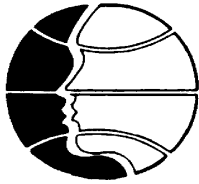


# Landscape, Law and Justice



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## FOREWORD

This volume presents the proceedings of the *Landscape, Law & Justice* conference held at the Centre for Advanced Study (CAS) at the Norwegian Academy of Science and Letters in Oslo, from 15<sup>th</sup> to 19<sup>th</sup> June 2003. The conference was organised by the *Landscape, Law and Justice* project team at CAS in collaboration with the working group on *Land Rights and Landscape in Transition* of the Permanent European Conference for the Study of the Rural Landscape (PECSRL).

The conference *Landscape, Law and Justice* was intended to present ideas developed by researchers working within the disciplines of geography, history, legal history, sociology, political science, philosophy, law, landscape planning and other disciplines, focusing on philosophical and theoretical issues concerning justice, law and equity with regard to landscape. The issues discussed derived from recent and ongoing theoretical and empirical studies on landscape, the term landscape being taken to incorporate a number of differing but overlapping ways in which the complex relationships between human societies and their physical surroundings are conceptualised. The point of departure was a current trend to treat landscapes as social, cultural and political venues where power, control, justice and morality are exercised. Research on the symbolic aspects of land has often had difficulty dealing with processes of change, and has largely been confined to synchronic analyses. The challenge was thus to combine these aspects in a coherent approach to various communities and their landscapes. The particular focus was on the role of law and custom for the allocation, management and use of common resources, and the physical results in the landscape. Legal implications and landscape impacts of environmental policies were linked with questions of environmental justice and injustice in relation to the implementation of government policies. One of the problems associated with such a rich selection of themes and chapters is the organisational challenge of bringing together the large variety of applications, study areas, and thematic pursuits. The essays are ordered according to three broad thematic criteria, which do not pretend to give comprehensive coverage of the theme but attempt to highlight some crucial aspects.

The first set of chapters outline the concepts of landscape and environment linking people and the land. These are concepts that can be defined in many ways, and have led to much discussion. The majority of the contributors use the term landscape, although the term has a number of different derivations. In geography and related academic disciplines, landscape has been seen as an areal unit of particular character, forms, or interrelated features. In art and literature, landscape is the visual content of an area observed from a particular viewpoint. In the Germanic languages, landscape further relates to a region or historical administrative unit, as when used to refer to the medieval Nordic provincial laws, known literally as 'Landscape Laws'. A historical Nordic tradition, in which landscape is not so much seen as territory or scenery, but as an expression of law, justice and culture, provides a focus.

Policies, laws and local institutions in relation to landscape or landscape history generated by local customs, international policies and laws form the second broad theme. Landscape may be interpreted as a physical and cultural manifestation of human activity and institutions. The contributors focused on the role of legislation and customary law in a historical and geographical perspective. The presentations include studies relating to common property, rights of access for recreation in forest and mountain landscapes, desired and preserved landscapes, and the preservation of cultural heritage. The history of landscape as related to social inclusion and exclusion is a field of increasing importance. The role of customary law for the rights of minorities in their relationship to environmental and other policies of central governments was discussed.

Landscapes are locally the result, among other things, of complex human responses to both local customs and central legislation. The relationships between local communities, property rights and landscape form the third broad theme. The dynamics of property rights and the role of property rights as explanatory factors for landscape change were explored. New insights were gained by comparative studies from different parts of the world.

A number of themes run throughout the book. Many of the authors use landscape as a conceptual tool to include both the material and visual aspects, indeed being between, or an embodiment, of both. Disciplinary approaches vary from traditional longitudinal studies of landscape change to deconstruction and examining the ideological discourses surrounding landscape as a polity. In using landscape as a practical and conceptual tool, the authors transcend the sterile dichotomies in considering the duality of landscape. The chapters provide a wealth of study sites from different countries discussing justice in the legal and management policies. Although the majority of the studies are set in Europe, there are also chapters detailing work in Africa, Oceania, and North America. On a time scale, the chapters deal with mainly contemporary issues or with a recent past, but there are also those that highlight the development of the landscape in other periods or that follow its development over a long time period. Collectively, the chapters offer a survey of context, theory and practice, and examine the relations between landscape, law and justice linking people, place and policy at different spatial and temporal scales.

We would like to thank the Research Council of Norway for financing the participation of the conference's two keynote speakers, Nick Blomley and Anne Whiston Spirn. We would also like to thank the Centre for Advanced Study for its support of the conference through its financing of the work of the *Landscape, Law & Justice* research group during the academic year 2002-2003. Finally we would like to thank the Norwegian Academy of Science and Letters for providing the venue for the conference at their premises in Oslo.

Tiina Peil & Michael Jones