

Prof. Dr. Luigi Moccia

Academic titles and scientific positions

- former full professor of Comparative law (1986-2017).
- Jean Monnet Chair holder in EU Law (since 1999) .
- Founder and President of the Centre "Altiero Spinelli" - Jean Monnet Centre of Excellence (2003-2020), University "Roma Tre" (<http://www.centrospinelli.eu>).
- Director of the post-graduate Master course in "[European Citizenship and Euro-Mediterranean Integration: Cultural Heritage, Development, Cohesion and Security](#)" (2008-2016), University "Roma Tre".
- Founder and Scientific director (2002-) of "[La cittadinanza europea](#)", six monthly journal on European and comparative law studies ([FrancoAngeli, Milano](#)).
- Founder and Scientific director (2003-) of the monographs series "[Quaderni del Centro Altiero Spinelli](#)" (FrancoAngeli, Milano).
- Dr. h.c. Political Science, University of Oradea (2011), for his "outstanding merits in the field of European studies" ([see photo gallery](#)).
- Founder and Scientific director (2021-) of the electronic journal "[lacittadinanzaeuropeaonline](#)" (Iceland).

Further academic and scientific positions

- Former Dean of the Faculty of Political Science (1998-2008), and Director of the Department of Political Institutions and Social sciences (1996-1998), University "Roma Tre".
- Former Chairman of the Italian Conference of the Deans of the Faculties of Political Science for the biennium 2005-2007.
- Director of post-graduate courses in "European Citizenship" (2000-2007), University "Roma Tre".
- Member of various editorial boards in Italy ("Rivista trimestrale di diritto e procedura civile"; "Annuario di Diritto Comparato e di Studi Legislativi") and abroad ("European Journal of Sinology"; "Romanian Review of European Governance Studies"; Revista "Polis" Journal of Political Science).
- Member of various scientific associations, including: - "Société de législation comparée" (SLC); - "International Academy of Comparative Law"; - "Associazione Italiana di Diritto Comparato" (AIDC); - "European Community Studies Association" (ECSA); - "Associazione Universitaria di Studi Europei" (AUSE) .

Main scholarly activities

- Holder of courses and teaching modules at University of Perugia (1977-1978), University of Macerata (1985-1997, where he started and directed the PhD course in "Private Comparative Law and European Community Private Law"), University "Roma Tre" (1998-) in: Private Comparative Law, Comparative Legal Systems, European (Union) Law, Comparative and Uniform Law, History and Institutions of Asian Countries.
- Visiting professor (holding courses, delivering lectures) at universities abroad (in the period 2000-): East China University of Politics and Law, Shanghai, China (2000, 2007, 2010); Liège, Belgium (2006, 2007); UADE, Buenos Aires, and Universidad Nacional de La Plata, Argentina (2008); Universidade Federal da Bahia, Salvador de Bahia, Brasil (2010); University "Babeş-Bolyai", Cluj-Napoca, and University of Oradea (Dpt. Political Science and Communication), Romania (2009-2011).

