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Chapter Author(s): Don Mitchell

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Landscape Justice

Don Mitchell

Introduction

While the concept of landscape justice is relatively new, the practice of it may not be. As Kenneth [Olwig \(1996\)](#) has shown, there has long been a tight link between landscape (as a certain kind of place) and systems of justice, especially, though hardly exclusively, in the Nordic countries. To understand this link, as well as to understand the range of contemporary approaches to landscape justice, however, we will first consider the complex meanings of *landscape*, because it is hardly the self-evident word it often seems to be, and its very complexity as a term *and* as a phenomenon has shaped the way in which justice is theorised and practised in relation to it.

Landscapes and justice: key ideas

In everyday usage, 'landscape' is typically understood to be a 'stretch of inland scenery' as standard dictionary definitions have it. In this sense, landscape is both the view, which licenses landscape painting and photography, and what is viewed, which licenses its metaphorical use, as in 'the political landscape', or 'the intellectual landscape', but which more specifically indicates an area, territory, space or morphology ([Sauer, 1925](#)). Landscape is both the representation and the represented, which, as we will see, is crucial for discourses of landscape justice ([Mels, 2016](#)). Landscape differs from 'environment', again with crucial implications for justice theorising, in that the latter is more 'objective' (indicating either the 'surrounds' of our lives or the ecological substrate of a place) while the former is both humanly produced and more 'subjective' in the sense that landscape is always imbued with meaning. In the words of the European Landscape Convention (ELC, discussed more fully in what follows), the landscape is 'an area, as perceived

by people, whose character is the result of the action and interaction of natural and/or human factors' (ELC, ch 1, art 1; Déjeant-Pons, 2006), a definition that accords well with its historical usage within geography, landscape architecture and other spatial disciplines (Sauer, 1925; Meinig, 1979; Wall and Waterman, 2019), as well as more popular explorations into vernacular landscapes (Jackson, 1984). Landscape in this definition is the humanly transformed environment, imbued with meaning, that serves as the 'infrastructure' for everyday life (Nye, 2010).

In his landmark theoretical statement, 'The morphology of landscape', Carl Sauer (1925) declared that scientifically, landscape is a 'naïvely given section of reality'. Yet since landscape is 'representation' as much as it is the 'represented', Sauer's argument cannot hold. Beginning in the 1980s, a significant line of research arose examining the specific ways within which landscape *is* representation and entails a politics of representation. As Denis Cosgrove (1984; 1985) and others showed, the 'landscape way of seeing' (cf Berger, 1972), closely linked to the invention of single-point perspective and various cartographic technologies, was a Renaissance innovation, tied to the demarcating of landed estates in Venice's *terra firma* and in the western European Low Countries. Transforming land into landscape, as a well-ordered view, as *scenery* (Olwig, 2002; 2019), simultaneously entailed transforming land into *property* and was thus closely linked to early capitalist enclosures of the commons, the dispossession of peasants from customary lands, and the dissolution of the monasteries (Fields, 2017). This line of research has shown how, historically, the ability to depict the land as landscape (and property) became the ability to *remake* the land as landscape, not only through the invention of landscape design (which was crucial) but also through the legal and violent ability to dispossess. It also became tightly linked to politics and a set of practices of representation that knitted landscape depictions (and forms) to expressions of (particularly national) identity (Daniels, 1993; Matless, 1998). If 'landscape' signifies a kind of belonging, as a good deal of contemporary phenomenological landscape theory argues (for a review: Wylie, 2007), then it does so precisely because it is exclusionary. Landscape in this sense incorporates alienation right into its essence. To see landscape as a naïvely given section of reality, or *innocently* as 'an area, as perceived by people, whose character is the result of action or interaction of natural and/or human factors' is simply impossible, and threatens to perpetuate rather than challenge injustice.

