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Introduction

Landscape, Law and Justice—20 Years

The Royal Swedish Academy of Letters, History and Antiquities (Vitterhetsakademien) in Stockholm hosted the symposium 'Landscape, Law and Justice—20 Years' on 22–23 November 2022 to mark the 20th anniversary of the work of the *Landscape, Law and Justice* international research group at the Centre for Advanced Study in Oslo 2002–2003. The aim of the symposium was to sum up and assess research over the following 20 years on the interrelations of landscape, law and justice and to discuss the contribution that research within this field can make to understanding and solving major challenges facing society at the present time. The symposium combined overviews of recent and ongoing research with a discussion of its contemporary relevance.

The point of departure for the symposium was to discuss and suggest answers to the following questions:

1) What influence has the bringing together of the concepts of landscape, law and justice in 2002–2003 had on research in the succeeding 20 years?
2) What is the current status of research on the relationships between landscape, law and justice?
3) What contribution can research with a landscape, law and justice approach make to understanding and solving today's most important challenges?

Practices related to land ownership and use, physical planning, environmental management and landscape heritage in the past and present are central to answering these questions. An important focus is on the power dimension in the interaction of landscape, law and justice. Also highly important is the theorization of justice and injustice in relation to landscape.

The present publication contains articles based on twelve of the presentations for the November 2022 symposium. The chapters place the authors' recent research in a broader context by focusing on important conceptual ideas and by indicating the contribution that the research can make to understanding and finding solutions to one or more of the challenges presented above.

RESEARCH BACKGROUND

The Landscape, Law and Justice research project in Oslo in 2002–2003 grew out of a network of landscape researchers in the Nordic countries that was active in the 1990s. The Nordic Seminar for Landscape Research, initiated by geography professor Ulf Sporrong (1936–2020), organized seminars at Sigtuna, Sweden, in 1993, at Lund in 1994, and at Sogndal, Norway, in 1996. During the Sogndal seminar, it was proposed to continue with the aim of producing a book of essays on Nordic landscapes. Drafts were discussed at meetings held at Mariehamn in Åland, in 1997 and at Sørvágur in the Faroe Islands in 1999, and the book project was also presented at a workshop held during the 18th session of the Permanent Conference for the Study of the Rural Landscape (PECSRL) in Trondheim in 1998. The end-result was the publication in 2008 of *Nordic Landscapes: Region and Belonging on the Northern Edge of Europe*, edited by Michael Jones and Kenneth Olwig.[1]

Alongside the work of editing *Nordic Landscapes*, a successful application to the Centre for Advanced Study (CAS) at the Norwegian Academy of Science and Letters (Det Norske Videnskaps-Akademi) in Oslo resulted in the Landscape, Law and Justice project during the 2002–2003 academic year under the leadership of Michael Jones.[2] The project proposal was formulated by Michael Jones together with Kenneth Olwig. The project was concerned with the interrelationship between landscape and different types of law—how formal law, customary law, international conventions and legal practice contribute both to the shaping of the physical landscape and to conceptualizations of landscape—and how landscape and law are in turn shaped by conceptions of justice and by contestations over what is considered just and unjust in different societies.

1 Olwig & Jones 2008, xxvii–xxviii; Olwig in this volume.

2 The core group of senior researchers consisted of Professors Michael Jones (geographer, based in Norway), Kenneth Olwig (geographer, based in Sweden), Erling Berge (sociologist, Norway), David Lowenthal (historian and geographer, USA and UK), Ari Lehtinen (geographer, Finland), David Sellar (legal historian, Scotland), Hans Sevatdal (land reorganization historian, Norway) and Mats Widgren (geographer, Sweden). Two postdoctoral researchers attached to the project were Gunhild Setten (geographer, Norway) and Tiina Peil (geographer, Estonia).

