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# Recovering the Substantive Nature of Landscape

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From . . . a post-modern perspective landscape seems less like a palimpsest whose "real" or "authentic" meanings can somehow be recovered with the correct techniques, theories or ideologies, than a flickering text displayed on the word-processor screen whose meaning can be created, extended, altered, elaborated and finally obliterated by the merest touch of a button. (Daniels and Cosgrove 1988:8)

**W**ith these words two present-day geographers envision the virtual reality of postmodern landscape. This melting of landscape into cybertextual space is the most recent step in its disciplinary dematerialization. Richard Hartshorne helped set this in motion when he dismissed landscape as the central organizing concept of geography, and supported, instead, a geographical science of space in which regions are mental constructions (Hartshorne 1939:263, 275; 1958; 1959:48–64; James 1972:232, 272, 283, 468). This essay will seek to recover the substantive depth of meaning of landscape and its implications for our understanding of society/nature relations (Olwig 1996).

## The Duplicitous Meaning of Landscape

In *The Nature of Geography* (1939), Richard Hartshorne criticized the use of the word landscape in American cultural geography (Hartshorne 1939:149–174, 250–284). Landscape was at this time, according to Hartshorne, "perhaps the single most important word in the geographic language," due in no small measure to "Sauer's epoch-making [1925] essay on 'The Morphology of Landscape'" (Hartshorne 1939:149, 155). The central problem for Hartshorne was that the American concept derived from the German geographical term *Landschaft*, which, unlike the English word, had an essentially double meaning. It had a specifically

German meaning as "a restricted piece of land" (Hartshorne 1939:150, 250–284). It was, however, also used, as in English, to refer to the "appearance of a land as we perceive it," e.g., "the section of the earth surface and sky that lies in our field of vision as seen in perspective from a particular point." This "aesthetic" usage of the term enabled users to shift "from the landscape as sensation to the objects that produce that sensation" (Hartshorne 1939:150, 152). Confusion resulted, Hartshorne argued, "from the use of the same word to mean, on the one hand, a definitely restricted area and, on the other, a more or less definitely defined aspect of an unlimited extent of the earth surface" (Hartshorne 1939:154).

Hartshorne's solution to the problem of landscape was essentially to abandon it in favor of geography as a science of region and space. Others, however, saw that the scenic concept of landscape provided a useful approach to the study of human environmental perception (Lowenthal 1961; Lowenthal and Prince 1964; 1972 [1965]; Tuan 1972 [1961]). When this approach is carried to one extreme, however, there is a tendency to shift from the subjective qualities of perception to the scenic object as the ultimate determinant of perception (Appleton 1975; Bourassa 1991). At the opposite extreme, the focus shifts from the scenic object to the sensation of landscape created by the pictorial field of spatial vision. Taken to its ultimate conclusion, this approach reduces landscape to a "flickering" iconographic text displayed on a screen. I would argue, however, that much of the confusion generated by these diverging approaches can be clarified by re-examining, in historical and geographical context, the substantive meaning of landscape as a place of human habitation and environmental interaction.<sup>1</sup> Landscape, I will argue, need not be understood as being either territory or scenery; it can also be conceived as a nexus

of community, justice, nature, and environmental equity, a contested territory that is as pertinent today as it was when the term entered the modern English language at the end of the sixteenth century.

### The "Territorial" Meaning of Landscape

It is commonplace today for writers on landscape to note that the derivation of the word is "often attributed" to a Dutch form of a common Northern European term designating an area of territory—a province, district, or region (Merriam-Webster 1961: Landscape; Mikesell 1968; Oxford English Dictionary [O.E.D.] 1971: Landscape; Schama 1995:10). This was the term applied to a popular newly emergent genre of Northern European art when the term (re)entered the English language at the turn of the sixteenth century.<sup>2</sup> The significance of the landscape concept at that time, and hence its importance to the emergence of this art form, remains unclear. German language discussions of *Landschaft* are often obscured by the tendency to confuse and conflate older and newer meanings of the term (Hard 1970). There have been a number of imaginative English language attempts to elucidate an original territorial meaning of landscape (Stilgoe 1982:3–4; Jackson 1984:3–8; Olwig 1993), but these have overlooked the fact that it was not just a territorial unit. This confused situation has led some writers to simply ignore the historical content of the word and accept as axiomatic that: "It is well known that in Europe the concept of landscape and the words for it in both Romance and Germanic languages emerged around the turn of the sixteenth century to denote a painting whose primary subject matter was natural scenery" (Punter 1982; Cosgrove 1993:9). This aesthetic approach to landscape, which is well established in art history, has provided new insights for cultural geography, but it can also be somewhat one-sided and, thereby, obscure the relation between the aesthetic form of landscape and its substantive content. In the following it should become apparent that the Northern European concept of landscape emerged much earlier than the turn of the sixteenth century and that it carried, and continues to carry, a range of meaning that goes far beyond natural scenery.

The word *Landschaft* is common, in various spellings, to the Germanic languages of Northern Europe (Grimm and Grimm 1855: *Landschaft*).<sup>3</sup> There is no reason to focus on the Dutch meaning of the term, however, since the word "Dutch" generally meant German or Germanic at the time the word entered the English language (O.E.D. 1971: *Dutch*). The Netherlands, themselves, spoke three or four languages including Frisian and Low German (Clark 1946:200). When approached in historical and geographical context, it becomes clear that *Landschaft* was much more than "a restricted piece of land." It contained meanings of great importance to the construction of personal, political, and place identity at the time landscape entered the English language.

### *Landschaft* as Territory and Community

An historical examination of the territorial meaning of *Landschaft* suggests that we are dealing with a rather special geographical phenomenon. One place where functioning *Landschaft* territories of ancient origin survived until the late nineteenth century is in North Friesland on the marshy western coast and islands of Jutland, just south of the present Danish border (Sante 1964:433). Until 1864, when the Danes lost the area to Prussia, it was part of the Duchy of Schleswig under the Danish king.

An 1864 volume of the standard Danish topographical reference work explains that *landskaber* (Danish for *Landschaften*) differed from similar territories called *amter* by virtue of having "had a more independent development, both in relation to the other districts and internally, and therefore there are territorial constitutions which give the population a greater right to self-determination and to participate in the judicial process and in government" (Trap 1864: Section 1:67). *Amt* is translated as "county" or "shire," though its size and administrative practice are not directly comparable to Britain (Vinterberg and Bodelsen 1966: *amt*). The *amt* was administered as a bureau or "office" (the literal meaning of *amt*) manned by the *amtmand*, the officer or bureaucrat of the state, which from 1660 was an absolute despotism. If the territory had, instead, been placed under the jurisdiction of a

greve (*Graf* in German), or count, it would have been termed a *grevskab* (*Grafschaft*), or, literally, a *county*. *Landskaber* were neither counties nor *amter* because they steadfastly refused to submit to the law of other communities. Of one such *landskab*, *Eiderstedt*, it is written: "No other district in the Duchy of *Slesvig* is equipped with a district constitution which expresses such a high degree of freedom and independence." This is because: "It has gradually developed into its present state and it rests as much upon rules, which have developed through autonomy and custom, as through law and privilege" (Trap 1864: section 1:81). The orally transmitted customary law for *Eiderstedt*, named "the crowning glory of true justice," was first written down in 1426, apparently in response to Danish pressure to have the area incorporated under the Jutland law (Trap 1864: section 1:267; Sante 1964:433).<sup>4</sup>

One of the factors that makes these *Landschaften* special is the strength of the link between *community* (*Gemeinschaft* in German) and place. This is exemplified, in modern times, by the case of the sociologist Ferdinand Tönnies (1855–1936). He was from the *Landschaft* of *Eiderstedt* and his experience of the "changing of a political community into a mere administrative district" under the Prussians after 1864 is believed to have inspired his thesis on the relationship between *Gemeinschaft und Gesellschaft* (community and association) (Loomis 1955:xxv). Tönnies' work is the source of much modern thinking on community (Tönnies 1974 [1887]; 1979 [1887]). There was nothing new, however, about the inspiration which he drew from his home community. The idea and the reality of *Landschaft*, and similar territorial phenomena, had inspired thinking for centuries about what we now call community.

