

## *Editors' Preface*

Over the past twenty years an intense discussion has unfolded in Italy concerning the protection of the nation's cultural heritage, its public property, and the lived environment. The Italian system of heritage protection is the oldest and (on paper at least) the most robust in the world: it begins long before the unification of the country and culminates in the Constitution of the Republic (1948), where for the first time “the tutelary guardianship of the landscape and the historic and artistic patrimony of the Nation” was inscribed among the fundamental principles of any modern state. To this long-standing tradition and the unique constitutional provision, may be added the recent establishment and revision of an extensive system of national norms by governments on the right and left alike. Nonetheless, at the very same time that the rhetoric of conservation has been most forceful, the Berlusconi government has, in practice, consistently undermined tradition, constitution, and law, so that the last two decades have witnessed the rapidly progressing deterioration of the resources, institutions, and values committed to the tutelage of the nation's cultural heritage. Salvatore Settis has been an active participant, acute analyst, and impassioned voice in every phase of resistance to the assault on the landscape and the cultural patrimony of Italy.

In his book *Paesaggio Costituzione cemento. La battaglia per l'ambiente contro il degrado civile* (Einaudi, 2010), of which the concluding chapter is translated here, Settis presents a searching analysis of the crisis and calls for a citizens' movement to position the issue of a degraded landscape and cultural heritage at the center of a revival of the democratic concept of the common good.

# We, the Citizens<sup>1</sup>

Salvatore Settis

## *Out of Place*

“A falling oak makes a great deal of noise; but a great forest grows in silence.” This Chinese proverb aptly describes the state of affairs we are experiencing in Italy today. Incredulous, we witness the growing degradation of our cities and our landscape; every day we become indignant at the cynicism of those (few) responsible and the indifference of the (many) bystanders, at the alliances and collusive deals made between those who are devastating the very horizons within which we live, which define our lives, and public officials at every level and of all political affiliations. Those who express their indignation are often met with annoyed reactions, accused of useless pessimism, invited to give in and turn their thoughts elsewhere. The opposite is true: “only he who is capable of hope can know anger” (Seneca). Yet if we sometimes have the unhappy impression of being alone in defending the values of our landscape<sup>2</sup> (and of the Constitution), it is because we don’t know how to listen to the constant rustle of the growing forest. Our anger is far more shared and widespread than we think; indeed, every new crime against the environment and the landscape impels more citizens to become aware of the abyss we’re falling into. And if we don’t believe this is the case, it is because we’ve grown too accustomed to endowing the media (television, especially) and the litanies recited by the political parties with a higher degree of reality than the one we live in – as if the thoughts, sorrows, fears and angers of ordinary citizens (of each one of us) didn’t count at all.

The deterioration that concerns us here involves not only the shape of the landscape or the environment, or the pollution, the toxins and the suffering that come from them and afflict us. It involves an overall decline of Italian society, of its political life, of the rules that govern everyday life. It involves widespread corruption, the careless use of laws, the massive tax evasion tolerated (i.e., authorized) over the years by governing parties of all stripes, the role of organized crime in public life and in the economy. It

---

<sup>1</sup> [Editors’ note: this essay is a translation of chapter 7 of Salvatore Settis, *Paesaggio Costituzione cemento: La battaglia per l’ambiente contro il degrado civile* (Landscape, Constitution, Cement: The Battle for the Environment against Civic Decay) published by Einaudi in 2010. The principal translator is Julia Nelsen, graduate student in the Department of Comparative Literature at the University of California, Berkeley, with contributions from Randolph Starn, Albert Ascoli, and Salvatore Settis. The Editors’ notes have been introduced to clarify references to Italian social and political phenomena and institutions that may be unfamiliar to non-specialists. These notes reflect the combined efforts of Julia Nelsen, Salvatore Settis, Albert Ascoli, and Randolph Starn.]

<sup>2</sup> [Editors’ note: the Italian word “paesaggio” used here and throughout the work is translated as “landscape”; however, beyond the primary meaning of ‘paesaggio’ as *landscape*, the word may have, in Italian as in English, a metaphorical, and therefore much more inclusive, meaning. In addition, while the technical legal definitions of ‘paesaggio,’ ‘ambiente,’ and ‘territorio’ are distinct in Italian legislation, Prof. Settis argues in the book from which this essay is taken for consolidating them into one. The word ‘paesaggio’ (= *landscape*) enjoys pride of place in this troika because it is the key word in article 9 of Italian Constitution. For additional clarification, see Settis (2010, esp. ch. VI).]

involves the manipulation of information and the monetization of all forms of value, the price tags attached to the Dolomites and to Caravaggio's paintings, the perverse slogans about Italy's "oil fields" that liken our cultural heritage to an oil well to be pumped dry for profit, leaving nothing to future generations. It involves the poor level of safety in the workplace, the healthcare crisis, the ever more pronounced differences among Regions that violate the equal right to well-being for all citizens spelled out in article 32 of the Italian Constitution. Yet the overarching sense of crisis is no reason to give up on a specific discussion concerning the environment and the landscape, or to make it a moot point because "there are other things to talk about." Barbara Spinelli's remarks in the wake of the tragic landslides in Messina<sup>3</sup> ring true:

There is no use in dividing Italy's ills into airtight compartments: the death of politics in one, controlled or irresponsible information in another, property speculation in another still. All of these things are ultimately related and form a single clot of misdeeds and sins of omission that blends old and new vices. It is lawlessness that is killing Italy, politically and physically, its self-esteem, its hope, and all the vices that lawlessness brings with it: the lie the politician tells the voter and the one each of us tell ourselves, the silence of much of the ruling elite on unauthorized construction and collusion to weaken planning legislation, the land that finally succumbs. The victims of recent history are not only the heroic servants of the Republic who were killed for wanting to put an end to the "anti-State" that has undermined the nation since the 1960s.<sup>4</sup> The real victims, in the end, are the common people, *en masse*: beaten down by dishonesty, by illegality, by the insouciant ease with which homes, schools and hospitals are built using waste materials. Not just today, but for decades, on the Left and Right alike. (2009)

Today, more than ever, it is necessary to talk about the landscape. It is crucial because each of the problems that afflict us (including the landscape) deserves specific attention. It is also crucial because the landscape is "a point of intersection between the sphere of the individual and that of collective life" (Quaini 2009, 125-131, esp. 128-9), and thus represents an extraordinary litmus test to determine how the citizen experiences himself or herself in relation to the surrounding environment and the community. To determine what importance citizens attach to their physical and mental health, what role they assign to the history, culture and identity of their surroundings and of the nation; how they interpret the relationship between immediate individual gain and collective public interest, between the short-term thinking of unscrupulous businessmen and the progressive vision of the Constitution. To determine if a citizen is capable of

---

<sup>3</sup> [Editors' note: In October 2009, the Italian government declared a state of emergency after torrential rains around the Sicilian city of Messina caused violent mudslides, killing at least thirty people and leaving over 450 homeless.]

<sup>4</sup> "Anti-Stato," in Spinelli's original text, is an ambiguous term that includes the various Italian mafias, as well as corruption more generally at all levels of government (central and local).

understanding that the damages to the landscape affect us all, not only as citizens, but as individuals, one by one. As Yevgenia Albats has said regarding the devastated Russian environment (toxic substances six to nine times over the maximum alert level), the apathy of citizens is the best ally of those who wish to destroy the environment (2010). In Russia as in Italy, in the past as today, in the words of Giuseppe Dossetti from 1945, “the sole possibility and the condition *sine qua non* for reconstruction lie in this: that conscientious, honest people not remain absent, giving free rein to the ruinous experiences of the dishonest and the adventurous” (Dossetti 1995, 256).

The protagonist of this book is the landscape. This protagonist gladly answers to different names, sometimes “environment,” sometimes “territory.” Under each of its avatars, it stirs greed, triggers new regulations, attracts different barbarians, incites new aggressions. But no, we citizens are the real protagonists of this work, we who lead our daily lives in this *landscape / territory / environment*. We who breathe polluted air from the tortured soil, who witness the death of quality agriculture in favor of ever more flavorless produce. We who look on at coastal dunes being leveled, olive and pine groves felled, beaches and mountain pastures covered in cement; we who see forests overrun once-cultivated valleys and vineyards, while other forests are lawlessly cut down. We who from past generations received an Italy rich in environmental values, and who will not know how to leave the same Italy to the generations of the future; we who are betraying ourselves and our children. We who see our cities stretch out and dissolve in anonymous suburban sprawl; we who know that millions of citizens will grow up in that soulless environment, and that none of them will ever really know what the celebrated Italian landscape is (or better: what it was).

