REVIEW ESSAY

Liberties and Commons for All

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Peter Linebaugh, *The Magna Carta Manifesto, Berkeley: The University of California Press, 2008.*

Read this and weep:

> In the future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.
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> No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

Almost 800 years ago somebody wrote those words down and King John of England signed off on them.

Today is the "future" mentioned above, a disgraceful future in which the self-proclaimed great democracy of the United States flouts every principle asserted in the 38th and 39th chapters of the Magna Carta, noted above. Bush/Cheney provide a perfect negative of what the Great Charter was striving for, and this immediately raises the question of why it should be that so promising a start should have gone so far astray—and moreover, under the name of a modernity that proves not only to have been no protection against the loss of freedom but that may even contain the seeds of that loss?

Peter Linebaugh gives insight in his splendid history of liberty in light of Magna Carta, an insight drawn from the Charter itself and woven through centuries of struggle. But to understand this properly, a brief excursion into the misery of late-capitalist democracy will be useful.

The current interest in Magna Carta is driven principally by fear—fear that the democratic tradition is collapsing, fear that a new Dark Age of authoritarian states is upon us, fear that we are, like ancient Rome, sinking from the level of Republic to that of Empire. It was touching to feel the relief when the U.S. Supreme Court recently affirmed the right of *Habeas corpus* (specifically derived from the passage quoted above) for prisoners in Guantánamo. But it was also ominous that just one vote stood in the way of the formal elimination of a principle that had been assumed to be rock-like. Indeed, elimination of *Habeas corpus* will be a near-certainty should John McCain be the next president of the United States. The fact that McCain believes that the Guantánamo decision is one of the worst in the whole history of the United States is dismal but not surprising. The fact that he could say something so outrageous with breezy confidence, however, is very scary, because it reveals a sizable constituency for the sacrifice of essential freedoms on the altar of a state power which has grown into a monster of Biblical proportions, a kind of Moloch. Bloody repression accompanied by disregard for Constitutional safeguards has gone on throughout the history of the United States , and it is ignorant and sentimental to pretend otherwise. But there is now a kind of *structural* character to state measures against civil liberties that goes far beyond the essentially episodic outbursts of the past. The attack on *Habeas*, recall, is only one manifestation of the assault on civil liberty. Left untouched by the Supreme Court's decision are the state's assertions of the right to torture, to wiretap and surveil, to "extraordinarily render," to flout Congress with "signing statements." Most significantly, the ability of the Executive to get away with these affronts to basic freedoms is secured through passivity on the part of Congress, indeed, its frank complicity, across party lines, with executive power—consider only the refusal to impeach Bush, by far the most impeachable president in United States history.

The sources of the fear omnipresent within the so-called advanced societies of modernity cannot be reduced to simple external dangers, if only because these very real dangers are themselves the fruits of society, including the danger posed by people like George W. Bush, numerous prototypes of whom I saw in my student days at Yale. The ecological crisis, which sows anxiety everywhere, is another expression of this principle, as is of course the entire era of nuclear weapons, now well into its second half-century. Beneath these directly life-threatening conjunctures and contributing to them, the "everyday terror" of capitalism grinds on, indispensable for the society of accumulation. As no self-respecting human being (that is to say, one secure in her- or himself) would tolerate exploitation, mass anxiety becomes an iron necessity for the integration of the working classes into the circuits of capital. There are many mediations for this basic principle. Indebtedness keeps people in line, as does the dread of losing health insurance—or at other, connected levels, the technology of surveillance that brings Big Brother into the shopping mall, or the barbarism of mass culture.

Capital, therefore, is not just organized crime, but organized terror as well. Plagued by debt and the workings of an accumulation machine utterly indifferent to authentic human needs, the masses experience life as crippling helplessness and dependence. Consequently, a plenum of fear arises suitable for attachment to signifiers provided by ideologues. From the tropes of jingoism, chauvinism and racism to the manipulated fears of terrorists and "illegal aliens," advanced society trolls a sea of low-grade paranoia that episodically bursts into panic. Under such circumstances the surrender of freedoms to authoritarian and unscrupulous politicians becomes easier to understand. Now, however, it is these conditions themselves that need elucidation—and here Peter Linebaugh steps in.

There can be no singular answer as to how so complicated a mess arose. But the fact that Magna Carta was, so to speak, a statement about the foundation of the democratic movement of Western society gives Linebaugh a remarkable vantage point to see possibilities and kinds of struggle that will reverberate across time and space. Peter is very much in the camp of visionaries, and it is his capacity to see the deeper structures of historical struggle that allows us to see the true meaning of Magna Carta, and through that lens, both the hopes and the bedevilment of the society which is to follow.