Yet the turn to representation, as Tom Mels (2016) explains, came at some cost to the understanding of landscape as a structured, built form. Mitchell (1996; 2003a; 2003b; 2008; 2012), therefore, sought to rehabilitate and reorient Sauer's interest in *morphology* through the development of historical-materialist analyses of the relations of labour that go into landscape's making, while also remaining attentive to its representational aspects. In this

view, landscape is *built environment* (Harvey, 1982) that both internalises the relations of labour that produce it *and* significantly determines the conditions of possibility for future labour practices. Rooting his arguments in Marx's analysis of capitalism, Mitchell argued that landscape is necessarily fetishistic and alienating (even as it is also exactly, as the ELC defines it, an 'area, as perceived by people' which is the 'result of the action and interactions' of human and natural processes). Reduced to slogans, Mitchell's argument is that (1) landscape is 'dead labour' (the labour of its making, internalised and concretised); (2) landscape is deceptive (it hides the relations of its making); and (3) landscape *is* power (it results from, and has powerful influence over, the struggles that go into its making). In this view, landscape encapsulates the 'actually-existing' state of justice, as expressed through relations of production, and thus sets *morphological* limits to how struggles for greater justice may unfold.

Olwig (1993; 1996; 2002; 2019) finds such an argument incomplete. For, his research has shown, there is another, crucial history to landscape. In pre-capitalist Nordic countries, in particular, landscape (*landskap, landskab*) was historically a *territory*, often operating under different customary laws than surrounding feudal territories. A landscape was, in Olwig's (1996, p 311) words, 'an area carved out by ax and plough which belongs to the people who have carved it'. Landscapes were political spaces in the sense that they were both a territory defined by a people and a territory that shaped a polity. Landscapes were (proto-)democratic spaces, typically centred on a *ting* (parliamentary or ceremonial space, often a circle of rocks) and thus a space of representation, in the sense that it was within and as part of a landscape that one could represent one's interests (or have them represented). In this sense, landscapes were spaces of justice. 'Landscape justice' was thus lived in place and enacted through custom. Olwig does not deny the importance of usurpation, enclosure, the rise and hegemony of capitalist property relations, alienation, or the growing importance of pictorial definitions of landscape (and their associated relations of power) in modern, capitalist history, but rather insists that this more 'substantive' meaning of landscape, and its association with practices of justice, continued to persist within, and contest, these more dominant meanings and practices, thereby significantly shaping them.

Olwig's work in the 1990s was vital for injecting explicit consideration of justice into landscape studies. The need for such consideration was amplified by George Henderson (2003) in his reframing of the heritage of J.B. Jackson's concern with the vernacular landscape as a question of how to conceive of more just landscapes (about which more in the next section). Though not always discussed in the language of, or in explicit relation to, theories of justice, Mitchell's work on labour and Richard Schein's (1997; 2006) work on race focused on landscape's injustices,

which helped turn landscape analyses in more normative directions. Gunhild Setten (2004) widened the normative perspective by focusing on what she called moral landscapes. The writing, signing and evaluation of the ELC in the same years focused attention on questions of participation and scale, while raising concerns over localism and nationalism (points developed in the section on the ELC later). Shelly Egoz's (Egoz et al, 2011; 2018) calls for a *right to landscape* and *landscape democracy* sought to suggest means by which these matters of participation and scale could be turned in the direction of more just and inclusive landscapes (see also Jones, 2009; 2016).

Yet outside debates over participation and its limits, there have been surprisingly few intellectual or even political debates over the content of landscape justice. This is likely because that content has yet to be theorised in any rigorous fashion. Though Mels (2016; Mels and Mitchell, 2013), in particular, has sought to synthesise landscape theories with theories of oppression, domination and exploitation emanating from the work of Iris Marion Young (see Chapter 4) and the triumvirate of distribution, recognition and representation developed by Nancy Fraser in her debates with Axel Honneth, his arguments have yet to be taken up and further developed. At best, 'landscape justice' is aspirational and embryonic.

Landscape justice: key debates and critiques

Nonetheless, certain key tenets of landscape justice theorising can be discerned.