### ***Landschaft*, Social Estate, and Community Justice**

The meaning of *Landschaft* must be understood in geographical as well as historical terms. The bewildering complexity of German territorial organization prior to nineteenth-century unification makes generalization difficult, but it also means that *Landschaften* such as *Eiderstedt* were able to persist as living alternatives to feudalism or the centralized absolutist state. "In the area of Western civiliza-

tion," according to historian Marc Bloch, "the map of feudalism reveals some large blank spaces—the Scandinavian peninsula, Frisia, Ireland" (Bloch 1961:445). Alongside these blank spaces were places like Saxony which "by the number of its free peasants—free both as to their lands and as to their persons—seemed to represent a transitional stage from that of Frisia, which had no manorial system and consequently no serfs" (Bloch 1961:267). In the areas without manors there was, hence, no vassalage. This, according to Bloch, was because:

Where men of all ranks were able to rely for support on other forms of strength and solidarity than personal protection—kindred groups especially among the Frisians, the people of Dithmarschen and the Celts, kindred groups again among the Scandinavians, but also institutions of public law of the type common to the Germanic peoples—neither the relationships of dependence peculiar to territorial lordship, nor vassalage and the fief invade the whole of social life. (Bloch 1961:247–248)

A gradual formalization of the territorial identity of the *Landschaften* of North Friesland and similar territories (such as adjacent Saxon Dithmarschen) occurred in the course of the fifteenth and sixteenth centuries (Bader 1957:247–264; 1978:177–182; Köbler 1988: 114–115, 158, 373; Sante 1964:303–309, 431–432, 637–639, 719–723, 732–736, 751–752). *Landschaft*, however, meant much more than a territory. In some contexts, *Landschaft* referred not to a territory but rather to the estates represented in a land's parliament (*Landtag*) or to the representative body itself. The *Landschaft* could also be defined to exclude the *Ritterschaft* (or nobility) and the clergy, making it comparable to the English estate of the commoners who were represented in the House of Commons.<sup>5</sup> The *Landstandschaft*—the estates (*Stände*) of a land—were the equivalent of the law-abiding and tax-paying citizens who, by virtue of their good standing, have the right to vote. This expression of community and place identity was important at a time when the medieval ascetic ideal was being replaced by the ideal of the active, engaged citizen (Pirenne 1958:221–269).

### **The *Landschaft* as a Body Politic**

The various usages of the term *Landschaft* may seem confusing, but they are not all that different from the use of related terms in Eng-

lish. The suffix *shaft* and the English *ship* are cognate, meaning essentially "creation, creature, constitution, condition" (O.E.D. 1971: -ship). *Schaft* is related to the verb *schaffen*, to create or shape, so *ship* and *shape* are also etymologically linked (O.E.D. 1971: *Shape*). The citizens in good standing of a New England town shape the body politic of the *township* as constituted under a body of law. A township is both a body of citizens, the representatives who make decisions on behalf of those citizens (as in "the township voted to raise taxes"), and the domain shaped by those citizens. Finally, the condition of being a good townsman or citizen, like the condition of fellowship, is expressive of more abstract notions of community values. In times past, the English language included other words like *countryship* and *folcship* (meaning nation) in which the suffix *ship* functioned much the same as *schaft* (O.E.D. 1971: -ship).

### The Land and Law in *Landschaft*

Etymologically, the primary Germanic meaning of the term *Land* was a bounded area, e.g., the various lands (cultivated land, meadow land, common land) constituting a farm or manor (Grimm and Grimm 1855: *Land*; Jackson 1984:6). In the feudal era, these lands were not generally owned by individuals as separate properties. They rather formed a complex of use rights which were determined by custom and by personal feudal obligations. These lands, taken together, may constitute larger lands under a given body of law and may have an ancient origin that predates feudalism (Gurevich 1985:153–209; Hastrup 1985:220, 236; Hedeager 1993).<sup>6</sup> Such a land is defined by its customs and culture, not by its physical characteristics, though it may conform to an area of dry land, e.g., an island.<sup>7</sup>

The link between customary law, the institutions embodying that law, and the people enfranchised to participate in the making and administration of law is of fundamental importance to the root meaning of *Land* in *Landschaft*. Jutland is thus defined as a land because it "has its own particular legal system and its own (*lands*)ting" or representative council (O.D.S. 1931: *Land*). It is this law that constituted the Jutes as a people. The institution of the *ting* (*Ding* in German) is also found in English, where it is known as a *thing* (or *moot*—

meeting). The importance of law is suggested by the ancient proverb that prefaces the first written version of the Jutland law in 1241: "*Mæth logh scal land byggæs*" which literally translates as "With law shall land be built" (Jansen and Mitchell 1971:3–7).<sup>8</sup> The meaning of the word "built" at that time was related to such English words as *bower*, meaning dwelling, as well as *abode*, the place one abides, the place of *being* home (Merriam-Webster 1961: *be*, *bower*, *abide*, *abode*). A more correct translation might thus be "the abode of the land is created by abiding by the law." The law, according to the preface, shall be "*ærlig oc ræt, thollich, æftær landæns wanæ*" ("honorable, just, and tolerable, in accordance with the customs of the land") (Jansen and Mitchell 1971:4–5). The concept of land is thus linked to the Scandinavian meaning of *landskab* during this era: 1) conditions in a land, its character (*beskaffenhed*), its traditions or customs; 2) the organizing of things in a land; 3) *Landskab* district (Fritzner 1886–1896: *landskapr*; Kalkar 1976 [1881–1918]: *landskab*).<sup>9</sup> Even when a land, e.g., Jutland, is incorporated into a larger land, e.g., Denmark, it still retains the character of its *Landschaft* provided it retains its law and customs. The Jutland law thus eventually became known as a *Landskabslov*—a landscape law.<sup>10</sup> A *landskab* was not just a region, it was a nexus of law and cultural identity, and this is why a Frisian *Landschaft* could not accept the Jutland law, or even the law of other Frisian *Landschaften*. The various *Landschaften* of Frisia thus maintained a separate identity, even though they shared a similar language and ethnicity.

### *Landschaft* Art

When one examines the social and historical context of the sixteenth-century origins of Northern European landscape art, it becomes clearer why the term *Landschaft* should have become attached to a genre of painting that became popular with the people of Northern Europe. This was a time of intense interest in "the ancient constitutions" of the Northern Europeans (Pocock 1957). "Constitution" did not mean a written document but rather the legal principles embodied in customary Northern European law. As with Eiderstedt, this customary law was originally memorized and only later written down. This was an era that sought

alternatives not only to the universalism of the Roman Catholic Church, but to the universalism of written, codified, Roman law which that church had introduced to Northern European society. Brilliant jurists, such as the Huguenot François Hotman (1524–1590), argued that customary law, though rooted in the ancient precedent of “time out of mind,” was in fact always up-to-date because custom was constantly being reinterpreted in the light of present circumstance. Roman law, on the other hand, though it pretended to be universal in scope, was in fact an expression of the time and society that had created it (Pocock 1957:14–29; Giesey and Salmon 1972; Hotman 1972 [1573]).

The study of customary law not only helped generate an interest in historical change, it legitimated those representative local and national institutions, such as Parliament, that were believed to have generated that law (Hotman 1972 [1573]). Whereas feudal ties to the lands under the lord’s domain were through interpersonal relations of fealty (Gurevich 1985:91), customary law represented the expression of particular local and national communities and their use rights to those lands. The search for the ancient constitution during Hotman’s day naturally led back to the record of the ancient past as preserved in the newly rediscovered *Germania* by the Roman historian Tacitus (ca. 56–ca. 120).<sup>11</sup> It also led to the peripheral regions of feudal Europe, such as Switzerland, where social critics like Hotman enjoyed the freedom to teach and publish.

The interest in customary law in this era should not simply be understood in terms of abstract political and religious ideologies. Questions of taxation and of which social groups were entitled to political enfranchisement were contested both in the courts and in carnivalesque festivities on the streets (Pirenne 1958; Ladurie 1980:303–370).<sup>12</sup> It is in this Northern European context that the concept of *Landschaft* takes on importance, not just in its social and legal senses but also as a territory of law and feeling encompassing both town and country (Bloch 1961:367, 372; Carsten 1959:5). The works of a pioneering landscape painter such as Pieter Brueghel (ca. 1525–1569) or Joachim Patiner (ca. 1485–1524) (whom Albrecht Dürer in 1521 called “der gut landschafft mahler” [sic] and whose works were said by contemporaries to be “pregnant with whole

provinces”) are fascinating sources on the custom of the time, rural and urban.<sup>13</sup> These paintings remind us that customary law was not just the preserve of the courts, it was also inscribed and memorized in the material fabric of the *Landschaft*. Customary obligations were responsible for the maintenance of bridges and roads, the maintenance and use of the fields, and the demarcation of territory (Milsom 1981:12). Brueghel’s painting, as the art historian Michael Rosenthal writes, “emphasizes not only the logic of the terrain” but also “the logic of the activity” shown in the paintings. It contains “an element of explanation, sometimes to the near-diagrammatic” (Rosenthal 1982:12).

The annual springtime festivities shown in paintings and the perambulatory beating the bounds of the village lands were mnemonic means by which customary law was memorized in the substance of the land. When children were bumped on their heads at the location of boundary markers, or wood was taken from a forest to erect a maypole or make a bonfire, people were engaging in ritual play by which they passed the memory of common access and use rights from generation to generation. This memory, rooted in the child’s concrete mode of thought, might well have legal value years later in courts where the precedence of custom weighed heavily.<sup>14</sup> The memory of customary law, however, was not just that of the child; it extended back to the precedence of “time out of mind,” and thus, in principle, all the way back to the customs of the ancient Northern European peoples living in forests like those described by Tacitus and painted by Albrecht Altdorfer (ca. 1480–1537) (Silver 1983; Olwig 1984:11–22).

The new spirit of place identity and pride was manifested in the publication of a series of monumental cosmographical works, complete with maps and sketches of *Landschaft* territories. Though the cosmographers may have had imperial motives, they were dependent on contributions from people with an intense local attachment to the lands they described. The Swiss, who battled to maintain their independent confederation, were naturally in the forefront (Strauss 1959:60–64, 86–92; Pearson 1976; Schmithüsen 1976:91–93, Gibson 1989: 53–54).