Linebaugh calls his book a *manifesto*, and what it manifests, or reveals, is what Linebaugh has been exploring since he met Edward Thompson as a graduate student and, at the invitation of the great British historian, moved back to England to begin his studies of "history from below." Linebaugh inhabits the sparsely occupied outpost reserved for those historians who seek a truth that is true in proportion to the quotient of justice and dignity it confers upon those upon whose backs *soi-disant* civilization has risen. Thus he quotes Brecht's great poem:

> Who built the seven towers of Thebes?
> The books are filled with the names of kings.
> Was it kings who hauled the craggy blocks of stone?
> And Babylon, so many times destroyed,
> Who built the city up each time? In which of Lima's houses,
> The city glimmering with gold, lived those who built it?
> In the evening when the Chinese Wall was finished
> Where did the masons go? Imperial Rome
> Is full of arcs of triumph. Who reared them up? Over whom

Did the Caesars triumph? [p. 204]

In 2002, Linebaugh moved from Northern Ohio to the Hudson River Valley to take up a position at Bard College. We shall pass over the details of this unfortunate liaison except to say that they do not flatter that institution. But Bard was once a training ground for Anglican priests; and the ambience set Linebaugh thinking that perhaps he could make use of the tradition of the "freeborn Englishman" as a way of countering the rising tide of jingoism that was sweeping the nation into the ghastly invasion of Iraq. Linebaugh decided to take a fresh look at the Levellers, those stalwarts of 17th century British radicalism. This led him to their Large Petition (40,000 signatures), which was submitted to the monarch in 1648 and called for "popular sovereignty, reparations, juries, religious toleration, and the opening of enclosures." This document in turn led Linebaugh to ponder its famous antecedent, the first of those signposts by means of which subalterns wrested concessions from authority and set the terms of Western democracy.

Here Linebaugh discovered something that he and the great majority of historians had either overlooked or failed to appreciate: the Magna Carta is actually an amalgam of two documents which were put together between 1215, when the Barons confronted King John, and 1225, when its final form was set down. How this happened is intricate and need not be examined here. What mattered for Linebaugh—and should matter for us—was the relationship between the original 1215, draft and its appendix, the *Great Charter of the Forest*, which was elaborated in 1217 and subsequently became incorporated into the main document. The Charter of the Forest expands upon a notion that first appeared in 1215, namely, the need of defending the commons from enclosure. As a result, the final version, from 1225, gives a great deal more gravitas to the commons than would be suggested by the original document.

This provided the spark for *The Magna Carta Manifesto* and is the source of its striking originality and significance. The focus on the forest and the commons was like turning the conventional reading of Magna Carta on its head, or better, side: what is customarily taken to be a purely political doctrine is seen now equivalently as a defense of personal liberty as well as *ecological integrity*. This emphasis was no mere add-on; rather, it was an affirmation of an organic linkage between the politics of individual liberty and those of our relationship to nature. For "the commons is an activity, and if anything, it expresses relationships in society that are inseparable from relations to nature." [p. 279.]

History from below means the history of the *commoners*; it is the defense of the personal freedom and power of the common folk, the folk who live from commons—or try to build it anew, as in the Paris *Commune*. In these cases the key is dissolution of class lines through dissolution of the notion of private property. If this sounds like *commun*ism, that is because it is. Indeed, the communist idea was set going in the brain of the young Karl Marx when he encountered the peasants of the Moselle Valley whose efforts to gather wood from the forest commons were being criminalized. Linebaugh writes that this:

> Led [Marx] directly to the critique of political economy. The "science" of political economy provided a specious universal built upon the axioms that commodity exchange and private property were natural laws and humankind's summum bonum. [p. 145.]

The question of whether the authentic roots of communism lie in overcoming the industrial exploitation of proletarian labor or the valorization of the commons is not to be resolved here. However it can be said—and Linebaugh's work supports the hypothesis—that the enclosure of the commons, carried out in innumerable settings over the centuries and still going on as we speak, is the ur-event in the construction of the modern order, accompanied by shutting down the ways of cultural and material appropriation suitable to commoners and replacing them with alienating ways of thinking such as political economy, which rationalizes the capitalist class system and its alienation of nature. For ideologies and theories can also be enclosures.

Moreover, restoration of the commons is the central process in all those political actions that deserve the title of "radical," simply because the commons refers to the root of our being. It subtends the original, pre-state and pre-class mode of production and the social relations grounded in this. The Forest, Linebaugh reminds us frequently, is not just a location in nature. It was at this historical moment the principal metabolic junction between humanity and nature, both as the place where the substances transformed by labor occur, and as the principle source for the energy upon which society depended for its life process. Before the oil-based economy there was the coal-based economy; and before the coal-based economy was the wood-based economy. The Law of the Forest, then, was as central to medieval society as control over petroleum is to ours.

