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“MIRRORING THE MOST CULTURED  
STATES OF EUROPE”.  
ARTISTIC SCHOLARSHIP AND THE  
DEVELOPMENT OF HERITAGE  
PROTECTION IN THE AGE OF REASON\*

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**Abstract**

*The present essay offers an overview of the heritage protection regulations that were issued in a number of European States in the 18<sup>th</sup> century. The purpose of the discussion is to demonstrate that the innovations of the Enlightenment had profound implications on the construction of new practices for safeguarding what was thought of as “heritage” in each relevant context. As will be argued, diverse factors contributed to a widespread increasing awareness of the need to protect “juridically” the treasures of the state, including, most significantly, the launch of excavation campaigns across Europe and models offered in bordering countries. In this context, it will become evident that these early elaborations constituted the ground for the modern understanding of the concepts of “heritage” and “protection” in Europe.*

**INTRODUCTION**

To understand the process of genesis and expansion of the first heritage protection systems, it is fundamental to acknowledge the fact that, although humans have always produced artefacts, their recognition that these goods constituted “heritage” requiring safeguarding practices arose at a later stage. In Europe, the territories that established the earliest and most solid tradition in this regard were the Papal States. The Catholic pontiffs produced the first regulation on the defence of the public assets of Rome as early as 1425, issuing more than 30 further directives on the supervision of ancient monuments, statues and paintings over the following four centuries.<sup>1</sup> In the 17<sup>th</sup> century, other countries in Europe began to have concerns regarding the defence of their local heritage, notably the Grand Duchy of Tuscany, Sweden and

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1 For more on this topic, see Simonella Condemi, *Dal ‘Decoro et Utile’ alle ‘Antiche Memorie’. La tutela dei beni artistici e storici negli antichi Stati Italiani* [From ‘Ornamental and Beneficial’ to ‘Ancient Mementoes’. Protecting Historical and Artistic Heritage in the Old Italian States] (Bologna: Nuova Alfa, 1987); Valter Curzi, *Bene culturale e pubblica utilità. Politiche di tutela a Roma tra Ancien Régime e Restaurazione* [Cultural Heritage and Public Benefit. Protection Policies in Rome Between Ancien Régime and Restoration] (Roma: Minerva, 2004); Andrea Emiliani, *Leggi, bandi, provvedimenti per la tutela dei beni artistici e culturali negli Antichi Stati Italiani 1571–1860* [Laws, Announcements, Provisions to Protect Artistic and Cultural Heritage in The Old Italian States, 1571–1860] (Bologna: Alfa, 1978), 55–115.

Denmark.<sup>2</sup> In spite of these earlier cases, however, it can be argued that the first comprehensive laws on the protection of artefacts in Europe were conceived in the 18<sup>th</sup> century, following the methodological and theoretical innovations of the Enlightenment. The scope of the present study is to examine some of these regulations, which can be identified as the most relevant in terms of their contents, evaluating both their origins and implications for the protection of what was thought of as “heritage” in each relevant context.

## ENLIGHTENED EUROPE

To contextualise the establishment of shared practices for the preservation of local artefacts in European countries, the wide-ranging innovations that the Enlightenment introduced within culture, philosophy, juridical knowledge and the art system should be taken into account. Indeed, the scholars and theorists of the Age of Reason were not concerned exclusively with the role of “reason” in the functioning of human existence. The growing importance of Diderot and D’Alembert’s *Encyclopédie* in Europe (**fig. 1**) sanctioned the acceptance of three elements in the intellectual life of the time: reason, as already mentioned, as well as imagination and memory<sup>3</sup> – which can be associated respectively with the attributes of discernment, vision of the future, and recollection of the past. The reciprocal interaction of these three factors was to play a significant role in the developing awareness of the need to protect “juridically” what was thought of as “collective heritage” – that is to say, safeguarding the treasures created by the ancestors for the benefit of their descendants. In this respect, it should be acknowledged that the modern concept of the “state” also matured in the 18<sup>th</sup> century, thanks to the increasing influence of earlier philosophers such as Spinoza and Locke, and the new elaborations of Voltaire, Montesquieu and Rousseau (**fig. 2**).<sup>4</sup> This was supported by the growing conviction that new juridical reforms were required within each country to establish modern sets of rules specifically adapted to local needs, breaking the thousand-year old prominence of Justinian’s law in Europe.<sup>5</sup>

A further significant aspect of 18<sup>th</sup>-century erudition concerns the interaction of two conflicting tendencies in the definition of the concept of heritage. First of all, the “cosmopolitanism” of the scholars in Europe, particularly referring

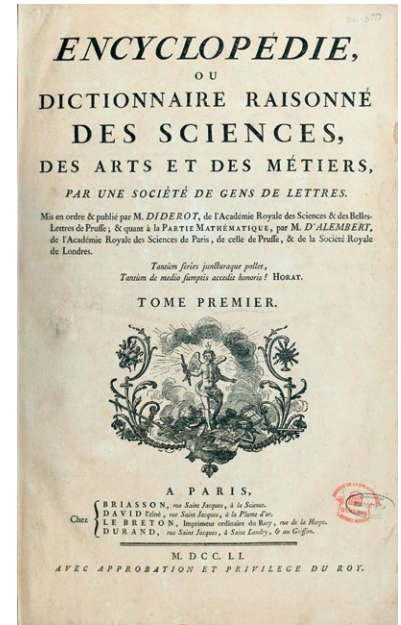


Fig. 1. Denis Diderot and Jean le Rond D’Alembert, *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers* (Paris, 1751–1772), first volume, cover page.