While geographers were in the majority among the core group of researchers in the original Landscape, Law and Justice project, there was nonetheless a strong interdisciplinarity in the series of monthly seminars organized by the group.[3] The topics discussed were the following: conceptualizations of landscape; custom, law and landscape (legal history and legal geography); justice, injustice and the environment; language and landscape; commons, old and new; customary rights, including indigenous landscapes; and cultural and natural heritage. In all, 90 papers were presented at these seminars.[4] Three of the seminars resulted in the publication of reports or special journal issues.[5]

The academic year concluded with an international conference, held in Oslo in June 2003. The conference focused on the following themes: conceptualizations and representations of landscape, law and justice; policies, laws and local institutions regulating landscape; local communities and landscape; and land restitution and landscape. The proceedings of the conference consisted of 31 articles published in 2005.[6] In addition, a special issue of *Norsk Geografisk Tidsskrift–Norwegian Journal of Geography*, containing a series of essays by members of the group, appeared in 2006.[7]

The idea of a symposium to mark the 20th anniversary of the original Landscape, Law and Justice project arose out of a workshop, titled 'Rethinking "Nordic" landscape geography', held at Vitterhetsakademien in November 2022. Participating in this workshop were a group of geographers and landscape researchers from Swedish universities as well as two geographers from Trondheim who were on sabbatical in Uppsala. The initiative for the workshop was taken by two members of the original Landscape, Law and Justice group: Gunhild Setten (on sabbatical in Uppsala from Trondheim) and Mats Widgren (member of Vitterhetsakademien). One of the points that came up at the workshop was the significance of the Landscape, Law and Justice project for the development of landscape geography since the turn of the millennium.

A successful application to Vitterhetsakademien for funding an anniversary symposium was subsequently made by Michael Jones and Mats Widgren (respectively for-

3 Eight visiting researchers took part in the group's activities for short periods, while 42 invited speakers presented papers at the seminars, representing 16 different academic disciplines.

4 The concepts and issues discussed at the Landscape, Law and Justice seminars are presented in Jones 2006b.

5 Berge & Carlsson 2003; Jones & Schanche 2004; Olwig & Lowenthal 2005.

6 Peil & Jones 2005.

7 Jones 2006a.

eign member and Swedish member of Vitterhetsakademien). The present proceedings are the result of the anniversary symposium held in Stockholm in November 2022.

LANDSCAPE, LAW AND JUSTICE—20 YEARS ANNIVERSARY SYMPOSIUM

The two-day anniversary symposium allowed for the presentation of up to 16 papers, with ample time for discussion. Six core members of the original Landscape, Law and Justice project participated: Michael Jones, Kenneth Olwig, Erling Berge, Ari Lehtinen, Tiina Peil and Gunhild Setten. Mats Widgren was unable to attend because of illness. Two other participants, Tomas Germundsson and Don Mitchell, had given presentations at Landscape, Law and Justice seminars in 2002–2003. Tom Mels, who had participated in the final conference in June 2003, had prepared a paper and was due to take part in the anniversary symposium, but was hindered from travelling at the last minute. In addition, papers were presented by Jonas Ebbeson, Frode Flemsæter, Päivi Kymäläinen, Hilde Nymoen Rørtveit, Marie Stenseke and Amy Strecker. All the presenters were geographers except for sociologist Erling Berge and legal scholars Jonas Ebbeson and Amy Strecker.

Sadly, three of the core members of the original Landscape, Law and Justice group have died since 2003. The symposium began with a short remembrance of their contributions as demonstrated by their last publications.