One of the pleasures of Linebaugh's text is its dalliance with the rich language of the medieval Commons: viz. *disafforest*, which means removing the woods from royal jurisdiction, and is a reminder of how seriously protection of the commons was deemed in those days. "If noticed at all as part of Magna Carta," writes Linebaugh, "chapters 47 and 48 are often discarded as feudal relics, English peculiarities, or irrelevancies of the heritage industry. Yet if we see woodlands as a hydrocarbon energy reserve, we may be willing to give the subject more than a condescending dismissal." . . . and then he adds: "We need to adopt a 'subsistence perspective.'" [p. 31.] This is, as many readers already know, and the rest are reminded in a footnote, not just a point of view; it is also a work with that title, by Maria Mies and Veronika Bennholdt-Thomsen, a work highly controversial, not just because it valorizes subsistence—that is, unpaid labor under the aegis of the commons—but does so as a central statement of *ecofeminist* discourse, because the labor so valorized is primarily that of women. A subsistence perspective, then, is the valorization of women's life and work outside of the confines of the bourgeois world, and necessarily, therefore, in the context of the commons. As Linebaugh writes, "[w]herever the subject is studied, a direct relationship is found between women and the commons. The feminization of poverty in our own day has become widespread precisely as the world's commons have been enclosed." [p. 40.] It follows that the Magna Carta is replete with the provisioning for and protecting of women. It is especially sensitive and generous where widows are concerned (especially in its Chapter 7), by facilitating her inheritance, protecting her from being forced to remarry, and insisting that she have "her reasonable estover [another splendid word of the time, chiefly, wood, chiefly wind-falls, to be taken from the lord's forest for a variety of needs] in the common." Linebaugh sees in this latter the prefiguration of an attitude that took 700 years to be realized in social democracy, in the form of Social Security, now threatened with privatization, i.e., enclosure.

Linebaugh's introduction of the subsistence perspective is low-key but far-reaching and deeply considered. For one thing, it represents a considered move beyond the more traditional, and de-gendered, Marxism of Thompson and the other radical historians of Britain, such as Christopher Hill. The shift was the direct result of Peter's exposure to Marxist feminists such as Mies and Silvia Federici, whose work unearths the gendered basis of proletarianization, and its fertilization is evinced throughout the rich tapestry of *The Magna Carta Manifesto*, the axial organization of which tracks the varied configurations of how Magna Carta has been interwoven with tyranny and the resistance against tyranny down through the years and across the globe. Throughout we find the central ecofeminist insight, often indirectly implied, at times brilliantly stated: "[t]he devaluation of woman's work and the degradation of her body relate directly to the enclosure of open fields, the loss of commons, and the depopulation of villages" [p. 64].

There is a larger theoretical, and hence practical, logic embedded in Linebaugh's linkage of the political and ecological aspect of Magna Carta—as in the work's subtitle, "Liberties and Commons for

All"—and in the further development of the latter term in an ecofeminist direction. He is not just drawing attention to the empirical conjunction of some elements pertaining to civil liberties with others to "commoning" and ecofeminism in the same charter. He is stating that these elements will not stand unless they are joined in a larger entity—and therefore, that the lack of integration between the two moments is what has cast so long a shadow over Western society and its fragmentary, incomplete democracy.

The Magna Carta protected all sorts of people, not just widows and free peasants. The immediate context for its passage included the need to create class unity to support the Crusades; war with France provided a similar motive. The nascent bourgeoisie is also protected in numerous ways, including the rights of merchants when overseas. Absent the protection of the commons—and the gender relations it subtends—there is nothing to prevent the enclosures that would provide the basis for private property, capitalism, the ecological crisis, and the warrior state, with its built-in antipathy toward civil liberty and its indifference toward, indeed, domination of, nature. Without, therefore, the sustenance of the commons, the purely political protections will shield those who would destroy the commons—and eventually, with their triumph, corrupt and devour the political realm itself.

Linebaugh details how, over the centuries, the Magna Carta became increasingly under the domination of, and hence interpreted by, the bourgeoisie. It has been therefore no more protected from being abused than the 14th Amendment, no more capable of stopping the march of tyranny than is the Democratic Party in the U.S. today. We would add here, that the failure to defend the commons is not just the opening to capital's invasion. It is also the precondition for the suffusion of modern society by the great fear indicated above. There is an explanation for the fear and weakness suffusing so-called advanced society: it is nothing more and nothing less than the infestation of a numberless set of social relations whose common feature is the absence of commonality, along with the substitution of ways of isolation, loneliness and fragmentation of the self. This is the end-stage of capitalism and the end-stage of its democracy.

There is no need for Magna Carta nostalgia: the medieval commune could not withstand the pressures of enclosure absent a deeper and more militant capacity to defend, indeed expand, the commons. And today, the need for that militancy, which is to say, the necessity to heed Peter Linebaugh's manifesto, is greater than ever before.