over this time period. Among the regions that did improve their relative position, thus becoming “cleaner”, none had an active judiciary.<sup>14</sup> Clearly, none of the above represents definitive evidence that judicial inquiries utterly failed to reduce corruption. Unfortunately, the available data does not permit a rigorous test of this hypothesis. However, *if* the opposite were true, it would be reasonable to expect different patterns in the data, showing instead some relationship between judicial activity and decrease of corruption.

If the *Mani Pulite* campaign was only partly effective, one of the reasons is probably that the statute of limitations obstructed, or even nullified, judicial inquiries. As noted by the Group of European States against Corruption and Transparency International, under the Italian law the statute of limitations is particularly lenient for corruption and related crimes, which, combined with notoriously lengthy proceedings, reduces the effective likelihood of punishment (GRECO 2012; TI 2010; Forti 2003). For such offenses, the statute of limitations is set at 6-8 years,

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<sup>14</sup> We obtained similar results using the single components of the EQI index of regional corruption.

whereas investigations can last from 6 months to 2 years, and criminal proceedings last on average 4 years (Vannucci 2012: 260).<sup>15</sup> Importantly, the limitation period starts when the crime is committed, which in similar cases can be several years before it is reported and investigated.<sup>16</sup> Trying to assess to what extent the statute of limitations affected the anti-corruption campaign as a whole is difficult due to the lack of systematic data. Limiting the analysis to the Court of Milan, one can see that the prosecutors, after completing the preliminary investigations, requested the court to summon 3,200 people (*rinvio a giudizio*). Of these, 314 (10%) were acquitted before facing the trial simply because the limitation period had already expired. Then, among the 1,322 defendants who did face a trial, 272 (20%) were acquitted for the same reason at a certain stage of the proceeding (Davigo and Mannozi: 139)

Next, even when criminal proceedings did advance to completion, sentences were generally mild and practically inconsequential. Again, due to lack of data we can only look at the Court of Milan, using a database collected by two journalists at *Corriere della Sera*. This archive includes 2,732 proceedings, each involving one person, with some persons appearing more than once. Considering the most recent stage of the proceedings as of February 2000, 34% of them had resulted in a conviction, whether because the defendants pleaded guilty or the court found them guilty.<sup>17</sup> In 92% of the conviction cases, the defendants were sentenced to less than three years of prison, whereas in 84% of the cases the sentence was less than two years.<sup>18</sup> Importantly,

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15 These sources refer to the current state of Italian law and judicial system. However, there is no indication that the situation was any different at the time the *Mani Pulite* investigations were conducted. If anything, as will be described later, the law has become even more lenient since then.

16 Another peculiarity of the Italian code is that proceedings can prescribe after the first instance, even when the offender is found guilty (TI 2010)

17 It should be specified that the Italian legal system, as a civil law system, does not have the concept of plea bargaining. However, the criminal code reform of 1989 did introduce *patteggiamento*, which can be considered as a similar legal instrument (Davigo and Mannozi 2007: 177)

18 These numbers are roughly comparable with the aggregate data on the corruption investigations conducted in Italy between 1982 and 2002 (Davigo and Mannozi 2007).

the sentences of less than two years are generally not executed, and then expire after a few years (*sospensione condizionale della pena*). Sentences ranging between two and three years, then, usually lead to forms of probation such as community service. Also, no sentence gets executed until the case passes through the three stages of the judicial system (*corte, appello, Cassazione*) – a lengthy process that, as noted earlier, may last longer than the limitation period. To give an idea, among the proceedings opened in the 1992-1994 period, 18% were still pending in court as of February 2000. Overall, it seems that these defendants could reasonably expect not to spend a single day in jail as a result of a conviction.<sup>19</sup>

Finally, the legislation introduced since 1994 further delayed the operations of the judicial system, thus limiting the effective impact of the whole anti-corruption campaign. After the demise of the *Prima Repubblica* party system, new leaders and parties came to dominate the political scene. Still, the legislative efforts to contrast corruption were half-hearted (Della Porta and Vannucci 1999; Davigo and Mannozi 2007; Newell 2005). Among the first acts of the center-right majority that won the 1994 election, for example, a controversial decree (“*decreto Biondi*”) excluded corruption from the list of crimes for which prosecutors could request pre-trial custody, which had proven an effective tool in the *Mani Pulite* operation.<sup>20</sup> Then, after the 1997 reform of the criminal code procedure was passed by the new center-left majority, the declarations given by the defendants in a certain proceeding were excluded from being used in another case, which further delayed judicial inquiries. As a result, after a short period in which

