Iceland’s Crowd-sourced constitution: hope for disillusioned voters everywhere

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What can the anarchism of Occupy tell us about constitutions?

Ruth Kinna, Alex Prichard and Thomas Swann

With the prospect of a new governing coalition being formed in Iceland, hopes are being raised that the crowd-sourced constitution will finally make it through parliament. In 2012 this constitution, the result of four months of active consultation and methodologies based around participation and consensus, was approved by a two-thirds majority in a national referendum only to be rejected by the newly-elected centre-right government the following year.

The constitution's backers have since directed their efforts to securing parliamentary ratification. Anticipating the horse-trading that usually accompanies the formation of proportionally-elected coalition governments, members of the Constitutional Society are heartened to see that there is strong support to get the draft constitution passed. The Pirate Party has made getting the constitution through parliament a core part of its policy platform, and a pre-election agreement between five parties to get the constitution through parliament in two years suggests that this is likely.

The new constitution includes clauses on environmental protection, puts international human rights law and the rights of refugees and migrants front and centre, and proposes redistributing the fruits of Iceland’s natural resources – notably fishing. As important as these measures are, the participatory nature of its writing really sets it apart from other similar documents. As Eileen Jerrett’s film Blueberry Soup, which was screened in Scotland before this year’s Holyrood election, makes clear, the post-economic crash soul-searching and the drafting of the new constitution offered a chance to reassess what Icelandic society stands for. This existential reimagining is the heart of the constitution and cannot be underestimated.

The Icelandic experience should inspire participatory and radically democratic attempts at defining both the political foundations of communities and the rules that govern them. Nevertheless, the shift from support on the streets to the deals made between political parties trying to form a coalition not only risks watering down the protections embedded in the constitution. Taking the constitution from the field of mass participation to that of political trade-offs jeopardises the radical edge of the constitution: the continued active involvement of the population of Iceland in its constitutional rules.

Our research on the anarchism at the heart of the Occupy movement suggests that for radical politics, legitimacy comes not simply through single-shot participation, be that in the form of elections for parliaments or drafting a new constitution, but through a continued involvement in ‘constitutionalising’, in the processes of rule-making and defining the identity or ethos of a particular community.

In mainstream liberal politics, constitutions bring social order through the agreement of a single set of principles and associated rules. Once these are decided on, they
are often fixed (think of the way the US Constitution is used as an unquestionable governing rule-book and how hard it is to pass amendments). Popular change is often virtually impossible. Elites can sometimes overrule or ignore constitutional provisions. This permanence is represented as a robust protection of the rights of the individual. The cost is that flexibility in the face of social and political change and entrenched inequality is denied.

For anarchists, in contrast, ‘constitutionalising’ is not about finding one way to manage all social orders but of finding ways of expressing change through durable and rule-governed processes. This does not stop after a certain point but continues as a fundamental part of social and political activity. The commitment to non-domination, in the hands of the anarchists, demands checks and balances through vigilance and responsibility, an active participation in systems of governance. Rather than relying on institutions like parliaments and courts to which we hand over our collective responsibility, protections are achieved through changing constellations of rules we all consent to and have a hand in designing, challenging business as usual through direct action. This is democracy at its most participatory and radical.

In the Occupy camps that sprang up around the world at the end of 2011, this continual participation and constitutionalising was realised through open decision-making forums called General Assemblies and the consensus procedures and agreed-upon rules that facilitated collective decision making.

The participatory nature of the drafting of Iceland’s crowd-sourced constitution is protected and made constitutionally permanent in the provision it contains for citizen-lead initiatives to propose and alter legislation. This citizen-led policy initiative is something the Pirate Party is also committed to. The great promise of this next phase in Iceland’s politics is not simply a social democratic consensus around financial and industrial regulation and human rights. It lies too in redressing the balance of power between citizens and government and in extending participatory involvement far beyond the writing of the constitution. In this way, the Icelandic experience suggests ways in which participation is seen as central to the constitutionalising activities that run through society and that are not limited to moments of democracy that are few and far between.

It is here too that we find the importance of the Icelandic experience for the UK, as well as Europe, or anywhere where people feel disconnected form the institutions of government. What does it mean to ‘take back control’ as the popular Brexit refrain went? Control from whom? And where? What Iceland and the Occupy movement show us is that the question of who governs is not simply a matter of national sovereignty vs supranational institutions. It runs far, far deeper than this. Our cities have little or no political autonomy, the interests of different regions are not adequately represented, workers and minorities find it hard to make their voices heard. What Iceland points to might actually be far more radical than simply beefing up the individual’s power to shape policy in a national context, though this is a huge
first step. Pushing this a bit further, what if we constitutionalised our cities and regions, workplaces and social organisations, making the attempt to clearly define what we stand for, by showing, through constitutionalising, that we stand against our dislocation from the structures of power that shape our life chances? Iceland has shown Europe that it is possible to ask nearly half a million people how they want to be governed and get a sensible answer. ‘Taking back control’ might be given a radical new meaning if it was to learn not just from Iceland but also from Occupy and the anarchists.

Undoubtedly, this is a departure from how anarchist politics is usually practiced and understood, and we are not suggesting for a minute that the beginning and end of anarchism lies in participatory approaches to drafting constitutions. Instead, we want to argue that if democracy, participation and non-domination are central to radical and even mainstream politics, then how anarchists keep these alive through constitutionalising processes certainly has something to offer non-anarchists.

Author bios

Ruth Kinna is Professor of Political Theory at Loughborough University.

Alex Prichard is Senior Lecturer in International Politics at the University of Exeter. @quickafix

Thomas Swann is Research Associate at Loughborough University. @thomasswann1

Together, they are working on the Economic and Social Research Council-funded project ‘Anarchy as a constitutional principle: constitutionalising in anarchist politics’. The project uses participatory, co-production research methods and works with anarchist and radical groups to examine the nature of constitutionalising processes. The website of the project is www.anarchyrules.info