

”Who Makes the Landscape?” Forces of Landscape Transformation in Austria

Walter Zsilincsar

There are two bundles of forces shaping the environment: natural and human ones. Cultural landscapes are predominantly the result of human activities. Probably the most serious influencing factor in the civilized world on modelling cultural landscapes is national and international legislation which, again, is the outcome of policies and ideologies, social, economical and cultural backgrounds. The author concentrates on policy and legislation with special emphasis on agricultural law and regional planning regulations because they affect human shaping of landscapes the most.

Key words: Austria, cultural landscape, policy, ideology, regional planning, agricultural law, forest law

„Tko stvara pejzaž?” Glavne sile preobrazbe pejzaža u Austriji

Dvije su glavne sile oblikovanja pejzaža: prirodne i društvene. Kulturni pejzaži ponajprije su rezultat čovjekove djelatnosti. Možda je upravo najutjecajniji čimbenik oblikovanja pejzaža u današnjemu civiliziranom svijetu nacionalno i međunarodno zakonodavstvo, koje je pak rezultat politike, ideologija te društvene, gospodarske i kulturne pozadine. Autor je posebnu pozornost posvetio politici i zakonodavstvu, s naglaskom na zakon o poljoprivredi i regulative regionalnog planiranja upravo zbog njihova ključnog utjecaja na oblikovanje pejzaža.

Ključne riječi: Austrija, kulturni pejzaž, politika, ideologija, regionalno planiranje, zakon o poljoprivredi, zakon o šumama

INTRODUCTION

If we keeping the title – question in mind focus on those forces which can obviously be made responsible for the shaping and constant transformation of man – made i.e. cultural landscapes we might be able to give some insight in processes and acteurs forming landscapes and in the various landscape structures resulting from them.

So omitting the forces of nature from our considerations although they did and still do influence the shaping of our (cultural) landscapes in manifold ways especially as a result of natural hazards and catastrophes (floods, tsunamis, hurricanes, earthquakes, volcanic eruptions, landslides and mudflows), or long-term global changes of climate and vegetation cover we shall concentrate in man`s activities in landscape transformation.

These activities can be divided into direct and indirect ones, into large – and small scale ones, short (sudden) and long lasting processes, single and multiple interferences, such with deep-reaching or with negligible consequences, such causing high or low resulting charges, those leading to a sustainable or non-sustainable development of landscapes or to a positive or negative development.

An evaluation of landscape transformation even if being polarized only between the categories mentioned above is difficult enough because in reality it is mostly positioned somewhere intermediately in place and/or time.

Trying to find an answer primarily on WHO makes the landscape we shall leave questions as to WHERE, HOW, WHEN and WHY cultural landscapes are being transformed and (re)shaped largely aside although they seem also crucial for this topic. Moreover, merely replying to the WHO – question alone goes beyond the limits of this essay.

The most important man-related parameters to be considered in the process of creating and forming cultural landscapes are:

- Policy, namely planning policy and ideology
- Legislation especially in the fields of
- physical and regional planning
- nature and landscape protection acts
- environmental protection acts (e.g. avalanche and flooding protection)
- water management acts
- waste and sewage acts
- zoning plans
- transport planning (e.g. general transport plans)
- agricultural legislation (e.g. plot realignment plans)
- forestry framework plans (e.g. forest-road construction, reforestation)
- local development plans

- landscape frame work plans
- clean air plans (e.g. regulations for the deposition of fine air-borne dusts)
- electricity transmission acts (e.g. construction of high-tension electricity transmission lines)
- environmental impact assessment
- alpine pasture conservation acts
- mining statutes
- society and spirit of the age (e.g. globalization and its consequences, lifestyle changes, ethics)
- economy and technology tensions with ecology and environmental protection)
- information (the media, e.g. printmedia, telecommunication, TV, radio, internet)
- education (e.g. the role of illiteracy in both developing and developed countries)

The paper is focused on two aspects of landscape transformation primarily, i.e. policy and ideology and agricultural legislation.

