

On the 800th Anniversary of the Charter of the Forest

A Keynote Address
State Rooms, House of Commons
7 November 2017

Two winds have propelled me here to you, to this House of Commons.

One wind, a hurricane and diabalo, brought flood and fire threatening the destruction of petrochemical civilization, call it capitalism. Homelessness or prison accompany the wind from, Detroit, Michigan, to Houston, Texas, from Puerto Rico in the Caribbean to northern California at the Pacific edge.

A second gentler, softer wind, a zephyr, has renewed my spirit from the Lacandón jungle in Chiapas where the Zapatistas have vowed to protect the forest and reclaim the land, or from the Great Plains of the American continent where pipe lines of oil and gas endanger the pollution of land and the rivers. Encampments of indigenous people and their allies by prayer and by protest have become, in their words, "water protectors."

Then, day before yesterday on Guy Fawkes Day, with some merry companions of the indigenous people of these islands, I visited Sherwood Forest and Laxton parish in Nottinghamshire.

An old oak tree in Sherwood Forest gave Robin Hood a safe house. He told Little John that he and his merry companions (here I quote the 14th century *Geste of Robin Hood*) shall not rob the "husbonde that tylleth with his plough" or the "gode yeman that walketh by grene wode shawe."

Laxton with its common and open fields, you know, is the oldest surviving system of agriculture based on the commons, similar to the *ejido*, or commons, of Mexican villages. One of its commoners, Stuart Rose by name, took us 'round. By curious historical coincidence Laxton lent its name to the town of Lexington in Massachusetts where in 1775 the "[shot was fired that was heard around the world.](#)"

This was day before yesterday and since then revolutionary thoughts perforce have come to mind as I have journied at last to you here in this House. Actually, your House provided me, a stranger, with a kind of home, because it was in its public gallery that my mother and father visited regularly in the years

between 1947 and 1953 to listen to you. Through the blinding pea soup fogs and in the pinching system of food rationing they were nourished by crystal clear words, both soft and gentle – that zephyr again - of Aneurin Bevan on behalf of housing and health care for all. I was old enough to feel their passions and to identify with the protagonist of these words, the common people, because, as I was informed by my upper class school chums, as an American I, too, was “common.”

So, propelled by these winds of disaster and memories of defense I have become one of the scholarly vectors of a planetary discussion of the commons that began before 6 November 1217 when the Charter of the Forest was sealed and has continued ever since. We do that work again for commons of housing and health care for all as we commemorate the Charter of the Forest, the little companion to the bigger, Magna Carta.

“It will be noticed how the word ‘common’ and its derivatives ... appear and re-appear like a theme throughout the centuries,” wrote Edgell Rickword in *The Handbook of Freedom*, a book found in the kit of the boys going off to war in 1939. “It was for the once vast common lands that the peasants took up arms; it

was as the 'true commons' that they spoke of themselves when they assembled, and it was the aspiration of men not corrupted by petty proprietorship 'that all things should be common.'"

William Blake said that "the whole duty of man is art and all things common."

Percy Bysshe Shelley, just back from Ireland, wrote "the rights of man are liberty and an equal participation of the commonage of nature."

William Morris concluded a Fabian tract in 1903 saying "the rights of nature therefore and the wealth used for the production of further wealth, the plant and stock in short, should be communized."

To make a long story short I can summarize the history of the Charters as follows. The Magna Carta began as an armistice to end a civil war in 1215; in 1217 it was joined by the Forest Charter and together they became a kind of treaty when war had resumed; they developed a legislative appearance in 1225 at the time of the real Robin Hood, became the first statutes of English law by 1290; they mutated into something constitutional curtailing despotism by 1640; ten years later they formed part of the indictment for treason against King Charles Stuart;

they then went off-shore and enabled the American revolution of 1776 beginning with the battle of Lexington; they helped blow the horn of jubilee with the emancipation of American slaves in 1865; blowing back against empire in national liberation struggles led by Gandhi, Mandela, and Sun Yat-Sen; from them they returned boomerang-like to the anti-fascist north Atlantic in the Four Freedoms of FDR and the Atlantic Charter of 1941, becoming after that war part of the welfare state with its housing construction and national health; and so to us.