The subject of Northern European landscape art is clearly *Landschaft* in the full sense of the

word. It was much more than "beautiful natural scenery." It was imbued with meanings, etched by custom in the land, that were at the heart of the major political, legal, and cultural issues of the time. It was at the center of the process by which members of the non-noble estates of emerging national bodies sought to establish cultural identities as active, politically engaged, and patriotic citizenries. The importance of community and law was particularly critical for the people of the European lowlands who, in the seventeenth century, had to battle both the sea and jealous feudal neighbors (Clark 1946:195–197). This helps explain the popularity of paintings of familiar home environments amongst the burghers and farmers who are depicted in so many paintings as skating together on a common pond (Alpers 1983; Schama 1987a:71–72; 1987b).

## Landscape and Country in England

The work of the early nineteenth-century painter John Constable "exemplifies English devotion to rustic life and landscape" (Lowenthal and Prince 1972 [1965]:83). The district of eastern England where Constable grew up, and to which he returned again and again for his subject matter, was known by contemporaries as "Constable Country" (Rosenthal 1983:5). Even if Constable did not attempt to render it with photographic precision, he was concerned to reproduce the imprint of this particular traditional culture on the countryside (Rosenthal 1983:5–21; Daniels 1993a:200–242; 1993b). Constable would appear to be rendering a conception of landscape that is close in spirit to that painted by his Northern European predecessors. But whereas the paintings of these predecessors hardly distinguished between rural nature and the city, Constable's were first and foremost concerned with "nature" or "natural landscape" perceived as rural picturesque scenery (Rosenthal 1983:91–132, 226). Constable's work thus exemplifies both English continuity with the Northern European tradition as well as a redefinition of the idea of *Landschaft*. A full understanding of the modern English concept of landscape requires attention to both the preservation of continuities and the process of redefinition.

The idea of *country* in the phrase "Constable Country" has a long history. The words *county* and *country* have been used virtually interchangeably in English, and they have been freighted with many of the same legal, political, and social connotations as the concepts of *Land* and *Landschaft*. According to the historian Perez Zagorin, the earliest use of the word *country* dates from the fourteenth century. Essentially *country*: "signified 'county,' and it continued to retain this sense for centuries. Somewhat later, it acquired the further meaning of rural and distant from cities and courts, instances of which occur from the sixteenth century on" (Zagorin 1969:33).

The term *county* was a territorial designation of Norman-French origin which, after 1066, was applied to the ancient English territories known as shires. *County* literally means the territory of a count, but the English counties were not governed by counts and they were not the invention of a centralized Norman state; they were ancient pre-Norman legal territories (Milsom 1981:13–15). The earliest English use of *county* referred to the representative "shire-moot" or court that governed the county (O.E.D. 1971: *county*). The customary law generated by the courts of the county was therefore, in the view of a legal historian, the expression of "communities whose geographic boundaries had in some cases divided peoples and cultures, and not just areas of governmental authority" (Milsom 1981:12). According to Marc Bloch:

[it was] within the framework of the county, mainly, but also in the more restricted sphere of the hundred—that the most vital elements in the nation preserved the habit of meeting to determine the customary law of the territorial group. . . . And so it continued till the time when, summoned to meet as one body, the representatives of the shire courts formed the earliest nucleus of what was later to be the House of Commons. (Bloch 1961:371)

As early as the time of Queen Elizabeth, the growing influence of Parliament fused the concept of county/country with the general idea of representation of the public interest. Members of the House of Commons thus talked of their duty to their "Countries" or "Country" (Zagorin 1969:33). The members of the Commons represented particular districts, but via the institution of Parliament the interests of the local community were extrapolated into the

interests of the country of England as a whole. During the political revolution of the seventeenth century, the generalized and abstract idea of country provided the basis for polarization between what later in the century became known as the party of the court and the party of the country (Zagorin 1969:19–39). The term *country* is still used in this sense when the calling of a British national election is termed “going to the country” (Williams 1976: *country*).

Like *Land* and *Landschaft*, *country* could be used to refer both to an area of territory as well as to the people of the territory (e.g., the land, or country, rose in rebellion). It could also be used, as has been seen, to conceptualize the oppositions between the differing forms of government and social organization as represented by the opposition of court and country. Finally, like *Land* and *Landschaft*, the term *country* could be applied to once autonomous territories that have become part of a larger state itself called a country (O.E.D. 1971: *country* 3).

The identification of counties or countries with the general public interest was related to the arguments of continental and English jurists, like Hotman, who sought to justify the existence of national parliamentary institutions as expressions of prefeudal or preconquest legal institutions based on customary law (Pocock 1957:1–29; Giesey and Salmon 1972). In the sixteenth century, British political thinkers applied these arguments in the context of a struggle between the supporters of a strong central monarchy and the supporters of the rights of Parliament. The most notable of the early sixteenth-century jurists on the Parliamentary side was Chief Justice Sir Edward Coke (1552–1634). “Custom,” according to Coke, “lies upon the land” and it has “two pillars”: “common usage” and “time out of mind.” It is on the basis of these pillars that customs “are defined as a law or right not written; which, being established by long use and the consent of our ancestors, hath been and is daily practised” (as quoted in Thompson 1993:97–98, 128, 129). English common law was seen to arise, in turn, out of customary law through the activity of the national courts (Milsom 1981:1–8). The consecration of customary law by ancient ancestors made it virtually sacrosanct for Coke and his followers (Holdsworth 1928:14–15; Hill 1965:225–265).

Customary law was important to the constituencies represented in the House of Commons because it provided the precedents by which they had historically defended their rights against the claims of personal feudal fealty (Baker 1979:198–200; Milsom 1981:119, 166–199; Gurevich 1985:89–91). Inheritable rights in the land, as guaranteed by customary and common law, were thus of obvious importance to the rising power of the rural gentry who saw themselves as representing the rights of “the country” in Parliament.<sup>15</sup> Expressions such as “commonwealthman” and “countryman” carried connotations referring to a more abstract notion of collective community virtue (Robbins 1961).

The customs of the country provided a common rallying point for the otherwise diverse social elements, both landed and unlanded, who revolted against Charles I and made up the backbone of Cromwell’s Commonwealth (Holdsworth 1928:14–16; Hill 1975; Thompson 1993:97–184). The concept of the *country*, like that of the *Landschaft*, was at the heart of the hotly contested question of which laws and which segments of society had the right to represent the national community.

### ***Landschaft* and Country**

The early seventeenth-century English invested *country* with much the same meaning that was attached to the Northern European concepts of *Land* and *Landschaft*. Hence the art imported from continental Europe into England was comprehensible insofar as it represented country in much the same way on both sides of the channel. The power to define the image and idea of *country* in art was therefore of some importance. Was the country an absolute monarchy, personified by the king, or was it a parliamentary democracy? The court was highly conscious of this issue and landscape representations played an important role in the way the court attempted to define itself in relation to the country (Orgel 1975). It is therefore significant that the court invested heavily in landscape images that were constructed on the basis of principles deriving from the Italy of Rome rather than from the idea of country expressed by the concept of *Landschaft*.

There was a superficial resemblance be-



tween Northern European *Landschaft* art and scenic art in the Italianate tradition. Both fit Henry Peacham's (ca. 1576–ca. 1643) 1606 definition: "Lantskip is a Dutch word, & it is as much as wee shoulde say in English landship, or expressing of the land by hills, woodes, Castles, seas, valleys, ruines, hanging rocks, Citties, Townes, &c. as farre as may bee shewed within our Horizon" (quoted in Ogden and Ogden 1955:5). The difference is that whereas the Northern tradition represented the particular customary qualities, however idealized, of actual *Landschaft*, the Italianate tradition emphasized the timeless geometrical laws of spatial aesthetics as expressed in natural scenes that were inspired by the ideal past of classical imperial Rome (Ogden and Ogden 1955:30–62; Alpers 1983; Barrell 1986:138–150; Olwig 1993).<sup>16</sup> The distinction is important because these scenes express a concept of nature and law that is different from that expressed by *Landschaft*.

### Nature, Custom, and Landscape

Customary law, as Coke was wont to say, was an ancient "birthright" (quoted in Hill 1965:257). This right was rooted in a particular idea of nature (Hill 1958:78–79) which had a well-established legal history. As Hotman wrote: "Just as our bodies, when dislocated by some external blow, cannot be repaired unless each member be restored to its natural seat and place, so we may trust that our commonwealth will return to health when it is restored by some act of divine beneficence into its ancient and, so to speak, its natural state" (Hotman 1972 [1573]:143). This view of nature is close to the term's derivation from the concept of birth. The word *nature* thus has the same root as *nativity*, *native*, and *nation*. As the philosopher, John Passmore explains it: "The word 'nature' derives, it should be remembered, from the Latin *nascere*, with such meanings as 'to be born,' to 'come into being.' Its etymology suggests, that is, the embryonic, the potential rather than the actual" (Passmore 1974:32). Customary law is natural in this sense because, though it has its origins generations back in time, it is nevertheless in a constant state of renewal and growth. The attorney-general for Ireland, Sir John Davies, illustrated this mode of

thought when, in 1612, he praised English customary law as being:

so framed and fitted to the nature and disposition of this people, as we may properly say it is con-natural to the Nation, so as it cannot possibly be ruled by any other Law. This Law therefore doth demonstrate the strength of wit and reason and self-sufficiency which hath been always in the People of this Land, which have made their own Laws out of their wisdom and experience. . . . (quoted in Pocock 1957:33–34)

The supporters of the court, on the other hand, favored a very different concept of law and nature and, hence, a different concept of country and landscape. James was already King James VI of Scotland when he was crowned King James I of Britain in 1603. He felt that he had an historic mission, given by God and nature, to unite the countries of his island realm into a British monarchy. He therefore wanted to have himself crowned king of Britain despite the opposition to the title by Parliament.