Hans Sevatdal (1940–2015) was Professor of Land Reorganization at the Norwegian University of Life Sciences, Ås. His last published work, which came out posthumously in 2017, is a history of Norwegian land tenure from the 17th century to the present. This work was his long-term project, developed over time from a textbook he had written in 1979. After Sevatdal's death, the almost-finished manuscript was edited to completion by Per Kåre Sky and Erling Berge, with some additional chapters written by other colleagues.[8]

David Lowenthal (1923–2018) was an American historian and Professor Emeritus in Geography at University College London. His last book, *Quest for the Unity of Knowledge*, is a synthesis of Western thought and argues that to solve the major challenges facing humankind it is necessary to bridge the gap between natural sciences on the one hand and the humanities and social sciences on the other. The manuscript was completed just before Lowenthal's death and was proofread and brought to publica-

8 Sevatdal *et al*. 2017.

tion by his wife, Mary Alice Lowenthal, in 2018 (although the date of publication is given in the colophon as 2019).[9]

David Sellar (1941–2019) was a Scottish legal historian at the University of Edinburgh and also served from 2008 to 2014 as Lord Lyon King of Arms for Scotland, responsible for regulating heraldry. After Sellar's death, his colleague Hector MacQueen, professor at the University of Edinburgh's Faculty of Law, edited a work containing 15 select essays by David Sellar under the title *Continuity, Influences and Integration in Scottish Legal History*, published in 2022. The essays emphasize the continuity of Scottish legal development in which legal change occurred through a process of external influences becoming integrated with indigenous customary law.[10]

Subsequent to the symposium, eleven of the fourteen presentations were written up and submitted for publication in the symposium proceedings. In addition, Tom Mels' paper, which he was hindered at the last minute from presenting at the symposium, was submitted for publication. These twelve contributions are commented in the next section of this introduction. The three presentations that were not submitted for publication are briefly summarized as follows.

Jonas Ebbesson, Professor of Environmental Law at Stockholm University, presented a paper titled 'The Aarhus Convention: Participatory rights and justice in landscape matters'. The Aarhus Convention is the United Nations Economic Commission for Europe's (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which was adopted at the Fourth 'Environment for Europe' Ministerial Conference in the Danish city of Aarhus in 1998 and entered into force in 2001. Founded on the principles of participatory democracy, the Aarhus Convention establishes the rights of individuals and civil society organizations to be informed and participate in environmental matters. It provides for the following rights of citizens: (1) to request environmental information held by public authorities; (2) to participate in decision-making regarding permits for specific activities, as well as plans, programmes, policies and legislation that may affect the environment; and (3) to have access to review procedures when their rights regarding access to information and public participation have been violated.[11] The right to public participation makes it possible for members of the public to make their views heard and to be taken into account, but it does not necessarily mean that the final decision is in line with their views (and, of course, members of the public often have diverging views). The justice dimension of the Aarhus Convention relates to

9 Lowenthal 2019.
10 MacQueen 2022.
11 UNECE 1998.

ensuring procedural justice.[12] Reviews of the performance of the parties to the Aarhus Convention are undertaken by a Compliance Committee, elected by the parties to the Convention but functioning independently. Compliance reviews can be triggered by states or by members of the public, both individuals and non-governmental organizations. Ebbesson was a member of the Compliance Committee from 2005 to 2021 and its chair for ten years from 2011. Public participation in environmental matters entered the international agenda at the United Conference on Environment and Development at Rio de Janeiro in 1992, when the Rio Declaration on Environment and Development set out the principle that "environmental issues are best handled with the participation of all citizens, at the relevant level".[13] Participatory rights have been included in almost all international environmental treaties since 1992. The Aarhus Convention drew on the Rio Declaration and, in turn, has provided a model for other regions of the world, for example the Economic Commission for Latin America and the Caribbean (ECLAC).[14] The Aarhus Convention contains only one mention of landscape, which is listed as an element of the environment under the definition of environmental information. Nonetheless, much of the Aarhus Convention relates in practice to landscape. The Aarhus Convention is referred to in the preamble of the European Landscape Convention (ELC)[15] but, unlike the Aarhus Convention, the ELC's provisions for public participation are difficult to enforce in practice. Without the Compliance Committee, the Aarhus Convention, too, would be much less effective. The Compliance Committee of the Aarhus Convention has received more cases for compliance reviews than in any other international convention. This is due to the possibility for members of the public to submit communications on compliance.

