FRODE FLEMSÆTER

Landscape, law and justice in the Norwegian outfields

SOCIAL PROPERTY RELATIONS

I come from Flemsetra, a small rural hamlet a few kilometres uphill from a fjord on the west coast of Norway. When my great-great-grandfather acquired a plot here in 1870, the only things he brought with him were a goat and his bare hands, it is told. The farm has since been handed down from one generation to the next, gradually developed and cultivated over a span of more than a hundred years. My parents took over the property in the early 1970s, built themselves a new house and became part-time farmers. Consequently, I spent my formative years near my grandmother, Agnes, who resided in the old main house on the farm and who taught me so much about the life in and with these landscapes. Both my brother and I left at a young age to pursue education and work, and we have since established families and homes far removed from Flemsetra. But the labour and activities that I undertook, the stories I was told, and the people that I got to know made me deeply connected to the farm and its landscapes, and made this an integral part of my identity, remaining to this day. My father died recently, and during the time of writing this text, my mother moved to sheltered housing. This means that the houses are now empty, and my brother and I have needed to decide what to do with the property, the rights to the associated resources, and our emotional attachment to the place, the landscape and to times past. During the winter 2024, we made the difficult decision to put the property up for sale.

Facing a situation like this, it becomes very clear what property really is—or maybe better, it becomes clear that property is so much more complex than it may look at first sight. Kenneth R. Minogue described the idea of property as an iceberg, and that prop-

erty "is more complicated than it looks, and much of its significance is submerged".[1] Parts of the submerged property are the immaterial social relations and cultural understandings upon which the material property above the surface is built. In choosing to sell our smallholding at Flemsetra, what we sell is not identical to what the prospective buyers will acquire. The formal transaction may relate to the materialities we see and measure above the surface, but while the new owners must start developing their own experiences and perceptions of what is underneath the surface, my brother and I have far-reaching and intricate, although different and individual, notions of what is submerged. Selling the smallholding will break the link which for us connects the material and immaterial aspects of the property, and this truly unsettles our individual identities. Our smallholding connects generations, it connects people with the surrounding landscape, and thereby it illustrates how both property and landscape is deeply social. I elaborate on this in the present chapter and show how this insight has influenced and continues to influence my research.[2]

I started working on a Ph.D. in 2006 based on some initial ideas I had about investigating influential factors when major decisions over the future of small farm properties in Norway were taken, as several policy initiatives aimed at influencing such decisions seemed to have failed. There is no doubt that attachment to the family farm and the surrounding landscape heavily influenced how I set out on this work. But another major source of inspiration was my supervisor Gunhild Setten, who had just participated in the research group on Landscape, Law and Justice and introduced me to the proceedings from the group's final conference and some of its authors in particular.[3] Since my idea concerned exploring how property and property relations were practised, there were two chapters in the proceedings that especially drew my attention: Katrina Myrvang Brown's 'Actualising common property rights in postproductivist rural spaces—*common* grazings or common *grazings*?'[4] and Nick Blomley's 'Enacting landscape—claiming property'.[5] These two texts in particular, and the whole book in general, strengthened my awareness about how formal and informal laws and notions of rights and wrongs shape and constitute landscapes, but also how landscape produces, maintains and challenges formal as well as informal practices, such as property enactments. This resonated well with my own experiences coming from the smallholding at Flemsetra as well as the ideas I had for the Ph.D. In this work, *Geography,*

1 Minogue 1980, p. 10.
2 Parts of this chapter are presented in Norwegian in Flemsæter 2024.
3 Peil & Jones 2005.
4 Brown 2005.
5 Blomley 2005a.

Law and the Emotions of Property: Property Enactment on Norwegian Smallholdings,[6] I discussed "emotional legal landscapes",[7] where owners' decision-making on smallholdings on the one hand is influenced by a formal legal and regulatory framework and on the other hand by informal norms, moralities and emotional attachments to property and landscape.