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19 Many of these defendants were indeed arrested and incarcerated during the investigation phase, at least for a certain period, as a form of pre-trial custody (*custodia cautelare*)

20 The decree effectively lasted for a week, during which many of the defendants were released. The Court of Milan prosecutors, seeing the results of their own work compromised by this act, publicly expressed their opposition, which spurred a similar reaction from public opinion. As a result of such pressures, the Berlusconi government decided to withdraw the decree (Barbacetto, Gomez, and Travaglio 2012: 302-11; Davigo and Mannozi 2007: 157-75)

the judicial system appeared to be effective at prosecuting corruption, after 1994 similar proceedings were less and less likely to lead to convictions (Davigo and Mannozi 2007: 205). It should be noted in passing that following reforms further limited the faculties of the inquiring magistrates, extended the immunity of prominent politicians implicated in later investigations, and drastically reduced the penalties for false accounting (*falso in bilancio*), a crime that is often related to bribery (Della Porta and Vannucci 2007; Vannucci 2009).

On a related note, it is interesting to note that, although the turnover rate within the national political class was higher than ever following the investigations (Chang, Golden, and Hill 2010), some of the politicians charged with, or convicted of, corruption and related crimes did manage to reenter politics. Others implicated in the corruption scandals started their political careers afterwards. As discussed above, the judicial campaign could (and should) have led the potential participants in corrupt transactions to change their strategic behavior, once the likelihood of being punished for such crimes had suddenly increased. In addition to judicial sanctions, a form of “moral” punishment may have consisted of being excluded from public office, as a way to signal to the public that corruption was indeed taken as a serious offense. Unfortunately, there is plenty of anecdotal evidence that this was often *not* the case in Italian politics. For instance, Paolo Cirino Pomicino, one of the leaders of the Christian Democratic Party, received two final convictions for illicit party funding and corruption. Yet he was put on the ballot for the European Parliament 2004 election and the Italian Parliament 2006 election, in both of which he won a seat. Aldo Brancher, instead, was working for Fininvest, Silvio Berlusconi's holding company, when he was investigated by the Milan prosecutors. Despite being convicted, he has been in Parliament since 2001 (Barbacetto, Gomez, and Travaglio 2012).

#### 4. Explaining the Persistence of Corruption: The Evolution of Corruption Networks.

If the judicial campaign of the early 1990s failed to permanently change the incentives for potential corruptors, it was also because the corruption networks of the post-*Mani Pulite* period evolved in a way that made them less vulnerable to further judicial scrutiny. First, looking at the typical structure of the bureaucratic and political corruption networks revealed by *Mani Pulite* and similar operations, one can see that they were very wide on both a vertical and horizontal dimension. Vertically, these networks developed across all levels of government, ranging from the municipal to the national dimension. To give the most famous example, the *Mani Pulite* operation took off when a local Socialist Party boss in Milan, Mario Chiesa, was caught receiving a bribe from a cleaning service firm. By interrogating him, the prosecutors gathered evidence against party officials and public administrators at the municipal and regional-level, up to the point when they charged various national MPs and, ultimately, former prime minister Bettino Craxi. Horizontally, those networks cut across regional boundaries and party lines. At the central node of the network, national party leaders and deputies would receive illicit funds from lower-rank party members spread across the country.<sup>21</sup> Finally, several investigations showed that firms used to pay bribes to all government parties, often proportionally to the vote share, and sometimes to opposition parties as well. Despite recurring debates on the exact role played by each, it seems clear that those corruption cases saw the cooperation of most, if not all, the major parties of the *Prima Repubblica* (Pizzorno 1993).

More recent investigations, instead, have revealed a rather decentralized structure of the

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<sup>21</sup> For example, Severino Citaristi was investigated by ten different prosecutorial offices, in nine different regions, for his role as a national treasurer of the Christian Democratic Party (Bechis 1994).