We are, we feel *out of place*. We are *spaesati*, out of our element, without a country, metaphorically and literally. We do not recognize ourselves in the horizons (physical and political) that surround us. Sharpen our gaze as we may, we cannot make out a political opposition worthy of the name; we see a nationalist Right that for decades has allied itself with a secessionist Lega Nord, as if it were the most natural thing in the world; we see what remains of the Left sing the praises of the market in unison with the Right, wallowing in what is by definition a losing strategy. We see the disintegration of the State and the death of the public interest, our institutions hollowed out and public goods put up for sale in an outlaw economy devised for friends of friends, for their friends. In a country that is becoming ever more provincial, we no longer know how to relate to others. Instead, we console ourselves by creating a fictional reality in which our Regions are led not by presidents, but “governors,” a non-existent office with the dubious advantage of making us feel provisionally “American.”<sup>5</sup> In this reality made solely of words, we tell ourselves the fairy tale of our passage from the First to the Second Republic, with a “bipartisan” system to boot, in which the cracks of an unjust electoral law are supposedly fixable through “primary elections.”<sup>6</sup> We forget that in France,

---

<sup>5</sup> [Editors’ note: Though the official title for the head of each of Italy’s twenty regional parliaments is that of President, as provided for in the Italian Constitution, the Italian news media has tended to adopt the term “governor” in recent years, reflecting the strong influence of the American federalist model on Italian politics.]

<sup>6</sup> [Editors’ note: The current electoral law in Italy, approved by the Berlusconi administration in 2005, has reintroduced proportional representation, replacing the majority-vote system that had been in effect since the 1993 referendum in reaction to the *tangentopoli* (“bribesville”) scandals. Under the new law, Italian voters cannot express their preference for individual candidates but only for a political party – or, more

between each of its five Republics, there were not just a few trials for corruption and a few political crises, but empires and monarchies, wars and revolutions; and we pretend not to see that the labile geometry of a dozen-odd parties and sub-parties in 2010, with the support of political interest groups masquerading as foundations and associations, isn't much different from that of 1985. Even the age-old notion of shared goods and values (*beni e usi comuni*), which has been a constant in Italy from Ancient Rome to the Middle Ages to the present, is being ever more frequently revamped (perhaps with the best of intentions) and, in fact, travestied under the English name of *commons*, as if this would make it more interesting or more credible.

We are, we feel *out of place* in our cities too, in our landscapes, reduced to pillaging grounds for those in search of loot. As if this weren't enough, we find ourselves in instant agreement when the man on the street tells us that Italy is lacking in modern architecture, and that lost ground must be recovered quickly by surrounding Rome, Milan and Turin, each with its own rings of skyscrapers, no longer on the model of Chicago or New York, but on that of Singapore or Dubai. Our historic city centers, a precious yet fragile heritage, tend to lose themselves in the shadow of besieging suburbs, overturning every hierarchy: medieval squares, cathedrals and city halls are on their way to becoming theme parks or artificial shopping centers, more similar to the papier-mâché replicas of Las Vegas than to the cities of Dante and Palladio. This process of Disneyfication, heralded for some time, has now come to fruition. In 1981, many found it strange to read, in an article in the magazine *Urbanistica*, that "the transformation of Venice into a kind of Disneyland could signal the passage toward a happier, more creative, more festive way of life"; yet the appointment of its author to the Superior Council of the Ministry for Cultural Heritage [Ministero dei Beni Culturali] in 2009 indicates that this trend has now become dominant (Romano 1981, 84, cf. 77).

This and countless other troubles are shared and widespread. Yet most people still find it *out of place* to express them aloud. Having lived through a long season in which every dissent and every proposal had to be channeled through political parties, we hesitate to realize that today's parties have completely different intentions. Overwhelmed by the complexity of the issues we must face, we simply stand by and wait for someone else to take up the burden, but refuse to see that *we* are the real victims of this handing over to "someone else"; all too often we retreat into an embarrassed silence. But is it really *out of place* to speak up, as citizens, when all around us, as Theodore Roosevelt put it almost a century ago, "an unprincipled present-day minority is wasting the heritage of these unborn generations"? (1916, 300). Is our memory so short, are we so estranged from our environment, do we feel so *out of place* as to have to resign ourselves to the silence of the irresolute?

---

often, a coalition of parties, formed in an effort to maximize votes and leading to an increasingly bipartisan political landscape. According to the total number of votes a party receives, a greater or lesser number of members in its list are elected to Parliament. However, since candidates on the lists are ranked not alphabetically but in order of what may be dubbed "compliance (to the party boss)," only those considered the most "loyal" to the party are actually elected. Interestingly, this system was first enforced by the Region of Tuscany, traditionally center-left-leaning, and then by Berlusconi at the national level.]

## 2. *The Disassembly Line*

Even if we limit ourselves to the topic of this book, the landscape, it remains difficult to grasp its complexity and many facets all at once. For this reason, and not simply due to a lack of interest, it is hard to have one's say. The ancient Indian fable about the six blind men comes to mind. Placed in front of an elephant, each of the men fumbles about to examine its parts, and each reaches his own conclusion: "it's a wall" (the hips), "it's a snake" (the trunk), "it's a tree" (the hoofs), "it's a fan" (the ears), "it's a rope" (the tail), "it's a sword" (the tusks). Ultimately, each takes a part for the whole, and all of them make sure not to exchange information. A writer of our day, Patricia K. Page, has revisited the tale from an ecological perspective:

each of the blind men believes he possesses the whole truth, and thus ignores the others, or holds them in contempt. Thus, many face the Earth blindly, and see it only as a reservoir of resources, raw materials, scenic vistas, or of other values-turned-commodities; they fail to see the Earth for what it really is, a living whole in whose atmosphere we float like tiny, symbiotic organisms. (n.d.)

As we have seen, it is precisely the (often intentionally) limited horizon of people in the field, from politicians to experts, that leads us to see the same object from different and (almost) disconnected viewpoints. And so, Italy is divided into three different, and conflicting, legal notions (landscape, environment, territory [see again note 2]); jurists, city planners, historians, geographers, economists, anthropologists and sociologists develop accordingly divergent languages and interpretive models – which, indeed, become all the more divergent depending on whether these experts work for the national State, for a regional government, or for a private company. Everyone is (only) partially right, so everyone is wrong. To resolve these different visions into a coherent whole, and thus to return from these wars of words to the ever more threatening reality of the environment that surrounds us, we must go back to the beginning and start over. To start over does not mean to start "from scratch"; it means to start from the legitimate defense of our health and well-being, to start from a high and generous sense of our community of citizens, of the public interest, and of the rights of future generations, the latter being a topic increasingly explored though by no means a novelty (Bifulco 2008). This is what was meant by the deep-seated tradition of *publica utilitas* and of the common good, which is now being uprooted like a bad weed. This is what is meant by the farsighted structure of values best represented in our oft-cited and seldom actuated Constitution. To start over, we must do so as a community. Citizens must start as citizens (making an effort to understand specialist jargon), experts by using their skills in the best way possible – though without losing sight of the fact that they are citizens, first and foremost – and by carrying out their duty to respect high ethical principles and professional standards.

Developing this broad view has never been easy, and today it is harder than ever since our points of reference change on a daily basis and since the State (or what's left of it) is working against itself, on an eager "disassembly line." Here are just two examples, both inspired by the works of the Rodotà Commission on Public Goods (Mattei, Reviglio and Rodotà 2007; *ibid.* 2010): "Forte's disease" and the statute of State-owned property (*demanio*). Reflecting on the "sustainability of our cultural heritage (*beni culturali*) as common goods," Francesco Forte defined the terms of Forte's Disease, modeling this on what economists know as Baumol's Disease, which occurs when salaries in one sector increase not in relation to that sector's productivity, which remains stable or even decreases in some cases, but in relation to salary increases in other sectors. In other words, the salary increase does not award productivity, but is aimed at curbing the flight of workers. In the field of cultural heritage (*beni culturali*), the (theoretical) rise in costs of tutelary guardianship (*tutela*) should in any case be due only in small part to the increase in workers' salaries, and in much larger part to the broadening of the kinds and numbers of resources that have come to be considered worthy of safeguarding; for instance, the historical centers of smaller cities and towns, rural buildings, anthropological material, private archives, archaeological sites, and so on. I will not discuss the implications of the models and remedies Forte proposes (his study may be found in the Lincei volume cited below), nor the fact that his analogy with Baumol's Disease is not perfect, but I will add an observation of my own regarding the landscape.

The costs of protecting and preserving the landscape (*tutela*) should increase not only because awareness of and sensitivity to the issues increase over time (leading to the creation of *aree vincolate*, or protected areas, as was the case with the Galasso law),<sup>7</sup> but also because the destruction of the landscape and the environment is increasing rapidly as well. This often produces irreversible damage, further weakening terrain already at risk for landslides, flooding and earthquakes, changing microclimates and disturbing the ecological balance (thereby damaging the health of residents). Thus, the increased guarantees of the *Codice dei beni culturali e del paesaggio* (2004-2008),<sup>8</sup> along with new responsibilities assigned to the *Soprintendenze*,<sup>9</sup> should involve added costs. Such costs would be justified: in fact, the immediate economic gain (for a developer, say, who builds

---

<sup>7</sup> [Editors' note: This law for the protection of natural and environmental goods, proposed by Vice-Secretary of the Ministry of Arts, Culture and the Environment Giuseppe Galasso, was implemented in 1985. It was conceived as a supplement to earlier laws covering the same issue: the first was that proposed by Benedetto Croce in 1920 and passed in 1922, the second was the Bottai law of 1939. The specifics of these laws are discussed in earlier chapters of Prof. Settis' book.]

