

CURRICULUM

Prof. Giorgio Pighi, Barrister

Born in Modena on 4 April 1949. Completed his classical sixth-form education at the 'Ludovico Antonio Muratori' State Grammar School in Modena.

1973: Graduated in Law from the University of Modena, with a mark of 110 out of 110 and honours. Thesis supervised by Prof. Guido Galli, on the topic: 'Juvenile delinquents and criminal proceedings'.

1973-1976: Attended the postgraduate school in 'Clinical Criminology' at the University of Genoa, obtaining a specialist diploma with a mark of 50 out of 50 with honours.

1974: Annual scholarship from the Giacomozzi Foundation, awarded on merit by the University of Modena to a law graduate.

1974-1984: He held a research and teaching fellowship, conducting research on criminal law subjects, at the Faculty of Law of the University of Modena, first under the supervision of Prof. Guido Galli and then of Prof. Francesco Carlo Palazzo. In 1981, he was appointed Research Fellow at the Chair of Criminal Law (Faculty of Law, University of Modena), where he collaborated with Prof. Francesco Carlo Palazzo. He taught **Constitutional Law** at the Military Academy of Modena (1980-1984).

1974-2015: He specialised in juvenile criminal law and worked on a monograph on judicial pardon, exploring the subject along three main lines: a constitutionalist approach with regard to the principles governing the individual legal institutions; the evolution of the juvenile criminal justice system; and the relationship between the purposes of punishment, special prevention and the application of sanctions. During this period, he published: **'The capacity for understanding and intent of minors aged between fourteen and eighteen in the case law of the Court of Cassation'**, in **Indice pen.**, 1976, p. 312 ff.; **'Equal treatment in different situations with regard to deviant minors who are difficult to manage'**, in **Rass. studi penit.**, 1976, p. 394 ff.; **'The condition of young people, social control and juvenile justice'**, in **Animazione sociale**, 1976, XVIII, p. 65 ff.; **'Minors and drug addicts: two cases where Law No. 1423 of 27 December 1956 is inapplicable'**, in **Riv. it. dir. proc. pen.**, 1976, p. 1533 ff.; **'Multiple offences and the repetition of judicial pardon'**, in **Riv. it. dir. proc. pen.**, 1977, p. 1156 ff.; **Judicial Pardon**, Milan, 1984. Since 1987, he has edited the chapter on Juvenile Criminal Law in the handbook **Criminal Law for Social Workers** (edited by Giovanni Flora and Paolo Tonini), published in successive editions up to 2014. The title of the work is **'Offences Committed by Minors'**, in **Updates in Criminal Law**, Florence, 1987, p. 104 ff., and became: **'Provisions on Offences Committed by Minors'** in **Elements of Criminal Law for Social Workers**, Giuffr  1993, p. 299 ff. and subsequently (with the same publisher); **'The Provisions on Offences Committed by Minors'**, Milan, 1997, p. 365 ff., and (in the second volume) **'Areas of Intervention'** can be found on p. 125 ff. (2002 ed.) and p. 173 ff. (2014 ed.). Publications: **'Suspension of proceedings and probation for juvenile defendants'**, in **Forensic Medicine and the New Code of Criminal Procedure**, Milan, 1989, p. 449 ff.; **'The irrelevance of the act in juvenile criminal law'** in **Studium iuris**, 1999, I, p. 71 ff.; He spoke as a panellist at the hearing on 18 December 2013 as part of the **'Fact-finding inquiry into child**

poverty' (*documenti.camera.it*, Stenographic Report, Session No. 2, 18 December 2013). He published '**A new scenario of violations of children's rights: unaccompanied foreign minors**', in **Jura gentium**, 2015, pp. 1-7, highlighting that the UN Convention on the Rights of the Child stipulates that States Parties undertake to respect the right to preserve identity, nationality, name and family relations, free from unlawful interference, and that a child unlawfully deprived of their identity is entitled to appropriate assistance and protection.

