Studies on the protection of cultural heritage in historical perspectives have traditionally been approached within domestic systems\(^1\), on the ground that every State has its own cultural heritage, characterized by specific features, artists and institutions\(^2\), regulated by its own legal system, hierarchy of laws, legal instruments and fundamental constitutional principles\(^3\). 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 intertwined\(^4\). This very profitable method has already been applied to the topic of protection of landscape in Italy at the beginning of the 20\(^{th}\) century\(^5\) and then toward the development of landscape protection, up to modern times\(^6\). 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.

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\(^1\) 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).

\(^2\) ASSMANN, CZAPLICKA 1995; LEERSSEN 2006; POULOT 2006, pp. 14-18; Whose Culture? 2009. HOBBSAWM 2009, passim, about the Nation as a modern concept which has been developed in the 19\(^{th}\) 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.


\(^5\) GIOLI 1997; BALZANI 2003; SETTIS 2010.


\(^7\) 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.