<sup>8</sup> [Editors' note: The Code for Cultural Heritage and the Landscape expressly provides for joint State and Regional measures for the landscape/environment, and in particular for the "conservation of the constitutive elements and morphologies of landscape goods/*beni paesaggistici*, a "reduced consumption of the territory," "the requalification of compromised or degraded areas," and the "restoration of landscape values."]

<sup>9</sup> [Editors' note: *Superintendency* would be the literal translation, but it doesn't correspond to any institution in the US or UK. Over the last century *Soprintendenze* has been the name given to offices of the central Italian Government (Ministry of Education until 1975, Ministry of Cultural Heritage [*Ministero dei Beni Culturali*] ever since) that are: (1) named after specific disciplines (*Soprintendenza Archeologica*, *Soprintendenza Archivistica*, *Soprintendenza al Paesaggio*, etc.); (2) located all over Italy, with each one surveying conservation in a given area (for instance, in Tuscany there is only one *Soprintendenza Archeologica*, in Florence, which has authority over the whole region; but there are *Soprintendenze* for museums, art history etc., in Florence, Pisa, Lucca, Siena, and Arezzo). In order to preserve this specificity the word will be left in the original Italian throughout.]

in a seismic area and evades inspections by using the *S.C.I.A.*, or “Certified Notice of Construction Works”<sup>10</sup>) comes into conflict with losses, both in economic terms and in terms of human lives, which are less immediate though far greater, as the Abruzzo earthquake and the Messina landslides have demonstrated. By preventing such losses, tutelary guardianship would thus have a marked economic and social value; it would be a long-term investment, in essence. What has actually happened is precisely the opposite: a few months after the latest version of the *Codice* came into effect, the government cut the funds of the Ministry for Cultural Heritage by over one billion euros (Settis 2008, 12), and no resources have been set aside to cover the extra costs for a more efficient surveillance/inspection of the landscape.

Aside from the good intentions of individual citizens (who are fortunately many), the entire public administration of tutelary guardianship is indeed afflicted by a dramatic absence of worker turnover – the average employee age is now over fifty-five. Instead of aiming to recruit new, highly qualified personnel on the basis of merit, new mechanisms for making the sector less efficacious are being found, sending numerous, highly experienced staff into early retirement and delegitimizing those left by subordinating the *Soprintendenze* to “special officers” (*commissarii*), chosen among persons lacking in any specific competence, such as retired prefects, army officials, or managers in the food or public safety sector.

Following the approval of the new *Codice*, the deprofessionalization of organizations charged with guardianship has not slowed down; rather, it has gained momentum. At this point, the *Soprintendenze* are almost totally paralyzed. In summer 2010, bans and quotas were placed on inspection trips for officials to the territories they should be surveying inch by inch, and even on phone calls from their offices. This is an effective example of the great disassembly line that the State Machine seems to have become. And yet, public officials in this sector are charged with a role that is consubstantial with the guardianship provided for by the Constitution.<sup>11</sup> This is not Forte’s Disease, but another kind of illness: State schizophrenia. On the one hand, the State (under the Berlusconi and Prodi governments) seems to espouse those cultural developments that demand a greater defense of the landscape and the environment, increases the level of protection, and assigns new tasks to the *Soprintendenze*. On the other hand, the State contradicts and undercuts itself by preventing its own structures from working, indeed repeatedly triggering (under Berlusconi) mechanisms destructive of tutelary guardianship: amnesty (*condoni*) for infringement of restrictions on use of the landscape and the environment; *piani casa*, or laws designed to revive the real estate trade; the *S.C.I.A.*; tacit consent to violations; and hundreds of exemptions from the *Codice*, even through ministerial orders issued by the Office of the Prime Minister (to the

---

<sup>10</sup> [Editors’ note: In 2010, the *S.C.I.A.* (*Segnalazione Certificata di Inizio Attività*) replaced the *D.I.A.* (*Denuncia di Inizio Attività*), or “Official Notification of Construction Works,” with the intention of simplifying bureaucratic procedures to obtain the permits and titles required for construction and renovation projects. Such simplification, however, as critics of the norm have argued, has come at the cost of building safety, involving fewer and less rigorous inspections before construction works commence.]

<sup>11</sup> [Editors’ note: The Italian Republic was the first nation in the world to specify the protection of its cultural heritage and landscape in its Constitution, indeed as one of the fundamental principles of the State; art. 9 of the Italian Constitution reads: “La Repubblica promuove lo sviluppo della cultura e la ricerca scientifica e tecnica. Tutela il paesaggio e il patrimonio storico e artistico della Nazione” (see Settis 2010, chs. V.1-2 and VI.7)].

mayor of Milan, for instance, who was granted exemption from protection regulations in view of the 2015 World Expo: ordinance n. 3840, passed in 2010).<sup>12</sup> There is surely more to come, but this deliberate segmentation of administrative measures obscures our view of the overall process, and keeps us from understanding that the divvying-up of the “Big Loot” (public goods and the landscape) is not the casual outcome of a smattering of laws, but its opposite: once the target is identified, laws and regulations are manufactured ad hoc in order to allow this plundering to take place. Protection agencies are not abolished, but made powerless, delegitimized and emptied out by the lack of new recruitment. In the meantime, degree programs in “Cultural Heritage” that initially experienced a boom, to no avail except to condemn thousands of young adults to unemployment, have now been left deserted.

The second (and final) example of this “disassembly line” is the statute on State-owned property, or *beni demanio* (from the Latin *dominium*), which, though it specifically concerns the landscape and environment has a much broader purview. State-owned property, *beni demaniali*, in fact refers to public property, out of which the State is made and which is an integral part of the right of citizenship. Or at least, it was. The State’s domain consists in spaces controlled by the national government and by other public administrative entities within the territorial borders of Italy (Regions, Provinces and *Comuni*), such as lakes, mountains, beaches, piazzas, streets, and bodies of water. State property (*beni demaniali*) belongs by definition to all citizens, is by nature inalienable and entails full, indivisible and free public use. Such property must be distinguished from the public patrimony of possessions (*beni patrimoniali*) that may be “unavailable” (and thus inalienable), for instance if they are deemed of historical or artistic interest, or “available” and thus eligible to be sold without restrictions. The statute on public properties is complex, since these “flow out in a thousand streams, in the formalistic classifications of the Civil Code, as well as in a myriad of special laws and regulations” (Ugo Mattei). For this reason, the Rodotà Commission attempted to sort them out, using the values of the Constitution as guidelines, since – as Mattei writes – “the judicial regime of public goods constitutes the most important economic and cultural foundation for the realization of the social project contained in the Constitution itself.”<sup>13</sup> The Rodotà Commission has identified certain fundamental categories in order to restructure the matter of goods held in common, (*beni comuni*), “which escapes the logic of both public and private property, to place central emphasis on a collective dimension of direct utilization by citizens over a long term.” The following are the proposed categories:

- sovereign goods necessarily pertaining to public authority (*beni sovrani ad appartenenza pubblica necessaria*) “which belong to the very essence of a sovereign State” and take “priority with respect to the very possibility of governing” – in sum, goods that are essential to the sovereignty of the State, such as beaches, roads, highways and railways, aqueducts, ports and airports;

---

<sup>12</sup> [Editors’ note: By statute the *Presidenza del Consiglio* may issue exemptions for “major events” such as the Expo in Milan.]

<sup>13</sup> This and subsequent citations are from Mattei (2010, 21-32).

- public goods for social ends (*beni pubblici sociali*) determined by the specific earmarking of funds (*vincolo di scopo*), “strongly aimed at fulfilling the various social aspects of our Constitutional design,” such as hospitals, schools, universities;
- profitable public goods (*beni pubblici fruttiferi*), which are not necessarily limited to public use and thus substantially available, but with “a general, crucial *caveat*”: these goods “still remain part of our so-called ‘liquid’ patrimony.” All Italian citizens “are *pro quota* owners of public goods,” whereby eventual alienations involve guarantees and compensations for all owners of this collective portfolio, or “purse,” of property.