corrupt exchanges, narrower than in the past on both a vertical and horizontal dimension. Analyzing court cases and newspaper reports from the past twenty years, Della Porta and Vannucci (2007; 2012) still recognize a well-organized “order of corruption”, based on shared expectations and mutual recognition between the actors involved. Unlike what happened during the *Prima Repubblica*, though, these exchanges are not centered around party machines, which extended across different government levels and different regions. These networks appear to be smaller in scope than in the past, but still widespread across the country. Instead of having party machines and leaders at their center, they are organized around bureaucrats, managers of state-owned firms, professionals, managers in the private sector, or criminal bosses. Politicians at all levels of government can be active as well, but more in their position as officeholders than as members of a hierarchical structure, i.e. their party. Plenty of anecdotal evidence supports this analysis. For instance, the arrest of Luigi Odasso, a public hospital manager who collected bribes to finance his political career, is sometimes compared to that of Mario Chiesa, from which the *Mani Pulite* operation started. However, the prosecutors could not demonstrate Odasso's connections to higher-rank officials, so the scandal remained confined to a local dimension (Della Porta and Vannucci 2007: 101-3). Then, some of the high-profile cases involving top bureaucrats such as Guido Bertolaso of *Protezione Civile* (roughly equivalent to FEMA), or Parliament members Marco Milanese and Alfonso Papa, did not emerge out of investigations on lower-rank or local officials, nor did they seem linked to other cases (Vannucci 2012).

To better appreciate the differences between pre- and post-*Mani Pulite* corruption networks, it is useful to compare two subnational-level cases level from the two different periods. One is the regional legislature (*Consiglio Regionale*) of Campania, Italy's second highly



populated region, between February 1992 and March 1994.<sup>22</sup> Using press reports extracted from the archive of ANSA, the leading press agency in Italy, one can track the investigations conducted on the assembly, as well as other subnational government bodies, by the prosecutors of the Court of Naples, i.e. the region's capital.<sup>23</sup> During that period, twenty-two out of sixty members (37%) received at least one criminal investigation while sitting in office, with eleven legislators being arrested. Some of them were also sitting in the regional executive (*Giunta*) at the time of the investigations. As a result, 40% of Campania cabinet members received at least one incrimination during this period. The most frequent charge was abuse of office (*abuso d'ufficio*), either by itself or in combination with corruption proper (*corruzione, concussione*), as it was the case in the national Parliament (Chang, Golden, and Hill 2010). Interestingly, the investigations were highly concentrated over time. In 85% of the cases, the legislators were incriminated between February and November 1993, with as many as 25% investigations

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22 The period of analysis was chosen according to the following criteria. February 17, 1992, i.e. the day of the arrest of Mario Chiesa, is usually considered the beginning of the Milan investigations. Hence, it can be used as a starting point for the broader anti-corruption campaign at the national level. Then, March 27, 1994 was selected as the end point essentially for two reasons. First, the 1992-1994 period saw the biggest increase in the number of corruption-related cases (Davigo and Mannozi 2007: 99). Given the efforts necessary to build the dataset, covering only the first two years of investigations seemed a reasonable choice. Second, we gathered this data for a separate project on the participation of charged Parliament members to subsequent elections. Since the closest Parliament election was held on March 27, 1994, we constructed that date as a threshold between the “investigation period” and the “post-investigation period”, in which incriminated MPs might have run for office.

23 Briefly, the data collection proceeded as follows. Using the *Notiziari Regionali* archive, which turned out to be the most comprehensive source within the ANSA online database, we gathered information on the criminal investigations opened by the *Procura della Repubblica*, i.e. the prosecutors' office, of the Court of Naples (Tribunale di Napoli). The period of interest is Feb 17, 1992 – March 27, 1994. The geographical area is the province of Naples, on which the Court of Naples had exclusive jurisdiction at the time. In particular, by using keywords referring to the different investigative tools in the hands of the prosecutors (arrest, *avviso/informazione di garanzia, invito a comparire, ordine di custodia cautelare, avviso di conclusione delle indagini*), we were able to code the dates in which, according to our source, a single individual was officially (and publicly) incriminated. Later, we also used keywords referring to the trial stage to find information on cases that might have escaped the first coding. Given the high rate of criminality in this area, we decided to record only the cases involving current or former members of any legislative or executive body (municipal, provincial, regional, or national), high-ranking bureaucrats, party officials, and executives of publicly-held companies. Finally, we merged these individual-level records with an archive of subnational legislative and executive officials (Parigi and Bearman 2008), making sure to solve all ambiguous cases, to obtain the final dataset of incriminated political officeholders in the province of Naples.

concentrated in a single day. According to the available data, six out of ten legislators were implicated in the same case *together* with at least one of their colleagues.

