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### **Research and scientific activities and works**

**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), 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, so to say (in terms of pages number of the volume, 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 and working closely with prof. Gino Gorla (1906-1992), emeritus at Rome University "Sapienza," in particular as co-author of publications, including "A 'Revisiting' of the Comparison between 'Continental Law' and 'English Law'" (1981), "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), an abridged version of which has been translated in a new updated Spanish version *La formación del derecho europeo. Una perspectiva historico-comparada* (2012), 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, an emerging central theme is the one about the idea and practice of "European law", on the private law side with the edited volume *Il diritto privato europeo: problemi e prospettive*, "Atti del convegno internazionale, Macerata 8-10 Giugno 1989" (1993) 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 compare"(2016).

**IV European Union 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 (legitimation) of united Europe, as well as the formation of a “European private law” in its meaning of “European citizens law” (*ius civium*), a more specific theoretical approach to European law has been developed in a series of articles, including, as reference points, “Du ‘marché’ a la ‘citoyenneté’: a la recherche d’un droit privé européen durable et de sa base juridique” (2004), together with 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 legal-institutional profiles of the Union system. 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 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 constitutionalization of the Union system, a series of articles (most of them published in the six-monthly journal *La cittadinanza europea* sponsored by the university Centre Altiero Spinelli, CeAS) are in point, 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). Together with the innovative legal aspects of the EU system, its 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).

**V Law comparison in general.** Works to be listed in the thematic area of “law comparison in general” revolve around two types of research interests. One type is about the comparative study understood in a key both terminological and historical, as regards the meaning and scope 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), that is, with a double focus (retrospective and prospective) on the process of European integration as a new and advanced frontier of a 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), also available in a previously published Spanish minor edition (*Comparación jurídica y perspectivas de estudio del derecho* 2015).

**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 volume *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), whose aim is to present and discuss the transition process, going on since last century in People's China, from 'tradition' centered socio-normative rites and conventions, towards 'modernization' represented by the expansion of a distinct legal system developing through a multiplicity of codes, statutes, regulations and administrative acts, as well as constitutional reforms. Overall, the research interest here highlighted, starting from the assumption of the educational value of the comparative approach to law studies, is the one about the relevance of the relationships of law with society, customs, and culture in general, as a basic feature of Chinese legal tradition, which continues to characterize in a structural way Chinese legal-normative experience, making it an 'ideal' field of study, all the more so today, as a country destined to become, in its momentous efforts to economic and technological innovation, one of the culturally hegemonic forces, on a regional and global level.

### **VII Law comparison in today's global world.**

This research area is about topics that raise questions and invite reflections on the place and role of comparative law in today's globalized world, as their common denominator. In general terms, this area covers most, if not all, of the previous ones, from the point of view connected both to the process of European integration, at the regional level, and to global issues, at the world level, of a profound transformation of national legal systems. In a context that is no

longer just 'territorial', but 'spatial' – that is, which runs transversally to the whole world – of cross-border relationships, heterogeneous societies (multiethnic, multicultural), phenomena of both local and global impact (environment, terrorism, security, pandemics, risks of catastrophes caused directly by man). In any case, a context marked by a component of accentuated complexity and legal-normative plurality, which 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). Whereby, together with growing elements of tension between these two polarities, legally relevant and significant scenarios coupled with both challenges and opportunities also increase. At the same time focusing more and more on transversal issues at multiple sectors and levels (global issues), which in themselves take on comparative importance (for example, the environment). As such, having the nature of 'foundations' of law comparison, on which to measure divergences and similarities, no longer according to the yardstick of legal systems, but on the level, precisely, of principles and rules (including those of non-state production) of different origins, based on the complexity of today's world. Complexity of which, in fact, 'law' (in all its different configurations and meanings) is an integral part (often invoked for harmonization purposes, thanks to comparison as a 'privileged place' for reflection on law). In terms of speculative thinking, but more limited, I have dealt in this area with two themes, apparently distant from each other, but on closer inspection converging, at least on the level of a comparative approach of an 'educational' character, i.e. intended as a critical exercise of study and learning of law.

A first theme examines 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 social implications that reverberate. Following titles are in point: "Education to 'Intercultural 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).

A second theme, of a more methodological orientation, but which makes use in particular of the idea of new (plural or differentiated) forms of citizenship as an argument based on a plural and open conception of law and (state) legal system, concerns the idea of comparison as a way of knowing the law. Following titles are in point: "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 compare" (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).