WHO MAKES THE LANDSCAPE? FORCES OF LANDSCAPE TRANSFORMATION

1. (Planning) policy, ideology and legislation

Policy generally is bipartite. It rests on two principles: executive power and legislative power, or being viewed at from another perspective, on civil servants and politicians. In a democratic political system at least those who represent the legislative forces are subject to elections within regular intervals. Being members of different political parties adhering to sometimes very controversial political opinions and ideologies, or belonging to specific groups of voters with a common social, cultural, economic, religious, ethnic, or other kind of background they pass laws, and issue acts and regulations which, of course, express the political – ideological direction of their way of thinking.

These legal outcomes in a more or less intense way and depending on the area of interest they touch affect our living space, our environment by regulating, sometimes limiting our ways and habits of using, shaping, and transforming it.

The main goal of any space related legislation should aim at a just, economic, environmentally compatible, and sustainable utilization of our cultural landscape as present and future living space. To reach this target and guarantee a balanced land use for specific purposes (residential, commercial, for transport, communication, or primary production) physical-planning-regulations help to organize and develop certain areas according to the elementary facets of human requirements like labour, supply, housing, education or leisure and transport.

Regional planning and other landscape related policies in Austria are in the competence of the "Länder" (provinces or federal states) which makes the coordination between the

single planning regulations rather difficult. Since the federal principle of the Austrian constitution is being strictly defended by the nine provinces this sometimes leads to strange situations especially as far as environmental or nature protection are concerned. Whereas special plants or animals may be protected in one province in the neighbouring one they may not. So, for instance, in the case of the installation of nature- or national-parks crossing provincial limits like the Nationalpark Hohe Tauern comprising parts of Carinthia, Salzburg and the Tyrol it took more than twenty years for the realization of the project. Administrative, political, and often ideological barriers are valid also for trans-border national parks like the Thaya-valley national park between Austria and the Czech Republic, or Lake Neusiedel national park between Austria and Hungary.

Policy and ideology are probably the furthest reaching factors that in a (modern) civil society steer the process of landscape transformation. First of all they are an integrative component of the personality of each of the actors being involved in the process of "making the landscape". Policy and ideology, however, only in a very limited way through their physical representatives directly impress on the image of the cultural landscape. It is much more the society of the constitutional state which by executing its voting right transfers parts of its legal powers to single persons (politicians) or political parties who they think represent best the single voters political goals and ideological ambitions and background.

Politicians and political interest groups strive at being elected especially for those political bodies who on the various administrative levels (local, provincial, federal or national) make the laws, pass acts, orders, and decrees and thus regulate the functioning of our civil society. They are the decision-makers who are not only responsible for a state's legislative agenda but, very often, for its executive forces too.

It is the legal system of a society, the power and influence of its political representatives, and of its executive bureaucracy we should inquire about. As mentioned before a series of parameters influences the shaping of cultural landscapes. Legislation is one of greatest significance and consequence.

Among the various legal regulations and constraints interfering in the configuration of cultural landscapes agricultural law still is probably the most decisive one. This results not only from the fact that the by far largest part of our living space is occupied by so called rural areas although in Austria like in other highly developed countries the number of persons belonging to the primary sector lies below 5% of the total population. The importance of agriculture and agricultural policy is but manifested in several other spheres as e.g. by the fact that roughly 50% of the budget of the EU is being consumed by the agrarian sector which causes heavy disputes among the member states. Yet, if we remember that wherever private small-scale farming dominates the image of rural landscapes especially in areas unfavourable for agriculture like the Alps the survival of many farms depends to a large extent on granting subsidies from Brussels it is easy to understand what happens if these grants are cut.

One recent example from Austria proves this conditioning factor. According to new directives of the EU-commission on granting subsidies all grants for the cultivation of tobacco in Austria have been dispended by the end of 2005. Thus approximately 50 Austrian tobacco farmers generally small holders situated in the pre-alpine Tertiary lowlands of

Eastern Styria and Lower Austria who found their living from this traditional cash-crop for many generations have lost their basis of subsistence. Most of them have decided to give up agriculture. Despite the relatively low acreage of tobacco planting the tobacco plant itself and the characteristic multi-story wooden tobacco barns enriched the variety of the cultural landscapes affected.