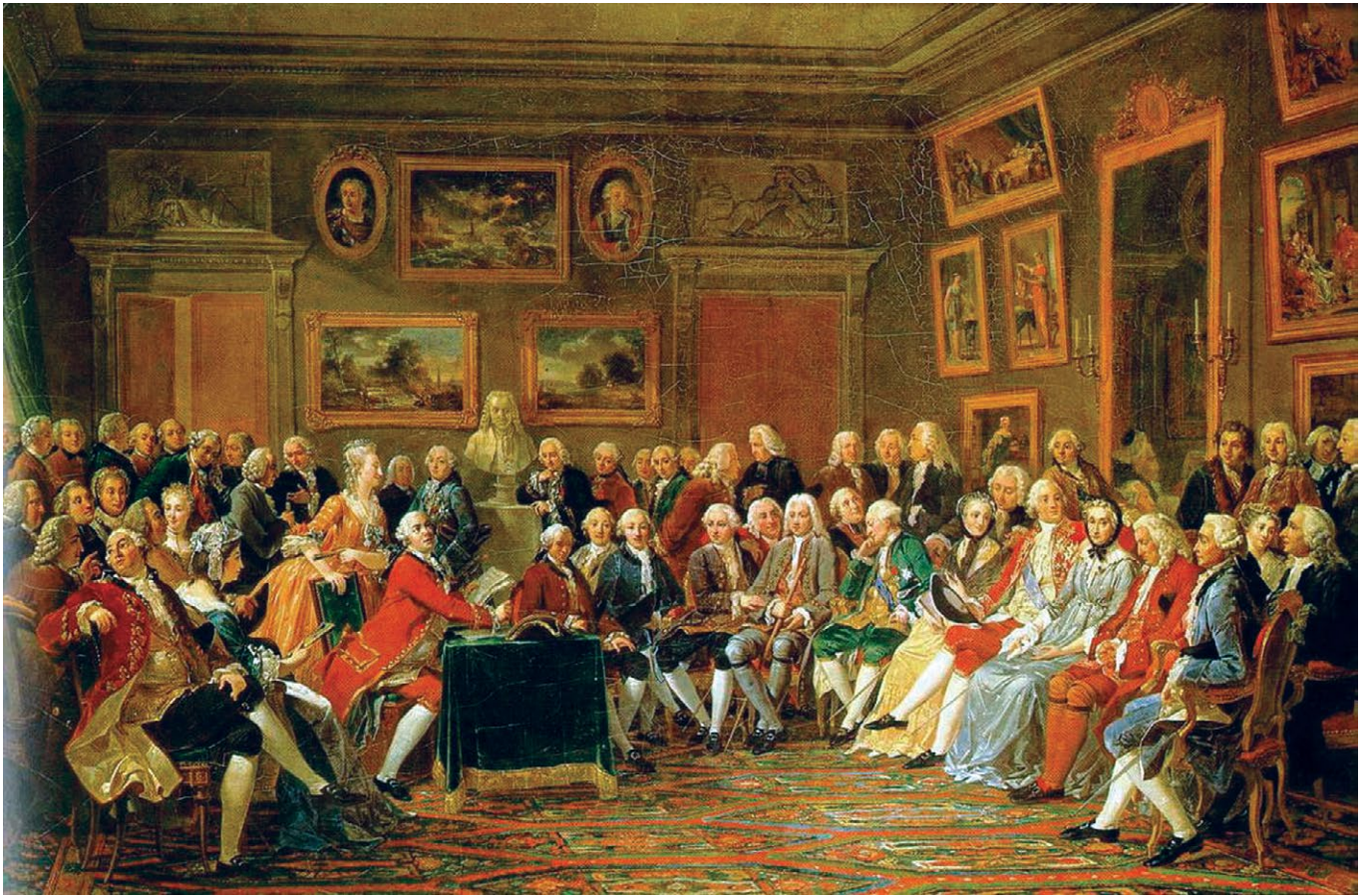
2 For more on these countries, see Emiliani, *Leggi, bandi*, 23–53; Thomas Adlerkreutz, “The Royal Placat of 1666. Briefly about Background and further Importance,” in *Historical Perspective of Heritage Legislation. Balance between Laws and Values*, eds. Riin Alatalu, Anneli Randla, Laura Ingerpuu and Diana Haapsal (Tallin: Icomos, 2017), 6–15; Chiara Mannoni, “Tutela del patrimonio in età barocca. Tra Svezia e Stato Pontificio, il Placat per la protezione delle antichità scandinave” [Protecting Heritage in the Baroque. Between Sweden and the Papal States, the Placat to preserve the Scandinavian Antiquities], *Il Capitale Culturale. Studies on the Value of Cultural Heritage*, no. 23 (2021): 309–331; Chiara Mannoni, *Art in Early Modern Law. Evolving Procedures for Heritage Protection in 15<sup>th</sup>- to 18<sup>th</sup>-Century Europe* (Leiden: Sidestone Press, 2022), 7–53.

