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## CONFERENCE PROCEEDINGS CONTENTS

### LAW & POLITICS

<b>1. AN EXPLORATORY RESEARCH ON FAMILY ASSOCIATIONS IN EUROPE, Ph. D Sara Nanetti, Italy .....</b>	<b>1</b>
<b>2. ANIMAL AND SLAVE IN ROMAN LAW. TAXONOMIC ISSUES RELATED TO THE NOTION OF RES. Dr. Roberto Garetto, Italy .....</b>	<b>9</b>
<b>3. ASPECTS REGARDING THE LEGAL REGIME OF THE INDIVIDUALS IN INTERNATIONAL LEGAL REPORTS. CAN INDIVIDUALS BE SUBJECTS OF PUBLIC INTERNATIONAL LAW? Lecturer Dr. Radu Stefan Patru, Romania.....</b>	<b>17</b>
<b>4. COMPARATIVE ASPECTS REGARDING THE ADMINISTRATION OF JOINT STOCK COMPANIES IN UNITARY SYSTEM AND THE ADMINISTRATION OF JOINT STOCK COMPANIES IN A DUALISTIC SYSTEM IN ROMANIA. PRACTICAL IMPLICATIONS FOR ENTREPRENEURS, Lecturer Dr. Radu Stefan PATRU, Romania .....</b>	<b>23</b>
<b>5. COOPERATION OF REGIONAL UNIVERSITY STUDENTS WITH PRACTICE: A CASE STUDY Ing. Bc. Lucie Novotna, doc. Ing. Vaclav Janecek CSc., Czech Republic .....</b>	<b>29</b>
<b>6. GENERAL REFLECTIONS ON THE LEGAL PROTECTION OF WATERS IN ROMANIA, PhD BALAN Lidia -Lenuta, PhD VIJDEA Anca- Marina, Romania .....</b>	<b>37</b>
<b>7. LEGAL AND ECONOMIC ASPECTS OF LANDMARK PRESERVATION IN THE CZECH REPUBLIC, JuDr. Jana Janderova, Bc. Dominika Tumova, Czech Republic .....</b>	<b>45</b>
<b>8. PROPERTY LAW: CASE STUDIES AND JURISPRUDENTIAL PROBLEMS IN RELATION TO THE WORLD OF JEWELS DURING THE ANCIENT ROMAN ERA Dr. Ivan Allegranti, Italy .....</b>	<b>53</b>
<b>9. RIGHTS OF PASSENGERS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY IN MARITIME AND INLAND WATERWAY TRANSPORT, Dr. Biljana Cincurak Erceg, Croatia .....</b>	<b>61</b>
<b>10. ROMANIAN INSOLVENCY LAW - SPECIAL LAW IN RELATION TO CIVIL LAW, Lect.uni.dr. Cristina Cojocaru, Romania .....</b>	<b>69</b>
<b>11. STUDENT – UNIVERSITY – EMPLOYER TRILATERAL RELATIONSHIP: A CASE STUDY, Ing. Bc. Lucie Novotna, Czech Republic .....</b>	<b>77</b>

<b>12. SUSTAINABLE TRANSPORT – LEGAL AND FINANCIAL ASPECTS</b> Assist. Prof. Dr. Biljana Cincurak Erceg, Assist. Prof. Dr. Emina Jerkovic, Croatia .....	<b>85</b>
<b>13. TAX SYSTEM OF THE RUSSIAN FEDERATION: CURRENT STATUS AND DEVELOPMENT PROSPECTS</b> Assist. Prof. Evgeniya Vasilyeva, PhD. Yuri Dergachev, PhD. Yana Lyashova, Russia .....	<b>93</b>
<b>14. THE DECLINE OF THE TEXTILE INDUSTRIAL SECTOR IN SOUTHERN ITALY IN THE SECOND HALF OF THE TWENTIETH CENTURY</b> , Assoc. Prof. Maria-Gabriella Rienzo, Italy .....	<b>101</b>
<b>15. THE EVOLUTION OF THE LEGISLATION ON THE ARTISTIC LEGACY IN ITALY. PROPOSALS OF REFORM OF THE CODE OF CULTURAL HERITAGE AND LANDSCAPE</b> , Dr. Roberto Garetto, Italy .....	<b>109</b>
<b>16. THE GLOBAL RELATIONAL. BETWEEN PROCESSES OF DIFFERENTIATION AND SUPRANATIONAL CONVERGENCE.</b> Ph.D. Sara Nanetti, Italy .....	<b>117</b>
<b>17. THE IMPERIAL DISTRESS: THE VAIN LEGAL ATTEMPTS MADE BY ROMAN EMPERORS TO LIMIT LUXURY IN ROMAN SOCIETY</b> , Dr. Ivan Allegranti, Italy .....	<b>125</b>
<b>18. THE LEGAL SIGNIFICANCE OF ENVIRONMENTAL TAXES IN THE REPUBLIC OF CROATIA</b> , Assistant Professor Emina Jerkovic, PhD, Croatia .....	<b>133</b>
<b>19. THE ROLE OF ART IN THE WELL-BEING OF HIGH SCHOOL STUDENTS FROM THE CZECH REPUBLIC, ITALY AND SLOVENIA</b> , Ing. Julius Janacek, Czech Republic .....	<b>141</b>
<b>20. THE ROLE OF PERSON AS A SUBJECT AND OBJECT IN THE SYSTEM OF ENVIRONMENTAL LEGAL RELATIONS IN THE RUSSIAN FEDERATION</b> , Assoc. Prof. PhD. Tatiana V. Chekushina, Bachelor's degree student Kirill A. Vorobyev, Postgraduate student Kurban M. Ustarov, Master's degree student Sylvestre K. Kouadio, Postgraduate student Eddy M. Tanoh Boguy, Russia .....	<b>149</b>