Landscape, everyday life and justice

In an essay reflecting on the importance of J.B. Jackson's work on vernacular landscapes for landscape studies more generally, Henderson wrote the following:

Different landscape concepts rest on different ontologies, on varying notions of what the world is like and what's worth pointing out about it. ... And very worthwhile for new conceptions and studies of landscape will be a discourse that defines landscape as a necessary and integral component of more just social relations. What is also needed is a concept of landscape that helps point the way to those interventions that can bring about much greater social justice. And what landscape study needs even more is a concept of landscape that will assist the development of the very idea of social justice. To achieve this, geographers and other landscape analysts will need to engage in a more sustained conversation with the disciplines

of moral and political philosophy concerning the enumeration of basic human rights and the modes of their defense. (Henderson, 2003, p 196)

He goes on to argue that studies of landscape must find ways to address:

[T]he concern for security, safety, and joy in one's work; the struggle for wages that guarantee a share in the good life; the question of who gets to decide what work is, what work gets done, and what goods get made; the fight against excessive personal and corporate accumulation of wealth and power; the idolatry of the market. (Henderson, 2003, p 196)

And he concludes by saying:

The list could go on, but the study of landscape, that thing which so often evokes the plane on which normal, everyday life is lived – precisely *because* of the premium it places on the everyday – must stand up to the facts of a world in crisis, to the fact that the condition of everyday life is, for many people, the interruption of everyday life. (Henderson, 2003, p 196, emphasis in original)

Part of that good and everyday life is the right to inhabit a beautiful landscape, but, citing J.B. Jackson, Henderson (2003, p 197) made it clear that 'any definition of the beautiful landscape would have to include the full participation of all and the economic means to do so'.

Landscape injustice

In a 'progress report' on cultural geography in *Progress in Human Geography*, Mitchell (2003a) picked up on Henderson's argument and called for a full synthesis of landscape study with the theorisation and struggle for social justice, though without responding to Henderson's call for a direct engagement with moral and political philosophy. In addition to pointing to the important work of a group of Nordic scholars (discussed later on), Mitchell sought to lay the groundwork for a *political-economic* and *historical-materialist* approach to assessing the social, historical and cultural processes that led to injustice in the landscape. In particular, he argued that relations of labour were decisive in the possibility for landscape justice (Mitchell, 2003a). He followed this up a few years later by laying out a set of 'axioms', or precepts, for developing a theory of landscape suitable for understanding the political-economic relations of social justice – or more accurately injustice (Mitchell, 2008). Mitchell argued that any study of landscape that might be

able to point the way towards ‘greater social justice’ (in Henderson’s words), had to be based on these foundational axioms:

- Landscapes are produced, actively made (not merely what Peirce [Lewis \[1979\]](#) called ‘unwitting autobiographies’); they are physical interventions in the world.
- Landscapes are functional; that is, they play a mediating role in relations of production and social reproduction.
- Landscapes are not only local (as in the ELC definition), but are the result of processes operating at a myriad of geographical scales.
- Landscapes are *historical*; the production of landscape, as well as its evolving use and meaning, is a historical (as well as a geographical) process and thus the study of landscape must be oriented towards understanding that history.
- Landscape is power; it does not only mediate, but also shapes social relations even as it is a product of the power relations at the heart of any social process.
- ‘Landscape is the spatial form that social justice takes’ ([Mitchell, 2008](#), p 45), which is to say that, given the previous points, it encapsulates the *actually-existing* relations of justice; to the degree this is true, any effort to create a more just world will require a significant transformative remaking of the geographical landscape, not ‘merely’ the remaking of social relations and institutions.