If we furthermore consider that tobacco growing formed the basis for tobacco manufacturing in the regional district town Fürstenfeld between 1691 having once employed more than 3000 people and 2005 when only 48 employees were counted before the factory's final shutdown we can imagine how the loss of one single crop changes the character of the countryside.

The reasons for this specific development are manifold. They date back to the replacement of subsistence farming through market economy which took and takes place in a local, regional, national or, as today, global surrounding. This process is accompanied by changing social and market conditions, innovations in transport economy, agrotechnology, agrochemistry, breeding of seed-corn up to genetic manipulation, changing consumer demands and last but not least by political and ideological (e.g. the green movement, collective economy) principles and decisions finding their expression in the various legal systems and positions.

2. Landscape in the view of agricultural law

Agricultural law in the one or other way is applied to practically the whole territory of our state and affects directly or indirectly its total population. A fundamental principle of our present and historic territorial structure rests upon the property rights in land.

As a consequence of the peasants' liberation and following the Revolution of 1848 in the Habsburg monarchy the disencumbering of real estate was executed also in Austria and gave reasons for a standardized right of ownership. The General Austrian Civil Code (*Allgemeines Bürgerliches Gesetzbuch*) from 1911 for the first time formulated a right of ownership which was based on the principle of private property and utilization. The Austrian Basic Constitutional Law of today (*Staatsgrundgesetz*) defines the general citizens' rights already in 1867 and emphasizes the inviolability of property as well as the basic rights of economic life like the freedom of persons of buying and disposing of real estates, of choosing individual professions, etc. Neither Austria's admittance to the EU nor the European Convention for the Protection of Human Rights and Constitutional Liberties have changed this position.

The owner's property rights in land, however, can be limited in so far as they must not restrict the rights of others nor limit public welfare which may even lead to the assignment of claims. Thus, legislation can interfere in private property rights and thereby possesses a function of formative design within the single divisions of the society and the territorial units appointed to them.

The legislation following the peasants' liberation has made agricultural and forested land a merchandise with all its positive and negative consequences: possibility of

acquisition, lease, or sale of land, assessment, fragmentation or amalgamation of land property, indebtedness, creation of large farms, credit systems, agricultural co-operatives or limitations and restraints of land use.

By the end of the 19th century laws of succession and real estate transaction were issued. The jurisdiction of hunting, fishing, and water management has been transferred to the provincial parliaments (Landtage) according to the constitution of 1867.

In 1852 a new Forest Act has replaced earlier regulations for the following 120 years. Forestry law falls into federal competence but the federal government can authorize the provinces (Länder) to execute its administrative regulations. They include primarily the permission for a partition of forests, fire and wind protection, general forest utilization, damage caused by game and torrential flood and avalanche control.

All these early legal regulations were primarily meant for the protection and promotion of the traditional cultural heritage of the country although until today economic targets prevailed even in nature and landscape protection. Ecological aspects have only in the recent past gained influence in agricultural and forest legislation.

With her admission to the European Union Austria has bound herself by contract to accept *Acquis communautaire* for the common agrarian policy which resulted in a vital shifting of primary interests from Austrian agrarian policy to that of Brussels.

The consequence is that today's national margin of Austrian agrarian policy is being decisively limited. Furthermore it should be noted that the profusion of standard specifications in agricultural and forest law presents itself as a bundle of legislative regulations from various epochs and legal authorities.

However, it seems adequate to point at some recent directives issued by the European Commission which directly and visibly interfere into the traditional image of the rural built environment. Since chaining of stall-kept animals has been forbidden many farmers were forced to rebuild their stables according to the new regulations or to tear them down and construct new and bigger ones. The demanded renovation of outdated farmsteads will change the outer appearance of rural villages significantly as economic, social, and political reorientation did already in the past (the influence of mechanisation, privatisation, collectivisation, biologisation, chemisation, urbanisation, globalisation, genetic manipulation).

Another very important factor that indirectly but sustainably influences the composition of rural landscapes must be seen in national and especially in European agricultural promotion and development programs.