## **HISTORY**

---

<b>21. FEMALE EDUCATION IN THE AGE OF REFORMS: THE CASE OF THE PROVINCE OF FOGGIA</b> , Assoc. Prof. Dr. Maria-Gabriella Rienzo, Italy .....	<b>155</b>
<b>22. MASLENITSA IN THE MODERN BORDERLAND: THE CASE OF LATGALE REGION (LATVIA) AND PSKOV REGION (RUSSIA)</b> , Researcher Dr. Oksana Kovzele, Docent Dr. Natalia Bolshakova, Latvia .....	<b>163</b>
<b>23. REFLECTION OF RUSSIAN AND EUROPEAN TRADITIONS IN THE WORKS OF SIBERIAN ARTIST-MONUMENTALIST V.A. GRIGORIEV</b> , Dotsent Sergey Yamaletdinov, Professor Raisa Musat, Russia .....	<b>171</b>

**24. SOUTHERN ENTREPRENEURS AND INTERNATIONAL FINANCIAL CAPITALISM: VITO DI CAGNO, ENTREPRENEUR AND BANKER FROM BARI, ACTIVE BETWEEN THE SECOND HALF OF THE 1880S AND THE BEGINNING OF THE 20TH CENTURY**, Assoc. Prof. Dr. Maria-Gabriella Rienzo, Italy .....183

**25. THE PAST AS WEAPON. A CASE FROM THE EARLY 16TH CENTURY WALLACHIA**, Assoc. Prof. Dr. Ramona Neacsu, Romania .....191

**26. THE PRINCELY COUNCIL AT THE END 15TH AND EARLY 16TH CENTURY WALLACHIA – SOME ASPECTS**, Assoc. Prof. Dr. Ramona Neacsu, Romania .....199

---

## **PHILOSOPHY**

**27. ARTISTIC RENDITION OF VALUES IN THE MUSIC OF ROMAN BERGER A SLOVAK COMPOSER AND PHILOSOPHER OF CULTURE OF THE 20th CENTURY**, Assoc. Professor, PaedDr. Zuzana Slavikova, Slovakia .....207

**28. MACHIAVELLI'S POLITICAL PHILOSOPHY AND ITS IMPACT ON MODERN BRITISH FANTASY: TERRY PRATCHETT**, Mgr. Judita Ondrusekova, Slovakia .....215

**29. WHO IS INNOVATIVE PERSONALITY? SOCIAL AND HUMANITARIAN CHALLENGES IN THE CONTEXT OF A NEW TECHNOLOGICAL REVOLUTION**, Assoc. Prof. PhD. Yuliya Petrovskaya, Russia.....221

---

## **MUSEOLOGY & HERITAGE STUDIES**

**30. AT THE MEETING OF FRAGILITY: ELEMENTS FOR AN ETHIC OF RESPONSIBILITY AND SOLIDARITY TOWARDS THE CHALLENGES OF MIGRATION**, Assoc. Prof. Dr. Nadia-Elena Vacaru, Canada .....227

**31. CULTURAL TOURISM HERITAGE - RENAISSANCE IN TRANSYLVANIA**, Assoc. Prof. Dr. Elisabeta Ilona Molnar, Romania .....235

**32. ECCLESIAL SOCIAL TEACHING FOR THE DUTY OF HOSPITALITY AND JUSTICE IN THE CONTEXT OF MIGRATION**, Assoc. Prof. Dr. Nadia-Elena Vacaru, Canada .....243