The court went to considerable expense to promote its own conception of law and nature through the use of landscape scenery in elaborate theater masques and plays (Ogden and Ogden 1955:21–23). One of the earliest English uses of the term *landscape* stems from the *Masque of Blackness* from 1605 where the author, Ben Jonson (1572–1637), writes "First, for the Scene was drawn a Landtschap" (Jonson 1969:48; O.E.D. 1971: *landscape* 1). At this time, when all the world was often believed to be a stage (Yates 1969), the idea of the country was framed as theater landscape. Jonson's friend, the author William Drummond of Hawthornden (1585–1649), thus transformed Northern European social and political ideas of *Landschaft* into theater when, in 1638, he queried the Parliamentarians in revolt against Charles I: "What can yee purchase by some few Monethes libertie of dauncing to your own shadowes, in new Magistracies, offices of State, imaginarie and fantastickall counsilles, lanskippes of Common Wealthes, and an icye Grandeur, erected by your selves to impaire and derogate to souverainitie, to dissolve government, but a part of a Tragicomedie?"<sup>17</sup>

The elaborate and expensive scenery for the masque was as central to the performance as the text in a situation in which the stage was not just the setting but the action itself (Orgel 1975:36). Masque landscape used central-point perspective to create an illusory three-

dimensional spatial realm that encompassed and blurred the boundary between representation and reality, between players and spectators. The central point focused upon the monarch (Orgel 1975). The masque, thereby, helped create an illusion (pleasing to the court) that the country of Britain, under the guidance of the monarch, had reentered a natural paradisaical state reminiscent of the golden age of classical myth (Ogden and Ogden 1955:21–23; Hunt 1991).

The master wizard of landscape as theater was Jonson's partner, the architect, painter, and king's surveyor, Inigo Jones (1573–1652). Jones developed his predilection for Italianate scenic art during several study tours to Italy at the beginning of the seventeenth century (Ogden and Ogden 1955:34). He also spent time in the service of the Danish court where theater was popular and both Northern European concepts of landscape and Italianate scenic ideals would have been familiar. His mentor at the English court was the Danish king's sister and King James' queen, Anne of Denmark.<sup>18</sup> Jones' (and Jonson's) first production was the "Queen's Mask," the *Masque of Blackness* in which the queen herself helped determine the theme and participated actively in the performance (Jonson 1969:3; Orgel and Strong 1973:6, 89–93).

Both the content and form of Jones's landscape scenery expressed a concept of nature. The scenic content, inspired by Roman art, represented a bucolic realm that was coequal with the realm of the "British" monarch. The form was a geometrical framework that created the spatial illusion that made these scenes seem natural, even supernatural. Jonson describes Jones' landscape in *The Queen's Masque of Blackness* as being "drawn, by the lines of perspective" so that the whole work seemed to be "shooting downward from the eye" (Jonson 1969:50). This was an expression of a neo-Platonic conception of a higher, harmonious, and universal natural principle of proportion behind the surface of external temporal reality (Edgerton 1975; Orgel 1975:83–87; Wiles 1993:43–66), or, as Jonson writes of Jones' landscape: "the orderly disorder which is common in nature" (Jonson 1969:48). The ultimate point of the masque is, in fact, a celebration of the physical nature of royal Britannia, "this blessed isle . . . A world divided from the

world" under the "sciential" light of a king who is endowed with the power of natural science (Jonson 1969:55–56).

The science of surveying and the profession of the scenographer overlapped. Indeed Jones developed his aesthetic ideals in Renaissance Italy where the development of the newly rediscovered Ptolemaic techniques of surveying and cartography went hand in hand (Cosgrove 1993:222–254). Surveying created a geometrical, divisible, and hence saleable space by making parcels of property out of lands that had previously been defined according to rights of custom and demarcated by landmarks and topographical features (Kain and Baigent 1992:5).<sup>19</sup> The rational geometric space that underlay the conception of the world as scenery expressed, therefore, a revival not only of Platonic ideas of nature but also of the Roman grid and the Roman legal idea of *possessio* (Tacitus 1942:721, § 26; Bloch 1961:116; Edgerton 1975; Gurevich 1977:6; Milsom 1981:119–151; Cafritz et al. 1988). These ideas, which were foreign to Northern Europe, lent legitimacy to the ideological transformation of land into private property.

Landscape, as presented in the masques, should be seen not as representing actual countryside but rather as a vision of an ideal scene—e.g., the natural golden age brought about by royal presence.<sup>20</sup> As the stage directions for a masque read:

The scene is varied into a landsctipt in which was a prospect of the King's palace of Whitehall and part of the city of London seen afar off, and presently the whole heaven opened, and in a bright cloud were seen sitting persons representing Innocency, Justice, Religion, Affection to the Country, and Concord, being all companions of Peace. (text in Orgel and Strong 1973:457)

The science of perspective blurs the distinction between the world out there and the world of the theater. This blurring causes the landscape to be perceived as a "natural" sign that transcended the "conventions" of human communication.<sup>21</sup> One cannot, therefore, distinguish the iconographic meaning of this scenery from its aesthetic form; the medium was, quite literally, a message expressing the ideals of a Royal British Absolutism determined to "purify, reorder, reform, re-conceive a whole culture" (Orgel 1975:36, 87).

## Natural Law and Landscape

The court masques were product of a time when the distinction between the laws of nature and those of men was not as clearly drawn as today. The same Francis Bacon (1561–1627) who envisioned an island utopia ruled by a benevolent despot with the aid of scientist students of nature's laws was also a leading jurist for the court (Bacon 1915 [1627]:11, 14, 21, 35). As lord chancellor, he vainly sought to institute a rational and uniform system of codified statutory "natural" law against the opposition of his chief rival, Edward Coke (Hill 1965:85–130, 225–265).<sup>22</sup>

The monarchy and the court saw their law as *natural*, but their sense of *natural* law was very different from the law conceived by the champions of customary law. The natural law of the monarchy was universal and opposed to the particularity of convention—views that were reflected in the image of landscape promoted by the court. The next step in the creation of modern English ideas of landscape occurred when the scenic landscape of theater and art was used as a model for the aesthetic shaping of the external English environment. Henceforth it was difficult to distinguish, in purely visual terms, scenic landscape from *Land-schaft*. "Palladian landscape" was the vehicle by which this transfer from the theater to the "real" world was accomplished (Cosgrove 1993).

## Palladian Landscape

Inigo Jones toured the Veneto in the early seventeenth century collecting drawings and published works by the Venetian architect, Andrea Palladio (1508–1580) (Cosgrove 1993:20–21). Palladio represented an architectural school that had endeavored to replace the traditional Gothic style of Venice with a classical style inspired by ancient imperial Rome. It incorporated the principles of single-point perspective not only in theater design but also in the construction of whole environments. Palladio was famed for the estate houses, or villas, of the *terraferma*, which he designed for both the wealthy merchants from imperial Venice, who were then colonizing the region, and the indigenous nobility. The enclosure (at the expense of the customary rights of the native

peasantry) and drainage of *terraferma* had become a new avenue for the investment of merchant capital. For Palladio it became a vast theater stage upon which he made his designs (Cosgrove 1984:102–141; 1993:1–29). This designed environment thus became, in the words of a modern British geographer, "one of the loveliest of the world's rural landscapes. This is the great gift of the Palladian landscape, the reason for its hold on our imagination. It is a visionary landscape" (Cosgrove 1993:251). When Jones returned to work in England, he brought this vision with him and applied it not only to theater but to architecture and town planning (Orgel 1975:6–14).

