

## ***Landscape Justice***

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When it comes to thinking about the place of people in the landscape, there are two ideas which are particularly important. The first is the idea of *landscape* itself; the second is *justice*. Taken together – as *landscape justice* – they give us a principle we can be guided by and an objective to strive for.

It is worth dwelling on these ideas a while, because they may mean different things to different people.

There is a deeply-ingrained notion in our society that *landscape* is something out there, separate from people. It is scenery. It is the view. It is the world seen through the eyes of the distanced observer, and through the frame or lens as a landscape painting or photograph. It is the world as experienced – physically, viscerally and intellectually – by the individual, in isolation from others.

This ‘way of seeing’<sup>2</sup> is a tradition which stretches back to the Renaissance and perhaps beyond. Its genealogy includes John Muir, the Victorian naturalist, philosopher and wilderness preservation advocate. For Muir, wildernesses were places that had not been corrupted by people and that were, as a result, capable of providing the individual with a more direct spiritual connection to the Divine. Before Muir came William Wordsworth, whose *Daffodils* exemplifies the Romantic response to landscape – detached, solitary, internal:

“I wandered lonely as a cloud/That floats on high o’er vales and hills .... I gazed – and gazed – but little thought/what wealth the show to me had brought: For oft ... They flash upon that inward eye/Which is the bliss of solitude”

This is a rich tradition, and I understand why people value these kinds of experiences. But I also feel uneasy with the anti-social undercurrent and the reduction of any landscape to a fixed and simplified *idea*, stripped of its complexity, messiness and *life*.

There is an alternative way of knowing the landscape which we ignore at great cost. Here, the landscape is not an object to be gazed upon but a kind of community which includes both humans and the non-human world. People are part of the landscape, not divorced from it. The landscape is composed of rocks, soil, plants and animals, but it is composed of people too. The landscape is certainly shaped by natural processes, but it has also been shaped by people over time. Landscape is at once a natural and cultural phenomenon, formed through living, changing interactions between people, other living things and their shared surroundings.

We never engage with landscapes simply as individuals. The notion that landscape-equals-scenery is something we learn growing up in a particular culture. Our ability to enjoy the landscape in solitude is something facilitated by the society we live in, its history and our particular place within it. The things we do in relation to the landscape always impact upon others, for good or for ill, in small or in large ways. Adopting a self-centred approach to landscape leads us to overlook these impacts or, if

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<sup>2</sup> The phrase is from Denis Cosgrove’s *Social Formation and the Symbolic Landscape*, first published in 1984.

we perceive them at all, to treat them as somehow less important than our personal quest for the isolated enjoyment of the 'wild'.

This alternative way of knowing the landscape – as social and lived, inhabited rather than simply gazed upon – is one which ecologists understand. We find it, for instance, in Aldo Leopold's *A Sand County Almanac* (1949). An American ecologist, forester and environmentalist, Leopold was influential in the development of environmental ethics. He was a wilderness advocate, but had a subtlety of thinking about the relationship between people and nature which took him beyond any simple Romanticism. Leopold argued that people form a 'land community' together with the soil, water, plants and animals, noting that the idea that "land is a community is the basic concept of ecology". He recognised that "all ethics ... rest upon a single premise: that the individual is a member of a community of interdependent parts ... [and, as such, is prompted] to co-operate". For Leopold, the "land ethic changes the role of *Homo sapiens* from conqueror of the land-community to plain member and citizen of it", extending "the social conscience from people to land." This belief that our ecology and our society need to be treated together remains current amongst ecologists today<sup>3</sup>.

This reminds us that there is no *necessary* conflict between those concerned for nature and those concerned for society. If we perceive nature through a Romantic lens, then people and 'wild' nature stand in opposition, but if we adopt an ecological understanding of the world, people and nature form part of a single whole.

We also find this 'community' approach to landscape in recent policy. In the *European Landscape Convention*<sup>4</sup>, for instance, landscape is "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors". This definition is a little hard to digest and has the feel of a statement negotiated in committee. But it has value in its emphasis on landscapes as the dynamic outcome of people's interactions with the world. The Convention also has value because it comes from the Council of Europe (not to be confused with the EU) and, therefore, from the same stable as the *European Convention on Human Rights*. The *European Landscape Convention* encourages us to handle landscape matters from the perspective of human rights, sustainable development and people's quality of life and well-being.

