

Carolyn Harris



The historian and author talks about the Charter of the Forest, a 798-year-old document now touring Canada

According to author and historian Carolyn Harris, some say the Charter of the Forest needs a revival.

INTERVIEW BY LEAH GERBER

Copies made in 1300 of the Magna Carta, a document that helped shape democracy when it was created 800 years ago, and the Charter of the Forest, which in 1217 established common ownership and stewardship of public land, are now on the four-city Magna Carta Canada 2015 tour (magnacartacanada.ca). Carolyn Harris, whose recent book *Magna Carta and Its Gifts to Canada: Democracy, Law, and Human Rights*, explains why the less well-known Charter of the Forest matters.

On the purpose of the charter

The Magna Carta had alluded to the “evil customs relating to forests” that would be abolished. The Charter of the Forest laid out exactly what these customs were — for instance, you could lose life or limb or be mutilated if you were a commoner who hunted large game in the forest — and how they would be addressed, and drew up a new relationship between the people and the use of forest resources.

On what the charter changed

There was a convention that hunting game such as deer was the prerogative of the Crown. The charter didn't get rid of this — the monarch's exclusive right to large game wasn't abolished until 1971 — but it did ameliorate the punishments for poaching, which were extremely disproportionate. It also moved decision-making to a community level and emphasized consensus among neighbours rather than the arbitrary, top-down approach. For example, the charter states that members of communities may dig ditches or make hedges or remove trees provided they do not harm their neighbours. You can still see echoes of that approach today in the idea of public access to Crown land, the idea that we're all supposed to benefit from it and that the community should be involved in deciding what happens to natural resources. In England, there are still forest courts that make and amend bylaws according to the precedents set by the charter.

On whether the charter has been neglected

A number of environmentalists and thinkers today have raised the idea that the concept of resource development not harming a neighbour has been forgotten. They say that just as the Magna Carta had a revival in the 17th century with the circumstances leading up to the English Civil War, the Charter of the Forest today needs to have a revival with the issues involving ecology and environmentalism.

On the charter's most compelling section

For me, it's the final clause, which begins, “These liberties concerning the forests we have granted to everybody.” At a time when English society was governed by a strict social hierarchy, it's striking that the charter was envisioned as a series of reforms that would improve the lives of people from all social backgrounds.



Take our Magna Carta and Charter of the Forest quiz at mag.cangeo.ca/ja15/charter.