Main research interests

Scholar of comparative law, particularly with regard to the relationships between Civil law and Common law, has published a first monograph (*Glossario per uno studio della Common Law*, 1983, currently reissued), followed by other three titles (*Il sistema di giustizia inglese*, 1984; *Il processo civile inglese*, 1991; *Figure di usucapione e sistemi di pubblicità immobiliare. Sintesi di diritto privato europeo*, 1993), and a wide series of essays and articles, enlarging the scope of these research studies in the perspective of the formation of a “European *ius commune*” (working closely with Gino Gorla, as co-author of various publications, including: *A ‘Revisiting’ of the Comparison between ‘Continental Law’ and ‘English Law’*, 1981, in the “Journal of Legal History”, 1981; *A Short Historical Account of Comparative Law in Europe and in Italy during Modern Times*, in “Rapports nationaux italiens au XII Congrès Int. Droit Comparé”, Sidney, 1986), ending up with two books: *Comparazione giuridica e Diritto europeo* (2005), also translated into Spanish for the part concerning the Civil law tradition (*La formación del derecho europeo. Una perspectiva historico-comparada*, 2012, published by Complutense University Press; re-printed in 2018 by Ediciones Olejnik, Argentina); and *Comparazione giuridica e prospettive di studio del diritto* (2016), previously published in a Spanish abridged edition *Comparación jurídica y perspectivas de estudio del derecho* (2015). On this background, a central theme has emerged, regarding the idea and practice of “European law” in the light both of the historical-comparative perspective of the “Europe of law” of past centuries and in the new and challenging perspective of the “law of Europe” linked to European integration process. Along this research path, the subject of the formation of the “European lawyer” in its cultural, professional and scholarly implications has been dealt with in numerous publications (including *I giuristi e l'Europa*, 1997, edited and co-authored). From within this same perspective, a more specific approach to “European law”, focused on the “European citizenship” as a new paradigm of legal subjectivity capable of supporting in particular the formation of a “European private law” in today EU context, has been developed in a variety of titles, starting with *Il diritto privato europeo: problemi e prospettive* (1993, volume edited and co-authored), followed by the article, *Du ‘marché’ a la ‘citoyenneté’: a la recherche d’un droit privé européen durable et de sa base juridique* (published in the “Revue internationale de droit comparé,” 2004), finally culminated in the collective volume (based on the proceedings of the Conference held at the University Roma Tre, 9-11 May 2012) *The Making of European Private Law: Why, How, What, Who* (2013). These research studies have been carried out within the activities of the “European Centre of Excellence Altiero Spinelli” (CeAS) at “Roma Tre” University, through the medium of the six-monthly journal *La cittadinanza europea* and the monographs series of the Centre (“Quaderni del Centro altiero Spinelli”), including the book (edited and co-authored) *Diritti fondamentali e Cittadinanza dell’Unione europea* (2010). Amidst other research interests, a large place is occupied by several publications investigating the idea of law in traditional Chinese society, including: *Profili emergenti del sistema giuridico cinese* (1999, edited); *Il diritto in Cina. Tra ritualismo e modernizzazione* (2009); and the essays *The ‘Dual Paradox’ of Modernity in China* (2012) and *The Idea of Law in China* (2015) both published in the “European Journal of Sinology”), together with publications, edited and co-authored, dealing with subjects of interest in the field of cultural and European studies (such as, *Estudios aplicados de teoria geral do direito*, 2011; *Estudios aplicados de filosofia do direito*, 2012; *China and Europe. Fostering the Mutual Understanding Between China and Europe by Multi-level Comparison of their Cultures, Societies, and Economies*, 2014).

Research and scientific activities and works

Topics covered in scientific works of prof. Moccia, can be grouped into seven distinct thematic areas, namely: **I. English (common) law**; **II. European (common) law, or the revisiting of the comparison between civil law and common law**; **III. European Law and European lawyer**; **IV. European Union legal system and European citizenship**; **V. Law comparison in general**; **VI. Chinese law**; **VII. Law comparison in today's global world**. Each one, of course, connected to the other by the common denominator of comparison understood as both a method and a way of understanding (studying/learning/teaching) law.

I. English (common) law. First works (starting from 1974) deal with the English legal system, against the background of a historical development that led to the pre-eminence of the Common law as the archetype of English law, having regard in particular to its justice machinery investigated in articles — including “L’esperienza inglese della partecipazione dei laici all’amministrazione della giustizia,” 1978; “Appunti sul ‘law reporting’ in Inghilterra” (1978); “Diritto giurisprudenziale, legislazione e principio di legalità nel mondo di common law” (1988); “I ‘Regolamenti della Corte’ nel quadro delle fonti della procedura civile inglese” (1990) — and books — including *Glossario per uno studio della Common Law*, 1983, *Il sistema di giustizia inglese. Profili storici e organizzativi* (1984), and *Il processo civile inglese* (1991), volume co-authored with Albert Kiralfy and Sir Jack Jacob. In addition to private law topics — including the entry “Contract” (1988) for the “Enciclopedia Giuridica Treccani”, the essay “Prescription, Limitation e Adverse possession: ovvero il problema della prescrizione acquisitiva nel sistema inglese della real property” (1994), and “Il modello inglese di proprietà” (1999) —, together with several other articles, many of them of basic historical comparative content and interest (e.g., “forms of action”, “abridgments”, “law reporting”, “case law”, “bench and bar”, “inns of court”). A culminating point of this research area is represented by the opus magnum (in terms of pages number, more than one thousand) *Comparazione giuridica e Diritto europeo* (on which see further here below).