**33. RISK ASSESSMENT AS PART OF MUSEUM MANAGEMENT**, Mgr. Marek Tomastik Ph.D., Ing. Karolina Chmelikova Ph.D., Bc. Daniela Wagnerova, Bc. Eva Cernohlavkova, Czech Republic .....251

**34. THE APPROACH TO IDENTIFY AND ANALYSE RISKS AND EXTRAORDINARY EVENTS IN MUSEUMS**, Ing. Karolina Chmelikova Ph.D., Mgr. Marek Tomastik Ph.D., Bc. Daniela Wagnerova, Bc. Eva Cernohlavkova, Czech Republic .....257

## **HISTORY OF ARTS**

---

- 35. HUMANISTIC TRENDS OF THE BOHEMIAN BRETHREN AND THEIR PRINTING HOUSE IN KRALICE**, Ph.D. Andrea Wlochova, PhD. Karolina Slamova, Czech Republic .....**265**

## **PERFORMING & VISUAL ARTS**

---

- 36. A CINEMA OF MELANCHOLY AND DISILLUSIONMENT: INVESTIGATING THE WORK OF AUSTRIAN FILM DIRECTOR WILLI FORST**, Assoc. Prof. Francesco Bono, Italy .....**273**

- 37. ACTUAL ADAPTATIONS OF THE DIARY OF ANNE FRANK IN SLOVAK THEATRES**, Dr. Adela Mitrova, Slovakia .....**281**

- 38. EROTICISM IN THE NOVEL THE CAMP OF FALLEN WOMEN AND IN ITS FILM ADAPTATION**, Monika Adamicka, Slovakia .....**289**

- 39. IMAGES OF THE GREAT WAR: NOTES ON THE PORTRAYAL OF THE FIRST WORLD WAR IN ITALIAN FILM IN THE 1930s**, Assoc. Prof. Francesco Bono, Italy .....**297**

- 40. MODERN MOTET STYLE IN PAWEŁ LUKASZEWSKI'S MUSIC**, Assoc. Prof., dr hab. Katarzyna Szymanska-Stulka, Poland .....**305**

- 41. 'MYSTICAL SPACE' IN PAWEŁ LUKASZEWSKI' SACRAL MUSIC**, Assoc. Prof., dr hab. Katarzyna Szymanska-Stulka, Poland .....**313**

- 42. SAINTS CYRIL AND METHODIUS AS HEROES OF FEATURE TELEVISION AND FILM PRODUCTIONS AFTER 1989**, Mgr. art. Stefan Timko Ph.D., Slovakia .....**321**

## **ARCHITECTURE & DESIGN**

---

- 43. A SIGHT TOWARDS THE DESIGN MUSEUM. THINKING BIG OR THINKING SMALL?**, Assoc. Prof. PhD Arch. Dorina Vlad, T.Assist. PhD Arch. Andreea Motu, Romania .....**329**

- 44. THE NOVELTY OF CULTURAL-ORIENTED DESIGN: NEW OPPORTUNITIES FOR SMES IN THE EGYPTIAN FURNITURE INDUSTRY**, Assoc. Prof. Dr. Rasha Elzeiny, Egypt .....**337**

## **LITERATURE & POETRY**

---

- 45. METATEXTUAL THEOREM IN LITERARY AND ILLUSTRATIVE PORTRAYAL OF PHYSICAL DISABILITY**, Dr. Dana Leskova, Dr. Iveta Gal Drzewiecka, Slovakia .....**349**