1976-1990: He was admitted as a Legal Counsel at the Court of Appeal of Bologna in 1976, became a barrister in 1982 and was admitted to the roll of the Court of Cassation in 1990.

1977-2009: He specialised in corporate criminal law from the entry into force of the so-called 'Merli Act' – which provided for **the protection of water from pollution and offences defined under previous legislation** – as discussed in **Giur. merito**, 1977, p. 103 ff., and subsequently with the emergence of the issue of the delegation of functions. He published '**Civil and tax compliance: the criminal liability of the managing director**', in **Amministrazione e finanza**, 1997, IX, p. 47 ff., and '**The criminal liability of the managing director: form and significance of the delegation of functions**', in **Amministrazione e finanza**, 1997, XI, p. 66 ff. He contributed to the collection of essays in memory of Prof. Gabriele Silingardi (2004) with '**The delegation of functions within a company and its consequences for criminal liability**'. On the role of local authorities in preventing environmental degradation caused by productive activities, see '**The State and local authorities in environmental protection. Some aspects of regulatory developments in the twentieth century**', in **The City and the Environment. Environmental and urban transformations in Modena in the 20th century*, APM, Modena, 2009. From 1997 to 2001, he taught **Commercial Criminal Law** at the Faculty of Law of Unimore.

1978-2000: He conducted in-depth research into criminal law relating to penalties, the reform of the prison system (Law No. 354/1975) and amendments to the criminal justice system (Law No. 689 of 1981). He served as an expert judge on the Bologna Supervisory Court until 1987 and taught **Criminal Policy and Prison Law** on the postgraduate course in Clinical Criminology at the Faculty of Medicine and Surgery, University of Modena (1980-1982). Publications: '**Crime, Deviance, Public Order**', in **Animazione sociale**, 1976, XX, p. 6 ff.; '**Progressive Treatment under Semi-Liberty and Life Imprisonment**', in **Rass. penit. e crim.**, 1982, p. 697 ff.; '**Failure to comply with the requirements (Article 66 of Law No. 689 of 24 November 1981)**', paper presented at the conference on '**Amendments to the penal system in Law No. 689 of 24 November 1981**' held in Cagliari on 15 and 16 October 1982, Naples, 1984, p. 271 ff.; '**The Recommendation of the Committee of Ministers of the Council of Europe on prison leave**', in *Riv. it. dir. proc. pen.*, 1984, p. 282 ff.; '**The Recommendation of the Committee of Ministers of the Council of Europe on the detention and treatment of dangerous prisoners**', in *Riv. it. dir. proc. pen.*, 1984, p. 278 ff.; '**The application of alternative sanctions at the defendant's request in offences punishable by a combined sentence**', in *Cass. pen.*, 1984, p. 316 ff.; '**The grounds for revocation of alternative sentences**', in *Cass. pen.*, 1984, p. 1010 ff.; '**Reform of conditional suspension and the treatment of drug addicts in Bill No. 2609**', in *Riv. it. dir. proc. pen.*, 1985, p. 1099 ff.; '**Paper presented at the conference on 'Reward-based legislation'**' in *Proceedings*, Milan, 1987, p. 319 ff.; '**Probation under the supervision of social services following the reform**', in **Legality and Justice**, 1988, p. 133 ff.; '**The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**', in **Italian Review of Criminal Procedure Law**, 1989, p. 1643

ff.; **Suspension of house arrest is no longer automatic in the event of absconding.** **The right to health whilst serving a custodial sentence,** in *Diritto penale e processo*, 1998, 4, p. 448 ff.; **Early release. Whether it is possible to reach the minimum period of six months by combining several periods of detention,** in *Studium iuris*, 2000, p. 702 ff.