After being introduced to the Landscape, Law and Justice network, and its proceedings, I went on to read other articles dealing with property and ownership from the perspective of legal geography. An article that became very influential for the direction of my research was Nick Blomley's 'Flowers in the bathtub: Boundary crossings at the public–private divide'.[8] This very elegantly written article, based on research conducted around a flower-filled bathtub placed on a street in Vancouver, Canada, caught my attention not only because of its original title and empirical setting, but because it made me more conscious about how seemingly fixed spatio-legal categories in reality are more fluid than we often may think and require continuous maintenance and contestation. It is not necessarily through debates around formal concepts and definitions, but through informal social and cultural practices that rights are established, challenged, defended and altered. I realized that even though there is considerable empirical distance from downtown Vancouver to smallholdings in rural Norway, the analytical perspective of investigating how ownership, property and landscape are enacted could be very fruitful to my own work. This perspective has followed me since.

THE OUTFIELDS

For my grandmother, Agnes, and the farm she and her family managed, the *outfields* were crucial. "Outfields" is an established translation of the Norwegian term *utmark*,[9] and is understood to include mainly uncultivated countryside areas such as forest and upland. The outfields make up over 70% of Norway's land area and have traditionally been utilized for important land uses such as grazing, herding, forestry, hunting and fishing, with rights regulated by law at least since *Landsloven* (The Norwegian Code of the Realm)[10] in 1274. Outfields are opposed to the "infields" (*innmark*), which are the cultivated lands close to the farmhouses or close to the summer farms. Every day during the summer, Agnes used to take the 45 minutes' walk from the main farm at

6 Flemsæter 2009.
7 Emotional legal landscapes are also discussed by Kymäläinen in the present volume.
8 Blomley 2005b.
9 Sevatdal 1998; Flemsæter & Flø 2021.
10 Also known as the Magnus Code, after King Magnus Lagabøte ("Lawmender"), who instigated it.

Flemsetra through the woods to the summer farm and the small infields that belonged to the farm there. After having gathered the cattle from the common pasture on the other side of the stone wall and milked them, she carried heavy buckets of milk back home in the evening. I remember she talked a lot about this work, but also about how they utilized other user rights in the common outfields—they cut grass, brought down timber, collected wood, picked berries, fished, grazed sheep and learned to swim in the river. The activities on the summer farm were vital in legitimizing user rights to the outfields, as these rights had been both established and maintained through social, cultural and economic practices.

One of the things that fundamentally separates outfields from infields is the way property, rights and ownership are regarded and practised. While the infields are privately owned and controlled land, the outfields can have various forms of ownership structures, and infields and outfields have traditionally often been separated by a *skigard* (traditional type of wooden fence) or a stone wall to mark this crucial divide. Ownership and rights in the outfields have been, and to a large degree still are, collectively managed whereby rights are shared through a "bundle of rights" principle.[11] That means that different people can have rights to different resources within the same area, and several rightsholders can have rights to the same resource (e.g. grazing or fishing). The summer farming practices came to an end for all farms around Flemsetra in the 1960s, but although the use of the outfields for agricultural purposes has been significantly reduced since then, user rights to hunting, grazing and fishing have remained and are still enacted, originating from local social and cultural practices.

After finishing my Ph.D. in 2009, I have mostly been working with externally funded applied research concerned with, as Michael Jones suggests in the introduction of the present volume, understanding and finding solutions to some of today's important challenges. These projects have repeatedly taken me to the outfields, where colleagues and I among other things have studied wild reindeer management,[12] outdoor recreation,[13] Sámi reindeer herding[14] and social sum effects from nature management.[15] To try and understand and explain challenges in the outfields, across these research projects, I have carried with me landscape, law, justice, property enactment, morality, commons and enclosure—to mention a few of the conceptual tools that the Landscape, Law and Justice research group of 20 years ago filled with meaning for me.[16]

11 Sevatdal 1998.
12 Flemsæter 2014; Flemsæter *et al*. 2019.
13 Flemsæter *et al*. 2015.
14 Brown *et al*. 2019.
15 Flemsæter & Singsaas 2024.
16 Peil & Jones 2005; Jones 2006.