Christopher Wren (1632–1723), an astronomer, geometrician, and king's surveyor as well as the premier architect and urban planner of the Restoration, continued the classical orientation of Jones. The ideal of natural beauty that lay behind his transformation of London after the fire of 1666 was a forerunner of the later Palladian transformation of the countryside. The latter occurred after the gentry sealed its own power and that of Parliament with the "Glorious Revolution" of 1688. According to Wren: "There are two causes of Beauty—natural and customary. Natural is from Geometry, consisting in Uniformity (that is Equality) and Proportion. . . . Geometrical Figures are naturally more beautiful than any other irregular; in this all consent, as to a Law of Nature" (quoted in Bennett 1982:118–124). This natural ideal would have been an anathema to the older "party of the country" which had used custom to defend the rights of Parliament. Much to the chagrin of the "Old Whigs," the powerful oligarchy of the land-owning Whig country gentry largely abandoned the commonwealth ideology of Cromwell's time (Robbins 1961). The "Glorious Revolution" of 1688 was a tame affair which, despite its name, did not seek to upset the status quo, and many Whigs looked back with horror upon the anarchy of the civil wars. The old doctrines celebrating custom were no longer appealing in a world empire where local customary use rights stood in the way of gentry enclosures and agricultural improvements (Butlin 1982; Neeson 1993; Thompson 1993:97–351). Instead of looking to Northern Europe, the propertied Whigs found their social ideal in republican Florence and especially in imperial, oligarchical Venice (Barrell 1986:1–162;

Hunt 1991). Inigo Jones was rediscovered, and his architecture and landscape design were moved from the arena of the court theater to that of the country estate. For the monied land-owners of the time, whatever their political orientation, the rational spatial geometries used to construct the Palladian scenic ideal provided an ideal means to create "natural" surroundings while simultaneously erasing the memory of custom's common landscape which stood in the way of gentry "improvement" (Turner 1976:163–164; Everett 1994:41). Where Wren replaced London's fire-damaged Gothic churches with classical temples, the new rural landscape often replaced the Gothic dwellings of the old nobility with Palladian villas surrounded by expensive landscape gardens. The Italianate ideal moved thereby from the realms of theater, art, court, and city out into the countryside (Manwaring 1965 [1925]). The earlier opposition between court and country was thereby transformed into an illusory antithesis between a pastoral "country," where the men of power had their natural seat, and the city—the hub of empire where they made their money (Williams 1973). **Rural landscaping created the scenic image of the country community ideal, while helping to undermine the customary law upon which it was based.**

The synthesis of the Palladian mansion set in a vast landscape park became the quintessential country "estate" (Cosgrove 1993:21). Estate had once meant social standing, but now it meant, first and foremost, a country property (O.E.D. 1971: *Estate* 13). In the words of one literary historian, "'land' and 'place' became equivalent to 'propriety'—meaning in seventeenth-century English both *property* and *knowing one's place*" (Turner 1976:5). It was a question of knowing one's place in the order of nature as this order was shaped in the land. The *land* in landscape had become the terra firma of the country, the physical nature upon which men play out their appointed roles.<sup>23</sup> It was in this era that the word *nature* was first used to mean landscape scenery, as in John Dryden's 1697 translation of Virgil's *The Georgics*:

But time is lost, which never will renew,  
While we too far the pleasing path pursue,  
Surveying nature with too nice a view. (Dryden  
1806 [1697]: 175; *Georgics* III: 448–450; O.E.D.  
1971: *nature* 13)<sup>24</sup>

Though nice, this view of nature was also didactic, as Joseph Addison (1672–1719) wrote in the introduction: "It raises in our minds a pleasing variety of scenes and landscapes [*landskips* in original], whilst it teaches us; and makes the drier of its precepts look like a description" (Addison 1806 [1697]:85; O.E.D. 1971: *landscape* 2).

The hidden underlying geometric laws of nature expressed in the harmonious structure of the Palladian landscape ideal appealed, ironically, as much to the new Whig oligarchy as to the old party of the court. The country estate became a microcosm of the empire, where men of property improved their estates according to the rationality of "science." These laws, to use Basil Willey's words (1940:10), "are the laws of reason; they are always and everywhere the same, and like the axioms of mathematics they have only to be presented in order to be acknowledged as just and right by all men." The vision of an ideal state of nature governed by these laws provided the "means whereby the new ruling classes could vindicate, against the surviving restraints of the old feudal and ecclesiastical order, their cherished rights of individual freedom and of property" (Willey 1940:24).

The scenic concept of landscape provided both the template for the transformation of land into natural parks and the *world view* or *picture* that became the mark of education for the ruling elite (Barrell 1972; 1992:41–62). According to the garden historian John Dixon Hunt, the iconography of the gardens was used to invent an Italianate "tradition" by inculcating "certain values and norms of behavior having an implied continuity with the past." Thus, instead of native custom, we now have "the fiction of a tradition of constitutional progress from classical Rome to 17th and even 18th Century England, which paralleled the progress of the arts" (Hunt 1991:19–24). The gardens at Stowe, which though they necessitated the almost complete destruction of three villages, nevertheless included pavilions dedicated to the "liberty of Great Britain" (Everett 1994:41). The grid that framed the space of both map and landscape had the marvellous quality that it was also capable of infinite expansion from the estate, to the commonwealth, to a world empire under construction (Edgerton 1987). The function of the park, according to a contemporary, was thus "to ex-

tend the idea of a seat and appropriate a whole country to a mansion" (quoted in Daniels 1988:45). The person who could properly perceive and manage the landscape scene of an estate could manage likewise the commonwealth of the world.

Not everyone accepted the countrified ideology of the Whig oligarchy. The so-called commonwealthmen or Old Whigs perpetuated the ideals of the early Parliamentarians and countrymen (Robbins 1961). Robert Molesworth (1656–1725), a leading Old Whig, who translated Hotman's *Francogallia* into English (Molesworth 1738; Giesey and Salmon 1972:123–125), advocated religious and political tolerance while agitating for a federal structure for Britain. Molesworth, as might be expected, had no use for Roman political ideals:

'Tis said of the *Romans*, that those Provinces which they Conquer'd were amply recompensed, for the loss of their Liberty, by being reduced from their Barbarity to Civility; by the Introduction of Arts, Learning, Commerce and Politeness. I know not whether this manner of Arguing hath not more Pomp than Truth in it; but with much greater reason may it be said that all *Europe* was beholden to these [Northern European] People for introducing and restoring a Constitution of Government far excelling all others that we know of in the World. 'Tis to the ancient Inhabitants of these Countries, with other neighbouring Provinces, that we owe the Original of Parliaments. . . . (Molesworth 1694:38–39)

The ideology that the Old Whigs and their predecessors had used to oppose absolute monarchy and oligarchy was eminently well suited to the construction of a new democratic federation in America. It was here, rather than in Britain, that the ideas of the Old Whigs would come to fruition (Robbins 1961:3–21).

## The Landscaping of *Landschaft*

Just as the ideology of custom and country created a problem for the Whig oligarches who wished to consolidate and improve their landholdings, contemporary German nationalists, who wished to unite the lands of their country into one state, had a similar problem with the native ideals of *Land* and *Landschaft*. There was a well-established German tradition that celebrated the ancient, autonomous freedoms of the German lands. As exemplified by Friedrich Schiller's *Wilhelm Tell*,<sup>25</sup> this tradition fo-

cuses on Switzerland, but it is pan-Germanic insofar as it draws its inspiration from the history of independent-minded *Länder* and *Landschaften* ranging from Friesland to Sweden—the legendary home of the Swiss.<sup>26</sup> The idealization of the tenuous unity of the freedom-loving peoples of the European periphery presented a problem for those who wanted to transform Germany into an efficient modern state capable of fending off rationalist, centralized France (Boime 1990:315–355). The problem was how to preserve the Germanic national symbolism identified with places like Switzerland while creating a strong, centrally ruled state? The answer, in effect, was to mate the Italianate and British concept of landscape as scenery with the German territorial concept of *Landschaft* and thereby give birth to the idea of landscape as the creation of layered stages of development. Britain, at this time, provided a model for Germans who longed to see their lands progress. This engendered an interest in things English, including the pathbreaking English landscape garden (Neumeyer 1947). The idea of landscape as scenery had become common German intellectual property (Hard 1965). The idea that society developed on the basis of its landscape scenery made it possible to continue to idealize the freedom-loving character of people from physically difficult peripheral environments, be they Swiss or Frisian, but to attribute that character to the general laws of nature rather than to the laws of particular custom. It was simply a question of bringing the older Germanic cultural and territorial idea of *Landschaft* and newer scenic concepts of land and landscape together in a new synthesis. To understand how this synthesis was accomplished, it is useful to look at the work of the "Jena circle" of thinkers.

The Jena circle was characterized by a "universal romanticism" that sought a holistic conception of art, science, and natural law. Among the leading figures in this school were Friedrich Schelling (1775–1854) and the brothers August Wilhelm Schlegel (1767–1845) and Friedrich Schlegel (1772–1829). An important participant in the Jena circle, and a familiar figure amongst the progressive artists of Dresden, was the Danish/German botanist, geologist, and natural philosopher Henrik Steffens (1773–1845). As a respected geologist who had studied at A. G. Werner's world-renowned school of mining in Freiburg, Steffens had the scientific authority

that the philosophers usually lacked (Steffens 1874 [1840–1844]; Snelders 1970; Mitchell 1984; Ziolkowski 1990:18–63).<sup>27</sup> A measure of Steffens' importance is the homage paid to him by the Swiss-American geographer Arnold Guyot in the preface to his *The Earth and Man* (1849):

There are, however, three names so closely connected with the history of the science to which this volume is devoted, and with the past studies of the author, that he feels bound to mention them here. Humboldt, Ritter and Steffens, are the three great minds who have breathed a new life into the science of the physical and moral world. (Guyot 1849:vii)

Werner, Steffens' mentor in geology, was a neptunist, one who saw the world as having been created through the deposition of sediment under the sea. To a botanist and geologist like Steffens, this idea of layered change led naturally to the idea that plant and animal life was adapted to the geological foundation, and that human culture developed in stages built on the groundwork of this landscape scene. Inspired by his interaction with the nationally minded Dresden school of landscape painting, best known for the work of Casper David Friedrich, Steffens developed a pictorially structured concept of the historical relation between man and nature (Boime 1990:428–432):

Through this interaction of the whole upon the individual, and the individual upon the whole, is generated an identical picture-history, which presupposes the entirety of nature as the foundation for all final existence, and all of humanity as the expression of this interaction itself. The expression of the co-existence of all these individuals' interaction in history and nature is *space*—eternity's continually *recumbent* picture. But the whole is only an eternal chain of changing events. . . . The constant type of these changes is *time*—eternity's constant moving, flowing and changing picture. (Steffens 1905 [1805]:91)

In the German language of Steffens' time, the ideas of "picturing," creation, and development were conflated. The German word for picture, *Bild*, and the verb *bilden* (meaning to create and, by extension, to educate and develop) had been identified with each other at least since the Reformation (Markus 1993:14–15). This identity continued into the midnineteenth century, an era when Germans sought a form of moral rearmament through the development of the nation-state, of education, and of the arts grounded in the native soil and geology.<sup>28</sup> Just as an educated Englishman

should be able to interpret the world as landscape scenery, *Bildung* (education) required an ability to conceptualize the world as *Bild*.