<b>46. MIGRATION AS A DISADVANTAGEOUS HUMAN FACTOR AND ITS LITERARY PORTRAYAL FOR CHILDREN</b> , PhDr. Alexandra Brestovicova, Prof. Dr. Zuzana Stanislavova, Slovakia .....	<b>357</b>
<b>47. REFLECTIONS OF ITALY IN THE WORK OF ANNA LAUERMANNNOVA-MIKSCHOVA</b> , Mgr. Katerina Kubanova, Czech Republic ...	<b>365</b>
<b>48. REPRESENTATION OF AXIOLOGICAL WORLDVIEW OF RUSSIAN AND ENGLISH LANGUAGES IN ARTISTIC TEXTS</b> , Assoc. Prof. Irina Balandina, Assoc. Prof. Elvira Vertyakova, Senior Lecturer Tatyana Moskvitina, Prof. Galina Shiganova, Dr. Lyudmila Yuzdova, Russia .....	<b>373</b>
<b>49. SPACING MEMORY: TOPOGRAPHIES OF MEMORY NARRATIVE IN MARGARET ATWOOD'S AND ANITA LIEPA'S FICTION</b> , Assoc. Prof. Dr. Sandra Meskova, Latvia .....	<b>381</b>
<b>50. THE REPRESENTATION OF AFRICAN CULTURE AND LIFESTYLE IN MODERN AMERICAN AND LATVIAN TRAVELOGUES: "DARK" OR EXOTIC CONTINENT</b> , Mg. Paed. Diana Ozola, Assoc. Prof. Dr. Sandra Meskova, Latvia .....	<b>389</b>
<b>51. THE REVOLUTION AND METAMORPHOSE OF THE HUMAN IN THE SCIENCE FICTION, THE LAWNMOWER MAN</b> , Assist. Prof. Dr. Timucin Bugra Edman, Dr. Hacer Gozen, Turkey .....	<b>397</b>
<b>52. VARIATIONS OF THE ARTISTIC PORTRAYAL OF THE HANDICAP (DISABILITY OF THE LOWER LIMBS) IN THE WORLD LITERATURE FOR CHILDREN AND YOUNG ADULTS</b> , Dr. Radoslav Rusnak, Slovakia .....	<b>407</b>
<b>53. VISUAL ARTS AS A THEME IN SLOVAK NON-FICTION FOR CHILDREN</b> , Prof. Dr. Zuzana Stanislavova, Slovakia .....	<b>415</b>
<b>54. CONTRASTIVE ANALYSIS OF GENDER DIFFERENCES IN LINGUISTIC CREATIVITY IN DESCRIBING COLOURS</b> , Dr. philol. Ilze Olehnovica, Mg. philol. Solveiga Liepa, Prof. Dr. philol. Vilma Saudina, Latvia.....	<b>423</b>
<b>55. INTERTEXTUALITY IN PRINTED ADVERTISEMENTS</b> , Dr. philol. Ilze Olehnovica, Mg. philol. Solveiga Liepa, Mg. hist. Dmitrijs Olehnovics, Latvia .....	<b>431</b>
<b>56. MODERN LANGUAGE POLICY OF THE EUROPEAN UNION AND THE RUSSIAN FEDERATION: A COMPARATIVE ANALYSIS</b> , Bachelor's degree student Kirill A. Vorobyev, Master's degree student Georgina A. Almeida Padilla, Assoc. Prof. PhD. Tatiana V. Chekushina, Prof. Dr. Alexander E. Vorobyev, Prof. Dr. Evgeny L. Schesnyak, Russia .....	<b>439</b>
<b>57. SOURCE DOMAIN FOOD IN PRINTED ADVERTISEMENTS</b> , Dr. philol. Ilze Olehnovica, Mg. hist. Dmitrijs Olehnovics, Mg. philol. Solveiga Liepa, Latvia ....	<b>445</b>

- 58. TOWARDS THE THEORY OF MULTIMODAL METAPHOR**, Dr. philol. Ilze Olehnovica, Mg. hist. Dmitrijs Olehnovics, Mg. philol. Solveiga Liepa, Latvia ....**453**

---

**ROMAN RELIGION & MYTHOLOGY**

---

- 59. SIBYLS - THE PASSING OF SECRETS AND KNOWLEDGE THROUGH SPACE AND TIME**, Assoc. Prof. Dr. Iulia Para, Assoc. Prof. Dr. Daniela Stanciu, Romania .....**461**

---

**RENAISSANCE PHISOPHY**

---

- 60. FROM ADAM KADMON TO POLY-HYPOSTATIC ADAM IN RENAISSACE THOUGHT**, Assoc. Prof. Dr. Adriana Citeia, Md. Vasile Cacioianu, Romania .....**469**

- 61. THE INDIVIDUATION PROCESS IN THE RENAISSANCE DOUBLE PERSPECTIVE - ABYSSAL PSYCHOLOGY AND CULTURAL ANTHROPOLOGY**, PhD. Monica Popescu, Assoc. Prof. PhD. Adriana Citeia, Romania .....**477**

---

**RENAISSANCE MUSIC**

---

- 62. INCURSION IN THE WORLD OF RENAISSANCE ORGANISTS**, University Professor Dr. Daniela-Corina Ibanescu, Romania .....**485**

- 63. ROMANIAN MUSICAL LANDSCAPE IN THE RENAISSANCE**, University Professor Dr. Daniela-Corina Ibanescu, Romania .....**491**

## THE EVOLUTION OF THE LEGISLATION ON THE ARTISTIC LEGACY IN ITALY. PROPOSALS OF REFORM OF THE CODE OF CULTURAL HERITAGE AND LANDSCAPE