3 Vincenzo Ferrone, “Conoscenza e Immaginazione. L’*Encyclopédie* e la critica della rivoluzione scientifica nel Seicento” [Knowledge and Imagination. The *Encyclopédie* and the Critique on the Scientific Revolution in 1600s], in *Illuminismo. Storia di un’idea plurale*, eds. Massimo Mori and Salvatore Veca (Roma: Carrocci, 2019), 37–58.

4 For more on this topic, see Antonio Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all’età contemporanea* [History of Law in Europe. From the Middle Age to the Present] (Bologna: il Mulino, 2016).

5 Ibid.





**Fig. 2.** Anicet Charles Gabriel Lemonnier, *Reading of Voltaire's "L'Orphelin de la Chine" in the salon of Madame Geoffrin, with Rousseau, Montesquieu, Diderot, and D'Alembert*, 1812, oil on canvas, Castle of Malmaison, Rueil Malmaison.

to the intellectuals involved in the debates within the Republic of Letters,<sup>6</sup> and second, the “territorialism” implied in the urgency to preserve antiquities, monuments and paintings within each pertinent state.<sup>7</sup> From this perspective, it can be affirmed that such a conflict gave rise to the contemporary concepts of heritage. In fact, nowadays the material products of the past are considered global resources worthy of protection for the universal advancement of culture and knowledge. On the other hand, there is widespread agreement that these assets should remain in the place where they were created, or where they have been transferred on the basis of a legal arrangement.

## THE PAPAL STATES

Following a centuries-long tradition, at the beginning of the 1700s the Papal States established a set of four new regulations aiming to reduce the outflow of ancient materials – the so-called *Edicts Spinola* by Pope Clement XI.<sup>8</sup> The second of these edicts, issued in 1704, prescribed specifically that “Mural

6 Marc Fumaroli, *The Republic of Letters* (New Haven: Yale University Press, 2018); Orietta Rossi Pinelli, *Le arti nel Settecento Europeo* [The Arts in 18<sup>th</sup>-Century Europe] (Torino: Einaudi, 2009).

7 Massimo Mori, “Le tradizioni cosmopolitiche” [Cosmopolitan Traditions], in *Illuminismo. Storia di un'idea*, 173–196.

8 For a study on Papal legislation in English, see Chiara Mannoni, “Protecting antiquities in Early Modern Rome: the Papal Edicts as Paradigms for the Heritage Safeguard in Europe,” *ORE Open Research Europe*, no. 1:48 (2021): 1–12; Chiara Mannoni, *Artistic Canons and Legal Protection. Developing Policies to Preserve, Administer and Trade Artworks in 19<sup>th</sup>-Century Rome and Athens* (Frankfurt: Max-Planck Institute, 2023).

Paintings, Stuccos, Floors, Figures, or other works in Mosaic, Monuments, or Sepulchres<sup>9</sup> must be declared and registered at the central offices of the state. Evidently, its aim was to control the growing number of illegal excavations in and exports of antiquities from Rome.

A subsequent refinement of the concept of “heritage protection” occurred in 1733, in the *Edict Albani* by Pope Clement XII. At the outset, this edict reissued the older 15<sup>th</sup>-century prohibition on the trade of “things (...) altered and counterfeit,”<sup>10</sup> described as small forged items which were usually sold to foreigners. It also introduced the protection of “Paintings, Mosaics, and Pictures (...) both ancient and modern,”<sup>11</sup> thereby attributing value to transportable paintings after a longstanding exclusive interest in antiquities. These significant developments can be contextualised in relation to the European art market and scholarship of that time. Indeed, the trade of forged antiquities had expanded in Rome during the last decades of the 1600s, caused both by European collectors’ increasing demand for artworks, and by a serious economic crisis which affected local artists.<sup>12</sup> In addition to antiquities, increasing exports of paintings responded to a growing interest in Italian Renaissance art on the part of European collectors and scholars. As already mentioned, movable paintings had been excluded from supervision before the 18<sup>th</sup> century, thus making their exportation from the Papal States exceedingly easy. Seeking to respond to these new trends, in 1733 the pope included both paintings on wood and canvas under the protective umbrella of law in order to minimise the outflow of pieces that were considered significant for the state.