Casper David Friedrich's famous 1818 painting, *Wanderer over a Sea of Mist* (depicting an heroic individual who has climbed to a rocky mountain pinnacle to stare into the infinite) is a *Bild* but it also represents *bilden*. In Steffens' hands, however, the infinite space of the painting's vanishing point is replaced by an infinite progress, stage by stage, through time which is, literally, *grounded* in nature; development and growth start with the bedrock of geology (Mitchell 1984; Mitchell 1993:77–78):

It is weak language to say that through the influence of physical conditions human actions assume their character. Man is *wholly* a product from the hands of nature. Only in his being this wholly—not partly, but wholly—do we confess that in him nature centres all her mysteries. And so it became plain to me that natural science is bringing a new element into history, which is to become the basis of all knowledge of our race. History and nature must be in perfect concord, for they are really one. (Steffens 1874 [1840–1844]:100)

Though I am not aware of any racism or "blood-and-soil" nationalism on the part of Steffens, this mode of thought leads easily to the organic grounding of society's legal constitution, its *Grundgesetz*, that is, in the *Grund* (ground, soil) itself. Natural philosophy, therefore, has been identified as a source of nationalist, and racial, ideologies (Poliakov 1974:71–105, 174–175).

Steffens' work brings together three topics that engaged the Universalist German thinkers of his time: the laws of natural science (especially historical geology), aesthetics, and the history of law (Ziolkowski 1990). The brothers Grimm exemplify this confluence of interests. They began their careers as students of ancient Northern European law before developing their pioneering philological interest in the laws and history of language (Grimm 1854). These various interests converged in their studies of Scandinavian and German folklore (Peppard 1971)—studies that were influenced, in turn, by the ideas of their friend Steffens concerning the relationship between physical landscape and folk culture (Steffens 1840–45: vol. 6:109–110; Peppard 1971:34).

The importance of the Grimms' scholarship cannot be denied, nor can their upright support for Germanic notions of political freedom be taken lightly (Peppard 1971:xii). In the final analysis, however, this pan-Germanic mode of

thought led to an idea of a greater Germany that absorbed neighboring territories, and that homogenized German society into an abstract *Volk-Gemeinschaft*, bound to the soil, and believed (ultimately) to think with a single mind (Nitschke 1968; Poliakov 1974:71–105). In the end we find Jacob Grimm writing polemics, on the basis of specious folk-cultural and geographic arguments, for the incorporation of large sections of Denmark into Germany (Peppard 1971:223, 231–232). The ultimate irony, however, is perhaps the way in which the expansion of the German state resulted in the swallowing up of such ancient Germanic *Landschaften* as Ditmarschen and North Friesland and in the loss of their former independence.

### Fascist Landscape

One must be careful to distinguish between an interest in North European principles of law and justice embodied in the ideas of country and *Landschaft* and the conflation of this law with laws of nature that are thought to be expressed through race, blood, and soil. The English identification with the Anglo-Saxons and Scandinavians did not necessarily or normally lead to racism, even though this sometimes occurred (Poliakov 1974:37–53, 45, 89). English Old Whigs such as Molesworth were highly inspired by the Anglo-Saxon legal heritage of England, yet notably tolerant of ethnic and religious difference, and their tolerance in these matters helped ground a liberal tradition in America, where their ideas took hold (Robbins 1961:88–133).

In Germany, the older ideas of community and customary law identified with *Landschaft* were wedded to a scenic concept of landscape that caused these values to be perceived as a product of a region's environment. The *Land* ceased to be an area defined by human law; it rather became the soil, *Boden*, which determined the blood of the people dwelling on the land. There can be no doubt that the modern German conception of *Landschaft* was implicated in the promotion of blood-and-soil fascist ideology (Bramwell 1989; Gröning and Wolschke-Bulmahn 1987; Rollins 1995). This does not mean, however, that German *Landschaft* geographers necessarily understood the possible connection between their work and fascist ideology. German *Landschaft* geography, as we

know it from Carl Sauer's *The Morphology of Landscape* (1969 [1925]), developed on the intellectual foundations laid by natural philosophers like Steffens, but in the more skeptical climate created by natural scientists like Germany's Alexander von Humboldt or Denmark's Joachim Frederik Schouw who disavowed the natural philosophers' romantic speculations and environmental determinisms (Olwig 1980; 1996:80–83). The natural-science approach to the *Landschaft*, and its practical applications, gave it the objective status, in the German mind, of *Wissenschaft* (science). While Richard Hartshorne was in Germany preparing *The Nature of Geography* (1939) just prior to the war, he may have been unduly polite to his German hosts, but it is also clear that he was worried by some of what he saw. This concern helps explain his critique of American landscape geography and his attempt to cleanse geography of its environmentalist taint by making it a science of space (Olwig 1996:84–86). In the process of cleansing geography of landscape, however, he overlooked the fact that *Landschaft* was not just a confusing mixture of territory and scene; it could also be an expression of law, justice, and culture. Carl Sauer, on the other hand, took a more open approach to the idea of landscape which, despite its problems, eventually provided the germ of a discipline capable of a wide-ranging and culturally informed exploration of society/environment issues.

### The Morphology of Geography's *Landschaft*

In 1939, when Richard Hartshorne published *The Nature of Geography*, he noted that landscape was "perhaps the single most important word in the geographic language" of a relatively young American university discipline. This was due in no small measure to Carl Sauer's epoch-making 1925 essay on "The Morphology of Landscape" (Hartshorne 1939:149, 155). It was largely through this essay that American geographers were introduced to the many currents of German *Landschaft* geography. "The Morphology"'s inspiring encapsulation of the landscape concept's multifaceted potentiality can be seen as an outgrowth of the fertile ideas of German romanticism and natural philosophy. Sauer's essay motivated a generation of American geographers and laid the groundwork for Sauer and his colleagues



to reevaluate the concept landscape and to formulate new approaches to it.

When Sauer describes the Germanic concept of landscape as "a land shape, in which the process of shaping is by no means thought of as simply physical" (Sauer 1969 [1925]:321), he is using the term in a way consistent with the natural philosophy of Henrik Steffens. This creative land-shaping process, as understood by the German geographers, is performed upon a physical surface and a naturally bounded territory that is built up in layers. It begins with geognostic factors, most notably vegetation, that provide the living "scene" upon which human culture develops. *Landscape's* prefix in German geography then and now refers to *land-* as both an area of country and the bedrock and soil of that area.

The framed, pictorial quality of the *Landschaft* is noted in one of Sauer's footnotes to "The Morphology." Here Sauer refers to Norbert Krebs' book *Natur- und Kulturlandschaft*, which defines geography's contents as being "in the area (*Raum*) itself with its surfaces, lines, and points, its form, circumference, and content. The relations to geometry, the pure areal science, become more intimate when not only the area as such, but its position with references to other areas, is considered" (Sauer 1969 [1925]:325, note 19). Sauer emphasized the continued importance of the aesthetic quality of the landscape picture, *Landschaftsbild*, in a special section called "beyond science" (Sauer 1969 [1925]:344–345). The idea of landscape as a unity of territory and people is, however, also present in "The Morphology." This concept of landscape is virtually unthinkable without people:

It is a forcible abstraction, by every good geographic tradition a *tour de force*, to consider a landscape as though it were devoid of life. Because we are interested primarily in "cultures that grow with original vigor out of the lap of a maternal natural landscape, to which each is bound in the whole course of its existence,"<sup>[29]</sup> geography is based on the reality of the union of physical and cultural elements of the landscape. (Sauer 1969 [1925]:325)

These German ideas on the organic unity of community and the physical landscape were criticized by Hartshorne (Hartshorne 1939:150, 259, 276–281). Hartshorne's ideas have, in turn, been echoed in the recent critique of American cultural geography by pro-

ponents of a British-oriented school of geography sometimes known as the "new cultural geography" (Duncan 1980; Cosgrove 1993:5–6).<sup>30</sup> Geographers of this persuasion dismiss American cultural geography as "dominantly rural and antiquarian, narrowly focused on *physical artifacts* (log cabins, fences, and field boundaries)" (Cosgrove and Jackson 1987:96). They prefer a spatial and aesthetic approach to landscape as scenery (Duncan 1990; Cosgrove 1993).