The Rodotà Commission was active from June 2007 to February 2008. Its proposals, by far the best and most in line with the constitutional dictum to ever be put forth, have fallen on deaf ears until now. In place of this conception of public goods, which respects the Constitution and the interests of citizens, both collectively and as individuals, a diametrically opposed process has been launched under the label of “State domain federalism,” which pickpockets the “purse” that belongs to the citizenry (and of each one of us) and redistributes it to Regions and local agencies, using it as a sort of piggy-bank to be smashed and pilfered to the last cent. Following the Calderoli law,<sup>14</sup> the State cedes 19,005 units of its own property for a nominal value of over three billion euros. *Comuni*, Provinces and Regions receive goods from the State’s water and maritime domain, military barracks and airports, mountain ranges, and so on. This transfer of property makes a portion of these goods immediately available for sale. Another portion instead passes under the control of local agencies and of the Regions, and therefore remains inalienable on paper. But the same law provides for a stealthy form of privatization – that is, the free deposit of public property (and State-owned property) in privately owned real estate funds (as long as private owners deposit an equivalent amount of property in the same fund). It thus becomes clear why Mt. Cristallo, near Cortina d’Ampezzo, has been valued at € 259,459, and why the Dolomites are worth € 866,294 (*Il Gazzettino* 2010). These mountains are destined for real estate funds, in which private owners will deposit property of “equivalent” value, whereby they can assume full control. So it was for this that nearly 700,000 Italians from every province (average age twenty-five) died on the front during World War I?

“State domain federalism” has been advertised, for instance by the President of the Veneto Region Luca Zaia, as the “restitution” of goods unduly stolen by a thieving national State “to their legitimate owners” in a given region or city: an argument that convinced the “opposition,” so much so that the “Italy of Values” party (*Italia Dei Valori*) voted in favor of the measure, while the Democratic party abstained. Such accord is not due to distraction: evidently, members of the Right are not the only ones who agree

---

<sup>14</sup> [Editors’ note: For a detailed summary, in Italian, of the law, see: [http://www.governo.it/GovernoInforma/Dossier/federalismo\\_demaniale/](http://www.governo.it/GovernoInforma/Dossier/federalismo_demaniale/).]

with the plan to use public goods, as the Calderoli law specifies, “by making them alienable in order to produce wealth for the benefit of *territorial* collectivity” – that is, not for the benefit of those Italians whose proprietary purses held those goods in the past. “To produce wealth” means to sell, considering the disastrous state of local finances (the Tremonti budget in 2010 cut another 15 billion euro from Regions and local agencies over a 3-year period) and considering the fact that, according to recent laws, the *comuni* must mandatorily present an annual “plan of real estate sales” (*piano di alienazioni immobiliari*) along with their projected budgets. Moreover, the law encourages cities to modify planning legislation – earning a payoff, of course – that would allow for the “cementification” of their territories. As Ernesto Galli della Loggia has rightly written “until now, Italians could have imagined themselves as being – as Italians – landlords of their own country. Not anymore” (2010). As decision-making passes from the State to local councils and assessors, Galli della Loggia continues,

we know from experience what awaits us: the definitive ruin of our country’s landscape and natural heritage, its total commercialization and “cementification.” As has happened a thousand times in the past, in fact, the political elite and local administrations – even in the North, whatever the *Lega* may say – are competing to see who can best deform and destroy the new patrimony gained through the convergence of strong private interests with the much smaller requests of their constituents, with the invincible temptation of payoffs or perhaps, in the best case, with the wackiest projects. At that point, we will realize how, in this as in many other areas, centralized power and its administrations actually give greater guarantees of honesty and efficiency than anyone else: whether because these are managed by a more able and qualified personnel, or because they are more subject to the control of the media and thus of public opinion. But at that point, it will be too late. At that point, in fact, Italy will have truly ceased to exist because, even from a physical perspective, it will have virtually disappeared – and, along with it, the environmental and cultural values that it has represented for centuries.

### 3. *Thinking Locally*

Faced with this steady crumbling of the State at the hands of its own government, as we witness the pillaging of our territory and the divvying-up of the loot, does it still make sense to talk about protecting the landscape and the environment? Yes, more than ever. It’s true – all of us are like the six blind men in the fable. We see pieces of the puzzle, and it remains hard for us to take in the big picture. In one and the same State, we see qualified experts who work as hard as they can to defend the landscape, alongside equally qualified colleagues who are accomplices to those who devastate it. In the same Italy, we see the Rodotà Commission develop a new statute on public property in the spirit of the Constitution, and other jurists willing to pen laws aimed at wiping out the very concept of

the “public good.” In this context, it is more necessary than ever to *think locally*. Italians have already begun to do so, and the forest of those who take the issue of the landscape and the public good to heart is growing quietly. The signatures (1,400,000 of them) recently collected by the “Italian Forum for Public Water” for a referendum against water privatization prove it;<sup>15</sup> and so do hundreds of other recent events.

Major environmental associations have been around for years – *Italia Nostra*, the Italian Environmental Fund (FAI), *Legambiente* and the World Wildlife Fund (WWF) are just some of the biggest names. Though they may disagree on certain issues, such as wind power, they agree ever more often on key concerns and on the necessity of reducing land consumption, enforcing protection laws, strengthening the powers of the *Soprintendenze*, and championing the joint actions of public administrations. These *national* associations, however, work even better at the *local* level. Often, new members (and/or the most active ones) feel a strong impetus to fight on the front lines in their own cities and communities. They may not always perceive all the historical, judicial, or political implications of these issues at the national level, but they do know how to get angry at the abandonment and sale of historic buildings, at cement-covered beaches, or at parking lots built under the basilica of Sant’Ambrogio in Milan or beneath the Pincian Hill in Rome. It has become trendy to label this environmental sensibility with the acronym “NIMBY” (not in my backyard), a banner waved especially by those who ignore what these words mean in English and have never actually left their own backyards. They complain that protest against the foul deeds we are witnessing is mean-spirited; indeed, that those who protest only against what they see firsthand show they could care less about everything else. According to this logic, the citizen who happens to witness a rape or a robbery out his own window should make sure not to call the police and rather spend his time, say, writing treatises on rapes and robberies.

The opposite is true: our own firsthand experiences, limited and occasional as they may be, can and must be our first step towards a broader awareness. By *thinking locally*, we can successfully arrive at a more global understanding of the issues. A few examples might help. In Colli del Tronto (Ascoli Piceno), the plan to destroy what was left of the town’s parks and gardens by burying them under 40,000 cubic meters of cement was halted by the “*Ermo Colle*” committee (inspired by Giacomo Leopardi’s poem, “L’Infinito”), which collected 700 signatures from 1400 residents in only a week. Thanks to its platform of respect for the environment, then, the committee won an election – its main advocate, Tommaso Cavezzi, is now mayor. In nearby San Benedetto del Tronto, Giuseppe Cappelli, a teacher at a local high school, worked with his students on finding the nexus between landfills and stewardship of the landscape, based on the idea of “conserving raw materials and defending the national territory” (2009). What these two examples have in common is their conscious allusion to the paintings of Tullio Pericoli, a visual master whose extraordinary, eloquent landscapes have contributed more than anything else to developing, for residents of the Marche region and elsewhere, an awareness of the values to be defended against crafty political compromises.

---

<sup>15</sup> [Editor’s note: The referendum actually took place on June 11th and 12th, 2011. A quorum of 50% of eligible voters was required, and although Berlusconi and his allies explicitly invited voters *not* to participate, and the opposition parties were skeptical about reaching the quorum, more than 57% of Italian voters actually cast ballots, and the proposal concerning publicly owned water won with more than 95%.]

The FAI campaign *Luoghi del cuore* (“Places of the Heart”) has enjoyed growing success from year to year, and the same may be said of the “Places of Value” (*Luoghi di valore*) promoted by the Benetton Foundation. Oliviero Toscani’s and my project for the “Nuovo Paesaggio Italiano,” which invites citizens to photograph the horrors that surround us, had instant success (it seems the opposite of “places of the heart,” and yet it is the other side of the same coin, just like anger and hope, as Seneca said). The campaign launched several years ago by Alberto Asor Rosa against the squalid housing developments of Monticchiello, in the town of Pienza (Siena) earned him a “NIMBY” badge. Yet as a result of this and other initiatives, along with Asor Rosa’s own perseverance, the Network of Committees (*Rete dei Comitati*) was born, which now includes hundreds of local associations, mainly in Tuscany but also in numerous other Regions. Websites like eddyburg.it and patrimoniosos.it, founded and managed by volunteers, collect and distribute up-to-date news and information for free. In just a short time, the association “Stop Land Consumption” (stopalconsumoditerritorio.it) has grown to almost 20,000 members, including at least 200 local committees and associations. The “Group for Legal Intervention and Friends of the Earth,” active in Sardinia and elsewhere, keeps an active blog where members can share news and complaints (gruppodinterventogiuridico.blog.tiscali.it); another volunteer group collects “environmental deeds and misdeeds” in the Brenta river area (rivierabrenta.blogspot.com/2010/06/grande-raduno-dei-sindaci-della-riviera.html); and even the beleaguered region of Liguria has its rebels, such as the “impromptu committee for the environment” in the town of Recco (nonsolotigullio.com/comitatoambienterecco). Popular participation in the development and criticism of planning legislation concerning city and landscape has a widespread diffusion throughout Italy, from Noto (as Corrado Fianchino has discussed in a recent book [2009, 1-64]), to Campiglia Marittima, with its highly active and locally represented association “City of Citizens” (comunedeicittadini.it/blog), to Milan, thanks in large part to Milly Moratti (chiamamilano.it). Volunteer groups dedicated to defending abandoned or degraded heritage sites are ever more common: the “*Moti Carbonari*” of San Miniato (Pisa), for instance, are fighting to recover the old pedestrian area surrounding the historical town center (moticarbonariritrovarelastrada.blogspot.com).