Papal legislation on the subject of heritage reached a peak with the *Edict Valenti Gonzaga* issued by Pope Benedict XIV in 1750 (**fig. 3**). This can be seen as the first regulation that not only corrected omissions in previous laws, but also aimed at full execution. To achieve this, two innovative prescriptions were established. The first involved the concept of “heritage.” The inclusion of an open-ended clause at the end of the list aimed to incorporate objects that were not explicitly mentioned: “any other work (...) which is in Rome, and outside Rome.”<sup>13</sup> This could indicate that the definition of an “artefact” had begun to be seen as an evolving concept, impossible to define *a priori*, but to be verified according to each case. For the first time, the definition of “artwork” also included artefacts that were located “outside Rome,” that is, in the provinces of the state.

The second innovation involved the appointment of three assessors to carry out the procedures of inspection and control of heritage, supporting the work

9 “Pitture, Stucchi, Pavimenti, Figure, o altri lavori di mosaico, Monumenti, o siano Sepolcri.” Emiliani, *Leggi, bandi*, 67. If it is not stated otherwise, the translations of the quotations are made by author.

10 “Cose ... alterate e falsificate.” Ibid., 73.

11 “Pitture, Mosaici, e Quadri ... opere tanto antiche, quanto moderne.” Ibid., 72.

12 For a wider perspective on these and the next observations, see Condemi, *Dal 'Decoro et Utile'*, 35–64; Francis Haskell, *Patrons and Painters. A Study in the Relations between Italian Art and Society in the Age of the Baroque* (London: Chatto & Windus, 1963).

13 “Altre opere ... esitenti in Roma, o fuori Roma.” Emiliani, *Leggi, bandi*, 76.



**Fig. 3.** Giovanni Paolo Pannini, *Gallery of views of ancient Rome*, 1758, oil on canvas, Louvre Museum, Paris.



of the main commissary.<sup>14</sup> The major shortcoming of earlier papal regulations, in fact, was that they did not establish any extensive system of administration throughout the territory of Rome.<sup>15</sup> The laws, therefore, had generally remained quite abstract lists of provisions, impossible to implement. The three new assessors instituted with the *Edict Valenti Gonzaga* were expected to take care of, respectively, painting, sculpture and “Cameos, Medals, Engravings, and any other kinds of Antiquity.”<sup>16</sup> The main position of commissary, for its part, began to be filled soon after 1750 with exceptionally knowledgeable appointees such as Johann Joachim Winckelmann and Filippo Aurelio Visconti.<sup>17</sup>

Shifting our focus away from the Papal States, it is worth examining the wider politico-cultural panorama in Europe during this era. In the early 18<sup>th</sup> century major excavations and survey campaigns were launched in different areas of the central and southern parts of the continent.<sup>18</sup> In 1738 the site of Herculaneum was first discovered and excavated; ten years later excavations in Pompeii also began. In 1744 informal digs were launched in the Etruscan sites of Tuscany. At the same time, local excavations and landscape searches began in the northern regions of Germany. In 1734, the so-called *Resolution of Drenthe* was issued in the Netherlands to protect the *hunebeds* – megalithic prehistoric dolmens – from removal and destruction, with the aim of fostering local

14 The Commissary of Antiquity was first appointed in 1534, but it was clearly impossible for a single person to administer and supervise the full extent of the Arts in Rome. Ronald Ridley, “To Protect the Monuments: The Papal Antiquarian (1534–1870),” *Xenia Antiqua*, 1 (1992): 118–154.

15 Ibid.

16 “Camei, Medaglie, Incisioni, ed ogni altra sorte di Antichità.” Emiliani, *Leggi, bandi*, 77.

17 Ridley, “To Protect the Monuments.”

18 For the history of archaeological research, see Alain Schnapp, *The Discovery of the Past: The Origins of Archaeology* (London: British Museum Press, 1996).