II. European (common) law, or the revisiting of the comparison between civil law and common law. Following this path, while working closely with prof. Gino Gorla (1906-1992) emeritus at Rome University “Sapienza” as co-author of publications — including “A ‘Revisiting’ of the Comparison between ‘Continental Law’ and ‘English Law’” (1981) and “A Short Historical Account of Comparative Law in Europe and in Italy during Modern Times” (1986) —, in addition to his own “English Law Attitudes to the Civil Law” (1981), up to the volume *Comparazione giuridica e Diritto europeo* (2005), where the research focus, originally based on the historical relationships between Civil law and Common law, is enlarged in the perspective of the formation of a “European ius commune”; further developed in a series of articles — including “Historical Overview on the Origins and Attitudes of Comparative Law” (1992), “Origins and Attitudes of “Modern” Comparative Law in the Historical Perspective of ‘Open’ Legal Systems” (2002), “Notes on “historical comparative Law”, “open legal system” and the “common and comparative law” in Gino Gorla’s works” (2009); “Diritto europeo, ordinamento aperto e formazione giuridica” (2012).

III European Law and European lawyer. In this framework, the idea and practice of “European law” on the private law side is the focus of the edited book *Il diritto privato europeo: problemi e prospettive*, “Atti del convegno internazionale, Macerata 8-10 Giugno 1989” (1993), where it is dealt with in the light both of the historical-comparative scenario of the “Europe of law” in past centuries and the present challenge of the “law of Europe” linked to European integration process. Such idea is further developed with special emphasis on the formation of a “European lawyer” and its cultural, professional and scholarly implications, dealt with in numerous publications — including the edited and co-authored volume *I giuristi e l’Europa* (1997), and

articles including “Les bases culturelles du juriste européen: un point de vue continental” (1997), “The ‘European Lawyer’: From Past to Present Scenarios” (2002, “La formazione del giurista in prospettiva europea” (2008); “Le droit et le juriste européen: un point de vue comparé”(2016).

IV European Union (EU) legal system and European citizenship. From within this same perspective, focusing on “European citizenship” as a new paradigm of legal/political subjectivity capable of supporting the constitutional foundation (legitimacy) of EU institutional architecture, as well as the formation of a “European private law” meant as “European citizens law” (*ius civium*), a more specific (both theoretical and methodological) approach to European (EU) law has been developed in a series of articles — including “Du ‘marché’ a la ‘citoyenneté’: a la recherche d’un droit privé européen durable et de sa base juridique” (2004), further deepened in its consolidated and updated version “European Law: from ‘Market’ to ‘Citizenship’” published in the edited volume *The Making of European Private Law: Why, How, What, Who* (2013). More generally, this area overlaps with the previous one, but it must be kept distinct, in the sense that it highlights the titles of the bibliography that deal with “European law” outlaying the main legal-institutional features of the EU system (whose relevance in the perspective of a new model of international relations is highlighted in the article “A new democratic international order and the role of the European Union”, 2003). First, with regard to a “multi-level” comparison, that is, between levels and regulatory regimes that operate within the Union legal system, autonomously understood (in the matters falling within Union’s competences). Second, as an evolving process which, especially starting from the early 1990s (with Maastricht and subsequent European Union treaties), has shifted its axis in the direction precisely of the (fundamental) rights of ‘its’ citizens, as argued in “Il ‘sistema’ della cittadinanza europea: un mosaico in composizione”, published in the edited book *Diritti fondamentali e Cittadinanza dell’Unione europea* (2010). On this basis, the titles dedicated to the analysis of the legal basis of a European private law system, in relationship with Union citizenship, include (in addition) the following works: “La prospettiva della ‘Cittadinanza dell’Unione’ come base giuridica per una codificazione europea di diritto privato” (2002); “Appunti su ‘Europa e diritto’: la ‘via della cittadinanza europea’” (2005); “La ‘cittadinanza europea’ come ‘cittadinanza differenziata’ a base di un sistema ‘multilivello’ di diritto privato” (2006); “Cittadinanza europea e spazio di libertà, sicurezza e giustizia” (2010); “European Private Law In-Formation” (2010). From the point of view of fundamental rights and issues connected with the ongoing constitutionalisation process of the Union system, a series of articles (most of them published in the six-monthly journal *La cittadinanza europea*) have been published — including “‘Costituzione europea’ e nuovo trattato sull’Unione” (2008); “La cittadinanza nella prospettiva della federazione europea” (2011); “Cittadinanza e democrazia nell’Europa in crisi: quale via all’Unione politica” (2012); “La cittadinanza come ‘cuore federale’ dell’Unione” (2012); “Diritto comunitario e diritto europeo” (2013); “Union’s citizenship as the basis for European democracy” (2013); “Il diritto dei cittadini dell’Unione di avere un governo” (2013); “Democrazia, sovranità e diritti nella crisi europea: spunti per un discorso su riforme e future dell’Unione” (2016); “Unione politica e valore sociale della cittadinanza europea” (2017); “Cittadinanza ‘civile’ europea e politiche di integrazione” (2018), also published in an English version “European civic citizenship and EU integration policies” (2018); and “Cittadini Uniti d’Europa, ovvero della cittadinanza come garanzia di futuro dell’Unione” (2021, published in the newly quarterly [journal lceonline](#) (born as an autonomous electronic version of the printed version of the *La cittadinanza europea*).