The Austrian Agriculture Act of 1992 for the first time considers the fact that the main task of agriculture no longer lies in food-production only. Modern agriculture is a multifunctional venture. Besides its primary goal to provide the population's food supply it increasingly fulfils the agenda of environmental protection, landscape maintenance, provision for renewable biological energy, and of allocating rural infrastructure for touristic development. In this sense the Agriculture Act of 1992 already anticipated Austria's admittance to the EU in 1995 through the definition of special development areas, of regions with difficult working conditions (high mountain areas), and of disadvantaged areas.

The Act lists a series of agro-political targets that regard common European standards like:

- the preservation of economically sane, productive, private farms within a functioning rural environment bestowing special attention upon social security, ecological demands, and regional disparity
- the improvement of the diversified working and employment conditions within all fields of economic activities
- the market-orientation of agricultural production and processing
- the rising of productivity and compatibility of agriculture through structural measures emphasizing the need for an efficient, environmentally compatible, and socially oriented rural agriculture
- the promotion of agriculture in the interest of the national economy and the consumers with special care for the protection of soil, water, and air quality, of the cultural heritage and recreational facilities

It is obvious that the implementation of these targets either causes various positive impacts upon the prevailing face of the cultural landscape or helps to protect it from negative ones.

Another aspect that should not be omitted is (agricultural) land law. Among other subjects it deals with limitations of real-estate transactions, land-leasehold matters, the law of succession and regulations for hereditary tenancy or hereditary farms, which have not been harmonized in the EU so far.

Legal provisions submit agricultural and forestry land transactions to administrative limitations to guarantee the continued existence, strengthening or creation of an achievement – oriented farm population which is capable of surviving.

Land reforms like those aiming at farmland consolidation, try to improve the legal and economic situation of disadvantaged farms. Normally such operations are long-lasting, difficult and costly and they usually lead to a complete reshaping of the farmland affected.

Substantial impacts on the rural settlement structure are related with legal procedures targeting at preserving agricultural enterprises which strive at finding an appropriate living from full or part-time farming because they interfere in their property situation, financial background, or economic structure (Hancvencel 2002).

The Austrian Forest Act of 1975 with amendments in 1987, 2002 and 2004 serves the preservation of forests namely in respect of their fourfold functions: commercial use, protection, welfare, and recreation). The Acts guiding lines demonstrate quite clearly how big its impacts on the image of landscapes are especially under the aspect of a substantial increase of forested areas in Austria with all its consequences during the recent past (e.g. loss of the variety of existing cultural landscapes with impacts on farm and pasture land and settlements, danger of avalanches and mudflows as the result of the abandonment of alpine pasturing, diminishing attractiveness for touristic utilization, depopulation of marginal

cultivated regions, increasing conflicts with hunting, mountain biking, collection of forest-fruits (Mushrooms, berries, plants).

So every one of the guidelines of the Forest Act as listed below bears in itself a certain, sometimes great, potential to alter or conserve the image of the environment like:

- conservation of forest, of forest virgin soils and their productivity
- strict clearing regulations
- precise definition of forest boundaries and forest functions
- requirement of reforestation after clearing
- general limitations of utilization like the interdiction of clear cuts exceeding 2 ha and necessity for an official grant for clear cuts exceeding 0,5 ha
- special limitations of utilization for protective forests and protection from torrents and avalanches
- interdiction of the destruction of forests and protection from air pollution, fires, and detrimental plants and animals
- forestall enterprises exceeding 1000 ha must employ professional forest personnel
- improvement of the direct effects of forests (Magistrat d. Stadt Wien, Landesforstinspektion, 2005).

Apart from Agriculture and Forest Acts a great number of other statutory provisions need to be mentioned because of their role in “making the landscape” (Wassermann, Weber 2005; Umweltbundesamt, 2005; Amt der Steiermärkischen Landesregierung, 1981, o.J., 2005; Oswald 1986; Mally, Widtmann 1986; Lebensministerium, 2005; Verwaltung Land Steiermark, 2005).