When my grandmother and her fellow neighbour farmers went to and from the summer farm with the cattle, they went along the trail known as *Buråkje*, meaning "the narrow cattle trail". I remember I heard about this trail when I was young, but never saw it since it was overgrown by bushes by then. Recently, the local community has redeveloped the old *Buråkje* trail and set up signs showing where the summer farms used to be, and which farm had which piece of land. Along the trail, people can see many traces from the summer farming practices that took place, such as ruins of stone walls and cowsheds and some open fields where farmers used to cut grass. When I come "home" to the place where I grew up (because it is still my *home*) and want to meet people, there is no point going down to where the shop and school used to be—these are now closed. Instead, I walk the *Buråkje* trail and continue to Flemsetervatnet along the newly established gravel trail around the small lake. I always meet old friends and other locals here in these idyllic landscapes for a chat. This is part of the new valuations and uses of the outfields—recreation practices with designated infrastructure, often connected to a display of cultural historic traces. But the transition that the outfields currently are going through contains so much more than such renewed local outdoor practices.

NEW BATTLES IN OLD LANDSCAPES

As my colleague Katrina Rønningen and I pointed out in a chapter in *The Handbook of Rural Studies* of 2016,[17] we are observing major restructuring processes in terms of commodification and consumption of rural resources, which are rapidly changing the use of the outfields and introducing new interest groups at regional, national and even global scales—from cabin developments, energy production and mining to increased tourism and new local and also extra-local recreational practices. These trends are also recognizable when examining the recent volumes of the scientific journal *Utmark*,[18] where topics related to revaluations of the outfields are discussed, e.g. for commercialized hunting and fishing, tourism, recreation, wildlife management, energy production and forestry.

The revaluations of the outfields have brought with them increased complexity, more actors and interests, more conflicts, and consequently, when the number of actors and interests are increasing, more centralized nature management. The social and cultural bonds between local communities and the surrounding outfields are thus

17 Rønningen & Flemsæter 2016.

18 *Utmark* (Outfields) is an open access scientific journal in Norwegian aiming to convey knowledge of the use and management of the outfields, and to stimulate public debate (https://utmark.org).

challenged, and so are rights and ownership practices. It was these different meetings between the "old" and "new" outfields that my colleague Bjørn Egil Flø and I wanted to highlight by organizing a network of researchers and publishing an edited book on the fundamental changes currently taking place in the outfields. The book, *Utmark i endring* (Outfields in Transformation),[19] contains chapters on major changes of uses and users, causing increased levels of conflict and heated debates about the use of these lands and their resources. It is where second homes, wind power, mining and outdoor recreation are creating certain qualities in many people's lives, but, yet, where these uses are at odds with existing values and practices. The book demonstrates from different empirical settings how some fundamental structural relationships between landscape, law and justice in the outfields are challenged.

In his classic essay 'The beholding eye: Ten versions of the same scene', D.W. Meinig emphasizes how the same material landscape can be viewed and interpreted in many different ways, depending on the perspective of the viewer.[20] He demonstrates how multiple interpretations can coexist, and thus that understanding this multitude of perspectives offers valuable insights into how landscapes can be battlefields for tensions and conflicts over land and resources. In the Norwegian outfields, the number of versions of the same scene have increased in recent decades as more actors with different backgrounds and interests have acquired interest in different resources found there. Taking notes of the chapters in the book *Utmark i endring* and other recent research, as well as numerous media articles, I argue that new ways of seeing or thinking about the outfields manifest themselves in at least three ways. First, *scale*: while the outfields previously were mainly used and managed locally, the outfields are now increasingly valued, used and managed on a regional, national and even global level; second homes are developed and bought by people from outside the local community, German companies invest in green energy production, the Canadian mining industry looks to Norway for new exploration licences, and thus regional and national state agencies are increasingly involved in management of the outfields. Second, *economy*: while the outfields previously were mainly connected to the agrarian economy, the actors now represent a range of different economies, connected to energy production, mining, tourism, recreation and so forth. Third, *time*: while rights previously were established over a long time and local people learned customs, practices and rhythms through growing up with the outfields, there is a totally different tempo and rhythm demanded when cabins are built and sold, while wind turbines should produce green energy for Europe sooner rather than later. Consequently, whereas negotiations and

19 Flemsæter & Flø 2021.

20 Meinig 1979.

justifications of rights previously took place at the same *local arena*, they now take place at many different arenas where a common understanding, customs, norms and rules are certainly more difficult to establish and accept. The changes undermine the way interactions among members of the local communities are working and they modify the local communities' role, including their rights and responsibilities, in the wider society. This is rocking the foundations not only of the outfield landscapes as such, but of fundamental social structures.