**Dr. Roberto Garetto**

University of Camerino, Italy

### ABSTRACT

Italy has more World Heritage Sites than any other country in the World. This extraordinary legacy needs to be maintained and preserved. The awareness of the importance of this legacy in Italy dates back to the Renaissance, or even earlier. A brief overview of the development of the legal acts aimed at preserving the cultural heritage in Italy in the last centuries shows an advanced approach to the issue. While the pre-unitarian legislation attests a careful awareness and adopts better legal tools in specific areas of the Country, mainly Rome, Florence, and Naples, the post-unitarian regulation on the artistic and cultural legacy results careless and belated. The first organic legislation was adopted at the beginning of the XX Century, while in 1939, a precise regulation aimed at preserving the cultural heritage was finally adopted. The Italian Constitution, entered into force in 1948, at Art. 9 recognized as a fundamental value the preservation of the historical and artistic legacy. Just in 1999, However, a new systematic regulation was enacted through a consolidated law. A few years later, in 2004, after the reform of Title V of the Italian Constitution, the “Code of Cultural Heritage and Landscape” was enacted. For 15 years, this complex regulation has not changed, and it needs immediate improvement. In March 2019, the former Italian Government approved a bill aimed at reforming the “Code of Cultural Heritage and Landscape.” The interesting draft is now under consideration of the new Government.

**Keywords:** cultural heritage law, art law, artistic legacy, cultural property, heritage conservation.

### INTRODUCTION

Italy has an extraordinary artistic and cultural legacy: one of the most important in the world. It has more World Heritage Sites than any other country [1]. It is a huge responsibility for the Country to preserve this cultural heritage for future generations. At the same time, the cultural and artistic legacy represents the Italian identity itself and deserves the utmost respect and the maximum care, following Article 9 of the Italian Constitution. Landscape, art, architecture, and the whole cultural heritage are important resources in the Italian economy, as the Country is one of the prominent tourist destinations in the world. Preserving and enhancing this heritage can have, in the long term, an economic return as well.

The awareness about the preservation of this consistent cultural and artistic legacy in Italy is not something recent: for centuries, this concern is diffused, and a multiplicity of

regulations was adopted along the time. Some of them were more effective, and others less; so a part of the huge artistic and cultural heritage was lost. It was not until the XX Century that Italy started having organic regulations aimed at preserving the cultural heritage. At the moment, the “Code of Cultural Heritage and Landscape” enacted in 2004 is in force, but a new framework for the regulation of heritage protection seems an urgent need.

## **1. ORIGIN AND EVOLUTION OF A LEGISLATION AIMED AT PRESERVING THE CULTURAL AND ARTISTIC HERITAGE IN ITALY**

The notion of “cultural heritage” is related to a different set of goods that, through a process of historicization along the time, are recognized as vestiges of a specific cultural tradition [2]. In the classical age, the idea of protecting cultural heritage is absent. The Romans were familiar with the concept of the monument, as a means of conveying the collective memory, but they never had a specific regulation. Later, during the Middle Age, any interest in preserving the historical and artistic heritage lacked completely, and the activity of stripping and reusing monumental buildings and their decorative apparatus for the construction of new buildings was intense.

During the Renaissance, the new interest in antiquity focused the attention of the public authorities on problems related to the conservation and the protection of the cultural heritage. However, specific legislation aimed at preserving the art masterpieces was hardly enacted. In this historical phase, the first of the Italian states that attempted to adopt regulations for the preservation of the cultural heritage were the Papal States.

The first legislative provisions were the papal bull *Etsi de cuctarum* of 1425, promulgated by Martin V, aimed at preserving the ancient buildings of the city of Rome, and the papal bull *Cum aliam nostram urbaem* of 1462, of Pius II, that prohibited the demolition and dispossession of the Roman ruins. Subsequently, in 1474, Sixtus IV promulgated the papal bull *Cum provida Sanctorum Patrum*, which prohibited the alienation of the works of art kept in the churches and Gregory XIII in 1574 issued the papal bull *Quae publice utilia*, aimed at limiting the private appropriation of cultural heritage. The concern for the cultural heritage in Rome started increasing: significantly in 1515 Raphael, that time already a celebrated painter, was appointed by Pope Leo X, the First General Inspector of the Fine Arts [3].

During the XVI Century, archaeological excavations intensified, and important finds were discovered. The main aim of the acts promulgated in the Papal States (as well as in other pre-unified states) was limiting illegal excavations and misappropriation of archaeological finds.

The Napoleonic period produced in the Italian peninsula a remarkable plundering of works of art by churches and convents, as well as castles and palaces. The first response to the emergency deriving from the Napoleonic pillage was the chirograph of Pius VII in 1802. This act was immediately followed by the Doria Edict, promulgated by the Cardinal Doria Pamphilj at the end of the same year.

Napoleon’s defeat gave the Italian states the possibility of having back some of their stolen artworks. After this traumatic experience of spoliation, it became a priority to develop adequate legislation to protect the integrity of their historical and artistic heritage. In 1820, the Papal States issued a new provision, the Pacca Edict, which was

the most innovative and modern legislative text and became the model that inspired both coeval and future legislation [4]. The Pacca Edict faced numerous issues. It extended the protection to several types of artworks and regulated the archaeological excavations and the exports of artworks and archaeological finds. The principle of cataloging the artworks was established. The act provided restrictions regarding private assets of artistic goods and established specific control bodies.