These and many other examples show that the microcosm of a local issue can spur – thanks to associations and discussion groups, to citizen interaction, and to the able use of online communication – an acute awareness that the landscape is the great “sick man of Italy.” Thus, new committees like these are born every day in every corner of Italy. In the unstable scenario of Italy today, this is an important new phenomenon because it is widespread, diversified, and substantial. It is glaring proof of the growing rift between the few who manage the landscape with lies and scams, and the many citizens who can’t take it anymore. All in all, we have to agree with Stefano Rodotà:

The extraordinary success of the petition for the referendum on water [see again note 15] should teach us a lot about the ways in which we can develop a political agenda. Should this process be entrusted only to the arrogance of the parliamentary majority and the hesitations of the opposition? Does it all play out in the media? Or can it also be the result of

citizens' initiatives?... [On the water issue], it was the citizens who set the timeline, and parliament cannot ignore their signals. We are faced with big issues: knowledge and awareness as a common good, water (and not only) as a common good. Here, the public demonstrates a greater awareness than politicians do.... Is it necessary to find forms of interaction that allow an informed public opinion to confer continuity on its initiatives thanks to the possibilities offered by the Internet? (2010)

Yes, it is necessary. Urgent, even. Starting from a vast network of *local awareness* of disasters and problems, it is essential to build a national network that can win its battles if it knows how to make the most of civic action as a free volunteer initiative, a sort of legitimate self-defense in the name of the common good. This is not impossible, and in Italy it is demonstrated by widespread and effective volunteerism, for instance when natural disasters arise. We see it, to give a “global” example, in the choral participation in spreading information and knowledge through the Internet. Why do millions of people contribute, with no direct earnings or advantages, to Wikipedia and similar enterprises? Clay Shirky's recent book, *Here Comes Everybody* (2008), offers a few answers: the main impulse is the desire to contribute to a common cause, by utilizing that “cognitive surplus” that every citizen is aware of possessing, the “extra bit” that we want to share, by combining it with the knowledge of others. In this mechanism of participation, what's important is the will of *every single* citizen to play a personal role and to be recognized, not to be a passive consumer of information, but to contribute actively to creating it.

*Local knowledge*, developed through firsthand experience of place and ongoing interaction with the environment and its changing face, is a vital force in the conservation of ecosystems and *landscapes* (as recognized by the 1992 Convention on Biodiversity, signed by Italy as well). When the fate of the entire horizon within which we see ourselves is at stake – a horizon that can include museums and monuments, rivers, islands, scenic vistas, flora and fauna – the effort of those citizens who live *in that place* is obviously central. They act both as interpreters of local knowledge and as the guardians of its preservation. They *know* better than anyone else (and without informational or “loyalty marketing” campaigns) because for them, it is worthwhile simply to keep in mind certain points of reference and key coordinates of their lives. They *know* where, or up to what point, their landscape may endure changes without losing its soul. “The act of experiencing and knowing a space is a special type of cognitive activity”; indeed, it lies at the very center of the mind's activity. “The process of adaptation between an individual, a group and a place” generates a type of “human territoriality” that “has to do with survival – social and cultural, besides physical – with learning, and with cognition,” states Franco La Cecla (1003, 40ff). This *local knowledge* is the basis for the emphasis in the European Landscape Convention<sup>16</sup> on the “people's

---

<sup>16</sup> [Editors' note: In force since March 2004, and the first international treaty of its kind, the Convention proposes a series of legal and financial measures aimed at protecting, managing and planning landscapes throughout Europe and promoting cooperation among authorities at all levels. More importantly, the Convention recognizes the role of the landscape both on a cultural, ecological, environmental, and social scale, and as a key economic resource. For more information, see: [http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/.](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/)]

perception.” This is an important point, but only if *local perception* does not become a factor justifying deconstruction and disaggregation, reducing tutelary guardianship to a smattering of piecemeal and incoherent decisions. It is important, only if – even if – we *think locally*, place by place, if we connect individual “perceptions” to a broader, more secure view that is linked to a solid system of values, to be found in the Italian Constitution and in the network of tutelary regulations and organizations.

There is another reason to make the most of *local knowledge* when dealing with the landscape. A very important reason: our health, mental and physical. Some things, in fact, are not only worth knowing, but necessary to share. Anyone who knows of harmful pollution in a city river, for instance, or at a dumping ground in the meadows behind his home, cannot limit himself to arranging to move out (assuming that could do this), but has the responsibility to alert his fellow citizens and the authorities that can intervene and remedy the problem. The fight against environmental pollution is by now part of a widely diffused sensibility, so that the cold cynic who goes about the business of polluting has to do everything possible to cover it up (this is what happened when toxic waste was dumped in the sea near La Maddalena). But we need to be more aware that the invasion of poisonous, illegal waste in our cities and countrysides often goes hand in hand with speculation, to the detriment (also) of the landscape and the urban environment (Carra and Fronte 2009). Who remembers that the courtyards of three schools in Crotona were paved with tons of toxic waste from a nearby factory? How many Italians can recall that the construction sites of an entire neighborhood in the south of Milan (Santa Giulia) were shut down because homes were being built on top of a gigantic illegal dumping ground of harmful (cancer-causing) waste from abandoned factories (Montedison and Redaelli steel works)? Have we forgotten that the company responsible for “one of the most sordid cesspools of the Milanese business world in recent memory” (Pontani 2010) shamelessly bears the name of *Risanamento*, or urban renewal? How many of us have heard about the company in Verona that destined one hundred thousand tons of soil and mud contaminated with hydrocarbons, heavy metals and steel waste for re-use in building projects? Such cynicism offends the landscape, kills the environment, and damages our health; such disdain holds the public interest in contempt in the name of individual profit and is content to hide behind the fig leaf of certain big names in architecture. This was the case of the Santa Giulia district, presented at the 2006 Venice Biennale as an avant-garde project involving Norman Foster (Giancarlo De Carlo’s bitter reflection comes to mind on the “phenomenon of professional cover-ups” by star architects in bigtime speculative operations).

Yet there is another type of pollution that is even less noticed and reported by the media: what we may call “pollution of human nature,” the stress felt by individual human beings which stems from the devastation of the landscape, the burnout (exhaustion and lack of interest) generated by feeling “out of place” in our own homes. Already in the 1950s, Ernesto De Martino had spoken effectively of “territorial anxiety” (*angoscia territoriale*), though he was thinking of “the anxiety of uprootedness,” the kind felt by an emigrant torn out of his element, *Heimweh* in German or *saudade* in Portuguese. Today, many new studies are focusing on another variant of “territorial anxiety”: the kind felt by those who stay in one place, but no longer recognize it; basically, a sort of *saudade* not of space but of time, felt towards the “places of the heart” that have become unrecognizable since cement monsters turned them into the nightmare that is the new Italian landscape.

Recent research in sociology, psychology and anthropology makes it ever clearer that the space we live in (landscape-as-environment) constitutes a formidable type of social capital, not only in a symbolic sense but in a specifically cognitive one. It offers us coordinates to orient our lives, our behavior and our memory, determined by the unstable equilibrium between the layering of traces of the past and the relative stability of the whole, viewed synchronically. It shapes our individual identities and the collective identity of the communities to which we belong (see Settis, ch. II.4). It establishes and ensures collectivity among and between generations, and guarantees a right to citizenship that is open not only to future generations, but to immigrants who are the new Italians of today and tomorrow. The degree of stability of the landscape that surrounds us is in direct proportion to a sense of security that curbs stress and burnout, better our perception of ourselves and of the community we belong to, favors a better level of job satisfaction (when there are jobs to speak of). On the other hand, the growing fragmentation of our territory as a result of urbanization, the swift transformation of our *landscapes*, and the sprawling of suburbs devoid of any real center, triggers individual and social pathologies; according to a recent study, “30% of the variance in incidence of schizophrenia is explained by urbanicity” (Amaddeo and Tansella 2006a, 239).<sup>17</sup>

Still, we continue to rape our landscape by creating poor imitations of the suburbs of other continents. We will thus see the disfiguration of the Serra d’Ivrea by Mediapolis, 600,000 square meters of “attractions,” hotels, heliports, nightclubs, parking lots, shopping centers and multiplexes. We will see, in the name of presumed collective interest, the foolish “cementification” of the hill of Bellosguardo near Florence, an area legally protected as landscape and for its historical-artistic value (*area di vincolo paesaggistico e storico-artistico*). We will see Motor City rise between Mantua and Verona, four and a half million square meters with a gigantic race track, enormous shopping centers, an amusement park twice the size of Gardaland (Italy’s “Disneyland”), auto showrooms, and so on: an investment worth one billion euros, including contributions from the very agencies (such as the Region of Veneto itself) that must issue permits and evaluate environmental impact. A recent book edited by Ferruccio Sansa et al., *La colata. Il partito del cemento che sta cancellando l’Italia e il suo futuro* (A Downpour of Concrete. The Party of Cement is Erasing Italy and its Future; 2010), offers dozens of examples; each of us can add dozens of others; all we need to do is stop and *think locally*. These devastations will damage not only our landscapes, but our health. Still, they go unpunished and are promoted and justified based on *market* considerations, cynically passed off as “sustainable development.” Sustainable by whom? What counts are the profits of a few entrepreneurs; our lives are worth nothing.