The philosopher and political scientist Crawford B. Macpherson stated in his book on property in 1978 that "rights are always related to the purposes people see in resources, and when purposes change, property and rights becomes controversial".[21] This is exactly what has happened in the Norwegian outfields. Not only are people seeing other purposes, but rights holders have also even been encouraged by the authorities to look actively for other uses of the outfields' resources. This can be illustrated by examining a passage from a White Paper on agriculture from 2000.[22] The economy in traditional agriculture in Norway has been under pressure during the recent decades, and farmers have been urged to look for other sources of income based on accessible resources. This was particularly highlighted in the White Paper, which encouraged farmers "to take a larger part of the agricultural properties' resources 'into use' and to gain 'increased economic profit from the outfield resources'".[23] As an employee from the government said in an interview I conducted as part of a research project about changes in the outfields: "this new agricultural policy [...] forced farmers to look beyond '*skigarden*' [fence between infields and outfields] to make their living."

Thus, the government was seeking opportunities for new forms of commodification in rural areas, stimulating a range of initiatives for new economic activities in the outfields. However, by doing this they made visible some fundamentally different views on property and ownership, which can be illuminated more by examining closely three key discursive elements in these quotes from the White paper: "agricultural property", "take" and "into use".[24] These discursive elements, powered by their spatiality, involve more than just "looking beyond" *skigarden* (the fence). The resources in the outfields are written about here as part of a farmer's "agricultural property", and so the outfields slip inside a metaphorical fence into a sphere where land use is based on individual and exclusive rights. Outfields become thus an *extension* of infields rather than a separate area where rights according to the bundle of rights principle are prac-

21 Macpherson 1978, p. 1.

22 Landbruks- og matdepartementet 1999–2000.

23 Landbruks- og matdepartementet 1999–2000, p. 18 (my translation).

24 The discussion of these discursive elements in the White Paper was first presented in Brown *et al*. 2019.

tised. The spatial as well as discursive practices of "owning" become normalized on land that previously was based on "sharing", and thus this can be interpreted as an act of territorialization. The word "take" implies a kind of permission to the farmers that the outfields are theirs to "take" without further notice. With the encouragement to take land "into use", it is implied that the land is currently *not* in use or that it is underused, which means taking for granted that there are no other actors that already use the area. This tactic of first defining something as under-used is a crucial part of what John Locke described as *appropriation*—the act of taking ownership of something through starting to use it.[25] This is also a fundamental aspect of territoriality. Gunhild Setten urges us to be aware of the power of concepts when dealing with issues of landscape, law and justice,[26] and with this in mind, there is reason to argue that instead of *reflecting* on the reality of property enactment in the outfields this White Paper rather contributes to *creating* new realities through altering the discourse and thereby normalizing new ways of thinking and acting. These new realities in the outfields are rocking the *basic structures*.

DESTABILIZING BASIC STRUCTURES THROUGH TERRITORIALITY

Basic structures refer to the fundamental institutions and practices that shape social interactions and influence individual behaviour. The term was introduced and developed over time by political philosopher John Rawls, particularly in his books *A Theory of Justice* and *Justice as Fairness: A Restatement*.[27] The basic structures might be seen as the backbone of society, as they provide the framework for the distribution of resources and opportunities, as well as duties, within a given community.[28] According to Rawls, they are the "primary subject of justice" in society, and decisive for ensuring fairness. Although he has been criticized for focusing too much on the *distribution* of justice and too little on other aspects of justice,[29] I believe Rawls' thinking around the basic structures of a society is a useful theoretical entry to a better understanding of the ongoing battles in the outfield landscapes.