3. Additional Statutory regulations influencing the image of landscapes (a selection)

Among further provisions of law which may have impacts on the outer appearance of cultural landscapes regional planning principles must be mentioned in the first place.

Regional planning strives at designing a territory or parts of it in accordance with the political goals of its economic, social and cultural development.

As mentioned before regional planning in Austria is in the competence of the single provinces. In most cases it is divided into local (communal) and non-local planning. Some of the basic planning principles with a close relation to landscape structures are:

- the planned, future-orientated regional design
- the best possible and sustainable provision of living spaces for the benefit of the public

- respect for given structures, natural conditions, requirements of environmental protection, and consideration of the economic, social, and cultural needs of the population.
- For the implementation of these principles it is necessary to define a series of planning goals like:
 - protection of the environment and the natural basis of existence
 - restoration of equivalent living conditions
 - protection from natural hazards
 - securing of living and working conditions, of education, and energy supply
 - securing and maintenance of an agriculture, forestry, manufacturing, industry, and tourism capable of surviving
 - stabilization and improvement of the settlement structure, avoidance of fragmentation
 - economical treatment of land resources
 - priority of concentrated settlement development
 - economical consumption of energy
 - active policy of land use in the communities
 - precedence of public interest over private interest (Lienbacher 2003).

Regional Planning in Austria is a typical example of "cross-over planning" because it splits its competences among the federal government, the provinces, and the communities. Its legal fundamentals are based on a large theoretical background which would be worth being discussed more explicitly than it is the case here. Planning has become a modern science and an institutionalized professionals interdisciplinary activity which contributes to the consolidation of modern capitalist states (Yiftachel et al., eds. 2001).

Landscape planning should be focused on actual material and political outcomes instead of on process and methodology only. We also register an increasing slighting treatment of the spatial dimension, largely due to the prevalence of procedural issues, of process rather than product, and of substance orientated approaches theoretical planning. We also face frequently an uncritical acceptance of the planner's benevolent power which only rarely gives rise to social critique and public political displeasure. This is especially true for the deformation of cultural landscapes.

The influence of Construction Law is also decisive for the image notably of the built environment. By awarding building licences which usually follow strict regulations this law provides the preconditions for any constructive activity. It also defines distances between single objects, rights of neighbours, and takes into account the interests of adjoining owners (Jahnel 2003).

Water is an irrevocable prerequisite of life. It creates and secures life but it also destroys it as we had to experience painfully during the recent flood catastrophes in Europe. One

billion people worldwide do not dispose of ample and pure drinking water. The canalization and deviation of rivers in order to gain productive land or to generate electric energy, to make them navigable, to use them for irrigation, etc. have altered the appearance of many regions. The same is true for natural or artificial lakes which among other functions have a deep impact on the development of tourism.

It is obvious, therefore, that the regulations of water acts play an eminent role in our reflexions. The first common Austrian Water Act was issued as early as 1869. It has been reissued and amended for several times until 1990. Any use of water exceeding common use with public waters and personal use of households with private waters is subject to a grant of the water authority.

Growing attention is being paid today to water protection and water management (drinking water supply, drainage, and sewage disposal). This is also true for the vast field of waste management which is regulated by the Austrian Waste Management Act.

Much too long the problem of waste disposal has been neglected especially in the countries in transition of Eastern-Central-Europe. The consequences are visible everywhere and need no further comment apart from the fact that they, once more, underline the necessity, importance, and creative power of laws and regulations in “making our landscapes”.

4. “Mountain farming” as an example of landscape transformation in an Alpine environment

Rural Alpine landscapes are a good example to investigate the forces and the acteurs’ appertaining to them that are responsible for the shaping of landscapes in the present and the past. Therefore some final remarks on this special type of landscapes which in a very impressive way demonstrate the mutual influence and linkage between nature and man may round up the reflections on “who makes the landscape”.

The transformation of rural Alpine landscapes is largely the consequence of the sociogeographic development of the past. Yet, during the thousands of years of human history in the Alps the last 200 years have changed the face of the cultural landscape much stronger than this was the case ever before. During the second phase of internal Alpine colonization in the 12th century stock-farming with all its landscape shaping effects (clearings for grazing, forest grazing, alpine pasturing) dominated the mountainous regions. Barter was the prevailing form of exchange with the Alpine forelands.