In the other pre-Unitarian states of the Italian peninsula, the legislation aimed at the protection of the cultural heritage was not as extended as in Rome. The only two states that showed the most sensitivity to the problem were the Grand Duchy of Tuscany and the Kingdom of Naples. In the Grand Duchy of Tuscany, especially in Florence, was located a high number of works of art from the Renaissance period. In the Kingdom of Naples, there were plenty of archaeological works, especially after the discovery of Pompeii and Herculaneum. Both the states adopted legislation based on the model of the Pacca Edict: Naples in 1822 and Tuscany in 1854. The main aim of the adopted regulations was limiting the circulation of works of art, especially to foreign countries, and cataloging the artistic heritage.

After the unification of the Kingdom of Italy, the Pacca Edict remains the reference regulation for decades. The first attempts at protective legislation date back to 1872, but no earlier than 1902, a specific law was promulgated (Law no. 185/1902).

In 1909, with the Rosadi law (Law no. 364/1909), Italy had for the first time, an organic law for the protection of the cultural heritage [5]. The Rosadi law affirmed pivotal points: the inalienability of state property and the public heritage, and the binding regime for the private property, implemented through the system of notifications and pre-emptions. The same law established the Superintendents as peripheral offices of the State for the control over the territory.

The Bottai Laws, promulgated in 1939, is the prominent legislation concerning the protection of cultural assets in the XX Century. Simultaneously two acts entered into force: Law no. 1089/1939, on the conservation of the cultural heritage, and Law no. 1497/1939, aimed at preserving the landscape. This new regulation had a systematic approach but was not followed by application decrees. The Bottai laws extended the concept of cultural property [6] to all what is relevant to the history of the nation, and can be considered of public enjoyment.

## **2. THE HISTORICAL AND ARTISTIC HERITAGE IN THE ITALIAN CONSTITUTION AND THE SUBSEQUENT LEGISLATION.**

Unlike the Albertine Statute, that was previously in force in Italy, which did not rule in order to specific aspects of the citizens' life [7], the Article 9 of the Italian Constitution, entered into force in 1948, establishes that «[t]he Republic promotes the development of culture and of scientific and technical research. It safeguards the natural landscape and the historical and artistic heritage of the Nation». Article 117, modified contextually to the reform of Title V of the Italian Constitution in 2001 [8], attributes to the Regions the enhancement of cultural and environmental properties, including the promotion and organization of cultural activities, and the development of scientific and technological research. These constitutional provisions outline the principles of the so-called "Cultural constitution" [9] that regulate culture and offer protection to the cultural goods and

cultural heritage. The “Cultural constitution” is based on two fundamental principles. The first one is the promotion and development of culture and research: the Italian Republic is committed to preserving, enhancing and encouraging the progress through the promotion of culture in the Country, like all the most advanced countries in the world; at the same time it avoids imposing models, methods and objectives and limiting the freedom of art, culture, and science. The second fundamental principle is the protection of the landscape and the cultural and environmental assets. For this purpose, the state has a defensive approach essentially, trying to preserve as much as possible the landscape and the environmental assets in the original condition, with a conscious regulation of the interventions. Concerning the notion of “cultural heritage” in the Italian Constitution, it consists mostly in the preservation of the physical integrity of the asset and, at the same time, in the enhancement of the function of the cultural goods available to individuals and social formations.

It must be stressed that, according to Article 117 of the Italian Constitution, the environmental protection falls within the exclusive competence of the State, but the enhancement of cultural and environmental assets is a concurrent competence between the State and the Regions [10].

The second half of the XX Century did not present in Italy relevant innovations on the legislative plane about the cultural heritage until it is the last decade. The Legislative Decree no. 12/1998, implementing Law no. 59/1997, the Bassanini Law [11], at chapter V, entitled “Cultural heritage and activities”, gives for the first time a precise definition of cultural heritage at Article 148 (“Definitions”, paragraph 1, letter a): «those that make up the historical, artistic, monumental, demo-ethno-anthropological, archaeological, archival and book heritage and the others that constitute testimony having the value of civilization». The same article defines the terms «environmental goods», “protection,” “management,” “valorization” and “cultural activities”. With this legislative act, the traditional definition of “cultural heritage” is expanded, to include photographs, audiovisuals, musical scores, scientific and technical tools. Law no. 88/1998, concerning the “Regulations on the circulation of cultural heritage” in Annex A (“Categories of assets”), gives as well a list of categories of cultural heritage.