There is the long and short of its history but what of its text, its actual content? The sweetest thing about the Forest Charter is honey for the free man (chapter 13), and the most human thing is the abolition of the death penalty for forest offences (chapter 10). It is true that there are arcane words but these are quite understandable once we understand that this is not a neo-liberal document of private property and commodity exchange but one recognizing a commons mode of production and reproduction wherein subsistence belongs to a far more equitable gender regime.

To give us an idea of the power of this short document (it's only about one foot square) let me

read the first of its seventeen chapters and while you listen see whether you can derive the three principles which inform them all, namely, the principle of restoration or reparation (giving back), the principle of assembly or of gathering (talking truth), and the principle of the commons or commoning (cooperation). I quote:

In the first place, all the forests which Henry, our grandfather, afforested shall be visited by good and lawful men; and if he afforested any woodland other than that of his own demesne to the damage of him to whom the woodland belonged, let it be disafforested. And if he afforested his own proper woodland, let it remain forest, saving common of herbage and other things in the same forest to those who were accustomed to have them before.

It is to the principle of the commons that I wish to elaborate, particularly at this time to this House. The words of governance and assembly – swanimote, verderers, regards, agistors – need not detain us,

nor need we delve further into the meanings of assarts, agistments, and purpretures apart from saying they have to do with the local details of grubbing up trees, grazing livestock, and putting up buildings.

What concerns us is meat and drink, house and health, and simple warmth. We are led to them by the terms herbage, pannage, chiminage, estovers, vert and venison or, in another evocative translation, the "greenhue." The gift of the cow is milk and cheese, beef and yogurt; the gift of the pig is pork and bacon. From them both comes shoe leather. These gifts are made possible by herbage and pannage, customs of the common. Actually, estovers is a term from the bigger charter (chapter 7) and it permits the taking of wood. It lets us build our houses - pillar, post, and roof - and furnish our assemblies and homes with tables, stools, and chairs. You might gather wood for these purposes and for others too, especially for widows and, as I recently learned from Brackton, the 13th century English jurist, for prisoners who thus also might participate through their families with this common of estovers.

One can hardly over-emphasize their importance. Edward Coke interpreted them as "sustenance" covering heat and fuel. In French the word estovers

meant “necessities.” In addition to protein and carbohydrates from pannage and herbage, what is necessary to human survival is good health overall. And this too might be obtained in the forest – one thinks of Shakespeare’s Forest of Arden or Thoreau’s walk in the woods or Gilgamesh who five thousand years ago was re-invigorated by his forest walk. Chiminage (chapter 14) permitted going along on forest paths as long as it was not for commercial purposes, or if it was transportation for sale only those carrying wood, bark, or charcoal on their backs were exempt from tolls.

Then the greenhue of the forest provided a vast pharmacopeia, a place of simples, herbs, and salads, as it still does.

I have posited some principles that underlie the Charter of the Forest. Restoration or reparation is the first. The second is the principle of assembly or collectivity. I have brought to you, to this assembly in this House, attention to a third principle, the commons. I then explicated the arcane terms which describe the power of the commons to food and drink, house and health, by means of pannage, herbage, and estovers. That has been the text, now for the context.

The context requires us to remember that at that time in history there was no Hollywood to paint a happy picture or President Trump to tax and enclose us, but church and king instead. Those two sides of the ruling class battled the commons for land and soul.

The king was a child, so he did not seal the charter. Instead Guala Bicchieri, the papal legate, fixed his seal on the vellum parchment. Hence, the Charter of the Forest is a document of European history. Moreover, it is a document of European class struggle, for it was this same Guala Bicchieri who a few years earlier had helped to organize the repression of French heretics which included the woeful massacre of the Cathars of Provence and the Languedoc. These so-called heretics were commoners, vegetarians, feminists, anti-materialists, and – what angered the Christian Crusaders the most – refusers of war. The common people of the time were, as Robin Hood described them, precariously split between the sedentary ploughmen or peasant and the nomadic forester or refugee.

They, like the just commons of England, had the bottle to do battle upon the powers that be. Would that we might hear the twang of Robin's bow and do

the same in order to achieve, to quote the Charter once more, "the salvation of our soul, and the souls of our ancestors and our successors."

Commoners all!