Hilde Nymoen Rørtveit's presentation had the title 'The Norwegian housing estate: Home or planning problem? Landscape as a standpoint'. She is Associate Professor of Geography at the Norwegian University of Science and Technology in Trondheim and has made a study of homemaking and public participation in two housing estates established in Trondheim in the 1960s and 1970s. The starting point for her presentation was the translation of a national policy discourse concerning the *drabantbyen*, the Norwegian term for a planned housing estate, into a participatory planning programme. Drawing on a wider European planning discourse concerned with

12 Ebbesson (2018) has discussed the significance of the Aarhus Convention, which was integrated into European Union law in 2003, for legal cases concerning maintenance of the protected natural and cultural values of the National City Park (Nationalstadsparken) in Stockholm, where civil society had played an important part in its establishment in 1995.

13 Rio Declaration, Principle 10 (United Nations 1993).

14 United Nations 2018.

15 Council of Europe 2000.

social exclusion in what are seen as ethnic problem suburbs,[16] Norwegian policy aims to prevent marginalization and segregation in suburban housing estates that have a high proportion of inhabitants with immigrant background and low score in welfare statistics. The policy emphasized public participation in both physical and social upgrading projects, with the intention of building community networks, increasing integration and improving the estates' negative reputation.[17] Rørtveit found that initially there was a degree of local scepticism regarding both the participatory processes and the "problems" they were set to solve. This can in part be explained by strong criticism of the housing estate landscape that had grown among many architects and planners since the 1970s. This dominant negative view led to distrust and a defensive attitude among residents. For the residents, the housing estate was a home landscape, with its own local networks and a degree of community co-ordination and action. While individual apartments in the blocks of flats are privately owned, and for the most part owned by their inhabitants, the surrounding landscapes are common areas administered by housing associations with boards elected by the apartment owners. The decisions of the housing association boards, and the homemaking activities of the inhabitants, result in the shaping of the everyday landscape. The planning discourse took its point of departure in an idea that the housing estate was a problem area, whereas the residents saw it as home, where they could express their needs and expand on their experiences. The distanced framework of the planners met the insider positionality of the residents. On the one hand, the policy initiatives resulted from a wider concern over marginalization, distrust and polarization, which it was considered could be met by upgrading the physical landscape of the housing estate. On the other hand, the residents felt closeness to their landscape, a sense of belonging and ownership, but at the same time a degree of alienation from the policymakers.[18] The same landscape was thus perceived differently when viewed from different standpoints.

Marie Stenseke, Professor of Human Geography at the University of Gothenburg (Göteborg) in Sweden, held a presentation with the title 'The role of law and justice in sustainable landscapes: A challenge for nature conservation'. The presentation was informed by Stenseke's experiences while serving from 2015 to 2022 as co-chair of the Multidisciplinary Expert Panel of IPBES (Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services). The United Nations Convention on Biological Diversity, adopted at the Rio Conference and in force from 1993, states that conservation of ecosystems is fundamental for the conservation of biological diversity,