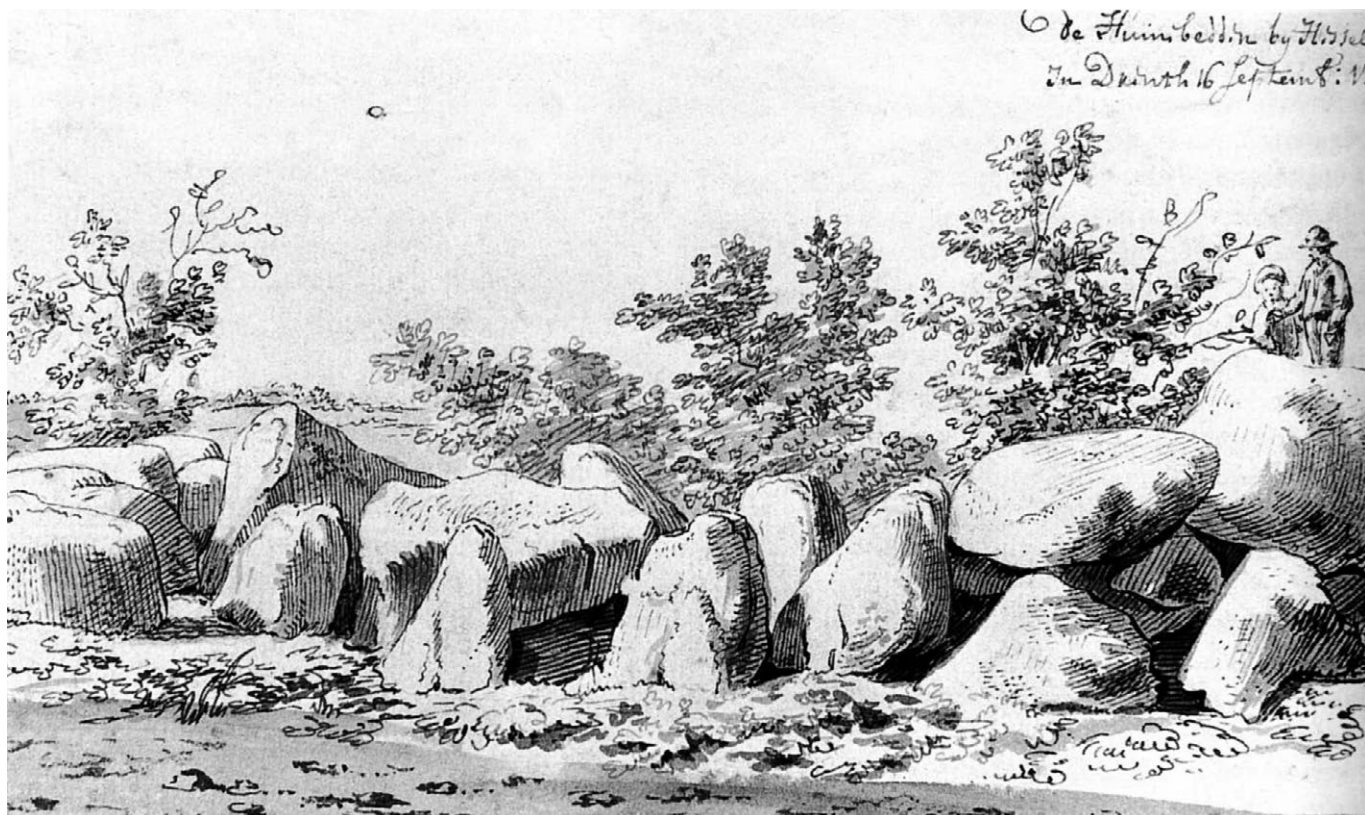


Fig. 4. Cornelis Pronk, “Hunebed” of Havelte, 1737, printing, from: Roel Sanders, *Schilders van Drenthe* (Zuidwolde: Het Drentse Boek, 2003).

explorations and surveys (fig. 4).<sup>19</sup> These and further initiatives would have permanent effects on the protection of heritage all over Europe, prompting new legislation not only in the states which were directly involved, but also in other countries that acknowledged the importance of such innovations. In this regard, it can be affirmed that the laws issued in the Papal States throughout the early modern period were a model for other countries – or to be more specific, they set an example for the launch of prescriptive frameworks to approach heritage preservation in terms of both the law and collective responsibility.<sup>20</sup>

## THE KINGDOM OF NAPLES

The Kingdom of Naples did not have any regulations on the protection of the local heritage before the second half of the 18<sup>th</sup> century. In 1755, Charles III of Bourbon issued the *Prammatica LVII* and the *Prammatica LVIII*, explicitly quoting the model of “the most cultured States of Europe”<sup>21</sup> for the measures he set up. The two new regulations were intended to encompass any kind of antiquity under supervision, as well as “ancient paintings, made on

19 Jean Albert Bakker, *Megalithic Research in the Netherlands (1547/1911)*. From ‘Giants Beds’ and ‘Pillar of Hercules’ to *Accurate Investigations* (Leiden: Sidestone Press, 2010); Chiara Mannoni, *Art in Early Modern Law*, 7–53.

20 On the model of papal legislation in the Old Italian States and Europe, see Mario Speroni, *La tutela dei beni culturali negli Stati Italiani preunitari* [Protecting Cultural Heritage in the Old Italian States] (Milano: Giuffrè, 1988); Mannoni, “Protecting Antiquities in Early Modern Rome.”

21 “Stati più culti d’Europa.” Speroni, *La tutela dei beni culturali*, 81. For legislation issued in the Kingdom of Naples, see Paola D’Alconzo, *L’anello del Re. Tutela del patrimonio storico-artistico nel Regno di Napoli, 1734–1824* [The King’s Ring. Protecting the Historic and Artistic Heritage in the Kingdom of Naples, 1734–1824] (Firenze: Edifir, 1999).



canvas, panel, wood, copper, and silver.”<sup>22</sup> However, not all such items were automatically banned from export, but only those that “for their excellence (...) or other rarity, deserve to be valued,”<sup>23</sup> that is, considered top-quality according to 18<sup>th</sup>-century Neapolitan scholarship. Interestingly, safeguards for “ancient paintings cut off the walls”<sup>24</sup> were also recommended in response to the practice of removing frescoes from buildings, which had become a pioneering technique in archaeology after the unearthing of Herculaneum and Pompeii. The law also introduced the first form of protection of ancient instruments, understood as domestic and common items found during digs, which went from being generally ignored by antiquarian scholarship to being designated worthy of protection. It is clear that the discovery of Herculaneum and Pompeii disclosed new ranges of materials and introduced innovative studies, classifications, and models related to the idea of antiquity and protection within the Enlightenment. Together with these conceptual innovations, the *Prammaticae* also touched on the practical implications of heritage protection by establishing a body of three administrators, who were responsible respectively for statues and monuments, paintings, and quarries and marbles, and carried out all attendant supervision and inspection procedures.