1987–1996: on the subject of criminal law concerning culpability (the debate which, with the definitive establishment of the constitutional significance of the principle, led to Judgment No. 364/88), he focuses on the attribution of the circumstances of the offence, administrative offences and complementary legislation. Publications: **‘Culpability and the subjective element in administrative criminal offences’**, in **L’illecito penale amministrativo. Verifica di un sistema**, Padua, 1987, p. 51 ff.; **‘Error in offences concerning unauthorised transport’**, in **Diritto dei trasporti**, 1988, p. 223 ff.; **The Legislative Evolution of the Circumstances of the Offence, issue no. 10 of “Conferences and Seminars of the Institute of Forensic Application”**, Modena, 1988; **Review of G. Marconi, The New Regime for the Attribution of Aggravating Circumstances. The subjective structure**, in **Riv. it. dir. proc. pen.**, 1995, p. 1360 ff. The key work of this period is the monograph: ***Circumstances of the offence and the principle of culpability***, Modena, 1996.

1994–2003: Lectured (Unimore, Faculty of Law) on **Criminal Procedure** (see the paper presented at the conference on **‘Recent developments concerning the public prosecutor and the conduct of criminal proceedings’**, in *Proceedings*, Milan, 1998, p. 84 ff.) and, in the academic year 2002–2003, **Criminal Law** as part of the university diploma course for court clerks. In the following period (1998–2003), he taught **Special and Monographic Criminal Law** (Law degree programme) and subsequently **Criminal Law** (degree programme in Judicial and Prison Services).

1995–2004: he served as a councillor for Modena City Council (1995–2004).

2000–2006: He conducted in-depth research into criminal law relating to building and town planning, beginning with a commentary on a judgement entitled **‘Partial non-compliance with landscape planning authorisation is punishable by a fine alone’**, published in **Urbanistica e appalti**, 2001, I, p. 789 ff., followed by a paper entitled **‘The comprehensive regulation of the subject matter as a framework for complementary criminal legislation’**. **The issue of building offences**, at the conference held on 14 and 15 December 2001 on the theme **‘Models and experiences of reform of complementary criminal law’** (in *Proceedings*, Milan, 2003), in which he argued for the advisability of reclassifying criminal offences in the field of building regulations from misdemeanours to felonies. The most significant study of this period is the monograph entitled **“Planning Permission” and “Regulations” in the Criminal Law on Building Abuse: Planning Permission between the Protection of Land Use Planning and a Substantive Interpretation**, Giuffrè, Milan, 2003. The work reconstructs the content and interpretation of building offences in the legislation that came into force in July 2003 (Presidential Decree No. 380/2001), whilst critically examining interpretations – particularly those in case law – which consider not only building works carried out without a permit or in contravention of it to be of criminal significance, but also building works carried out in accordance with a permit which the judge deems unlawful. The monograph is followed by the commentary on the judgement **‘Is building work that contravenes a conservation town plan a criminal offence?’** in **Cassazione penale**, 2005, p. 2049 ff., and the article **‘The extinction of the offence through building amnesty: territorial governance under concurrent State-Region legislation’**, in **Urbanistica e appalti**, 2006, issue 12, p. 1378 ff.

2001/2002 – 2018/2019: taught **Criminal Law**, delivering courses on the system of penalties throughout this period at the Unimore **Postgraduate School for Legal Professions**.