16 Alcock 2004; van Gent *et al*. 2009.

17 E.g. Trondheim kommune 2022.

18 Rørtveit 2015; 2019; Rørtveit & Setten 2015.

that biodiversity provides environmental, economic and social benefits, and that the use of biodiversity should be sustainable and not lead to its long-term decline.[19] Ecosystem services, defined as "the benefits people obtain from ecosystems", became part of the international agenda through the Millennium Ecosystems Assessment in 2005. The assessment took place between 2001 and 2002 and synthesized scientific literature with the aim of assessing the consequences of ecosystem change for human well-being and establishing a scientific basis for enhancing the conservation and sustainable use of ecosystems.[20] The Economics of Ecosystems and Biodiversity (TEEB) was a further series of studies undertaken between 2007 and 2010 to assess the economic costs and benefits of conservation and sustainable use of biodiversity and ecosystems as well as the costs of biodiversity loss. The objective was to show how economic concepts and tools can help society to include the value of nature into decision-making.[21] Then, in 2019, IPBES published *The Global Assessment Report on Biodiversity and Ecosystem Services*, which assessed the status, change over time and trends of biodiversity, nature's contribution to people, and the impact of biodiversity decline on human well-being.[22] Ecosystem services have been incorporated into law in the European Union (EU) and individual countries, for example, Sweden. However, the concept of ecosystem services has met criticism, not least because it fails to take account of the complexity of ecosystems and landscape dynamics as well as of the intangible dimension of landscape values.[23] The logic of ecosystem services is adapted to a natural-scientific and econometrical world view and has difficulties in accommodating the complexity of culture. However, "nature's contribution to people" is a broad conceptual framing, launched by IPBES, that provides for a diversity of perspectives, besides ecosystem services, that influence our understandings of human–nature relations, and ultimately our collective efforts to conserve life and provide a fairer future for people on the planet. A further attempt to recognize the complexity of valuation and different types of value has been made by IPBES in its assessment Diverse Values and Valuation of Nature. Undertaken between 2019 and 2022, this examines diverse conceptualizations of the multiple values of nature, including biodiversity and ecosystem services, and assesses the varied sources and traditions of knowledge regarding natural values, including the strengths and weaknesses of existing valuation methods.[24] Different groups of values that are identified include instrumental value (nature's value for society), intrinsic value (na-

19 Secretariat of the CBD 2011.
20 Millennium Ecosystem Assessment 2005.
21 TEEB 2010.
22 IPBES 2019.
23 E.g. Setten *et al*. 2012.
24 IPBES 2022.

ture's inherent value), and relational values (nature as culture), which can be both collective and individual (e.g. sense of place and place identity, caring for nature and its ecosystems, and caring for the land). A justice dimension is related to how to take into consideration the needs of people, often marginalized, in the 30% of the Earth's land surface that it is aimed should be set aside for nature protection.

PUBLISHED SYMPOSIUM PROCEEDINGS

The symposium proceedings comprise the twelve articles that were written up on the basis of the presentations made at the symposium. Each of the draft manuscripts has undergone peer review by an independent external referee as well as an internal review by one of the other contributors to the anniversary symposium. The reviews have been returned to each author for revision along with comments from one or more of the volume's editors: Michael Jones, Amy Strecker, Gunhild Setten and Don Mitchell. Detailed editing has then been undertaken of the revised manuscripts. As a result of this process, the original presentations have been modified and in some cases the article titles have been adjusted compared with the titles presented at the symposium.

Authors have been at liberty to decide how to address the three questions posed at the start of this introduction. Some have chosen to focus on some of the questions more than others. The majority of the contributions are intentionally personal in tone. A personal approach can give insights into how events and encounters in a person's life and career can give a fuller picture of how research interests develop over time and hence contribute to a nuanced understanding of disciplinary history. In addressing the first question, contributors were asked to demonstrate how bringing together the concepts of landscape, law and justice has informed research during the last 20 years by summarizing examples of the contributor's work and showing how these concepts have been influential. In answer to the second question, contributors were asked to discuss how this conceptualization continues to be relevant in ongoing research. For the third question, contributors were free to exemplify from their own research to show how the landscape, law and justice perspective can be useful for understanding and suggesting solutions to some of today's most important challenges.

Kenneth Olwig has written under the title 'Pursuing David Lowenthal in my critique of the landscape heritage of blood and soil ethnonationalism—a personal account'. He shows how bringing together the concepts of landscape, law and justice through his participation together with David Lowenthal in the Landscape, Law and Justice group has informed his current concern with the populist resurgence of blood and soil ethnonationalism in issues of landscape heritage. He examines the historical meaning of landscape as a polity, which through its links with other places had a

metaphorically "archipelagic" or federative relationship. Such polities were governed by bodies of law rooted in custom and legal precedence rather than by nature and its laws. He argues that the "archipelagic" heterogeneity of legal practice in present-day federative organizations can help counteract the homogenizing blood and soil ethnonationalism based on a naturalized form of national cultural heritage.