Healthy body, healthy mind; if we succeed in grasping the risks that the devastation of the landscape and the environment involve for each of us, today and for future generations, our perception – even if initially isolated and local – can be translated into a collective effort for the legitimate defense of our selves, that is, of the public interest against the cynicism of a few profiteers, against the pathological obesity of a “development without progress” (Pasolini, 1982, 134). The Italian Constitution provides the best frame of reference, since it protects “the landscape and the historical heritage *of the Nation*,” and thus prescribes an identical level of protection, with identical criteria, for

---

<sup>17</sup> This editorial appeared as part of a special issue dedicated to the theme of “urbanicity and schizophrenia” in the journal *Epidemiologia e psichiatria sociale* (2006b).

the whole country. Tutelary guardianship cannot be regionalized, nor can it become the mere projection of a myriad of dissimilar local perceptions. If the devolution of guardianship from the national government should ever occur, the consequences are clear: the result would be a situation similar to that of the healthcare sector, where since 2001 (according to *Cittadinanzattiva*, a movement of civic participation for the protection of citizens' and consumers' rights) "a distortion of the concept of federalism has segmented the constitutional right to health in 21 different ways, one for each of Italy's Regions or Autonomous Provinces," and services are not only distributed in a highly unequal way, but also cost much more.<sup>18</sup> Patients, however, can move from one Region to another (51% of citizens did in 2001, and the figure is increasing). But monuments and *landscapes* are stuck *in situ*, and the multiplication and differentiation of rules and regulations would have disastrous consequences, also because poorer Regions would have little funds left to set aside for protection. Under a regime of "fiscal federalism," so it seems, only seven Regions would be self-sufficient, none in the South; and the South receives only 5% of free contributions from bank Foundations.<sup>19</sup> If we do not want to see a dramatic weakening of protection, let us think locally, but let us also direct our efforts toward the spirit of the Constitution, toward the landscape of the *Nation*.

#### 4. 'Popular Action'

There have always been two forces competing over the landscape and the environment, and thus over the right to speak out (and to lay down the law) on these issues: on the one hand, the collective rights that come under the rubric of "public interest"; on the other, the right to property and to business enterprise, which acts in the name of individual profit. Public interest is farsighted; private profit is not. For this reason, our Constitution recognizes the freedom of private economic initiative, as long as it is not "in contrast with social utility" and indeed "may be directed and coordinated towards social ends" (art. 41), and, in guaranteeing private property, specifies "limits upon it aimed at ensuring its social function" (art. 42). The conflict between blind individual interest and public utility may be traced over the entire arc of Italian history, from ancient Rome to medieval cities to today. It is in the name of public interest that Pope Gregory XIII, in 1574, limited even the cardinals' right to build in Rome (see Settis 2010, ch. III, sect. 3); and after the unification of Italy, the long tug of war between the primacy of private property, in the Piedmontese tradition, and the supremacy of *publica utilitas*, rooted in the rest of Italy, ended with the victory of public interest in the protection law of 1909, reiterated and made more specific in 1939 (see Settis 2010, ch. III. 4-5). Our Constitution affirms this

---

<sup>18</sup> [Editors' note: This situation seems to be in clear violation of article 32 of Italian Constitution, according to which "La Repubblica tutela la salute come fondamentale diritto dell'individuo e interesse della collettività, e garantisce cure gratuite agli indigenti" (the Repubblica safeguards health as a fundamental right of the individual and in the interest of the collectivity, and guarantees free care to indigent persons).]

<sup>19</sup> [Editors' note: Stemming from the country's long-established credit institutions, Italy's eighty-nine banking Foundations (*Fondazioni Casse di Risparmio*) provide grants to fund numerous non-profit initiatives in areas such as arts and culture, healthcare, scientific research, volunteer and charity organizations, and education.]

and so do our laws, which are disgraced every day not only by those who violate them, but by those who render them useless with a spider web of exemptions.

Two models of development are in conflict in Italy today. We may describe them with a language that is both literal and metaphorical, derived from ecological and ethological research over the past thirty years: on the one hand, the “*R* strategy”; on the other, the “*K* strategy” (the initials respectively indicate the “rate of growth” and the “carrying capacity” of a given environment). Certain animal species practice the “*R* strategy,” which is of an opportunistic nature: they develop a high birthrate, they occupy and make use of the environment without developing strategies of adaptation, only to then migrate elsewhere. The individuals who belong to these species have a short life span, and the environments they inhabit are typically unstable. Other animal species, instead, practice the “*K* strategy,” based on finding equilibrium with the environment and adapting to it. The birthrate is low, individuals have a longer life span, and the environment is more stable.

What about humans? Without taking this analogy to the extreme (as some recent studies have), let us apply it provisionally to the theme of these pages. On the one hand, builders and speculators, in the name of individual profit, practice the “*R* strategy,” using the reproductive power of their companies to the max, and flooding cities and landscapes with new construction. The growth curve of these settlements does not respect the balance of the environment but squeezes it dry until the threshold of sustainability has been surpassed, then leaves it to its fate. Real estate revenue, which was once a marginal prize for speculation, has become the drive behind a perverse form of development (Tocci 2009, 17-73; Capaldo 2010, 112ff), a “pure land investment, that may be treated as a derivative” (Sapelli, 2009, 14-20), devastating the territory and creating the conditions for a fatal “real estate bubble,” like a time bomb. On the opposite front stand those who defend the public interest, a “species” that includes the “Constitutionalists”<sup>20</sup> and citizens of environmental associations, and orients thought and action around public interest. Their (and our) model of growth is based on adapting the need for development to the “carrying capacity” of the environment, and on maintaining environmental equilibrium over a long term. The development curve of the “*R* strategy” rises quickly until reaching its peak, then falls; the development curve of the “*K* strategy,” in the long term, resembles a straight line whose slope is correlated to the carrying capacity of the environment. Not coincidentally, among animal species, the “*R* strategy” is practiced by parasites and predators (from bacteria to grasshoppers), the “*K* strategy” by large mammals. The “*K* strategy” consolidates and stabilizes the ecosystem; the “*R* strategy” degrades it and makes it fragile. In species dominated by the “*R* strategy,” we find neither parental care nor transmission of “memes” (units of “cultural” or behavioral information), as instead happens in species who practice the “*K* strategy.”

If this is not just a metaphor (and it isn’t), we must know how to develop, for the sake of our own survival and our health, a wise, farsighted “*K* strategy.” We must understand the things that politicians and public administrators don’t want to understand. Though we may start from our own backyards, we must broaden our view. We must take care of our cities, but also realize that we won’t save them if the rest of the country is on

---

<sup>20</sup> [Editors’ note: *Costituenti*, or “Constitutionalists,” in the Italian context refers to the members of the Assemblée Costituente that, after the referendum of June 2, 1946 which abolished the monarchy and established the Republic, drafted the new Constitution, which came into effect on January 1, 1948.]

its way to ruin in the meantime. We must take our time and start over, knowing what to make the most of. But what must we understand in order for our discussion regarding the landscape and the environment to become not a vain complaint, but a real battle to be won? Let's take a look at a few things.

We must understand that there is no room for compromise on these matters, because the fight between predatory profit and community interest is a tough one. But we must be aware that the “party of the Constitution” is the strongest political alliance in Italy. In fact, in the 2006 referendum, 15,791,293 Italians (61,3% of votes cast) voted against a constitutional reform inspired by unhinged devolution, over two million more electors than those who voted for the majority party (the *PdL*, or “Freedom People” party) in the 2008 elections, which were 13,629,464, equivalent to 37.3% of votes cast on that occasion (I will not comment here on the fact that the winners of the 2006 referendum did not get the message voters were sending and act accordingly, as noted by Oscar Luigi Scalfaro, president of the Committee that promoted the constitutional referendum and today of the Association *Salviamo la Costituzione: aggiornarla non demolirla* [“Save the Constitution: renovate it, don't demolish it”]).

We must know how to recover the sense of our history, to remember that Italy was a major leader in the history and strategy of tutelary guardianship worldwide, a role it deserved for the quality of the culture of conservation and preservation shared among citizens from all over the country and all walks of life. We must neither seek temporary models, nor invoke the *commons* to re-label the common goods we have always possessed, but defend those we still possess, before the usual suspects steal them from us once and for all. We must not feel “backwards,” to then let ourselves be dragged behind other cultures; we must bear our culture and our tradition like a precious gift in the European context and aim to transform our “cultural exception,” legitimized by history, into a real political project for the Europe of the future.