## SPAIN

The country that seemed to best acknowledge the outcomes of the new archaeological innovations was Spain, probably because King Philip V of Spain was the father of Charles III of Naples. It is likely that the introduction of new measures regulating the excavation and protection of antiquities in these two countries were interconnected. Indeed, it is not a coincidence that Philip V – a fine collector of ancient relics and statues – launched the first provisions on the protection of Spanish artefacts in 1738, exactly when excavations in Herculaneum started.<sup>25</sup> In that year, he founded the first institution dedicated to the preservation and study of ancient monuments in Spain: the Royal Academy of History.<sup>26</sup> Nevertheless, in a wider perspective, Spain followed an individual path in elaborating a particular definition of “state heritage,” which implied that public monuments and artefacts were properties of the royal crown.

Looking at the Spanish definitions of “heritage protection,” in 1753 King Ferdinand VI prescribed safeguards specifically for ancient movable items.

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22 “Pitture antiche, o in tele, o in tavole, o di legno, o di rame, o d’argento.” Emiliani, *Leggi, bandi*, 172.

23 “Per eccellenza ... o per altra rarità, merita di essere tenuto in pregio.” Speroni, *La tutela dei beni culturali*, 82.

24 “Pitture antiche tagliate dai muri.” Ibid.

25 My analysis is based on the interpretations of Paola D’Alconzo, “Guardando Roma da una prospettiva decentrata: spunti di riflessione su norma e prassi della tutela del patrimonio storico-artistico nella seconda metà del XVIII secolo, tra il Regno di Napoli e la Spagna” [Observing Rome from a Decentralised Angle: Considerations on Rules and Practices for Heritage Protection in the Second Half of the 18<sup>th</sup> Century, between the Kingdom of Naples and Spain], in *Il Laboratorio del Settecento. Legislazione, tutela, pubblico e mercato nella seconda metà del XVIII secolo*, eds. Susanne Adina Meyer and Serenella Rolfi Ožvald (Firenze: LibroCo, 2011), 16–22.

26 For a history of heritage protection in Spain, see Miguel Ángel López-Trujillo, *Patrimonio. La lucha por los bienes culturales Españoles, 1500-1939* [Heritage. The Fight for Spanish Cultural Heritage, 1500–1939] (Gijón: Trea, 2006). See also Chiara Mannoni, *Art in Early Modern Law*, 7–53.

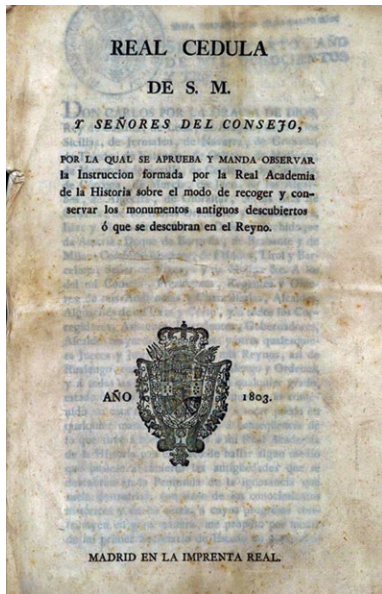


Fig. 5. *Real Cédula, de S.M. y Señores del Consejo* (Madrid: Imprenta Real, 1803), cover page.

Shortly afterward, in 1761, King Charles III assigned public “paintings and sculpture of famous dead artists”<sup>27</sup> to the care of the Royal Academy of San Fernando, which was called upon to provide for their custody and, most importantly, their restoration. In the subsequent years, the post of restorer of the royal collections was assigned to illustrious artists such as Anton Raphael Mengs and Francisco de Goya. Interestingly, the dispatches of the Academy in 1761 also stated the intention to “comply with the practices of Naples, Rome and all the enlightened communities,”<sup>28</sup> in taking action against the outflow of artefacts from Spain.