Don Mitchell's contribution has the title 'Landscape as basic structure: Towards a "concept of landscape that will assist in the development of the very idea of social justice"'. He argues for reconceptualizing landscape as part of the "basic structure" of society in order to develop a concept of landscape that engages with social justice. He suggests that landscape geographers (himself included) have neglected the concept of "basic structure", as found in the political philosopher John Rawls' *A Theory of Justice*. Mitchell takes as his starting point the historian of technology David Nye's definition of landscapes as the "infrastructure of collective existence" and their opposite, "anti-landscapes", defined as spaces that have ceased to serve as the infrastructure of collective existence and hence become inhabitable. Mitchell argues that landscape as basic structure can provide a justification and foundation for social justice as opposed to the unjust and unjustified anti-landscape.

Päivi Kymäläinen is concerned with 'Emotional and affectual legal landscapes'. She discusses the role of subjective, expressible emotions alongside more indeterminate affects in constituting legal landscapes. She distinguishes between state law, which is the official law of institutions, and the everyday law of customs and norms. A debate over the legality and acceptability of a controversial art installation in a Helsinki public space revealed ambivalence in the practice and determination of legal landscapes. This ambivalence related to the presence of hidden norms determining what is appropriate in an urban landscape, it related to the relationality of the law and the way in which legal interpretations are context-sensitive, and it related to emotionally laden legal reasoning that problematizes the assumption of rational and objective legal actors. She argues that while emotions and affects remain hidden in the legal landscapes of state law, the landscapes of everyday law hide official law while supporting an atmosphere that accords with informal norms. She suggests that an understanding of law as consisting of both official state law and unofficial everyday law can draw attention to the voices of groups that tend to be hidden in legal thinking, such as non-property owners or those whose emotional responses do not fit into the scope of legal rationality.

Tiina Peil, in 'Poetics of place: A Glissantian take on revisited Paldiski', employs the poetics and vocabulary of the Martinican poet and philosopher Édouard Glissant to examine the landscapes in and around the town of Paldiski, on the Pakri peninsula in Estonia. Glissant's approach encourages engagement with the idea of landscape as a palimpsest and acknowledgement of parallel and plural versions of history. In the case

of Paldiski, these histories involve displacement, failure, a fragmented and in part imaginary past, and an uncertain future. The poetics of place involves the double aspect of describing and creating a landscape with words. Peil notes that landscape may serve as a metaphor for cultural history, but at the same time it has a physical presence and is regulated by law and custom. She argues that history may be reborn through ever-changing landscapes and people but may also persist through the stories of a mix of cultures. She exemplifies this by recounting histories of an imagined but non-existent historical Swedish harbour. Processes of rebirth and erasure are illustrated through the erection and removal of monuments and memorials. Glissant does not presuppose in his poetics a harmonious and stable world but opens up for new connections in an "archipelago" of understandings that are both distinct and interconnected. Peil suggests that landownership may strengthen people's connections with the land, but this is counteracted by the open sea adjoining Paldiski and an "archipelagic" outreach across diverse and fluid identities. The landscape as palimpsest may anchor memories and become heritage, but at the same time history can provide awareness of new possibilities and unexpected connections in time and space.

Tomas Germundsson elaborates on 'Coastal dilemmas—landscape, planning and rising sea level in southernmost Sweden'. He discusses lack of preparedness in municipal planning for meeting a future with rising sea level due to climate change, with examples from Scania (Skåne) in southern Sweden. He finds that the dynamics of the coastal landscape have been largely ignored in modern planning. He contrasts two communities, Falsterbo and Jonstorp. Falsterbo lies in a relatively wealthy municipality, which has long planned to meet the risk of flooding from the rising sea level by building protective dikes. As dikes conflicted with cultural heritage and nature conservation areas sanctioned by national laws, the issue went before the Environmental Court of Appeal. The court ruled in favour of the municipality, which was allowed to make a dispensation from the existing nature protection restrictions. The court's verdict did not discuss coastal protection from a landscape sustainability perspective, whereby the landscape could be maintained as a living environment affected by both natural and human-influenced processes. Part of the problem was the representation of the line between land and sea on maps and plans as a fixed boundary instead of focusing on the continuous changeability of the coastal zone. In contrast, Jonstorp lies in a relatively poor municipality that lacks the resources for protection measures to hinder coastal erosion, with the result that houses and properties are swallowed by the sea. This raises issues of social justice in that the two communities have differing possibilities for combating coastal erosion. Germundsson argues that planning for a dynamic coastal landscape would benefit from integrating landscape, law and justice in order to advance a fair climate adaptation policy.