We must realize that investing in the building industry at a rate such as ours is insane, and that by doing so, we are losing sight of much more productive forms of investment, locking ourselves up in the parameters of an outdated culture of consumption that condemns the country's economy to a state of marginality and deadlock. We must realize that such frenzied consumption of the soil destroys its natural protective functions, that cement makes it waterproof (*soil sealing*), generating widespread contamination, a loss of biodiversity, reduced vegetation and ecological functions, and an increased risk of landslides – all in all, causing immediate or potential damage to our health and well being. If we really want to be “European,” moreover, we must remember that according to the *Eurobarometer* survey conducted by the EU, 60% of Europeans considers environmental pollution the number one health risk factor (followed, far down the list, by car accidents and serious illness).

We must be convinced (and convince other citizens) that the quality of our landscape and environment is not a luxury, but a necessity. It is an investment in our future and it constitutes, as thirty centuries of Italian history have shown, a crucial value that is not only cultural, but civil and economic. It has a direct influence upon, and indeed energizes, our quality of life, individual happiness, and the prosperity of our communities. It cannot be sold for the profit of a few unscrupulous predators. At any price. We must fight against the disintegration of the *landscape-environment-territory*, this very real space in which we live, against its transformation into an abstract haze of words that quickly

dissipates into different disciplines that share no common language (from law to geography, to aesthetics, to art history, to city planning) and is quickly pulverized into an incomprehensible map of administrative duties, distribution of responsibilities, and of institutional conflicts.

We must combat the pitiful but frequent counter-argument according to which the devastation of the landscape and the environment happens not for the profit of a few, but in order to maintain or increase the employment rate. By *thinking locally* at all levels, we must be convinced (and convince other citizens) that it is possible, indeed necessary and positive, to reconvert labor and business activity in the sector by channeling these into more farsighted enterprises and more productive investments, such as quality farming and agriculture (nothing protects the landscape and the environment better) (Di Bene and D'Eusebio 2007); or by reconverting or adapting residential buildings in order to conserve energy; or by refurbishing (or, in some cases, demolishing) abandoned buildings; or through enforcing safety measures in natural environments such as ours, that are afflicted by landslides, seismic activity, water pollution and hundreds of other problems that threaten the well-being of each one of us and of our society. We must be certain that public incentives get directed toward such investments, and not toward the insane proliferation of “cement,” or toward new invasions of territorial areas under the pretext of a *green economy* that is misconstrued and self-serving. And we must understand that all this is possible *tomorrow*: all we need to do is wage a serious battle against tax evasion in order to recover the necessary resources. According to an estimate made by the Italian Taxpayers' Association, the evasion of taxable income has reached 371 billion euros annually: a world record.

We must generate and spread awareness not only of problems, but of possible solutions. We must do it for ourselves and for our children, but also for new Italians, immigrants and their children: either they learn to love our landscape and our heritage, and thus defend it, or they too will become (as many “certified” Italians have) indifferent and hostile to it. It depends on what we can bring ourselves to do, as individual citizens but also at the institutional level, through schools and associations, whether Italy will be recognizable in the next fifty years or not. Whether it will be worthy of itself.

We must not be discouraged if the terrible crisis of ideals and values in which our country has fallen makes it so hard today to make our voices heard by those who govern us. It is difficult, but it is not impossible. The positive signals coming from the new regional government of Tuscany, led by president Enrico Rossi and assessor Anna Marson (see Settis 2010, ch. VI. 6), are very encouraging: perhaps this Region so rich in civilization and distinguished accomplishments may signal a new direction, and lead other regional administrations in Italy by positive example. Perhaps, through its age-old tradition of civilized life, as well as through the competence and farsightedness of certain individuals, Tuscany has understood before most other regions that enough is enough, that it is time to change course, that someone must set the tone, and that Tuscany can and must know how to do so. Perhaps, once again, it will be Tuscany that sets the tone for the rest of Italy, to signal the beginning of a recovery, to serve as the driving force for other regions and for the national government.

We greet every positive sign with joy and hope, but we must fight if we want these signs to multiply. Even when faced with the worst evidence of corruption in public life and of the increasing self-referentiality of the party system, we must believe, indeed

*know*, that there will be a recovery, a better time, even if we do not yet know either how or thanks to whom. At that point, however, each of us must be prepared to speak out on the themes we care about most and about which we have the most to say. By digging deep in our historical memory and our judicial tradition, we must reactivate forms of *popular action* like the one the Rava law provided for in 1909, precisely on the same issues, a law that the Senate rejected after the Chamber of Deputies approved it. By giving “each citizen who enjoys civil rights” and “every legally recognized entity” the possibility “to bring legal action” in the interest of the Nation’s heritage against those who violate the law,” the Rava law established a connection with the *actio popularis* of Roman law, granting citizens the ability to assert the claims of the public interest and the common good, even when the State keeps silent.<sup>21</sup>

This ancient Roman judicial institution is currently in force in certain countries, such as Brazil, where it has been a Constitutional norm since 1988 (*ação popular*), and is also applied to public property (*patrimônio público*) and to the environment; or in Colombia, where we find it among the principles of the 1991 Constitution and the Civil Code (*acción popular*), concerning “public heritage, space, security and health, administrative ethics, and the environment.” In fact, and more surprisingly, there has been a recent proposal to utilize the Roman model in China as well, by introducing popular action precisely “to counter lawless ‘cementification’” (Zhimin 2007). Will we thus see *popular action* against those who devastate the landscape operate in the wake of Roman law in Brazil and perhaps even in China, but not in Italy? Still, a specific judicial tradition exists in Italy in this sense: *popular action* was to be applied to the issue of the landscape not only in the law Rava proposed in 1909 (see Settis 2010, ch. III. 4), but also in the proposals set forth by the Franceschini Commission in 1967 (see Settis 2010, ch. VI.1). Moreover, the Italian system provides for it in other areas: for instance, Law 416 of 1981 (art. 4 c. 6) provides for the popular action of “any physical or juridical person” (that is, any individual citizen or legally constituted corporate entity) against the concentration of ownership of newspapers. We could make an analogy with the class action suits that the law permits in the United States, but this would be a superficial analogy, since such a suit cannot be promoted by any single citizen, but only by a group that feels directly damaged. Nevertheless, judicial action for the protection of *widespread interests* (the integrity of the landscape and the environment) may combine something of an “American-style” class action and something of the “popular action” of Roman law. Without waiting to expressly introduce a law such as the one Rava and Rosadi wanted in 1909, it is possible, indeed necessary, to take immediate action in this spirit.

At the heart of such action, there must be the morally and judicially founded conviction that the environment, the landscape, and the territory (however defined) are a *common good*, with respect to which all of us – individually and collectively – possess not only a passive right of use, but an active right and duty to protect and defend. The community of citizens as a whole (but also the sub-communities formed by national, provincial or local associations, or by interest groups that can defend against the destruction of a forest, a valley or an island) is in this sense a *plural subject*,<sup>22</sup> similar to the *comunanze* of the Marche region, which still collectively manage the resources of

---

<sup>21</sup> [Editors’ note: The Rava law of 1909 included an article on *azione popolare*; Settis discusses this further in his chapter III.4, pp. 118-19.]

<sup>22</sup> On the concept of the “plural subject,” see Maddalena (2009).

time and of the land, or to those charged with maintaining civic customs (*usi civici*).<sup>23</sup> The “people” that the Italian Constitution places at the center of civic life (from its first article: “Sovereignty belongs to the people”) can thus act in their own defense, as expressly provided for by article 118 of the Constitution, according to which “the State, Regions, metropolitan Cities, Provinces and *Comuni favor the autonomous initiative of citizens*, individual or associated, to carry out *activities of general interest*”; thus, the law on environmental damage recognized that “environmental protection agencies...may report activities that are harmful to environmental resources, of which they are aware” (L. 349/1986, art. 13). To defend the *common good* today means starting from the innovative judicial notion of the “life community” (*comunità di vita*);<sup>24</sup> it means rethinking society in terms of “environmental ethics” (Brennan and Lo 2002). To exercise *popular action* means to be aware of the “right to resistance,” which, according to Giuseppe Dossetti, should have been included in the Constitution (speech to the *Assemblea Costituente* [Constitutional Congress], November 21, 1946). The words of that missing article should be reread and reflected upon like those of an eminent, efficient manifesto of citizens’ rights faced with the debasing of our institutions: “Individual and collective resistance to the acts of public powers that violate the fundamental liberties and the rights guaranteed by the present Constitution is the right and responsibility of every citizen.” *Popular action* is thus the right and responsibility to collective resistance against the decay of our cities and countrysides, against the looting of the landscape.