If John Rawls had spent some summer days together with my grandmother, Agnes, in the 1950s, walked to and from the summer farm every day and got to know her family, neighbours and friends, he would first have seen how essential these outfield

25 Locke 2016 [1689], pp. 137–143.
26 Setten 2005.
27 Rawls 1971; 2001.
28 Landscape as basic structure is discussed by Mitchell in the present volume.
29 E.g. by Young 2006.

landscapes were for the local communities. My grandmother would have explained to him how the local communities have utilized the outfields for generations, how norms and customs have developed and been transferred between generations, and how institutions have gradually been established regulating and distributing rights and duties. Rawls would probably have responded by explaining to my grandmother that the outfields illustrated well what he believed is the basic structures of a society where "political and social institutions of a society fit together into one system of social cooperation, and [...] assign basic rights and duties and regulate the division of advantages that arise from social cooperation over time".[30] Although Agnes would have been somewhat unfamiliar with the phrasing, I think she would have understood. She would have introduced Rawls to her children, who often took part in the work of gathering the cattle from the common grazings in the outfields and cutting grass on the infields. Rawls would then have seen in real life how "the legally recognized forms of property, and the structure of the economy [...], as well as the family in some form, all belong to the basic structure".[31] After following in my grandmother's footsteps for a couple of days, Rawls would have learned through practice how the outfields were instrumental in forming the everyday life of members of the local communities. He would see how crucial the outfields were for the social life, the culture and the livelihoods of people and community. The summer retreat at Flemsetra would have provided him an excellent example of how "the basic structure is the background social framework within which the activities of associations and individuals take place".[32]

The Norwegian outfields have in other words been a fundamental part of people's lives. They were critical for my great-great-grandfather when he first started developing the farm, and they were essential for my grandmother. For both my parents and for me growing up, the outfields gradually started to have a slightly changed function where use was less connected to the local agrarian economy. However, I grew up with the local traditions and culture and learned the importance of closing the gate when hiking through a pasture and paying attention in the hunting season. I learned the rhythms, the codes and the way of life in and with the outfields that have formed the basis for the local community as a social system. But now, new "activities of associations and individuals take place" and new "background social frameworks" are formed where the "submerged parts" or the "versions" of the same material outfields appear very differently among the actors. The crux is to make sure that the renewed basic structures are *just*.

30 Rawls 2001, p. 10.
31 Rawls 2001, p. 10.
32 Rawls 2001, p. 10.

To ensure justice within the basic structures, the production and distribution of rights to resources are fundamental. In his chapter in the proceedings from the Landscape, Law and Justice research group's final conference, legal geographer Nick Blomley stressed that:

> [...] both law and society expect me to sustain and communicate my claim [to my property] on a continued basis (by cutting my grass, maintaining my property and so on). Property in that sense, can be thought of as dependent on repeated enactments: it is, in that sense, a "doing".[33]

Since then, Blomley and many others, including myself, have through a number of empirical studies demonstrated exactly how properties are "done" to legitimize rights. As demonstrated and discussed previously in this chapter, "doing" in the Norwegian outfields has previously been focused on *sharing*, whereas this "doing" now increasingly takes the form of processes of demarcation and enclosure—and *owning*.[34] The "doing" of the outfields is furthermore less connected to local agricultural practices and economies, but increasingly connected to wider commodification and consumption processes. Landscapes where rights previously were looked upon from a functional and practically oriented view are now gradually being looked upon more from a substantial view of property, where rights within defined borders are what control *all* use of the resources. There is now a clash between these different views of property, and the basic structures of the Norwegian outfields is thus destabilized through, one might argue, processes of *territoriality*. Territoriality refers to the behaviour of individuals and groups to create and maintain a sense of ownership or control over particular physical spaces: "Territoriality for humans is a powerful geographic strategy to control people and things by controlling an area."[35] Territoriality can manifest itself in various forms, but most forms include in one way or another the marking of boundaries, the establishment of exclusive rights and the defence of territory against outsiders.