The Convention was ratified by the UK in 2006 and its implementation is a devolved matter. When it comes to landscape policy, this is Scotland's over-arching definition of what landscape is, why it matters and how it should be approached. This brings me round to that second idea, *justice*.

The notion of environmental justice is now quite familiar, and it is a companion to the longer-established principle of social justice. It is perhaps relevant to note that, when environmental justice emerged onto the agenda in America in the 1980s, it was promoted by people – e.g. from the Latino, Native American, Asian and African American communities – who had largely been absent from the environmental movement in the U.S. and who had been negatively affected by it. As it developed in the 19<sup>th</sup> and 20<sup>th</sup> centuries, the U.S. environmental movement had largely been a white middle-class affair. Its primary goals were wildlife conservation and wilderness protection – goals which remain the focus for a number of mainstream environmental organisations today.

Environmental justice, by contrast, has people at its heart. It is about the relationship people have with their environment, and it is about whether or not people benefit from or are harmed by the actions of others in relation to the environment. Some people benefit financially from the

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<sup>3</sup> It is, for instance, the theme of this year's European Congress of the International Association of Landscape Ecologists (<http://www.iale-europe.eu/iale2017>)

<sup>4</sup> <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/176>

exploitation of natural resources. They enjoy clean and healthy surroundings. They have the opportunity to fulfil their aspirations with regard to the management and development of the land. Others are unfairly harmed through pollution and health inequalities. They are harmed as a consequence of Climate Change (e.g. through sea-level change or desertification). They are unfairly excluded from land to which they have a claim and which is necessary for their survival and flourishing as communities.

*Landscape justice* develops this notion, bringing social and environmental justice concerns together with a particular focus on land. Who has access to the land and who is excluded? Who can use the land and who cannot? Who is involved in decisions relating to the land and who is denied a voice? Who benefits from their relationship with the land and in what ways? How do their actions impact upon others? Who is deprived of opportunities which are rightly theirs and harmed by the denial of these rights?

It is helpful to think of landscape justice both in terms of outcomes for people and in terms of how such outcomes come about. There are four key words here. Landscape justice is a matter of the *distribution* of harms and benefits relating to the landscape. It concerns *procedure*, or fairness in the way decisions are made about the landscape. It is about *recognition* – whether different voices, perspectives and needs are accorded legitimacy or ignored and denied. It is a matter of *capabilities*, i.e. people’s capacity to achieve the outcomes they desire with regard to the landscape.

Land reform is, of course, a major part of addressing landscape injustice where it occurs. Community ownership, for example, gives people more power to take decisions regarding the land, to sustain or change particular relationships, to reduce or remove harms and reap the benefits.

The fact of ownership is only part of the equation, though. As all community landowners will know, it is an ongoing task to achieve development, requiring hard work, determination and resilience, and there are many barriers to overcome.

The way that ‘landscape’ is regarded in public policy and the way that landscapes are governed and developed in practice can aid sustainable development or hinder it. When it comes to the current situation in Scotland, my own assessment is that there are things that we are currently getting right in both policy and practice, but also a need for significant changes in attitude, culture and process.

To give some examples of where change is needed:

***There need to be changes to Scotland’s landscape policy.*** The *European Landscape Convention* provides a foundation for just and sustainable approaches to landscape. However, Scotland’s landscape policy is not just contained in the Convention; it is dispersed through a wider body of policy statements. This body of landscape policy has evolved over time and continues to evolve. As such, it has different attitudes and agendas embedded within it, inconsistencies and contradictions.

Scottish Natural Heritage’s *Landscape Policy Framework*<sup>5</sup>, for example, predates ratification of the *European Landscape Convention*. The two have much in common and there is much in SNH’s *Framework* which should be retained, but it is weak on matters of human rights, sustainable development and people’s empowerment. Some of our more specific landscape policies, such as those relating ‘wild land’<sup>6</sup>, treat landscapes in a one-dimensional way. They appear to ignore the

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<sup>5</sup> <http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/landscape-policy/>

<sup>6</sup> see *National Planning Framework 3* (<https://beta.gov.scot/publications/national-planning-framework-3/>); *Scottish Planning Policy* (<http://www.gov.scot/Publications/2010/02/03132605/0>)

contribution which people have made to these places and the ways in which people continue to shape them and relate to them. They appear to ignore people's aspirations and needs with regard to the landscape's future, which is also their future.

