

INDEX

Page

Chapter I

INFLUENCING A PUBLIC OFFICER: THE FUNCTIONAL EQUIVALENTS OF A BRIBE

1. From the profane of the bribe-bag to the sacred of the bride-bag: Matter of exchanges 1
2. On influence: Stories of Reciprocity and *Mikro-Politik* 4
3. Disciplining the influence over elected representatives and civil servants 8
4. The European league of lobbying: The German-case and the Italian-case 12
 - 4.1. Deregulation and privileges: The German-case 16
 - 4.2. Fiction of regulation and friction with Criminal Law: The Italian-case 18
5. Nature and paths of the American regulation on influence over public officials 24

Chapter II

CRIMINAL LAW AND TRANSPARENCY THROUGHOUT THE REGULATIONS OF CAMPAIGN FINANCE

1. Criminal Law and campaign financing: The need for a regulation outside the criminal punishment 45

	<i>Page</i>
2. Criminal law policy and campaign finance: A matter of prohibitions and disclosures	50
3. How to regulate private campaign funding	53
4. How to balance private and public in campaign finance	58
5. How not to really discipline private political funding	62
6. Transparency and criminal law in the field of influencing public decision-makers	67

Chapter III

MODELLING A CRIMINAL LAW REGULATION ON POLITICAL CORRUPTION

1. Inside influencing: The line between crime and freedom	71
2. Normatively describing the unlawful influence	77
3. Approaches in incriminating forms of influence and lobbying	82

Chapter IV

THE STAKEHOLDER-FOCUSED AMERICAN MODEL OF ANTI-CORRUPTION CRIMINAL LAW

1. The US-Model of punishing public corruption in political activities	89
2. Punishing the symptoms of corruption	92
3. Punishing an appearance of corruption	97
3.1. The appearances of exchange and the bribery offence	99
3.2. The appearances by gifting and the unlawful gratuity offence	103
3.3. Punishing exchanges and gifts as if they were extortion	106
3.4. Punishing exchanges and gifts as a violation of a right to honesty in the public offices: The honest services statute	110

Chapter V

THE PUBLIC OFFICIALS FOCUSED
GERMAN MODEL OF ANTI-CORRUPTION
CRIMINAL LAW

1. The German Model of punishing public corruption in political activities 117
2. Anticorruption Criminal Law related to public administrative officers 119
3. Anticorruption Criminal Law related to elected representatives 125

Chapter VI

THE IRRATIONAL MODEL OF THE ITALIAN
ANTI-CORRUPTION CRIMINAL LAW

1. The Italian Model of relationships between influence, lobbying and criminal law 135
2. The dangerous irrationality of a sort of self-corruptive circuit 140
3. The offence of trafficking in unlawful influences 150

Chapter VII

ANTI-CORRUPTION LAW CRITICISM

1. Influence, criminal law, and torments of the Democracy 163
2. Influence between ideas of democracy and roles of criminal law 165
3. Critique of the Anti-corruption wave: apparent crime and moralistic reality 169
4. From crime to sin 175
5. Crime, sin, and the 'Worst of Leadership' 182

- References* 187