*Popular action*, in today’s context, means a number of different yet convergent things. It means promoting widespread (by *thinking locally*) individual actions against the barbaric devastation that surrounds us: and this is what national associations and local committees do quite often, sometimes effectively and successfully. This should be done even more frequently, and even better: and it doesn’t matter whether we label it with the trendy term of *class action*, as long as it’s efficient. *Popular action* means to flood the information networks not only with the actions of individuals, but also the brave acts of certain public administrators, from Renato Soru, with his sharp initiative to protect the landscape and the historical memory of Sardinia; to Fiorenza Brioni, the mayor of Mantua, who put a stop to the savage “cementification” of Mantegna’s landscape and was thanked, with her party’s help, with a defeat at the polls; to Domenico Finiguerra, mayor of a tiny city in the province of Milan (Cassinetta di Lugagnano), who said no to the consumption of land in his territory. It means using the growing networking possibilities for offered by the development of the Web and of social networks such as Facebook in order to spread information, analyses, and awareness as much and as best as we can. It means being assiduously knowledgeable in exploring all legal options for both the individual citizen and associations to exercise the civil right to fight the looting of the national territory by reclaiming the primacy of public interest, efficaciously and with no exceptions. It means not contenting ourselves with mere complaints, appeal and petitions, but investing time and energy in legal actions conducted in the spirit of the Constitution.

---

<sup>23</sup> [Editors’ note: “Comunanza” is a word typically used only in and of very limited parts of Italy (notably the Marche). It designates a ‘common good’ (such as a mountain, a forest, a grassland) that is neither private property nor is owned by the State, or by the Region or “Comune” (city, township) in question, but is considered a *bene comune* pertaining to (and managed by) the very community that traditionally uses it. Perhaps the closest analogue is the English “commons.”]

<sup>24</sup> [Editors’ note: Settis refers to his ch. II.4, where he discusses the notion of the “life community” and references Vincenti (2007, 57).]

We need to explode the irremediable contradictions between the provisions of the Constitution and those laws that ignore and bypass it; we must attack head-on these legislative conflicts between guarantees of normative practices, on one hand, and on the other, “states of exception,” and the exemptions and remissions that render them useless.

*Popular action* means, all in all, to no longer feel *out of place*, but to reclaim a full right of citizenship in the name of morality, legality, history and law. Because, as we know from Roman law, *popular action* and the *common good* are two faces of the same coin. Because being citizens means being aware of the ties of social solidarity that are the heart and soul of our Constitution. It means seeing the common good as the foundation of democracy, liberty and equality, and reclaiming public interest, namely the rights of future generations. Before the culpable inertia of too many politicians (from the majority and the “opposition” alike), there is still one subject that can and must formulate these thoughts and these plans, and work to make them a reality.

We, the citizens.

### Bibliography

- Albats, Yevgenia. 2010. (Interview). *La Repubblica*, August 12.
- Amaddeo, Francesco, and Michele Tansella. 2006a. “Ambiente urbano e schizofrenia. Dall’associazione statistica alla relazione causale.” Special issue of *Epidemiologia e psichiatria sociale* [now published as *Epidemiology and Psychiatric Sciences*]. 15 (4): 239-241. <http://journals.cambridge.org/action/displayJournal?jid=EPS>.
- , eds. 2006b. “Urbanicity and schizophrenia.” Special issue of *Epidemiologia e psichiatria sociale* [now published as *Epidemiology and Psychiatric Sciences*]. 15 (4). <http://journals.cambridge.org/action/displayJournal?jid=EPS>.
- Atti dell’Assemblea Costituente*. 1946. 1a Sottocommissione, seduta del 3 dicembre. 450-452.  
[http://legislature.camera.it/\\_dati/costituente/lavori/I\\_Sottocommissione/sed044/sed044nc.pdf](http://legislature.camera.it/_dati/costituente/lavori/I_Sottocommissione/sed044/sed044nc.pdf).
- Bifulco, Raffaele. 2008. *Diritto e generazioni future. Problemi giuridici della responsabilità intergenerazionale*. Milan: Franco Angeli.
- Brennan, Andrew, and Yeuk-Sze Lo. 2002. “Ethics, Environmental.” In *Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: The Metaphysics Research Lab. <http://plato.stanford.edu/entries/ethics-environmental/>.
- Capaldo, Pellegrino. 2010. “Qualche commento alla proposta della Commissione sui Beni Pubblici.” In *I beni pubblici: dal governo democratico dell’economia alla riforma del Codice Civile*, edited by Ugo Mattei, Edward Reviglio and Stefano Rodotà, 111-118. Rome: Accademia Nazionale dei Lincei.
- Cappelli, Giuseppe, et alii. 2009. *Rifiuti: il cerchio da chiudere. Viaggio nella faccia nascosta della società consumistica*. Istituto Tecnico e Liceo Linguistico ‘A. Capriotti,’ San Benedetto del Tronto. (Privately recorded DVD).
- Carra, Luca, and Margherita Fronte. 2009. *Polveri & veleni. Viaggio tra salute e ambiente in Italia*. Milan: Edizioni Ambiente.
- Di Bene, Anna, and Luca D’Eusebio. 2007. *Paesaggio agrario. Una questione non*

- risolta*. Rome: Gangemi.
- Dossetti, Giuseppe. 1995. *Scritti politici 1943-1951*. Genoa: Marietti.
- Fianchino, Corrado. 2009. *Un'esperienza di partecipazione popolare per il PRG di Noto*. Rome: Anabiblio.
- Galli della Loggia, Ernesto. 2010. "Italiani senza Italia." *Corriere della sera*, August 2.
- La Cecla, Franco. 1993. *Mente locale. Per un'antropologia dell'abitare*. Milan: Eleuthera.
- Maddalena, Paolo. 2009. "L'ambiente: riflessioni introduttive per una sua tutela giuridica." *Ambiente & Sviluppo* 6: 477-82.
- Mattei, Ugo. 2010. Preface. In *I beni pubblici: dal governo democratico dell'economia alla riforma del Codice Civile*, edited by Ugo Mattei, Edward Reviglio and Stefano Rodotà, 21-32. Rome: Accademia Nazionale dei Lincei.
- Mattei, Ugo, Edward Reviglio and Stefano Rodotà, eds. 2007. *Invertire la rotta. Idee per una riforma della proprietà pubblica*. Bologna: Il Mulino.
- . 2010. *I beni pubblici: dal governo democratico dell'economia alla riforma del Codice Civile*. Rome: Accademia Nazionale dei Lincei.
- Page, Patricia K[athleen]. No date. "The Blind Men and the Elephant (A Play in Two Scenes). <http://www.ecospherics.net/pages/PageBlinM&Eleph.html>.
- Pasolini, Pier Paolo. 1982. *Testimonianze*. Edited by Anna Panicali and Sergio Sestini. Florence: Salani.
- Pontani, Filippo Maria. 2010. "L'urbanistica italiana mangiata dagli imbrogli." Last modified July 25. [www.ilpost.it/2010/07/25/urbanistica-santa-giulia-milano/](http://www.ilpost.it/2010/07/25/urbanistica-santa-giulia-milano/).
- Quaini, Massimo 2009. "Il ruolo dei paesaggi storici per prescrivere il futuro." In *Patrimonio culturale e paesaggio*, edited by Maria Mautone and Maria Ronza, 125-131. Rome: Gangemi.
- Rodotà, Stefano. 2010. "Azione civica contro il bavaglio." *La Repubblica*, May 17.
- Romano, Marco. 1981. "Il leit-motiv della contrattazione politica nel piano comprensoriale di Venezia." *Urbanistica* 71: 66-84.
- Roosevelt, Theodore. 1916. *A Book-Lover's Holidays in the Open*. New York: Charles Scribner & Sons.
- Sansa, Ferruccio, Andrea Garibaldi, Antonio Massari, Marco Preve, and Giuseppe Salvaggiulo. 2010. *La colata. Il partito del cemento che sta cancellando l'Italia e il suo futuro*. Milan: Chiarelettere.
- Sapelli, Giulio. 2009. "Tra rendita urbana e rendita finanziaria: la città a frattali." *Dialoghi internazionali* 10: 14-20.
- Settis, Salvatore. 2010. *Paesaggio Costituzione cemento: la battaglia per l'ambiente contro il degrado civile*. Turin: Einaudi.
- . 2008. "Beni culturali in liquidazione?" *Il Sole - 24 Ore*, July 4: 12.
- Vincenti, Umberto. 2007. *Diritto senza identità. La crisi delle categorie giuridiche tradizionali*. Rome-Bari: Laterza.
- Shirky, Clay. 2008. *Here Comes Everybody: The Power of Organizing without Organizations*. Penguin: New York.
- Spinelli, Barbara. 2009. "Il grande sacco dell'Italia" *La Stampa*, October 4.
- Tocci, Walter. 2009. "L'insostenibile ascesa della rendita urbana." In *Democrazia e diritto* 1: 17-73.
- Zhimin, Luo. 2007. "Riflessioni sull'azione popolare da una prospettiva comparativa." In

*Fides humanitas ius: studii in onore di Luigi Labruna.* 8 vols., edited by Cosimo Cascione and Carla Masi Doria, VIII. 6065-77. Naples: Editoriale scientifica.