As in 1997 a law (Law no. 352/1997 “Provisions on cultural assets”) delegated the government to collect in a legislative decree the single text of the legislative dispositions in force for cultural and environmental assets, two years later the legislative decree implementing this law was promulgated (Legislative Decree no. 490/1999, “Consolidated text of the legislative provisions on the subject of cultural and environmental goods”). The definition of cultural property given in the legislative decree follows those offered by the previous provisions.

### **3. THE “CODE OF CULTURAL HERITAGE AND LANDSCAPE.” RECENT PROPOSALS OF REFORM**

The measures that have taken place since the late nineties of XX Century have redesigned the whole discipline of cultural heritage, simplifying it. This lengthy process led to the approval in 2004 of the “Code of cultural heritage and landscape” (Legislative Decree no. 42/2004) [12]. It must be pointed out that it was chosen the form of “code” (a *corpus* of organized provisions), instead of the one of consolidated law. The reason for this choice is that the lawmaking process was aimed at promulgating a new

discipline, instead of at systematizing the previous regulations. The guidelines of this new discipline are the constitutional values of preservation and enforcement of cultural heritage. The Code consists of 184 articles, divided into five parts: the first part comprises 9 articles and contains the «General Provisions», the second part consists of 121 articles and regards the «Cultural Heritage», the third part is composed of 29 articles and treats of the «Landscape Heritage», the fourth part consists of 22 articles and deals with the «Sanctions», the fifth part consists of 3 articles and contains the «Transitional Provisions».

The Code establishes what a cultural good is, defining at the same time the constraints to which they are subjected, as well as the related protection actions and safeguards to be implemented. It classifies the cultural heritage in two different typologies: the cultural heritage in the strict sense, which consists of the historical, artistic, archaeological assets, and the cultural heritage in the broad sense, coinciding with the landscape, as a result of human and historical interventions [13].

The “Code of cultural heritage and landscape” had been sectionally amended in the last years. Recently the Legislative Decree no. 83/2014, so-called *Art Bonus*, introduced provisions aimed at the protection of cultural heritage, at the development of culture and the enforcement of tourism, and the Ministerial Decree no. 44 of 23/01/2016 reformed the Ministry of Cultural Heritage, Cultural Activities, and Tourism.

On 28 February 2019, the former Italian government approved a bill aimed at reforming the “Code of cultural heritage and landscape” in order to allow a systematic reorganization of the subject and the necessary adaptation to the reforms that occurred after the Code was issued. It was a two-year delegation within which the government could have adopted one or more legislative decrees to be submitted to the vote of the Parliament. The new government, in office since 5 September 2019, may, if deemed appropriate, implement the bill and reform the Code.

The bill indicates the general principles and criteria to be followed to carry out the reform. Their examination can be interesting to identify the future legal framework for cultural heritage. The legislative provisions in force with European legislation must be formally and substantially coordinated. The normative language must be adequate, updated and simplified. The discipline contained in the reformed code must be unequivocal, complete, clear and straightforward.

The tools for identifying, preserving, supervising, and protecting cultural assets and their territorial contexts must be updated to strengthen their effectiveness. The categories of assets subjected to protection must be renovated, and the administrative procedures that can be activated to protect them must be more efficient. It will ensure compliance with the principles contained in Article 9 of the Constitution. The reformed Code should be coordinated with the international agreements stipulated on the subject of cultural heritage and landscape.

An important aspect of the drafted reform of the Code concerns the role of private citizens in the cooperation, participation, and support of the activities of conservation, enhancement, use, and management of cultural heritage. Concerning the circulation of cultural goods at the national and international level, it will be necessary to improve the effectiveness, transparency, and efficiency of the control function. It will be necessary to revise the discipline of the process of expropriation of cultural property and the declaration of public interest of the landscape asset. The methods of valorization of state

assets not exposed to the public will be regulated, also through their assignment to public and private museums for exhibition purposes.

The instances that aimed this draft of reform proposals are undoubtedly positive. The effort to implement the principles of Article 9 of the Italian Constitution is appreciable. The necessity of coordinating the Code to the European Union legislation and the international agreements is mandatory. The updating of the categories of assets subjected to protection as cultural heritage is an urgent need, as culture is a phenomenon in constant evolution. The opportunity of involving private citizens in activities related to the cultural heritage can become, in the long term, a helpful resource, and the improvement in the circulation of cultural goods, in the Country and abroad, can be a good chance both in economic and cultural terms. The question now is whether and when this draft of reform can be implemented.