In the third phase of colonization (13th and 14th century) monetary economy developed also with mountain peasants who, from now on, had to pay their taxes in cash and thus no longer could be viewed at as mere subsistence farmers. It is clear that such a grave economic transformation impressed on the Alpine environment.

A further big change occurred in the 19th century when industrialization had affected many Alpine valleys. Simultaneously the Alpine Forelands prospered and attracted a great number of mountain peasants who gave up their unprofitable farmsteads which, mostly, were reconquered by shrubs and trees.

So we can say that economic depressions from the Middle Ages to modern times in the wake of the disorganization of the old feudal order had led to massive depopulation of Alpine landscapes resulting in the abandonment of sites and reforestation of former fields and pastures. Also ancient trans-mountain tracks were left to decay at that time. Since the 16th century many pertinent fields and meadows continued to be farmed only seasonally as an auxiliary business (Lichtenberger 2000).

The law and practice of inheritance has influenced the appearance of rural landscapes to a very substantial extent. Whereas in areas with entailed farm estates the rural settlement landscape more or less had remained stable for generations the practice of inheritance by equal division led early on to ever smaller properties (dwarf – size holdings) that could never be maintained without auxiliary incomes like from seasonal migration.

Alpine mountain farming in Austria is linked to two different types of vegetation cover: forests and Alpine pastures. Whereas Alpine stock-farming and as a result of the de-settlement process auxiliary business with Alpine meadows imprinted on the west forest holding dominated the east. Thus, besides ecological and physical – geographical differences mainly economic, legal, and social ones explain this dichotomy.

Different economic factors play a major role in explaining the big changes that could and can be viewed within the Alpine farming communities. The competition between the struggling mountain farmers and the more affluent valley farmers, for instance, had turned numerous high-lying farms into auxiliary farms. Local operators interested in forestry and owners of feudal forest estates, later on industrialists, bankers, lawyers, and merchants bought mountain farmsteads to be used for hunting and for recreational purposes.

The post-war period of reconstruction after World War II has led to a general rise of prosperity. This, together with increasing urbanisation, private mobility, and tertiarisation has started the development of tourism in a way that hardly anywhere else has transformed rural landscapes thus dramatically until today (by new road construction like trans-Alpine highways, cable cars, hotels, second homes, winter sports facilities, hiking, mountain biking, golf or adventure sports).

Last but not least the international globalisation process and the regularizing policy of the European Union have left their traces in the Alpine environment: high pressure from the rapid development of tourism, economy and water resources in the main Alpine valleys and depopulation, deagrarianisation, reforestation and abandonment of Alpine pastures in remote, peripheral regions. From a total of approx. 17.500 (2005) mountain farmers in the Austrian province Styria close to 200 farms annually are giving up agriculture.

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SAŽETAK

„Tko stvara pejzaž?“ Glavne sile preobrazbe pejzaža u Austriji

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Na pitanje "Tko stvara pejzaž?" ne može se ukratko odgovoriti. Čak i ako ostavimo prirodne sile po strani, nećemo puno lakše doći do odgovora. Uzevši u obzir samo najvažnije sile koje utječu na oblikovanje kulturnih pejzaža, primjerice politiku, ideologije, zakonodavstvo, društvo, gospodarstvo, tehnologiju te obrazovanje, stječemo dojam složenosti i dimenzije tog problema. Stoga je bilo nužno usmjeriti pozornost na tek nekoliko ključnih spomenutih čimbenika. Dosadašnjim dugogodišnjim istraživanjem tog problema pokazalo se da su među najvažnijim silama koje utječu na oblikovanje i preobrazbu pejzaža u današnjem civiliziranom svijetu upravo zakonodavstvo, kao rezultat politike, te ideologije i regionalno planiranje.

Received (Primljeno): 2008 – 03 – 12

Accepted (Prihvaćeno): 2008 – 07 – 08

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