Spanish efforts in the defence of the local heritage reached a peak with the issuing of the so-called *Real Cédula* in 1803 (fig. 5). Although it was conceived in the 19<sup>th</sup> century, this directive offers a clear reflection of the cultural background of the Enlightenment, providing one of the most precise definitions of antiquity of that time:

Statues, busts, bas-reliefs in any material, temples, sepulchres, theatres, amphitheatres, circuses, naumachias, arenas, thermal baths, avenues, roads, aqueducts, gravestones or inscriptions, mosaics, coins of any class, cameos, pieces of architecture, milestones, musical instruments, such as sistrums, liras, castanets; sacred objects such as praefericulum, simpulum, lituus; knives for sacrifices, axes, aspersorium, vases, tripods, weapons of any kind, such as bows and arrows, lead bullets, shells, shields; civil [objects], such as weighing scales and their weights, roman scales, sundials or mechanical clocks, bracelets, collars, crowns, rings, seals; all sort of utensils, instruments of liberal and mechanical arts; and finally anything that is still unknown but considered ancient, whether it be Punic, Roman, Christian, Gothic, Arabic, or Medieval.<sup>29</sup>

This list not only demonstrates an interest in systematising archaeological materials according to typological classifications derived from the Enlightenment, but also an advanced knowledge of the ancient history of the Mediterranean. It also reveals the strong influence of the recent archaeological

27 “Las pinturas y esculturas de artífices famosos difuntos.” Claude Bédat and Enrique Lafuente Ferrari, *La Real Academia de Bellas Artes de San Fernando (1744–1808). Contribución al estudio de las influencias estilísticas y de la mentalidad artística en la España del siglo XVIII* [The Royal Academy of San Fernando (1744–1808). Contributions to the Study of the Stylistic Influences and Artistic Mentality in 18<sup>th</sup>-Century Spain] (Madrid: Fundación Universitaria Española, 1989), 432.

28 “En conformidad de lo que se practicaba en Nápoles, Roma y todos los pueblos cultos.” *Ibid.*, 438.

29 Estatuas, bustos, bajo relieves, de cualesquiera materia que sean, templos, sepulcros, teatros, anfiteatros, circo, naumaquias, palestras, baños, calzadas, caminos, acueductos, lápidas o inscripciones, mosaicos, monedas de cualquiera clase, camafeos, trozos de arquitectura, columnas miliares, instrumentos músicos, como sistros, liras, crótales; sagrados como profericulus, simpulos, lituos; cuchillos sacrificatorios, seguros, aspersorios, vasos, tripodes, armas de todas especies, como arcos, flechas, glandes, carcaxes, escudos; civiles, como balanzas y su pesas, romanas, relojes solares o maquinales, armilas, collares, coronas, anillos, sellos; toda suerte de utensilios, instrumentos de artes liberales y mecánicas; y finalmente, cualesquiera cosas aún desconocidas, reputadas por antiguas, ya sean púnicas, romanas, cristianas, ya godas, árabes y de la baja edad. *Real Cédula de S.M. y Señores del Consejo* (Madrid: Imprenta Real, 1803).



discoveries – for instance, *praefericulum*, *simpulum*, and *lituus* were vases, cups and wands used in the Etruscan society. Yet, the time frame was extended to include the Spanish artefacts of the Arab and Punic occupations, drawing interest to the local history. Besides reassigning the supervision of antiquities to the Royal Academy of History, this law promoted a very broad “catch-all” clause at the end of the list – “anything that is still unknown” – embracing the attitude of curiosity and inclusivity of the late Enlightenment.

## PORTUGAL

Portugal, for its part, set a significant example of the promotion of local interests through the protection of its heritage. The first Portuguese regulation on this subject was issued by King John V prior to the launch of excavation and survey campaigns in Europe. Before John’s accession, Portuguese kings had been more concerned with their overseas colonies than with furthering their cultural and political prestige in Europe. However, John V was exceptionally enlightened and resourceful in terms of his patronage of the arts – he was called “the Sun King” – as well as particularly loyal to the pope and eager to gain international diplomatic recognition.<sup>30</sup> He attracted several Italian artists to contribute work to his new palaces and artistic collections in Portugal.<sup>31</sup> In such a stimulating cultural environment, he was induced to issue the so-called *Alvará de Lei* on the protection of Portuguese antiquities as early as 1721.<sup>32</sup> He appointed the Royal Academy of History to take care of and study a wide range of artefacts, including “buildings, statues, blocks of marble, milestones, slabs, foils, medals, coins and other artefacts”<sup>33</sup> that were in a state of disrepair. Through the establishment of safeguards for several works connected to “the glory of ancient Lusitania,”<sup>34</sup> John V intended to promote local arts, history and culture, launching and reconnecting Portugal to the diplomatic environment of Europe as a whole.

## THE REPUBLIC OF VENICE

Venice can be seen as one of the epicentres of the art market in 18<sup>th</sup>-century central Europe. In this wide-open context, to control the exports of the old masters’ “most valuable works,”<sup>35</sup> the *Serenissima* established an early model for a general catalogue of paintings based on systematisations derived from

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30 For further readings on John V, see Maria Beatriz Nizza da Silva, *Reis de Portugal: D. João V* [Kings of Portugal: Don John V] (Lisbon: Temas e Debates, 2009).

31 See Jay Levenson, *The Age of the Baroque in Portugal* (New Haven: Yale University Press, 1993).

32 I am grateful to Dr. Madalena Costa Lima from the University of Lisbon for providing me with the original text of this law, which I have used for the following quotes.

33 “Edifícios, estatuas, mármore, cippos, laminas, chapas, medalhas, moedas e outros artefactos.”

34 “Gloria da antiga Lusitania.”