2003–2009: published a number of historical works: **‘The “Modena Constituent Assembly of 1797” and the new conception of law: the concept of freedom’** in **The Dream of Freedom and Progress in Emilia in the Years 1796–1797**, Modena 2003, p. 59 ff.; **‘The Cispadane and European Constitutions. Ideals, common identity and the autonomous responsibility of the territories two centuries on’**, in **The First Tricolour and the Principles of Liberty and Equality**, Reggio Emilia, 2005, p. 83 ff.; **The ‘shared culture’ of the new Italy: the testimony and contribution to criminal law by Marcello Finzi**, paper presented at the conference on *‘Marcello Finzi, jurist in Modena. Universities and Racial Discrimination: Between History and Law’*, held in Modena on 27 January 2005, in *Proceedings*, Florence, p. 15 ff. **Franco Allegretti: Between Profession and Civic Commitment. Remembering My Mentor**, in *Dearest Lawyer. Dedicated to Franco Allegretti Twenty-five Years After His Death*, Proceedings of the Study Day. (Modena, 18 June 2005), Modena 2006, pp. 17–48; **‘Rights to freedom, social rights and the sanctity of the judiciary’**, paper presented at the conference on Piero Calamandrei held in Modena on 2 December 2006, published by Il Ponte, 2007; **Luosi and Modena between two centuries**, in **Giuseppe Luosi: Italian and European jurist. Translations and betrayals of codification. Proceedings of the international conference (Mirandola – Modena, 19–20 October 2006)**, Modena, 2009; **‘Political Parties and Power from Below in an Essay by Aldo Capitini’**, paper presented at the Unimore conference on 16 May 2008, in **Liberal Socialism and Non-Violence: The Civil Religion of Aldo Capitini**, Il Ponte, Florence, 2009; **The Personal and Professional Life of Franco Allegretti**, in **Carl’ Alberto Perroux and the Modena School**, Modena, 2018.

2004: Appointed **Associate Professor of Criminal Law (IUS 17)** at Unimore, Faculty of Law.

2004–2007: published ***The Status of Hospital Doctors as Public Officials***. **‘The relationship between fraud, extortion and embezzlement’** in **Reasoned Opinions on Questions Raised in Criminal Matters**, edited by Fausto Giunta, p. 83 ff. (previously published in **Studium juris** 2000). The second edition was published in 2007, p. 141 ff.

2004–2014: he was elected **Mayor of Modena** for two consecutive terms: 2004–2009 and 2009–2014;

2006–2023: He focused on the topic of urban and public safety policies and regulations, publishing the monograph ***Security, Legality and Social Cohesion: Local Government and the Prevention of Insecurity in Modena’s Politics***, Francoangeli, Milan, Criminology series, 2006, in the form of a revised collection of papers and lectures delivered in previous years. ‘Partnership’ is adopted as a method for coordinating police containment measures, criminal justice interventions and social interventions as a coherent preventive system that promotes the participation of citizens and elected bodies. Enhancing the effectiveness of local government actions becomes a means of safeguarding the *welfare state*, whose objectives and potential are constantly at risk of being undermined by urban insecurity. Published: **‘There is no conflict between welfare and security’**, in **Italia Oggi**, 28 December 2007, p. 21; he spoke as a panellist at the hearing on **the ‘Fact-finding inquiry into the state of security in Italy, the guidelines for public security policy and the organisation and functioning of the police forces’** (see: 15th Legislature, Constitutional Affairs Committee, verbatim report, 4 December 2007, in *Proceedings*