V Law comparison in general. Works to be listed in this thematic area revolve around two types of research interests. One is about the comparative approach for a better understanding from both a terminological and historical viewpoint of basic private law concepts, such as ‘contract’ and ‘property, dealt with in a series of articles — respectively including “Promessa e contratto” (1994); “Basic Ways of Defining Property” (2007); “Réflexions sur l’idée de propriété” (2011); “La

proprietà intellettuale come 'proprietà globale': tendenze e problemi" (2011).

A second and much wider type of research interest of both methodological and conceptual (even epistemological) relevance is the one about the close connection between 'comparison', as a way of studying and knowledge of law (in general), and legal 'education'. Along with publications dealing with general theoretical issues and cultural studies — including the essays “A comparação jurídica e o estudo do direito” (2011) and “Elementos para a comparação jurídica” (2012), following the essay “La comparazione come pedagogia giuridica nell’opera di Gino Gorla” (1994) on the pedagogical vocation of comparative law — is to be here mentioned again the volume *Comparazione giuridica e Diritto europeo* aimed to providing an overview of the previous areas, (English common law, Continental common law, European law and European lawyer, EU legal system and citizenship), with a double focus (retrospective and prospective) on the process of European integration as a new and advanced frontier of law comparison. This approach (on which see below sub **VII**) is further articulated, completed and developed in the book *Comparazione giuridica e prospettive di studio del diritto* (2016).

VI Chinese law. Amidst other research interests, a large place is occupied by publications investigating the idea of law in traditional and modern Chinese society, including the edited book *Profili emergenti del sistema giuridico cinese* (1999), the authored book *Il diritto in Cina. Tra ritualismo e modernizzazione* (2009), and the co-edited book *China and Europe. Fostering the Mutual Understanding Between China and Europe by Multi-level Comparison of their Cultures, Societies, and Economies* (2014). In addition to a series of articles — including “Il sistema giuridico cinese: caratteri tradizionali e lineamenti attuali” (2000); “Prologo breve sulla “originalità” del diritto (tradizionale) cinese e sull’importanza del suo studio in prospettiva storico-comparativa” (2004); “Il diritto cinese nella teoria dei sistemi giuridici: dalla tradizione alla commistione” (2006); “Diritto cinese fra tradizione confuciana e modernizzazione socialista: un approccio comparativo (2007); “Le double paradoxe de la modernité en Chine ou de la question du droit, miroir du monde chinois traditionnel et contemporain” (2011); “The ‘Dual Paradox’ of Modernity in China, from the Point of View of the Chinese Idea of Law” (2012); “The Idea of “Law” in China: An Overview” (2018). All of them aimed to present and discuss the transition process, going on since last century in in People Republic China, from ‘tradition’ centered on socio-normative rites and conventions, towards ‘modernization’ represented by the massive expansion of the legal system through code laws, statutes, regulations, as well as constitutional reforms. The research interest highlighted here, starting from the assumption of the educational value of the comparative approach to law studies, concerns the relevance of the relationship of law with society, customs and culture in general, as a fundamental trait of Chinese legal tradition, which continues to characterize the Chinese legal-normative experience in a structural way, making it an 'ideal' field for the study of comparative law. All the more so today, regarding China development in its momentous efforts of socio-economic and technological innovation, to become one of the culturally hegemonic powers on a regional and global level.