One specific investigation conducted by the Naples prosecutors suggests that these corruption networks indeed cut across government levels and party lines. When investigating on the privatization of the Naples waste collection company (*Nettezza Urbana*), owned by the city government, the prosecutors incriminated ten officials, sitting either in the regional legislature or in various city councils (mostly Naples), along with a number of former officials. For the same case thirteen Parliament members were investigated as well, some concurrently sitting in the city councils. The timing of this investigation reveals the connections that linked together these politicians across different levels of government. After the director of the company was arrested in Naples on March 14, 1993, three city councilmen, one regional legislator, and three Parliament deputies were either arrested or put under investigation within the space of a week. In the following week, seven deputies, one regional legislator, and other city councilmen were incriminated, together with two local-level party officials (DC and PSI). Considering all the officials implicated, the major parties were all “represented” in this investigation, starting from those that controlled both the national, regional, and municipal government (DC, PSI, PSDI, PRI, and PLI). Three members of PDS (the former Communist Party), which had never participated in government, were also charged. Importantly, these patterns do not seem unique to this specific case, as the secondary literature finds similar evidence in the other investigations launched by the Naples prosecutors (Barbacetto, Gomez, and Travaglio 2012: 249-56).

As a term of comparison, one can look at the regional assembly of Lombardy, Italy's largest and richest region, during its Ninth Legislature (April 10, 2010 – December 20, 2012).

Compared to the other post-*Mani Pulite* corruption cases in the literature, this seems to be the only one involving a large part of the same government body.<sup>24</sup> In fact, thirty-five out of eighty regional legislators (43%) had received at least one criminal investigation as of December 20, 2012.<sup>25</sup> After being charged himself, the regional governor Roberto Formigoni resisted mounting pressure to end the legislature and call early elections, until a member of his cabinet was arrested for vote-buying and corruption, in association with the *'ndrangheta* criminal organization.<sup>26</sup> Although the cases of Campania and Lombardy seem similar, in terms of proportion of investigated legislators, the structure of the corruption networks shows significant differences. First of all, the most frequent charge is embezzlement (*peculato*, in 56% of the investigations), followed by corruption in a narrower sense (*corruzione, concussione, finanziamento illecito*). Six out of ten incriminated legislators, in fact, were accused of obtaining publicly-funded reimbursements for their private expenses. Assuming that they actually did so, they seem to have operated independently from one another. As for the other cases, they each involved only *one* legislator, contrary to what happened in Campania in 1993. With two exceptions, the legislators came from the two governing parties only (PdL and Lega Nord).<sup>27</sup> Finally, the involvement of local and national-level politicians appears to be very limited. Although some provincial and municipal officials were incriminated, nowhere can one see the complex networks, developed across government levels, that were typical of the Campania case.

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24 Data was collected using a similar procedure to the one used for the Campania regional assembly, described above. We also used *La Repubblica*, "L'ultimo atto di Formigoni nel palazzo dei 33 indagati", 12/20/2012.

25 As a matter of fact, other twenty members of the regional council were charged with the same crime (illicit expense reimbursements) in January 2013. However, to be consistent with the coding procedure adopted in the case of Campania 1992-94, they are excluded as they were not sitting in office at the time of the investigation.

26 [http://milano.repubblica.it/cronaca/2012/10/10/news/regione\\_arrestato\\_zambetti\\_pag\\_i\\_voti\\_alla\\_ndrangheta-44214628/](http://milano.repubblica.it/cronaca/2012/10/10/news/regione_arrestato_zambetti_pag_i_voti_alla_ndrangheta-44214628/) (accessed on February 2, 2013)

27 The investigations conducted after the end of the legislature did involve members of the opposition parties (see Note 15). However, the latter were all charged with embezzlement, nor did they seem to be linked to the corruption cases involving members of governing parties.

The evolution of corruption networks may explain why, despite the persistence of perceived and experienced corruption, reported corruption is apparently decreasing in the judicial statistics. The pre-*Mani Pulite* corruption networks were dense, integrated both vertically and horizontally, and centralized. It was hard for prosecutors to unlock this system, in which a large number of actors (politicians, bureaucrats, law enforcement agents, party bosses) had the incentive to “cover” one another. In the end, however, this system proved vulnerable once the magistrates received enough information from one source, Mario Chiesa, to proceed against those associated with him, and then repeated the same operation over and over to identify all the nodes in the network. Given that the success of the operation depended on the capacity to break the collusion, the Milan prosecutors famously used to request pre-trial custody as frequently as legally permissible, in order to keep the defendants isolated from one another.<sup>28</sup> On the other hand, now that corrupt exchanges are managed by a multitude of smaller and “lighter” networks, relatively unconnected to one another and operating at different levels of government across the country, the judicial system struggles to detect and effectively prosecute such crimes. For every investigation they start, prosecutors only gather enough material to press charges against a few members of a “clique” and their accomplices, and then they have to follow the proceeding to completion, which is an extremely lengthy process. Unlike their *Mani Pulite* colleagues, nowadays Italian prosecutors can hardly rely on previously gathered evidence to launch new corruption investigations and quickly expand the scope of their inquiries.