Whatever the value of these axioms for understanding the spatial determinants and forms of social justice and injustice, in this and other work (with only slight exceptions: [Mitchell, 2003b](#); [Mels and Mitchell, 2013](#)), Mitchell never really engaged with the sort of moral and political philosophy Henderson pointed to. Instead, and in common with most geographers, he simply took ‘social justice’ as an unexamined ‘good’, a self-evidently desirable normative outcome that one will know when one sees it. If there is a theory of justice behind his efforts to construct a theory of landscape rooted in social justice, it is probably a basic sense of ‘justice as fairness’ ([Rawls, 1971](#)), though cut through with a kind of historical-materialist scepticism towards ever achieving the conditions of possibility for such fairness. (Shorn of this scepticism, the sense of landscape justice as justice-as-fairness is probably the dominant way of understanding the matter; see for example, [Dalglish et al \[2018\]](#).) Put another way, much of Mitchell’s work has been less concerned with landscape in relation to justice (or ‘landscape justice’) than it is with understanding how landscapes continuously instantiate injustice, unfairness and structural violence ([Mitchell, 2008; 2012](#)), and what sort of struggles might be necessary to combat this.

In this Mitchell has not been alone. The focus on *injustice*, rather than on theorising justice, is predominant within landscape studies, perhaps for

good reason (cf Barnett, 2017), and certainly not without some significant conceptual developments that allow for more precise understandings of the historical-geographical processes that instantiate injustice as a material fact in the landscape. For example, Miguel Torres Garcia and his collaborators (2020, p 618; citing Setten and Brown, 2013) have usefully distinguished between *landscapes of injustice*, which are ‘the outcome of, and may reveal, inequalities’, and *landscape injustice* which ‘cloaks [inequalities] under an exclusive discourse which naturalizes them and makes them seem inevitable, which leads to injustice’. The implication here is that social scientists interested in understanding the preconditions for social justice need to understand how landscapes are always *both* landscapes of injustice and instantiations of landscape injustice.

Landscape as a place of justice

But social scientists also have to understand how landscapes are, or can be, places of justice. The group of Nordic scholars Mitchell pointed to in his 2003 ‘progress report’ have long focused on just this question. For Olwig in particular, this question has entailed developing an understanding of how landscapes are produced, practised and transformed through the interrelation of customary and statutory law, which is to say, the substance of landscape, like the substance of justice, is legally shaped. Olwig’s extensive corpus is at once geographically wide-ranging (examining Nordic, Caribbean, North American, British, Greek and other landscapes) and singularly focused on the philological and historical excavation of landscape *meanings* as they have developed and shifted over time and recursively shaped social life (Olwig, 2019). The question of justice is central to this work because (as noted) the substance of landscape itself is, in the Nordic countries, ‘justice’, but in a very specific way.

Olwig grounds his arguments on the distinction Aristotle (1934) made between ‘two kinds of justice’: (1) ‘natural justice’, which is universal ‘and has the same force everywhere’; and (2) ‘conventional justice’, which arises ‘in particular places and times and tends to grow in force’ (Olwig, 2019, p 48n22). Olwig argues that each type of political justice ‘engenders its own political landscape’, which in his usage is *not* metaphoric. Rather, one political landscape is ‘de-centered in universal space’ (his example is the township and range demarcation of trans-Mississippi western America), while the other, through customary usage of the land and sedimented legal custom is ‘centered on the particularity of place’ (his example is the New England village with its town commons and meeting hall). These two kinds of justice, and the associated landscapes they give rise to, are always in dialectical tension, contradictory but also potentially complementary. Natural justice and conventional justice have spatial forms and the dialectical dance

between them gives rise to actually-existing landscapes. And yet, beyond this *political* sense of justice (the application of law), Olwig has relatively little to say about the substance of justice. For him, justice is always in a state of becoming, defined by the tussle between space and place, custom and natural law, the local and the universal.

