

Sacred places take many forms and are experienced and understood in many different ways. There are no fixed definitions. For me, a sacred place is somewhere that is recognised for its spiritual significance, usually because of the way people engage with it through ceremony, worship of a deity, or acts of homage. It may be a large tract of landscape or a modest or prominent feature within a landscape. It may have cross-cultural significance or it may be important to a small number of people. Sacred places have physical presence, but their spiritual dimensions are intangible. Continuity in a sacred place may manifest as resilient living and working practices and/or ceremonies or rituals associated with it and passed on from generation to generation. But these are not static relationships, each generation remakes its beliefs and values and 'sacredness' is continually re-structured and re-enacted.

I approach sacred places as 'cultural ecologies'. Cultural ecology is concerned with transactional relationships between people and the environments they inhabit. It offers a framework for looking at how people experience the world and how they come to understand it, and how through the acts of living and working people shape the environment around them and are shaped by it. Cultural ecology provides a lens on the processes of continuity and change that give rise to cultural patterns and cultural traditions.

One strand of my research in cultural ecology has been in collaboration with law scholar Dawid Bunikowski who has expertise in legal pluralism. We developed a framework that integrated cultural ecology and legal pluralism, which we see as complementary approaches at a theoretical level, to provide a basis for making a case for 'indigenous customary law'. Indigenous customary law supports both moral and legal claims concerning recognition of customary land rights and land management. It asks questions about a range of state institutions, from social welfare and education to fiscal policy, and the extent to which they empower people locally. Indigenous customary law is compatible with the notion of 'judicial activism', of people engaging in decisions about how resources are used so that they can serve the common good locally. We made our case primarily in the context of the Sámi people of northern Europe and the Nisga'a people in Canada where different models of legal pluralism have been enacted.

Although I have spent some years living and working in Finland and undertaking study visits to Lapland, I know the Arctic only as an informed visitor. The chapter that Bunikowski and I wrote for a book on indigenous customary law proposed an integrated framework with the

conviction that it could be developed into something that had practical utility. We drew on cases from Sámi and Nisga'a cultures because they offered the most informative examples addressing some of the contentious issues around locality, resources and the rights and responsibilities of indigenous people and how these are reflected in statutory and customary laws[1]

New questions arose when I joined the Sacred Sites group, convened by Francis Joy at the University of Lapland, with its focus on relationships between sacred places, heritage and forms of land-use in the Arctic. What makes a place sacred? To whom is it sacred? Should these places be 'protected' and, if so, what legal status would they have? What is it that we actually 'protect'? Who should exercise rights over them? What responsibilities would the wider community have towards them? How would any legal framework be generated? These matters are important to all indigenous peoples. Increasingly, places that are sacred to the Sámi of northern Europe are threatened by mining or desecration by inconsiderate tourists. Does the integrated cultural ecology/legal pluralism framework that Bunikowski and I produced have anything to say about these matters?

By way of a preamble, I will explain a little about my homeland, the Wessex chalklands of central southern England. This is a landscape rich with prehistoric monuments. My extended family have lived and worked in the region for generations. They have a deep commitment to the landscape. The chalklands are now intensively farmed, but they are also places where the presence of the monuments imparts cultural and spiritual significance. The concept of 'sacred' is no longer used but there are special places.

The Uffington White Horse is one of them. It is a huge piece of land art, a 'hill figure' or 'geoglyph', some 110 metres long, an abstracted shape built into the turf of a spectacular stretch of escarpment overlooking the Upper Thames Valley (figure 1). Archaeological research has shown the White Horse to date from the late Bronze Age, which makes it around three and a half thousand years old. People who constructed it approximately one hundred generations ago were closer to nature and their environmental sensitivities were different from those of people today. The original context is lost, and can never be recovered. Given that the Horse needs regular maintenance to prevent it being overwhelmed by vegetation, its survival is remarkable. The historical story is about a continual re-making of place. The monument survives, but the inter-generational changes in

the way people engaged with it leave little trace.



Figure 1. Uffington White Horse Hill, oil on board, (84 x 60 cm), Anna Dillon, (2010).

The White Horse and a large area of surrounding landscape is now managed by the National Trust as a public amenity. It is a scheduled ancient monument which means it has statutory protection. The area is managed as sheep-grazed grassland. Typically, when legal status is assigned to a place deemed to be culturally or historically important, it is 'protective' of the material fabric of the 'site', often known as its 'tangible heritage'. Legal status may also confer rights on individuals or groups for access and for the performance of certain acts. The White Horse attracts tens of thousands of visitors a year. Most of them want a day out in the attractive countryside. Some people maintain a spiritual connection, often choosing quite times to engage with the Horse 'in the moment', in whatever ways that are meaningful to them. Others express their connections through art, music and writing.

Herein lies a dilemma. Legal protection means a place becomes part of an institutional

bureaucracy, a 'site' that appears on a map and requires a management plan. The more it is publicized, the more it attracts visitors and the more its 'sacredness' is compromised. Without protection, it is at risk from development or exploitation. The White Horse is 'protected', but other places in the Wessex Chalklands of lesser historical significance are being overrun by extensive, poorly planned, urban development. This is the equivalent of the disruption to traditional ways of living and working caused by mining in the Arctic. People everywhere living within the tradition of the landscape face similar problems, it is only the detail that differs.

'Sacredness' is something intangible, without a physical presence, that connects an individual or a group to a particular place. It might be generalised as a fluid accommodation between the intrinsic and extrinsic qualities of place and the beliefs and values of the people who engage with it. But generalisations translate into tangible frameworks that are abstracted from lived experience. In law they require specification and become rule-based. One can see how the framework proposed by Bunikowski and myself might have some utility in combining statutory and customary elements in regulating tangible matters concerning hunting, fishing and reindeer herding in the Arctic, and equivalent matters elsewhere. However, there is more to the sacred and intangible; it is not a fixed entity and it sits uncomfortably in a world of classification, specification and order.

The sacredness of any one place is unique to that place, but everywhere there is the challenge of ensuring that *the agency of the sacred is integral to creating conditions conducive to maintaining the possibility of sacredness*. We can learn from each other's experiences. Cross-cultural discourse and sharing offer starting points: exploring processes of continuity and change; finding an appropriate 'voice' to approach sacredness; understanding what can and cannot be 'protected' and the implications of any actions taken.

References

Miles, D. 2019. *The Land of the White Horse*. London: Thames & Hudson.

Endnotes

[1] Bunikowski, D. & Dillon, P. 2017. Arguments from cultural ecology and legal pluralism

for recognising indigenous customary law in the Arctic, pp.37-64 in L. Heinamäki, & T. Herrmann & (Eds) *Experiencing and Protecting Sacred Natural Sites of Sámi and other Indigenous Peoples*, Dordrecht, The Netherlands: Springer.