Robert D. Sack's *Human Territoriality: Its Theory and History*[36] has long been a "classic" within human geography.[37] With a systematic, analytical approach, Sack draws up a typology of "ten tendencies of territoriality", demonstrating potential workings of territoriality, where the "logically prior" tendencies are *classification*, *communication*

33 Blomley 2005a, s. 26.
34 Flemsæter & Flø 2021.
35 Sack 1986, p. 5.
36 Sack 1986.
37 Agnew *et al*. 2000.

and *enforcement*.[38] These are also the three tendencies Blomley highlights from Sack's typology, which he argues serve as effective means of organizing and materializing relations when we "tend to take the territory of property for granted" in Western liberal societies.[39] When, for example, authorities aim to negotiate and manage conflicts between users and interests in the outfields, they are likely to do this through land use planning processes where maps are the key tool and medium.[40] In such planning processes we see how these three "tendencies" of territoriality are at work. By *classifying* different physical spaces and *communicating* this by drawing up territorial boundaries between them on a map, authorities and other decision-makers can *enforce* control over these areas by taking them into land use plans and legal frameworks.

Perhaps more hidden, but arguably even more important for understanding the consequences of the destabilization of the basic structures of the outfields, partly *because* they are not so easily recognizable or visible, are some of the other tendencies of territoriality in Sack's typology:[41]

Reifying power: Much of the outfields' values are invisible, and in Minogue's[42] terms, submerged parts of the property iceberg, such as farmers' detailed knowledge of different grazings, local people's attachment to the landscape, and traces of cultural heritage that only those with local historical knowledge can see. Invisible values are also the potentialities—yet unknown—that future generations of humans and animals might find valuable. Power itself is also invisible, but instead of finding ways to cope with potentiality and not only actuality, we tend instead to make power visible, tangible, explicit and real by territorializing property. As Sack puts it, "territoriality provides a means of reifying power".[43]

Displacing of attention: When my grandmother utilized resources in the common outfields, and when herders established their grazing rights, attention was focused on the relations between people and the land, between the user and the resources. These relationships have existed in parallel with other relationships between people and land inside the same physical spaces. However, Sack argues that territoriality has displaced "attention from the controller and the controlled to the territory",[44] and thus it is the territory rather than the relationships that becomes the centre of attention when rights and regulations in the outfields are negotiated.

38 Sack 1986, pp. 31–32.
39 Blomley 2016, p. 594.
40 Flemsæter & Brown 2021.
41 Sack 1986, pp. 32–34.
42 Minogue 1980.
43 Sack 1986, p. 32.
44 Sack 1986, p. 33.

Impersonalizing relations: Related to, and a consequence of, displacing of attention is that relations in the outfields become impersonalized in the sense that when managers, actors and politicians talk about the outfields it is not any longer the relations between people, the relations between members of the local community or between herders and their animals that are talked about. Rather, they talk about impersonalized relations between different territories, between here and there.

Place-clearing: Territoriality is according to Sack an effective means by which a place is made and cleared for things to happen, and he argues that "societies make this place-clearing function explicit and permanent in the concept of property rights in land".[45] I referred earlier in the text to John Locke's argument that a fundamental element of appropriation processes is first to deem parcels of land unused, and when actors want new things to happen in the outfields it is taken for granted that these things need space to exist. Thus, before cabins are planned or wind turbines are built, the places must first be "cleared", for example, by drawing up new (property) boundaries. Then it becomes possible to connect new "things" to them and make them happen.

Acting as container or mould: When places are cleared, territory becomes a container or mould to which things, events and other attributes can be assigned. On a digital map rigged with lines and polygons, the land use planner can start adding attributes to the polygons defining which colours and patterns they should be filled with, and thereby assigning attributes such as regulations, permissions and support schemes to the territories.