of the Chamber of Deputies, Documentation Dossier No. 129, 24 April 2008); published **'Urban security and local police: the public interest and political debate'**, in **Social Services Today**, 2009, IV, p. 12 ff.; **Europe, Local Authorities, Security, Immigration**, Speech at the round table, Proceedings of the 36th Annual Assembly of ANCI, Turin, 7–10 October 2009, in *Identity, Autonomy and Unity. Local Authorities for the Future of the Country*, p. 87 ff.; **Security in the City: Crime Prevention and Much More. 'Safest in the City: Crime Prevention but Especially Social Life'**, in *Unificazione e certificazione. The Journal of Technical Standardisation*, 2010, no. 7, p. 1; **'Urban Security, the FISU and the Unifying Perspectives on the Management of the Issue across Various Institutional Levels'**, in *Urban Security. Legal Journal of Policing*, 2010, pp. 353 ff.; **Fear: a contemporary political tool**, paper presented at the University of Modena and Reggio Emilia conference 'Voices of Fear', in Proceedings, Franco Angeli, Milan, 2011, p. 63 ff.; **Urban security. The role of local authorities**, scheduled presentation at the conference 'Urban security. The role of local authorities' organised by ANCI, Rome, Senate of the Republic, 16 February 2010, Rome, 2010, pp. 55–59; **Criminal Law, Administrative Action and the Need for New Responses to Urban Security**, Paper presented at the annual conference of the "Franco Bricola" Association, Modena, 20–21 March 2009, in "Security and Criminal Law", edited by M. Donini and M. Pavarini, Bologna 2011, pp. 245–270; **New Emergencies as Society Changes. Obsolete languages and tools in the face of unprecedented problems**, Paper presented at the conference 'The Integration of Security Policies', in **ANCI Rivista**, 2012, pp. 11 ff.; he spoke as a panellist at the hearing on 13 September 2013 before the **'Commission for the drafting of proposals on combating crime, including financial crime'** (see: 'Towards a modern anti-Mafia policy', on *Governo.it*). In **Indivisible Urban Security: Local Policies for Integrated Prevention**, Franco Angeli, 2014, Criminology Series, he explores the concept of 'integrated urban security'—both as an objective and a method of constitutionally guided policies aimed at preventing undesirable behaviour that arises in everyday urban life through a structured and coherent system of interventions by institutions, public bodies and social groups, organised according to their distinct functions, structures and approaches. The system must overcome the lack of homogeneity and self-referential tendencies of the various 'actors' and direct all actions towards the goal of urban security, without reducing it to a list of negative phenomena and critical issues to be penalised, but rather framing it as an objective to be achieved and a condition to be maintained, through a system of instruments provided for by law. The issue of urban security in relation to local prohibitions is explored in depth in **'Administrative Offences, Local Prohibitions and Urban Security: from a turbulent evolution to possible developments'**, in **Cassazione penale** 2015, pp. 2464–2483. The relationship between reactive and proactive measures for urban security is examined in depth in **'Urban Security and the Integrated Contribution of Local Authorities'**, pp. 223–235, in Proceedings of the Bricola Association conference: *'The Criminal Justice System Under Scrutiny. The Work of Massimo Pavarini: Theory, Empirical Research and Social Commitment'*, Bologna, 13–14 May 2016, Bononia University Press, 2018, p. 245 ff.; whilst the contents of Decree-Law No. 14 of 20 February 2017, converted into Law No. 48 of 18 April 2017, containing 'Urgent provisions on urban security', are discussed in **'Urban security through the prism of the punitive system'**, in **www.lalegislazionepenale.eu**, pp. 1–55, which examines in depth the controversial contribution of local authorities, in particular municipalities, to urban security policies and the safeguarding of public peace, with particular regard to measures to protect against risks, critical issues, undesirable behaviour and offences – especially property offences or violent crimes –

which undermine quality of life and social cohesion. Most recently, he published: **'Spaces and Target Groups of Urban Security Policies: The Divided City'**, in **Criminal Law and Procedure**, November 2019, no. 25, p. 1518 ff.; **'The discipline of integrated Urban Security: between Prevention of Crime and Social Cohesion'** in *Security of City. Urban Security and Integrated* (edited by G.G. Nobili, T.F. Giupponi, E. Ricifari, N. Gallo) Franco Angeli, Milano, 2019 p. 85 ff.; the monograph ***Integrated Urban Security and the Punitive System***, Giappichelli, Turin, 2019, Department of Law Series, Unimore; and the textbook for the university course ***Introduction to the Law and Policies of Urban Security***, Mucchi editore, Modena, 2023.

2008–2010: appointed Vice-President of Efus (**European Forum for Urban Security**) after having participated (2 November 2006) as a speaker on the topic *'New challenges at local level for a multicultural society'* at the conference in Zaragoza (Spain), which drew up the Zaragoza Manifesto on security as 'an essential common good, inseparable from other common goods, such as social inclusion, the right to work, to health, to education and to culture' and which states that 'we must reject any strategy that seeks to exploit fear, resorting instead to measures designed to foster active citizenship, a sense of belonging to the urban community and the development of community life'.