It is not necessary to abandon our current landscape policy framework wholesale; much of it is good and much is capable of adaptation and flexible application. A key action will be to provide new direction for the implementation of certain policies, in order to inject a stronger dose of justice and sustainable development. This would help to align Scotland's approach to landscape with the country's wider objectives of furthering sustainable development, promoting human rights, reducing inequalities and empowering communities. These objectives are already embedded in legislation and policy in related areas, such as planning and land reform<sup>7</sup>.

***There need to be changes to the way we go about defining our landscapes.*** Landscape justice concerns the *distribution* of harms and benefits, but also requires fairness of *procedure*, the *recognition* of different voices and action to ensure that people have the *capability* to achieve the outcomes which address their needs in sustainable ways.

Certain ways of seeing the landscape have become embedded in our planning and decision-making processes through national programmes of landscape study<sup>8</sup>, and related developments in landscape policy and landscape designation. The effect has been to privilege some voices – e.g. those concerned for the 'scenic' or the 'wild' – and to marginalise or exclude others. There is an injustice of *procedure* and *recognition* here, with an institutional bias towards some voices and denial of others.

To address this injustice, a more diverse range of people need to be provided with real opportunities to take part in the process of deciding how our landscapes should be understood and, on that basis, how they should be conserved, managed and developed going into the future. The *European Landscape Convention* calls for the "active participation" of people in defining a country's landscapes and considers that the process should take "into account the particular values assigned to them by the interested parties and the population concerned". Who are the 'population concerned'? The *Landscape Convention* refers to another international convention – the *Aarhus Convention*<sup>9</sup> – which came into force in the UK in 2005 and which clarifies this point. The public concerned means "the public ... affected by, or having an interest in, the ... decision-making". In other words, it is people who have a relationship with a particular landscape and who stand to benefit from or be harmed by the way it is treated.

Alongside the voices of landscape professionals – whether public servants or private consultants – and of conservation charities, we need to hear from the public concerned through their active participation in the process. This is something which is already recognised in Scottish policy and guidance on how we should go about defining our landscapes and determining their future course. But in practice, such active participation is either absent or falls short of the mark when measured against the tests of justice and sustainability.

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<sup>7</sup> e.g. the *Planning etc. (Scotland) Act 2006*; *Community Empowerment (Scotland) Act 2015*; *Land Reform (Scotland) Act 2016*

<sup>8</sup> e.g. *Landscape Character Assessment* <http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/lca/>; *Wild Land Mapping* <http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/wild-land/mapping/>

<sup>9</sup> properly, the *Convention on Access to Information, Public Participation in Decision-making and Access to Justice on Environmental Matters*; <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

**Community organisations need to be enabled to play a greater role.** In order for a more just and sustainable practice to emerge, institutional cultures need to change. But it is not enough to leave it there. It is simply not in the gift of institutions to deliver sustainable development, although they do have a vital role to play in enabling it.

People themselves need to have the opportunity to play a more active role in taking decisions which affect them. Rather than waiting to be consulted (perhaps in vain), or simply accepting forms of participation which are designed to serve the needs of others and which do not fully allow people to speak with their own voices and minds, people need to take the initiative here. This means creating and campaigning for new opportunities. It means cultivating the abilities which are needed to effect positive, transformative change.

This is easier said than done, of course. What I am suggesting requires confidence, knowledge, cooperation and determination. But it can be achieved. For this to happen, there needs to be a driving force or mechanism which helps people to develop their voice concerning the landscape. People need to be enabled to cultivate and articulate this collective landscape voice, acquiring new skills and knowledge where necessary. People need to be enabled to interact constructively and confidently with external institutions so that their voice can cut through into wider planning and decision-making processes. This persistent driving and enabling role can be played by community organisations, not least community landowners who have a responsibility to the community at large and a remit for sustainable development.

Community landowners themselves will need to develop new capacity in order to perform this role effectively and, in so doing, to help strengthen the community's voice in relation to landscape matters. Like-minded organisations with landscape, heritage and planning expertise should make a contribution here, by working with communities and community organisations to help develop their knowledge of the current system, its processes and language. They can also help people to develop their capacity to advocate their perspective, needs and interests in this context. With this ability, and the opportunity to put it to use, people themselves – those affected by and with a particular interest in decisions regarding the landscape – can work for greater *landscape justice*.