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28 Similarly, in what qualifies as an authentic “prisoner's dilemma” situation, the prosecutors used to question multiple defendants at the same time, keeping them incommunicado and periodically reporting to one what the other had just confessed. Through this tactic, they were able to constantly cross-check the information and induce the defendants to rat on one another [source]

## 5. Conclusion.

As a way to summarize our argument, it may be useful to break down the post-*Mani Pulite* evolution of corruption into three phases. In the first period, coinciding with the peak of the investigations, the gap between reported and real corruption did shrink, at least in some parts of the country, and the public voted out of office the officials and parties implicated in the scandals. In the following phase, as the political system and the economy were undergoing significant transformations, the judiciary sent a “mixed signal” to politicians, businesses, and citizens in general, showing that corruption crimes would hardly lead to significant punishments. In the meantime, a largely renovated political class was trying to shield itself from further judicial inquiries by way of legislation. In the third and final period, the various actors in the corruption market seem to have reorganized their networks under a new equilibrium, less vulnerable to judicial scrutiny. In parts of the country not involved in the *Mani Pulite* campaign, these actors might as well be the same as in the early 1990s. Where *Mani Pulite* did take place, instead, there might be a combination of new actors, encouraged rather than deterred by the ultimate results of the judicial campaign, and members of the previous system who were able to go through the *Mani Pulite* season relatively unscathed.

While this paper has relied on a variety of data sources, the main challenge for any future research on this topic is still related to data collection. As noted in Section 3, regional-level data on the relative diffusion of the *Mani Pulite* campaign is suggestive, yet incomplete. Having access to statistics on corruption crimes prosecuted by the judiciary, and/or established with final sentence, disaggregated by year *and* judicial district, it would be possible to map the

development of the investigations more precisely. Thus, one could try and quantify the impact of the investigations on the post-*Mani Pulite* level of corruption. Then, to better support the argument in Section 4, a more appropriate comparison should focus on the same region, analyzed in the early 1990s and then in the late 2000s, so as to control for potential cross-regional differences. Lombardy would be a good candidate for such analysis, if we could gather systematic data on the investigations involving the members of its Regional Council in the early 1990s. Finally, this research would benefit from interviews with prosecutors and judges who currently work on corruption cases, and/or who participated in the *Mani Pulite* campaign. From them, we would obtain first-hand information on the evolution of corruption networks over the past twenty years, and the factors that obstructed judicial inquiries in some parts of the country, while facilitating them – at least to a certain measure – in some others.

Finally, what are some general lessons to be learned from the Italian case? First, anti-corruption investigation campaigns should be coupled with relatively short criminal proceedings in order to be effective. As domestic and international experts have underlined, Italian courts, both civil and criminal, do not have the resources to process cases in a reasonable amount of time. In the case of corruption-related crimes, this chronic inefficiency, coupled with a lenient statute of limitations, further reduced the likelihood of punishment. Second, anti-corruption investigations should be coordinated at the national level, or at least complemented by the independent efforts of a national agency. Clearly, the early 1990s represented an exceptional window of opportunity for aggressive corruption prosecution. However, it seems that the opportunity was basically lost for some of the high-corruption regions that, instead, would have mostly benefited from *Mani Pulite*. After all, Lombardy, which started out and remained as the

center of the investigations, had a less-than-average level of corruption at the time. Had similar resources, techniques, and personnel been employed by a national agency in regions such as Calabria and Basilicata, *Mani Pulite* would have probably had a stronger and longer-lasting impact.

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## Appendix: Regional abbreviations

|    |                       |
|----|-----------------------|
| AB | Abruzzo               |
| BA | Basilicata            |
| CL | Calabria              |
| CM | Campania              |
| EM | Emilia-Romagna        |
| FR | Friuli-Venezia Giulia |
| LA | Lazio                 |
| LI | Liguria               |
| LO | Lombardia             |
| MA | Marche                |
| MO | Molise                |
| PI | Piemonte              |
| PU | Puglia                |
| SA | Sardegna              |
| SI | Sicilia               |
| TA | Trentino Alto Adige   |
| TO | Toscana               |
| UM | Umbria                |
| VA | Valle d'Aosta         |
| VE | Veneto                |