### Rethinking the Substantive Meaning of Landscape

Present-day criticism of American cultural geography has focused on Sauer's "The Morphology of Landscape" (Gregory 1978:28–29, 55; Duncan 1980; 1990:3–7; Duncan et al. 1993:1–21; Jackson 1989:9–24). This is curious because it has long been recognized that Sauer's later work "expressly repudiates most of the doctrines he propounded in the 'Morphology'" (Leighly 1969:7). One of the areas where this repudiation bore fruit was his support for a revival of the ideas of George Perkins Marsh (1801–1882) on society's role in changing the face of the earth (Sauer 1956; 1969 [1941]:356). Marsh, a consummate Nordic philologist, knew not only the languages of Northern (and Southern) Europe, but also the historical and political context of their geographical theorization (Olwig 1980:36–39). This helped him marshal arguments against the determinism espoused by geographers like Arnold Guyot (Lowenthal 1958:269). Marsh reversed, in effect, the deterministic premises of the nineteenth-century German concept of *Landschaft*, thereby emphasizing the role of human social institutions in man/environment relations. The early concept of *Landschaft* was, of course, precisely an expression of human law and legal institutions. Marsh never lost sight of the role of humans as political and cultural animals in making and destroying inhabitable environments. Environmental regeneration, for Marsh, required "great political and moral revolutions in the governments and peoples by whom those region are now possessed" (Lowenthal 1965:xv; Marsh 1965 [1864]:11–12, 45–46). This approach also led to a concern with environmental perception and interpretation because, as Marsh expressed it:



Sight is a faculty; seeing, an art. The eye is a physical, but not a self-acting apparatus, and in general it sees only what it seeks. Like a mirror, it reflects objects presented to it; but it may be as insensible as a mirror, and it does not necessarily perceive what it reflects. (Marsh 1965 [1864]:15)

The landscape studied by American cultural geographers in the tradition of Marsh and Sauer is by no means predominantly rural and antiquarian. It is a substantive landscape in which issues of environment, economics, law, and culture are all important.<sup>31</sup> It is also a symbolic medium to be perceived, read, and interpreted on the ground, in written texts, and through artistic images. This is clear from the work of geographers connected with the University of California, Berkeley during the Sauer era, e.g., Clarence Glacken, David Lowenthal, and Yi-Fu Tuan (Lowenthal 1961; Glacken 1967; Tuan 1974; Lowenthal 1985; Duncan 1990:195).

The United States, as a former British colony, has inherited the British scenic idea of landscape, and the impact of this idea is clearly an important subject of study (Cosgrove 1984:161–188; Daniels 1993a). But for better or worse, the United States is also very much the inheritor of German romantic ideas concerning the relation of culture to nature as expressed in the physical landscape (Novak 1980; Olwig 1995). This is only one side of the coin, however. The United States is also a society made up of many differently constituted communities (Kamphoefner 1987:170–200; Conzen 1990). Just as the townships of New England preserve a form of representative democracy that has long since died out in Old England, the United States has also inherited the ideals of the seventeenth-century Parliamentarians and “commonwealthmen,” many of whom fled to America (Robbins 1961:3–21). The United States has not been characterized by the rigid, hierarchical class structure of Britain, nor has it experienced Britain’s massive landscaping by a powerful class of landowners—though some wealthy Americans have tried (Heiman 1988:187–262). Despite manicured country-club lawns, Americans by and large have not been socialized to know their place in a stratified landscape where everything from the stately home to the cottage to the back-to-back terraced row house has been carefully situated according to the gradient of a spatial scale. The predominant American reality is a

vernacular landscape that tends to violate the visual aesthetics of perspective and harmony (Lewis, Lowenthal, and Tuan 1973; Meinig 1979; Jackson 1984). In the United States environmental justice is a community issue (Di Chiro 1995), and differences of culture and custom are at least as vital as those of class and society to an understanding of the landscape of environmental conflict. I do not mean to imply, however, that these environmental and social issues are irrelevant in modern Britain. The United Kingdom has yet to erase the national memories of the peoples absorbed by England, and with the influx of immigrants, it is now full of ethnic neighborhoods that maintain a cultural sense of place identity that refuses to be absorbed into a stratified social landscape (Williams 1989; Daniels 1989; Ingold 1993:154; Millichap 1995).

It is not enough to study landscape as a scenic text. A more *substantive* understanding of landscape is required. Such a substantive understanding of landscape derives, I would argue, from the historical study of our changing conceptions and uses of land/landscape, country/countryside, and nature (Olwig 1984; Jones 1991; Demeritt 1994; Williams 1994). It is an understanding, furthermore, that cannot focus on the country or on the city, but must incorporate the mutual definition and relations of both (Williams 1973; Spirn 1984; Cronon 1991). Such an understanding recognizes the historical and contemporary importance of community, culture, law, and custom in shaping human geographical existence—in both idea and practice.

## Notes

1. By *substantive*, I mean “real rather than apparent” and “belonging to the substance of a thing,” but also the legal sense of “creating and defining rights and duties” (Merriam-Webster 1961: *substantive*). In this context, I am also concerned with landscape as a “real” phenomenon in the sense that the “real” relates “to things in law,” especially “fixed, permanent, or immovable things (lands tenements)” (Merriam-Webster 1961: *real*).
2. The words *landsceap* and *landscipe* were used in Anglo-Saxon to mean a district, region, tract of land, or country, or simply land, but the word appears to have died out (Bosworth and Toller 1966–1972 [1898–1921]: *landsceap*, *landscipe*). The O.E.D. argues that “the alleged OE. [Old English] *landsceap* is an error due to a misreading,”

- it does not question, however, the veracity of *landscape* (O.E.D. 1971: -ship).
3. I use the German spelling of *Landschaft* for the continental Germanic meaning of the term since this is the predominant language in an area where national linguistic boundaries during most of the period of study were not as clearly defined as today (Clark 1946:199–201). I use the current English spelling, *landscape*, except in quotations where other spellings are used, and the spelling current in the other Germanic languages when this is appropriate to a particular geographic and linguistic context. If the latter differs from present-day national standards, it will be italicized. All translations are by the author unless otherwise noted.
  4. My thanks to Annelise Ballegaard Petersen for help with the translation of old (and new) German texts.
  5. See the references for Mecklenburg and Austria/Voralberg (Sante 1964:541, 751); see also (Bloch 1961:371). The standard German dictionary dates the first reference to the usage of the term *Landschaft* to refer to inhabitants of a district as such to 1121; to the (presumably noble) representatives in the *Landtag* or parliament dates to 1179; and to the division into estates to 1420/1555. The use of the term for estates persists into the late nineteenth century [Grimm and Grimm 1855: *Landschaft*, 5, 6; *Ordbog over Det Danske Sprog* (O.D.S.) 1931: *Landskab*, 4]. The O.E.D. defines *estate* as "An order or class regarded as part of the body politic, and as such participating in the government either directly or through its representatives." The term is also applied to the assembly of these estates. England had three estates, the Lords Spiritual, Lords Temporal, and the Commons. Under a purely feudal system the peasantry would be represented through the nobility, but in some areas, such as Sweden, the free farmers formed a fourth estate (O.E.D. 1971: *estate*). In Dithmarschen and North Friesland, the farmers were the predominant estate (Köbler 1988:114–115, 127–128, 373–374). The name of the Dithmarschen *Landtag* was *Landschaft* and the name of the inn where it met in the town of Heide was "*Landschops-huus*" (Mensing 1931: *Land-dag*).
  6. Lands such as Jutland or Zealand (*Sjælland*) themselves incorporated older lands, just as they are now incorporated in the land of Denmark. East Gothland is likewise incorporated as a "*Landskap*" in Sweden. This is because smaller legal areas of possible tribal or clan origin "melt together" with larger ones (Benediktsson et al. 1981:228, 236; see also Fenger 1992:143). Eiderstedt was the product of a 1456 union with two other "lands"—Everschop and Utholm (which had united in 1370). Each of these "lands" (as they called themselves) retained its legal and political autonomy (Trap 1864:267; see also Köbler 1988:127–128). During the Middle Ages, these lands apparently formed the loose federation of North Friesland that was ruled by a common council (Trap 1864:124–125). Switzerland and the Netherlands have retained a variant of this political structure.
  7. The land of men was dry land (also spelled *Land* in German), but the "land" of the fish was the sea (Gurevich 1985:79).
  8. This law became a foundation of subsequent Danish justice, though it was superseded (except in the duchies) by the codified body of law promulgated by the absolute monarchy in the seventeenth century (Kroman 1945; Benediktsson et al. 1981:228–233).
  9. I am indebted to Chris Sanders at The Arne-magnæanske Commission's Dictionary, Copenhagen, for his help in tracking the older Nordic meaning of this term. The word *beskaffenhed* (*Beschaffenheit* in German) has the root *skab* (or *schaft* in German) meaning *shape*. *Shape* can mean to create by shaping, but it can also be used to refer to the shape or form of that which has been shaped. The *Beschaffenheit* of something is thus literally the *shape* something is in. The term *Landschaft*, in this sense, literally refers to the shape the land is in with respect to its customs, the material forms generated by those customs, and the shape of the bodies that generate and formalize those customs as law.
  10. The oldest Danish application of *landskab* to Jutland in the lexicographic records for the forthcoming *Old Danish Dictionary* is from two manuscript versions of the Jutland law from 1490 and 1497 in which *land* is replaced by *landskab* (personal correspondence with Merete K. Jørgensen at the dictionary project). Similar ancient districts such as Gothland in Sweden have been commonly termed *landskap* since at least the eighteenth century. *Landskapet Åland* is a culturally Swedish territory under the Finnish state and, unlike the Frisian *Landschaften*, still retains considerable legal and political autonomy.
  11. *Germania* was rediscovered in 1425 and published in 1470 (Tacitus 1948; Strauss 1959:10, 31; Schama 1995:75–100).
  12. Ladurie's (1980) point of departure is a Roman Catholic area of France with a long legal background in Roman law. He therefore downplays the importance of Germanic legal precedence and even the importance of custom (which other historians have emphasized). His negative attitude to custom derives from the mistaken assumption that the appeal to customary law is necessarily reactionary (Clark 1946:197).
  13. The oldest recorded use of the term to designate the background for a painting dates to 1490 (quoted in Gibson 1989:53–54).
  14. On the legal importance of ritual in the customary law of late medieval Europe, see Bloch 1961:113–116; Ladurie 1980:305–324. For a more general discussion of the relation between ritual and customary use rights, see Malcolmson 1973; Bushaway 1982:25, 36, 82–86, 92, 149; Thompson 1993:97–184.
  15. Like the words *Land*, *Landschaft*, and *country*, the root *common* is also applied in a variety of territorial and social contexts. The commoners are thus the estate that is represented in the House of Commons and that participates in the governing of the Commonwealth.
  16. Italianate painting could incorporate contemporary elements within this ideal framework. A clas-