VII Law comparison in today’s global world.

This research area concerns issues that raise questions and invite reflections on the relevance of comparative law in today's (globalized) world. In a context that is no longer just 'territorial' but 'spatial', i.e. extending transversally to the whole world, in terms of cross-border relationships, heterogeneous (multiethnic and multicultural) societies, phenomena of both local and global impact (environment, terrorism, security, pandemics, and risks of catastrophes caused directly by man). This context, thus characterized by a marked complexity combined with legal pluralism, calls into question the comparative point of view: no longer just oppositional-dichotomous (internal-known/external-unknown), but relational-inclusive (relative/universal, local/global, particular/common), featuring a growing tension between such polarities. New and unprecedented legal problems are also growing, with the related conceptual and methodological

challenges, increasingly focused on transversal issues of global significance, the so-called "global issues". Precisely, these 'global issues' take on the nature of 'foundations' of law comparison, on which to measure divergences and similarities, no longer according to the yardstick of legal systems, but at the level of values, principles and rules (including those of non-state production) of different origins, based on the complexity of today's world, of which law is an integral component, invoked both to standardize and harmonize common interests and to specify and safeguard cultural diversity.

In this area two issues are addressed, however centered on the 'educational' character of the juridical confrontation, essentially intended as a critical exercise in the study and learning of law.

First, the ongoing transformations of the concept of 'citizenship' on a 'European' and 'global' scale, from the point of view of the multiple legal, political-institutional and socio-cultural implications. Following titles are in point — "Education to 'Inter-Cultural Citizenship:' A European Perspective to Global Citizenship" (2014); "Uniti nella diversità: verso una cittadinanza apolide?" (2016); "Global Citizenship: How to Approach Identity Issues from an Intercultural Point of View", published in the edited book *Identity Issues and Intercultural Challenges: A European and Global Perspective on Peace in the World* (2017).

Secondly, starting from a plural and open conception of law and (state) legal system, of which new (plural or differentiated) forms of citizenship are a paradigmatic example, the idea of comparison as a way of knowing the law is strengthened and highlighted. This epistemological and pedagogical approach to the study of law through comparison is expounded and argued in a series of titles — including "Comparazione e studio del diritto" (2003); "La comparazione come 'speranza' del diritto" (2003); "Riflessioni sparse (e qualche involontario aforisma) su interpretazione e diritto" (2008); "Comparazione giuridica, diritto e giurista europeo: un punto di vista globale" (2011); "Diritto comunitario e diritto europeo" (2013), also published in a French version "Droit communautaire et droit européen" (2014); "Dalla comparazione all'integrazione giuridica: la via della cittadinanza europea" (2015), also published in a French version "De la comparaison à l'intégration juridique: le chemin de la citoyenneté européenne" (2016); "Le droit et le juriste européen: un point de vue comparé" (2016); "Legal Comparison and European Law: or the Paradigm Shift from a Territorial to a Spatial Viewpoint, in the Prospect of an Open and Cohesive Society Based on European Citizenship as Model of Plural and Inclusive Citizenship" (2017); "Comparazione giuridica come modo di studio e conoscenza del diritto: l'esempio della tutela ambientale" (2020); "La comparaison « au-delà » des systèmes de droit : l'exemple de la protection de l'environnement" (2021); "Law comparison 'inner worthiness'. The example of environmental protection" (2021).