35 “Quadri più degni.” Chiara Piva, “Anton Maria Zanetti e la tradizione della tutela delle opere d’arte a Venezia: dalla critica d’arte all’attività sul campo” [Anton Maria Zanetti and the Tradition of Artwork Protection in Venice: From Artistic Critique to Active Practices], in *Il restauro come atto critico. Venezia e il suo territorio*, ed. Chiara Piva (Venezia: Edizioni Ca’ Foscari, 2014), 101.

Enlightenment scholarship. In 1773, the library keeper Anton Maria Zanetti submitted a memorandum to the Tribunal of the Inquisitors complaining about the lamentable state of neglect of the local paintings, particularly those that were kept in the public buildings of the city.<sup>36</sup> He called for the creation of an “exact inventory” of paintings, with a twofold purpose: to monitor the state of preservation of each artwork with a view to planning future restorations, in consideration of the damp climate of the city; and to prevent illegal trade on the European art market, which had already caused the loss of several Venetian paintings. Zanetti was promptly appointed Inspector of Public Paintings and started drafting the catalogue. By 1774 he had already recorded the items of all the civic and ecclesiastic institutions in Venice, including information regarding the author, the subject and the location of each piece.<sup>37</sup> Even though the criteria for selecting the “most valuable works” worthy of protection were entirely based on Zanetti’s personal judgement, this early inventory proved to be a reliable tool of documentation and control for avoiding the loss of further paintings. For this reason, it can be considered one of the pioneering models for the contemporary notion of a catalogue.

## CONCLUSION

24 Developments in several European countries after the Enlightenment can be seen as the gradual reception of the idea of the need to safeguard artistic heritage, adapted and re-elaborated each time to fit local characteristics and demands. To give but a further example, the Margraviate of Brandenburg-Bayreuth and the Langraviate of Hessen-Kassel in central Europe were the first districts in the German area to publish regulations on the protection of local monuments in 1780.<sup>38</sup> The majority of the other Old German regions started issuing similar legislation only in the 19<sup>th</sup> century.<sup>39</sup> It is also significant that major countries that might be expected to lead the innovations of the Enlightenment, such as France or England, did not issue any rules on the safekeeping of their heritage at this stage.<sup>40</sup> Evidently, their interests in the arts responded to paradigms that were different from the questions about the legal safety of precious artefacts that arose in the regions examined here. In this regard, it is worth mentioning that the confiscations carried out by

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36 Speroni, *La tutela dei beni culturali*, 135–188.

37 For a more extensive account of Zanetti’s role, see Piva, “Anton Maria Zanetti,” 83–114.

38 For more on legislation issued in these countries see Chiara Mannoni, *Art in Early Modern Law*, 7–53.

39 Joachim Reichstein, “Federal Republic of Germany,” in *Approaches to the Archaeological Heritage*, ed. Henry Cleere (Cambridge: Cambridge University Press, 1984), 37–47.

40 England issued the *Ancient Monuments Protection Act* in 1882. France issued the decree *Sur la conservation des monuments et objets d’art ayant un intérêt historique et artistique* in 1887. See Christopher Chippendale, “The Making of the First Ancient Monuments Act, 1882, and Its Administration Under General Pitt-Rivers,” *Journal of the British Archaeological Association*, no. 136:1 (1983): 1–55; Paul Leon, *La Vie des Monuments Français. Destruction, Restauration* [The life of French Monuments. Destruction, Restauration] (Paris: Picard, 1951).

Napoleon throughout Europe were to inspire new forms of protection from the 19<sup>th</sup> century onwards, based on the belief that artefacts should be retained within their relevant contexts of production.<sup>41</sup>

To conclude, throughout this essay for the sake of clarity I have deliberately used the contemporary term “heritage” retrospectively to refer to past concepts and ideas. Nevertheless, it is not difficult to associate our current understanding of this concept to the theoretical constructions that spread across Europe during and after the Enlightenment. As reported in the Oxford dictionary *Lexico*, “heritage” refers to “valued objects and qualities, such as historic buildings and cultural traditions, that have been passed down from previous generations (...) and are preserved for the nation.”<sup>42</sup> Indeed, an early characterisation of these current values also constituted the basis of the heritage protection regulations that were issued in the 18<sup>th</sup> century.

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41 For more on this aspect, see the fundamental volume Quatremère de Quincy, *Lettres sur les préjugés qu'occasionnerait aux arts et à la science le déplacement des monuments de l'art de l'Italie (Lettres à Miranda)* [Letters on the Prejudices which the Removal of the Monuments of Art from Italy would cause to the Arts and Science] (Paris: Crapelet, 1796). See also Édouard Pommier, “La Rivoluzione e il destino delle opere d'arte” [The Revolution and the Destiny of the Artworks], in *Più antichi della luna. Studi su J.J. Winckelmann e A. Ch. Quatremère de Quincy*, eds. Eduard Pommier and Michela Scolaro (Bologna: Minerva, 2000), 227–277.

42 Oxford dictionary *Lexico*, accessed July 30, 2021: <https://www.lexico.com/definition/heritage>.