- sis expression of the opposition between the two approaches is found in a comment on the Northern European tradition attributed to Michelangelo (1475–1564): "It will appeal to [those] who have no sense of true harmony. In Flanders they paint with a view to external exactness. . . . They paint stuffs and masonry, the green grass of the fields, the shadow of trees, and rivers and bridges, which they call landscapes, with many figures on this side and many figures on that. And all this, though it pleases some persons, is done without reason or art, without symmetry or proportion. . . ." (quoted in Alpers 1983:xxiii).
17. Drummond had studied law in Bourges and was familiar with the work of Hotman and hence, no doubt, the legal thinking behind the Parliamentary concept of commonwealth and representative councils (MacDonald 1971:84–90).
  18. The queen would have known the full Germanic meaning of *Landschaft*. Her grandfather, Duke Ulrik of Mecklenburg (where she spent her early childhood), ruled a country where the parliament was known as a *Landschaft*. The *Landschaft* could claim to represent the entire country because it had refused, in 1523, to allow the land to be divided by a dynastic split (Carsten 1959:427; Sante 1964:540–543). One of Anne's father's first acts as King Frederik II of Denmark was to conquer the free farmer republic of Dithmarschen and incorporate the *Landschaft* territory into his realm in 1559.
  19. Northern European *Landschaft* painting was also enabled by the techniques of the surveyor, but these paintings were not (as noted earlier) focused upon a universal ideal of a framed and balanced pictorial space. The English and Dutch cadastral maps differed even though the English maps reveal evidence of techniques developed in the Netherlands. In England, "the ownership of a landed estate with its fields, woods, mansion, farms, and cottages was the entrée to landed society, an estate was 'a little commonwealth' in its own right" (Kain and Baigent 1992: 7). The situation was otherwise in the Netherlands, where surveying developed as part and parcel of land reclamation in a society in which the newly created properties were put in the possession of the farmers themselves, rather than the owners of vast estates. These maps served the interests of the self-governing, representative, local polder and drainage boards called *waterschappen* or the larger-scale *hoogheemraadschappen* (Kain and Baigent 1992:7, 11–39).
  20. This use of landscape is hardly "a picture representing natural inland scenery" (O.E.D. 1971: *Landscape* 1). Jonson and Jones' landscape presents the inland world as idealized natural scenery, much as plays are presented in the theater. This is illustrated by Jonson's *The Vision of De-light* of 1617:
 

Behold a king  
Whose presence maketh this perpetual spring,  
The glories of which spring grow in that bower,  
And are the marks and beauties of his power.  
(quoted in Orgel 1975:52–53)
  21. According to Ernst H. Gombrich: "Where every natural object can be conceived as a sign or symbol, every symbol, in its turn, will be thought of as existing 'by nature' rather than by convention. . . . The very confusion of Neo-Platonic thought helped to weld form and content, symbolic significance and aesthetic effect, together" (Gombrich 1948:180–185).
  22. The distinction between natural justice and conventional justice goes back to a passage in Aristotle's *Ethics* which reads: "There are two kinds of political [as distinguished from domestic] justice: the natural and the conventional. Natural justice has the same force everywhere and it does not depend upon its being agreed upon or not. Conventional justice is justice whose provisions are originally indifferent, but once these have been established they are important" (Aristotle 1934:295–298; also quoted in Locke 1990:103–105).
  23. This reification of the meaning of land eventually made it necessary to create such alternative neologisms as *seascape* (late eighteenth century), and *townscape* (late nineteenth century) (O.E.D. 1971: *Seascape*, *Townscape*).
  24. Etymological dictionaries that define the primary meaning of landscape as "a picture representing natural inland scenery" (O.E.D. 1971: *landscape* 1) are somewhat misleading. The idea that nature is scenery developed after the concept of landscape entered the English language. It would be more correct to state that landscape *presents* nature as scenery.
  25. Representatives of this tradition would be the eighteenth-century historian Justus Möser and the philosopher Johann Gottfried Herder (Schiller 1894 [1804]:xvi, xxi; Dopsch 1937:5–25; Möser 1965 [1780]).
  26. *Wilhelm Tell* contains many references to the ancestral customs of the Swiss "lands," such as the famous council at Rütli Mead where one land's representative proclaims: "Tis well. Let our old customs here prevail; Though night be dark, the light of justice shines" (Schiller 1972:49 [II, 2]). Schiller also admired the Frisians because they preserved the ancestral customs that guarantee their "Landesfreiheit," "the liberty of the country" (Schiller 1889 [1788]:22; 1922 [1788]: 21). According to Schiller: "All the provinces enjoyed these privileges in common; others were peculiar to the various districts [*Landschaften* in original]" (Schiller 1889 [1788]:21; 1922 [1788]: 20). On the alp *Landschaften* see: Blickle 1973.
  27. Two of Steffens' weightier contributions to historical geology are Steffens 1810; and 1973 [1801]. A testament to the importance of Steffens' geology is the fact that the latter work was republished in a series of "geological classics."
  28. Mitchell suggests that the German *Kulturlandschaft* paintings from this time should be termed *Bildungslandschaft* because of their emphasis upon the historical process of development (Mitchell 1993:143).
  29. Sauer here quotes from Oswald Spengler, *Der Untergang des Abendlandes: Umriss einer Morphologie der Weltgeschichte*, Vol. I (Munich, 1920), p. 28: ". . . Kulturen, die mit urweltlicher Kraft aus dem Schosse einer mütterlichen Land-

schaft, an die jede von ihnen im ganzen Verlauf ihres Daseins streng gebunden ist, aufblühen. . . ." (Sauer 1969 [1925]:325).

30. According to Duncan, the "deft hand of U.K. geography" is behind the generation of a "new U.K. practice of cultural geography" in which British social geography and cultural geography are "conflated," thereby forming a "new cultural geography . . . which is very different from its American counterpart" (Duncan 1993:372–376). See also Jackson 1989:1; Duncan 1990:3–7; Philo 1991; Blaut 1993; Cosgrove et al. 1993; Price and Lewis 1993.
31. As Daniels has argued, "issues of ecology simply cannot be addressed by the spatial science paradigm. Instead of dismissing Carl Sauer and his disciples, as some 'new' cultural geographers have in their ignorance done, we might look again at their work and that of the culture-environmental tradition in Europe, notably that of H. J. Fleure" (Daniels 1991).

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Olwig, Kenneth R. 1996. Recovering the Substantive Nature of Landscape. *Annals of the Association of American Geographers* 86(4):630–653. *Abstract*.

The full complexity of the ideas of landscape and nature has been largely lost due to a modern tendency to appropriate the meaning of landscape to a concept of nature as scenery. The resulting conflation of meaning has not only led to questionable forms of determinism, it has obscured the substantive meaning of landscape, and related concepts, in European and North American culture. This study of the evolving meaning of a key geographical term advocates a substantive conception of landscape in which substantive is used to mean "real rather than apparent," "belonging to the substance of a thing." It is also used in the legal sense of "creating and defining rights and duties." A substantive concept of landscape is more concerned with social law and justice than with natural law or aesthetics. This essay will seek to recover this substantive meaning of landscape through an historical and geographical analysis of the transformations of meaning undergone by the concepts of landscape and nature. **Key Words:** country, cultural geography, landscape, landscape aesthetics, law, nature.

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