## CONCLUSION

The brief overview of the development of the legislation aimed at preserving the cultural heritage in Italy shows, from the beginning, an advanced approach to the issue. The first organic legislation adopted in the whole Country dates back to the first half of the XX Century. The Italian Constitution, entered into force in 1948, is an essential milestone, as Article 9 recognized as a fundamental value the preservation of the historical, cultural and artistic legacy. In the second half of the last century, Italy promulgated several laws aimed at protecting cultural heritage. Finally in 2004, after the reform of Title V of the Italian Constitution, the “Code of Cultural Heritage and Landscape” was enacted. For 15 years, this complex regulation has not significantly changed, and it needs immediate improvement, as culture is a complex phenomenon in constant evolution: new typologies of artworks need to find effective protection. At the same time the Italian cultural heritage is highly significant and quite extended. Therefore, new effective forms of protection must be implemented. In March 2019, the former Italian Government approved a bill aimed at reforming the “Code of Cultural Heritage and Landscape.” The interesting draft is now under consideration of the new Government. The cultural heritage in Italy is, at the same time, a huge responsibility, to the new generations and to the whole humanity, and a great resource, in economic terms. The right choices in the current lawmaking process will have a significant effect on the preservation of the Italian cultural heritage in the next decades.

## REFERENCES

- [1] VENTURA C., CASSALIA G., DELLA SPINA L., New models of public-private partnership in cultural heritage sector: sponsorships between models and traps, in *Procedia: social & behavioral sciences*, volume 223, p. 257, 2016.
- [2] GUERZONI G., Cultural Heritage and Preservation Policies: Notes on the History of the Italian Case, in HUTTER M., RIZZO I. (eds) *Economic Perspectives on Cultural Heritage*, Palgrave Macmillan, London, 1997, p. 107.
- [3] BATTILANI P., BERNINI C., MARIOTTI A., How to cope with dissonant heritage: a way towards sustainable tourism development, *Journal of Sustainable Tourism*, volume 26, issue 8, pp. 1421; 1433 *sub* note 1, 2018.



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- [4] THATCHER M., State production of cultural nationalism: political leaders and preservation policies for historic buildings in France and Italy, *Nations and Nationalism*, volume 24, issue 1, p. 74, 2018.
- [5] AVETA R., Opacity and silence surrounding the cultural properties trade, in CINGULA M., RHEIN D., MACHRAFIP M. (eds), *Economic and Social Development (Book of Proceedings)*, 31st International Scientific Conference on Economic and Social Development - "Legal Challenges of Modern World", Varazdin Development and Entrepreneurship Agency, Split 2018, p. 370.
- [6] COCCOLO F., Law no. 1089 of 1 June 1939. The Origin and Consequences of Italian Legislation on the Protection of the National Cultural Heritage in the Twentieth Century, in PINTON S., ZAGATO L. (eds), *Cultural Heritage. Scenarios 2015-2017*, Edizioni Ca' Foscari, Venezia, 2018, p. 195.
- [7] MECCA G., In Keeping with the Spirit of the Albertine Statute—Constitutionalisation of the National Unification, in MÜSSIG U. (ed), *Reconsidering Constitutional Formation II - Decisive Constitutional Normativity. From Old Liberties to New Precedence*, Springer Open, Cham 2018, pp. 316-317.
- [8] CARTEI G.F., FERRARO V., *Rapports: Italy: Reform of the Fifth Title of the Italian Constitution: A First Step Towards a Federal System?*, *European Public Law*, volume 8, issue 4, p. 445, 2002.
- [9] ARONSSON P., National Museums as Cultural Constitutions, in: ARONSSON P., ELGENIUS G. (eds), *National Museums and Nation-building in Europe 1750-2010: Mobilization and Legitimacy, Continuity and Change*, Routledge, London-New York 2015, p. 168.
- [10] CARAVITA DI TORITTO B., Constitutional reform: Local government and the recent changes to intergovernmental relations in Italy, in STEYTLER N., *The place and role of local government in federal systems*, Konrad-Adenauer-Stiftung, Johannesburg 2005, pp. 150f.
- [11] CONTI A., VETRITTO G., The Case of Italy: No Urban or Territorial Policies in the Nation that Gave Birth to Local Government, in Spruk R., *European Regional Development: Fate, Fortune or Good Policies?*, ELF, Brussels 2018, p. 115.
- [12] ROTONDO F., The Istitutional Framework for Planning Instruments and Heritage Protection, in ROTONDO F., SELICATO F., MARIN V., LOPEZ GALDEANO J. (eds), *Cultural Territorial Systems: Landscape and Cultural Heritage as a Key to Sustainable and Local Development in Eastern Europe*, Springer, Switzerland 2016, p. 367.
- [13] MATTONE M., Sustainable Interventions for the Preservation of Earthen Heritage, *Procedia Engineering*, volume 161, p. 2157, 2016.