2008–2023: on the **regulatory framework for migration**, he published the monograph ***Le migrazioni negate. Clandestinità, rimpatrio, espulsione, trattenimento*** (Franco Angeli, **Politiche migratorie** series, Milan, 2008). Italian legislation reveals significant social and cultural tensions; it requires greater coherence and calls for the resolution of the conflict between the two approaches that have dominated to date: the exclusively social approach and the one that prioritises mere enforcement in terms of public order. **Le migrazioni negate** identifies the objectives and legal basis of expulsion, the supranational dimension, the regulation of economic migration, and the protection of the individual in the balance between integration and prevention as 'knots' to be untangled. To overcome the equation of irregular migration with deviance, it is necessary to clarify the legal basis for expulsion and detention by critically re-examining the interplay between social phenomena and the legal regulation of migration, and by overcoming the constitutional limitations repeatedly emphasised by the Court, with particular reference to *criminal cases*, which are overly focused on safeguarding the state functions governing expulsion and on *the restrictions on personal liberty* in detention centres, which are affected by the delay in defining the 'cases' of applicability under Article 13 of the Constitution. The monograph is followed by the paper presented at the conference *'The Present and Future of Immigration in a Multi-ethnic and Multicultural Society'*, held in Rimini on 30–31 October 2008, on the theme: **'Immigration and Multi-ethnic Society: the crux of urban security'**, in *Proceedings*, Rimini, 2008; and the paper **'Tenancies and non-EU citizens: the transfer of accommodation to irregular migrants for a fee'**, in **Abitare. Contracts and Judicial Protection**, p. 41 ff.; **'Local authorities on the path to integration'**, in **ANCI Rivista**, I, 2014, p. 8 ff.; **Presentation of the 5th ANCI/Cittalia Report 'Unaccompanied Foreign Minors in Italy'** (edited by Monia Giovannetti), Cittalia – ANCI Research Foundation, Rome 2014, p. 7 ff.; **The Criminal Protection of Migrant Minors in Italy**, in **Miscellanea Historico-iuridica**, Białystok, 2020.

2010–2014: President of FISU (**Italian Forum for Urban Security**); participated as a speaker at the conference that drafted the EFUS Manifesto of Aubervilliers and Saint-Denis (2 December 2012), which focused on prevention aimed not only at the 'most obvious signs' but 'as a strategic operation characterised by a better cost-benefit ratio'.

2012: Appointed full member of the **National Academy of Sciences, Letters and Arts of Modena**, where he is a member of the Section for Moral, Legal and Social Sciences.

2013-2014: National delegate for security, immigration and the rule of law at ANCI (**National Association of Italian Municipalities**);

2014: Appointed as a full member of the **National Anti-Counterfeiting Council** for the two-year period 2014-2015 at the Ministry of Economic Development.

2014-2019: Following the completion of her compulsory leave of absence, she became a tenured lecturer in **Criminal Law** on the degree programme in Legal Sciences for Business and Public Administration;

2015 - 2026 In addition to teaching Criminal Law, he also teaches **Law and Policies of Urban Security** on the Master's degree programme in Law;

2017-2018 Appointed as a member of the **Ministerial Commission for the reform of the regulatory framework governing personal security measures** and healthcare within the prison system, particularly in relation to psychiatric conditions, and for the review of the system of additional penalties established by Ministerial Decree of 19 July 2017 (Chair: Prof. Marco Pelissero).

2019 By decree of the Minister for Cultural Heritage and Activities, he was appointed President of the Section of Moral, Legal and Social Sciences of the National Academy of Sciences, Letters and Arts of Modena.

2019 Retired from the University of Modena and Reggio Emilia due to reaching retirement age

2020 He published '**Breaches of measures to combat the coronavirus: between a serious problem and a symbolic criminal provision**', in **Legislazione penale**, 20 March 2020

2025 By decree of the Minister for Culture, he was appointed President of the National Academy of Sciences, Letters and Arts of Modena.

Modena, 21 September 2026

(Prof. Giorgio Pighi)