The moral landscape and productive justice

Another Nordic geographer, Gunhild Setten (2004; 2020; Setten and Brown, 2009; 2013), agrees that justice is always in a state of becoming, but has placed landscape practice in a more central position than Olwig by focusing on the ways in which landscapes are always *moral* landscapes. She has shown how landscape is always infused with competing moralities, competing convictions of what is good and bad. ‘Shared moral assumptions’ within groups concerning right and wrong – what Setten labels a ‘moral order’ – shape behaviour in the landscape through ‘contested codes of conduct’ and divergent ‘ordering practices’. Landscapes themselves ‘are the product of rules aimed at ordering and producing practices that ultimately are cast as natural or unnatural, moral or immoral’. ‘Landscape narratives’ thus become key ingredients in ‘justifying different types of conduct’ and land uses (Setten and Brown, 2009, p 113).

In this view, ‘justice’ is internally related to a normative order, not something that stands outside and defines it. There is, thus, a certain relativity in moral – or justice – claims, while they are also at the same time grounded within specific ways of knowing and historically developed practices. The moral orders governing farmers’ or hunters’ use of the land might differ in significant ways from, for example, those of environmental bureaucrats and planning officials (Setten, 2004). For Setten and Brown, the crucial point is

that people try to *do* the landscape in different ways; that there are different judgments about the appropriateness of the doing and that the landscape is both implicated in the doing and the passing of judgements, and hence there are implications for who is included and excluded, and in what sense. (Setten and Brown, 2013, p 244, emphasis in original)

Drawing on geographer Richard Schein (2006), whose work has focused on the relationship between race, racism and the landscape, Setten and Brown (2013, p 243) argue that ‘it is *always* possible to think about landscape and social justice, *even* in one’s everyday environments’ (emphasis in original). Important for Setten’s arguments about the moral landscape, however, is a distinction she makes (citing the Marxist political ecologist James O’Connor [1998] though giving the argument an important feminist twist) between *distributive* justice (defined as ‘mechanisms of distribution and their fairness’)

and *productive* justice. To some degree, productive justice might be understood as a species of what Nancy Fraser has identified as the issue of (political) representation (see [Chapter 4](#)): a question of ‘involvement [in] and control over choices and decisions’ ([Setten and Brown, 2013](#), p 244). But in relation to landscape, it is in fact a broader matter than Setten and Brown indicate: it is a question of control not only over choices and decisions, but especially over choices and decisions concerning *how the landscape shall be shaped* – how it will be *produced* – and to what effects.

The European Landscape Convention and the limits to participation

The question of ‘productive justice’ is evident, if in a somewhat different way, in the articles of the ELC, as are questions of distributive and procedural justice. Beginning in 1994, the Council of Europe undertook a process of developing and codifying a set of landscape precepts that, when transformed into a Convention, would oblige signatory parties (European states) to certain forms of action in relation to the landscape. The ELC was signed in 2000, came into force in 2004, and by 2020, 30 of 47 European countries had committed themselves to it. In relation both to the substance of the landscape and to procedures for developing, transforming or preserving it, the Convention encapsulates a set of relationships between landscape and justice, shaped by competing moral orders (to use Setten’s terms). Having its origins in a felt need to conserve and protect valuable landscapes, the ELC was broadened during negotiations to include all landscapes, including degraded ones. The scope of the Convention was expanded to include landscape planning and landscape management as well as landscape conservation, and the broad definition of landscape being ‘an area, perceived by people’ that results from human–nature interactions was adopted ([Bruun, 2016](#), p 11). Perhaps most significant, however, is that the ELC enshrines a particular vision of a *procedurally* just process for governing landscape production and transformation.

First, the ELC requires parties to ‘recognize landscapes *in law* as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and national heritage, and a foundation for their identity’ (quoted in [Jones, 2009](#), p 233, emphasis added). Second, the ELC ‘promotes’ active participation, principally though not exclusively, in the form of ‘consultation’ ([Jones, 2009](#), pp 234–235). And third, it ‘confirms the principle of subsidiarity, whereby decisions should be taken at the lowest practical administrative level, thus enhancing local democracy’ ([Jones, 2016](#), p 119). The writing and adoption of the ELC spawned a deep flood of literature assessing its importance and shortcomings, debating its promise as a guiding text for state and political entanglement with the landscape, and examining how it has (and especially has not) affected landscape planning in light of its

articles. Behind all this work is a general, if not always explicitly articulated, sense that if fully implemented, the ELC would lead at minimum to better landscape policies, but more expansively potentially to the production and protection of more just landscapes.