Amy Strecker deals with 'Landscape, property and spatial injustice in international law'. She discusses the ambiguous role of international law in landscape matters. On the one hand, it includes far-reaching provisions concerning landscape, while on the other hand it facilitates the treatment of land as a commodity through trade and investment rules that operate to an abstract logic of property rights. She illustrates her argument with Irish examples and brings in perspectives from the Global South, specifically the Caribbean. Strecker argues that the landscape, law and justice approach offers a way of countering the placelessness of international law and brings an important cultural dimension by inserting agency and humanism into what might otherwise appear as a form of natural determinism. She further argues that using the concept of justice goes beyond the current human rights paradigm, where rights are conceptualized predominantly as individual rather than collective.

Ari Lehtinen writes on 'Posthumanist land- and lifescapes'. He summarizes environmental justice thinking as it has advanced during the last 20 years, particularly regarding interspecies injustice and non-human rights. This development is associated with posthumanist thought in human geography during this period. He presents two case studies: one concerns a reindeer-herding community's strong attachment to a river in north-west Russia that is threatened by oil exploration; the other is from Finland and concerns forest rights and restrictions on human access to forests that increasingly resemble plantations. A legal perspective is implied in discussions of non-human rights. He argues that the success of international agreements on biodiversity and nature restoration require radical rethinking of the existential rights of non-human species.

Erling Berge examines the Earth's atmosphere as unmanaged, open access commons, under the title 'How can "tragedies of the commons" be resolved? Social dilemmas and legislation'. The atmospheric commons are in danger of destruction by countries using them as a sink for gases that are contributing to rapid climate warming. He notes that effective institutions are lacking for monitoring and enforcing international agreements that aim to tackle climate warming. From the study of traditional terrestrial commons, he shows that social traps resulting in tragedies of the commons can be overcome in certain circumstances. He presents examples from traditional Norwegian commons to illustrate the dynamics of collective action. He refers to the political economist Elinor Ostrom's work on commons, which emphasizes the importance of small-scale institutions for developing the knowledge necessary to implement the large-scale institutions that are needed to combat climate change.

Frode Flemsæter discusses 'Landscape, law and justice in the Norwegian outfields'. He argues that contemporary debates over use of the outfield commons can be understood in the light of John Rawls' concept of "basic structures", referring to the fundamental institutions and practices that shape social interaction and influence individual

behaviour. According to Rawls, the basic structures are the "primary subject of justice" in society. Rights and duties in the outfield commons were developed historically over a long period of time by people who knew one another and shared common interests. Rights of grazing, hunting, berry picking and maintaining summer farms were based on local social structures, customary practices and shared responsibilities. The outfields are now undergoing revaluation and restructuring to accommodate new uses, such as recreational cabins, energy production, mining and tourism, by new regional, national and international interests. This involves increased complexity, with more actors, and results in increasing conflicts. The former local relational spaces become impersonal territories, which lack a common local arena. Flemsæter argues that relations between people are becoming replaced by reified territories, which serve as containers of exclusive rights to resources. He suggests that there is a need to address how conceptions of property, rights and social justice can deal with the complexities of coexistence and multiplicity.