Emptying space: Very much related to the last two tendencies, Sack argues that "when the things to be contained are not present, the territory is conceptually 'empty'".[46] That means, just as much as the territory can be filled with things and activities, it can also be emptied, not only materially but also socially. Sack claims that "to think of territory as emptiable and fillable is easier when a society possesses [...] a metrical geometry to represent space independently of events".[47] As the users and uses in the outfields are increasing, the scales are widening, economies become more complex, arenas for developing local practices over time evaporate, and the metrical geometry of the map becomes an increasingly powerful instrument boosting territoriality in these landscapes. This is at the expense of spatial configurations resting on customary and traditional patterns developed locally over a long period of time.

The outfields have also in earlier times been territories with defined borders and attached rights. They have been "containers" with certain attributes. But these territories

45 Sack 1986, p. 33.
46 Sack 1986, p. 33.
47 Sack 1986, p. 63.

have been controlled by and shared between members of communities, they have been managed and used in common, relations have been personalized, and their spaces and places have not been possible to clear, nor have they been emptiable even if uses have been invisible. However, uses might have appeared invisible for others than those who have been socialized into the local practices and customs and thus have understood the importance of these shared spaces as part of the local communities' basic structures. These "others" used to be few, now they are many.

OUTFIELDS AS JUST LANDSCAPES

Justice can be described as "who gets what, where, when and how".[48] In terms of basic structures as a primary subject of justice, John Rawls centred his attention on how justice is *distributed* among members in a community. Rawls has been a vital source of inspiration for other thinkers on justice who have both criticized and expanded on Rawls' thoughts. Iris Marion Young[49] argues that there are at least two aspects of justice that Rawls' focus on patterns of distribution fails to detect. First, she claims that focus on distribution pays too little attention to how distributions are produced, and that we should pay more attention to and evaluate the social structures in which distributions occur. Second, Young argues, "focus on distribution of benefits and burdens obscures important aspects of structural processes that do not fit well under a distributive paradigm",[50] and she highlights structures of decision-making power and processes that normalize certain behaviour and attitudes as examples of the latter. To understand the relations between basic structures and justice in the outfields I believe the points Young makes here are crucial. I will again cite Young when she writes that "the subject of social justice is wider than distribution, and that it is precisely a concern with basic structure that reveals this".[51]

To the first of Young's points: the processes that produced the outfields as experienced and practised by my grandmother, Agnes, took time, a long time, and they took place locally among people who knew each other and mostly had common interests. Rights and duties, whether they concerned grazing, hunting, berry picking or other resource uses, were based on local social structures, customary practices and shared responsibilities. Now, the processes that produce the distribution of rights and duties take place within totally different structures, in different circumstances, between ac-

48 Smith 1994, p. 26.
49 Young 2006.
50 Young 2006, p. 91.
51 Young 2006, p. 91.

tors across scales and interests, and in limited time frames. These processes tend also to follow a Cartesian logic where relational spaces become impersonalized and emptiable territories. Second: in my grandmother's outfields there were aspects crucial for justice that were not subject to distribution. These could be the structures in which decisions took place, but not least everyday processes that normalized certain behaviour and attitudes to property, rights and ownership. These were cultural processes, which even I who grew up in the 1970s and 80s had a sense of, but which certainly were much stronger at the time when the summer farms were in operation. But now, without any common local arena where such practices can grow and cultivate, attention tends to be displaced from the invisible and submerged relations between people and land to territories with reified power, which increasingly tend to be containers with exclusive rights to their resources. Normalizing attitudes and behaviour through discursive practices, such as in the previously discussed White Paper on agriculture, is a crucial part of this.

In future management and research concerning the Norwegian outfields, we should look for ways that make us better able to address how conceptions of property, rights and spatial justice cope with coexistence and multiplicity. We must also find ways to plan for and manage the potential, invisible and unpredictable. Legal space must be made, materially and discursively, for such complexity in order to understand and generate just reproduction of landscapes.[52] This means that regulatory frameworks need to a certain extent to let go of their aspirations to bound and control landscapes tightly to gain clarity, and that we maybe instead should look back in time and again aim to incorporate heterogeneous spatialities when we value and manage landscapes. My part of this work will be to continue to invite myself and other scholars into my grandmother Agnes' landscapes. I will also continue to imagine her commenting on the texts I write. We have many lessons to learn.

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52 Brown *et al*. 2019.

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