What that justice might be, however, is never really outlined, except insofar as the ELC's provisions for public participation have the potential to encourage a more procedurally just planning process. Michael Jones (a third member of the group of Nordic scholars mentioned earlier) is the one who has examined this potential most closely (but see also [Olwig, 2009](#)), subjecting the ELC and the 'guidance' that accompanies it to careful scrutiny. He shows that while the ELC rhetorically promotes broad participation, in practice, especially when the words of the Convention are compared to the words of its own 'Explanatory Report', public participation is reduced to predefined 'stakeholders', and even then always subordinated to the rule of experts ([Jones, 2009](#)). Consultation, rather than deep public engagement, is the order of the day. In this sense, the *potential* for a broadly procedurally just system of public determination of landscape productions and practices is cut through and reshaped by structures of power that tend to reinforce the status quo rather than lead to transformative outcomes.

Similarly problematic, as Jones and a number of others have pointed out, is that the ELC's notion that landscape is an area *as perceived by people* is usually defined as *local* people – imagined, locally rooted communities – frequently to the exclusion of immigrants, migrant workers and distant others who might have a 'stake' in it (or in fact be the very ones who produce and maintain it). There is a localism, even a tightly bound communalism, built into the structure of the Convention that is potentially troubling and even damaging to the claims (for involvement, access, livelihood, and so forth) of presumed 'strangers'. The ELC has the potential to reinforce a regressive form of the link between people and place that, for example, [Olwig \(1993; 2019\)](#) argued, was central to the rise of the Nordic notion of landscape: a kind of 'blood and soil' politics, the goal and outcomes of which are all too well-known in European history. If the mandate for participation is limited on the one hand by its subordination to the rule of experts, it is undermined on the other by a potentially limited scalar reach that makes landscape the exclusive province of those who (presumably, but rarely ever actually) have 'carved it out with ax and plough'.

The right to landscape

For these reasons, Shelley Egoz argues that the ELC in particular, but landscape politics more generally, needs to be understood in relation to what she calls *the right to landscape*. Beginning with a conference at Cambridge University in 2008 ([Egoz et al, 2011](#)) and extending through a long list of

publications, Egoz has argued that the right to landscape needs to be counted among the fundamental human rights, or rather that the landscape needs to be understood as a primary foundation for, and expression of, the struggle for human rights. The right to landscape is located where landscape, as ‘physical elements and resources’ as well as ‘social, cultural, and economic values’ overlaps with human rights, defined as ‘rights that support existence’ as well as ‘rights that support dignity’ (Egoz et al, 2011, p 6). In this sense, the right to landscape names a *space of justice* which is defined by a right of access to necessary resources, social, cultural and economic goods, and a right to a meaningful life. Egoz’s arguments concerning rights to landscape are also significantly scale-sensitive and throughout her writing, she is especially attentive to the needs, interests and roles of ‘outsiders’ (immigrants, migrants, visitors, the marginalised) in the landscape, and particularly the need to promote, from the outset, *their* right to the landscape (Egoz and De Nardi, 2017). For Egoz, the right to landscape is the starting point for ‘landscape democracy’, which itself is understood as the ‘path to spatial justice’ (Egoz et al, 2018). As they emerge over the course of the edited book from whose title they are drawn, ‘landscape democracy’ and ‘spatial justice’ align most closely with Nancy Fraser’s (2008) conceptualisation of justice as consisting of fair distributions, true recognition and full representation.