Gunhild Setten is concerned with 'Landscape and the making of competing moralities'. On the basis of research that she has undertaken and been engaged in on farming practices, outdoor recreation and nature-based inclusion of refugees in Norway, she argues that landscapes are always infused with competing moralities, understood as competing convictions of what should take place in the landscape, which are produced and conveyed through people's everyday practices. Because people are unequally positioned to claim and shape the material landscape, they are similarly unequally positioned in the resulting "moral order". Morality is restrictive for some, while those who have dominance and control appear to have more agency. Setten suggests, however, that the notion of moral landscapes helps make visible how everyday and often subtle practices have the potential to transform moralities. By implication, there is also agency in everyday practices, which may change the moral order.

Michael Jones writes on 'Legal geographies of landscape—long-term historical structures and short-term historical events: Two contrasting examples'. He examines differing time perspectives in legal geographies of landscape with reference to the historian Fernand Braudel's presentation of long duration history—*longue durée*—as opposed to short-term history of events—*histoire événementielle*. These two time perspectives are illustrated by two contrasting examples. The long-term perspective is exemplified by "udal law" in Orkney and Shetland, the Northern Isles of Scotland, from its origins in medieval Norse law to its present status as vestigial customary rights manifested in the islands' land tenure, landscape and cultural identity. The short-term perspective is exemplified by planning conflicts related to different landscape values in Trondheim, Norway. He further discusses more generally public participation—promoted by the European Landscape Convention—as a possible means of dealing with

such conflicts, leading to the notion of "landscape democracy". The examples demonstrate a dialectic between continuity and change in the relationship between law and landscape. Jones suggests that attachments to landscape may be seen as an example of *longue durée*. He argues that attention to the existence of long-lived deep structures of society can serve as a complement to analysis of the day-to-day workings of legislative and other institutions of democracy in dealing with landscape issues.

Tom Mels' contribution has the title 'The substantive landscape as a framework of interpretation: A personal view'. He examines Kenneth Olwig's notion of the "substantive landscape" as a framework of interpretation that encompasses both a proposition and a polemic. He argues that, as a proposition, the idea of the substantive landscape has helped reinvigorate an awareness that landscape studies are deeply implicated in questions of justice, socio-environmental practice and the place of community. Rather than considering landscape as representing a nostalgic and conservative attempt to venerate a more "authentic", pre-modern world against "morally inferior" landscapes of the modern era, the substantive landscape shows the shifting place of landscape in the architecture of spatial power. Mels continues that, as a polemic, the substantive landscape calls for a landscape politics that extends beyond the limitations of graphic and textual representation. He suggests that the substantive landscape's insistence on customary practice and community justice are particularly important in the current era of extractive capitalism with its propensity to wreak socio-environmental havoc.

Several important linking themes can be identified among the twelve chapters. Olwig and Mels engage with the concept of landscape itself. Kymäläinen and Jones discuss legal landscapes. Law and custom in landscape matters at different geographical levels from international to local are evident in the chapters by Strecker, Lehtinen, Berge and Jones. Informal law includes custom, everyday law, extra-legal regulation and moralities, and is discussed in relation to landscape in a variety of ways by many of the authors—Olwig, Kymäläinen, Peil, Strecker, Lehtinen, Berge, Flemsæter, Setten, Jones and Mels. Commons are the main topic in the chapters by Berge and Flemsæter. The public right of access is touched upon by Olwig, Lehtinen and Flemsæter. Law and landscape in relation to climate warming are central in the chapters by Germundsson and Berge. Olwig and Peil discuss landscape as heritage. Identity and belonging are themes in the chapters by Olwig, Peil, Flemsæter, Setten and Jones. Migration and exclusion or inclusion are taken up in very different geographical contexts by Lehtinen and Setten. Justice and injustice in relation to landscape are taken up in various ways in almost all the chapters. Finally, landscape as a fundamental structure of society is discussed in differing contexts by Mitchell, Flemsæter, Jones and Mels. The chapters affirm the landscape, law and justice approach as combining a multiplicity of concepts

and ideas that are relevant for understanding and suggesting possible solutions to the challenges facing contemporary society.

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