

Studies on the protection of cultural heritage in historical perspectives have traditionally been approached within domestic systems¹, on the ground that every State has its own cultural heritage, characterized by specific features, artists and institutions², regulated by its own legal system, hierarchy of laws, legal instruments and fundamental constitutional principles³. Consequently, the history of protection of cultural heritage has been mostly studied according to one's national criterion. In the Italian tradition specifically, the laws and public acts (bylaws, petitions, public speeches, etc.) have been intensively used as a reliable source, in order to create a trustworthy framework, with which cultural debate and historical reconstruction might be intertwined⁴. This very profitable method has already been applied to the topic of protection of landscape in Italy at the beginning of the 20th century⁵ and then toward the development of landscape protection, up to modern times⁶. In a wider perspective, my research aims to understand when, where and how landscape became perceived as worthy of protection as part of a larger cultural heritage, comparing some European countries (France and the United Kingdom) with the United States of America. The origins and development of the idea of protecting the landscape will be investigated by using laws as a primary source, exploring them in different countries and in various cultural contexts, in order to point out cross-references and cultural exchanges.

* In this paper, the following words are used according to a legal technical language: object, thing, asset, item (oggetto, cosa); type of interest (tipo di interesse); legal instruments/laws/official acts (atto ufficiale, norma, legge); cultural goods (beni culturali); cultural heritage (patrimonio culturale); planning (pianificazione).

¹ ASSMANN, CZAPLICKA 1995; LEERSSEN 2006; POULOT 2006, pp. 14-18; *Whose Culture?* 2009. HOBBSBAWM 2009, *passim*, about the Nation as a modern concept which has been developed in the 19th century; recently TATCHER 2018, who has mapped the «actors» in preservation of historic buildings in a clear graphic; on the words «monument», «historic monument» and «patrimoine» see CHOAY 2009, pp. 195-197, p. 209.

² For a general overview of the Italian legal system addressing the protection of cultural heritage in the second half of the 19th century: MATTALIANO 1975; BENCIVENNI, DALLA NEGRA, GRIFONI 1987; CONDEMI 1993; *L'archivio della Direzione Generale delle Antichità e Belle Arti (1860-1890)* 1994; GIOLI 1997; D'ALCONZO 1999; BALZANI 2003; CURZI 2004; on the Italian legal system in general JALLÀ 2003; CECCHINI 2012; LEVI, LA MONICA 2015. Regarding the general matters of the Italian cultural heritage: SETTIS 2012; SETTIS 2014; SETTIS 2017. For a general overview of the British legal system: MYNORS 2006; *The Conservation Movement* 2005; GLENDINNING 2013. For the French legal system: AUDUC 2008A; *Il patrimonio culturale in Francia* 2007; GREENHALGH 2015; TATCHER 2018 in comparison with Italy; POULOT 1988, *passim*. AMBROSINI 1972, provides some general considerations about the development of the Roman Law in the Italian history and about the juridical concept of 'custom' (*consuetudine*), pp. 326-328.

³ POULOT 2006, pp. 1-6. *I territori del patrimonio* 2016.

⁴ GIOLI 1997; BALZANI 2003; SETTIS 2010.

⁵ PICCIONI 1999, 2014².

⁶ SETTIS 2010 and 2012. The main urban planning law (l. 1150/1942), the Italian Constitution (1947, art. 9), the 'decentralization' decrees (D.P.R. 616/1977), the Galasso law (l. 431/1985) and the recent Cultural Heritage Code (d.lgs.42/2004) are the Italian legal pillars for protection of landscape.

In the Old World, the legal system of conservation progressively developed from more specific (artistic, archaeological, historical) 'objects', towards larger ones (natural areas), while, on the contrary, in the New World the legal protection system developed with a completely different pattern, from the preservation of large natural areas and by introducing the concept of 'national parks' already in its first official acts.