Landscape, justice and the logics of representation

The evolution of landscape theory to this point, where questions of democracy and justice are at its heart, is something that Mels has sought to take account of. He is one of the few landscape geographers to answer Henderson’s call to engage deeply with justice philosophy (see also Mason and Milbourne [2019], which engages normative theories of justice, but is more about ‘energy justice’ than ‘landscape justice’, despite its title). Mels has reviewed Rawlsian, Marxian and feminist theories of justice to show how they relate to landscape, focusing particularly on Iris Marion Young’s theories of oppression and related arguments concerning structural violence to show how these help expose the unjustness of landscapes as well as the close tie between landscape justice theorising and the larger body of literature on environmental justice (Mels and Mitchell, 2013). But in a special issue for the journal *Landscape Research* which sought to establish an agenda for landscape research (Jorgensen, 2016), he has reformulated the history of theoretical development in geographical landscape research to show how different epistemological and ontological orientations have different ‘logics of representation’ at their core.

Representation, Mels (2016, p 417) argues, is ‘a core concept of justice’ which is always ‘entwined with the social and material struggle over the right to landscape’. The ‘new cultural geographers’ (like Denis Cosgrove,

discussed earlier) of the 1980s and 1990s, Mels (2016, p 417) contends, were concerned with *cultural representation* (cf Hall, 1997), wherein the politics of representation were understood to be crucial to ‘the manoeuvres of discursive power, hegemonic ways of seeing, identity formation and modernity, etc.’ and thus deconstructing these was vital for understanding how power was built into landscapes. By the turn of the 21st century, however, such concerns were being supplemented (or maybe even surpassed) by a concern – articulated, Mels (2016, p 418) suggests, in different ways in Olwig’s and Mitchell’s work – with *political representation*, or the ‘right to be represented’ (which, of course, also clearly echoes Egoz’s arguments). In this view, ‘landscape was not just a cultural representation but the material expression of the struggle over justice, polity and the peoples’ cry and demand for a place of representation’. In turn, this concern with representation closely aligned with developments in feminist-socialist political philosophy as they were being worked out by Fraser (1997; 2008) and Young (2000).

Mels’ concern, however, was less with landscape and landscape justice *as such*, and more with the potential that research into the representational logics of landscape offered for understanding environmental justice. In particular, Mels (2016, p 422) pointed to how landscape theory developed through the logic of *political representation* has much to offer environmental justice theory in terms of how to better understand:

- *Place contexts* and especially the importance of historical context.
- *Spatial scale* and especially the complex scales of justice (Fraser, 1997).
- *Political representation* itself, especially as it is entangled with both economic and cultural injustice.

Together, these three aspects of landscape justice allow for an understanding of how ‘the dialectic of distribution, participation ... and recognition’ (Mels, 2016, p 422) is materialised in particular places, at particular times, and what that means for future transformation.

Normative theories of justice and landscape justice theorising: realising the potential

As indicated, few landscape theorists have heeded Henderson’s call from 20 years ago to directly and deeply engage with justice philosophy. Geographers and others have tended to work with an implied sense of ‘justice as fairness’ and only occasionally engaged more deeply with Rawls’ foundational, liberal ideas. Engagement with feminist theorising, particularly the work of Fraser and Young, has, however, been deeper. Recently, the Capabilities Approach has attracted the attention of some landscape scholars, especially those also concerned with energy justice (for example, Mason and

Milbourne, 2019). But, for the most part, this has been gestural: pointing to the value of the Capabilities Approach rather than directly developing it in relation to landscape (as produced space, representation or way of seeing).

There is, however, great potential in finally heeding Henderson's call. In particular, theories of landscape production, landscape representation, access to landscape and use of the landscape could benefit – as the preceding discussion has made clear – from direct engagement with:

- Cosmopolitan theories of *hospitality*, wherein the rights of strangers and others are accorded strong significance, which might offer avenues for broadening the subjects who possess the right to landscape (as Egoz would wish) as well as for developing such rights in a much more scalar-sensitive way.
- Feminist theories of *responsibility* and especially Young's (2011) unfortunately not fully fleshed-out theory of *responsibility for justice*, wherein the *differentiated* responsibilities of distended publics for the perpetuation of exploitative or oppressive social and economic structures are accounted for.
- Marxian/radical theories of justice such as Rainer Forst's (2014; 2017) theory of the *right to justification*, wherein a foundational basis for justice is found in every person's right to *count* in the production and distribution of goods together with their right to have what is done to them in the name of production and distribution *justified*; for Forst, this right to justification is the basis of an *emancipatory* form of justice which might begin to answer Henderson's further call for understanding the role of landscape in offering a 'share of the good life'.
- Further Marxist *theories of exploitation, alienation, and species being*, wherein landscape production (within capitalism) is understood as an inevitably exploitative process, the history of capitalist landscapes is a history of alienation (as Cosgrove argued), and where the benefits that arise out of the making and maintaining landscapes, including profit and the accumulation of capital, is inevitably unevenly distributed, all of which suggest that struggle towards Forst's emancipatory form of justice (one that supports our *species being*) must be fully cognisant of the material, political-economic determinants of the kind of everyday life both J.B. Jackson and George Henderson were concerned with.
- Post-structuralist/feminist theories of *epistemic injustice*, such as that developed by Miranda Fricker (2007; 2013), which offer something like the flipside to Forst's right to justification by focusing not on the right to know and therefore the right to be fully human, but on the *right to be heard and understood*, and therefore to be fully human: this right might very well require significant material transformation as well as epistemic transformation and thus implicate the need to transform systems of

landscape production and maintenance; on this front, the ELC is lacking since it makes no effort to understand the epistemic conditions necessarily at the heart of its processes of participation or even at the heart of its key phrase ‘as perceived by people’, since that merely raises the question: which people?

While work on each of these fronts would be valuable in and of itself, of even greater value would be their synthesis, difficult as that inevitably will be given their different, not always fully compatible, epistemologies (as [Part I](#) of this book made clear).

Such a synthesis would move not only theories of, but efforts to implement, ‘justice as fairness’, the great liberal ideal, away from the common-sensical and gestural and into the realm of concerted political practice, especially practice aimed at inducing necessary transformations in the mode and relations of landscape production. For it is no stretch at all to suggest that the landscape – as built, physical form (morphology) and also as a mode of representation – is a crucial, indispensable part of what [Rawls \(1971\)](#) defined as the ‘basic structure’: the institutions and relations without which society itself (and thus human life) is impossible. Landscapes are humanly transformed environments (produced both through our reworking of nature and our reworking of ourselves) and as they are made, they create the conditions of possibility for further development and change. Social relations cannot be changed if their fundamental substrate – the landscape – is not also changed. In this sense landscape is as much a part of the ‘basic structure’ as is the family (another crucial oversight by Rawls: see the discussion of Susan Moller Okin’s work in [Chapter 4](#)) and thus an ‘object of justice’, in Jaggar’s helpful typology (see the [Introduction](#)).

More specifically, development in each of these areas, and their synthesis, would help clarify how a *substantively just* landscape is one defined not only by a *just distribution* of goods and bads across the landscape, but one hosting a polity in which all have the right to be involved in the *making* of the landscape under non- (or less) exploitative conditions. This polity is itself not (only) locally defined, but extends across scales (cosmopolitan justice) and includes (or should be made to include) excluded and marginalised others (right to justification/epistemic injustice). Since landscape is an object of justice, then *procedurally just* processes for planning, making and preserving landscape which allow for the recognition and representation of the excluded, oppressed and alienated need to be developed, assuring that any such procedures are not a priori dominated by the rule of experts. Only such a substantively and procedurally just landscape – one that minimises epistemic injustice and maximises the right to justification; that offers the possibility to supersede the forces of alienation while being hospitable; that promotes the advancement of species being instead of the accumulation

of capital in ever-few hands; and that justly apportions responsibility for harms that will inevitably persist – can ever also be ‘beautiful’ in the way that Jackson and Henderson urge.

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