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Occupy the Social Contract! Participatory Democracy and Iceland's Crowd-Sourced Constitution

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Abstract

Recent responses to the global economic crash of 2008, such as Occupy Wall Street and other political encampments, have raised important questions about the constitution of the “we” and the relationship between democracy and change in the context of contemporary capitalism. To address these important new political developments, this article argues for “participatory contract building” as a new direction in critical contract theory and practice. It analyzes the recent “contract” building efforts, for example, the Icelandic crowd-sourced constitution, and argues that this contract is a meaningful contribution to the development of a new political theory and practice.

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Notes

¹ Myles Horton with Judith and Herbert Kohl, *The Long Haul* (New York: The Teachers' College Press, 2007), p. 134.

The authors would like to thank Laura Black, Judith Grant, and Andrew Ross for helping us to think through the issues raised in this piece.

² Ibid.

³ Carole Pateman, *The Sexual Contract* (Cambridge, UK: Polity, 1988); see also Charles Mills, *The Racial Contract* (Ithaca, NY: Cornell, 1997); Christine Keating, *Decolonizing Democracy: Transforming the Social Contract in India* (University Park, PA: Penn State Press, 2011).

⁴ Jodi Dean, *Communicative Capitalism and Other Neoliberal Fantasies* (Durham, NC: Duke University Press, 2009); Jodi Dean, *The Communist Horizon* (London, UK: Verso, 2012).

⁵ See Carole Pateman, *Participation and Democratic Theory* (Cambridge, UK: Cambridge University Press, 1970); see also C.B. Macpherson, *The Life and Times of Liberal Democracy* (London, UK: Oxford University Press, 1977); Joshua Cohen and Joel Rogers, *On Democracy* (Middlesex, UK: Penguin, 1983); Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley, CA: University of California Press, 1984); and Christine Keating, "Developmental Democracy and Its Inclusions: Globalization and the Transformation of Participation," *Signs: Journal of Women in Culture and Society* 29:2 (2004), pp. 417–437.

⁶ Boaventura de Sousa Santos, *Democratizing Democracy: Beyond the Liberal Democratic Canon* (London, UK: Verso, 2006), p. xxvi.

⁷ Andre..., p. xiii. See also Bill..., London, UK: Zed P..., f..., it is important..., participation engende..., from those critiques..., know better, that managers of development organizations and projects need freedom to act quickly

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to achieve results, and that people are more interested in short-term substantive livelihood improvement than participation” (Harry Taylor, “Insights into Participation from Critical Management and Labour Processes Perspectives,” in Bill Cooke and Uma Kothari (eds), *Participation: The New Tyranny?* (London, UK: Zed Books, 2001), p. 138). It is not the value of participation itself but rather the terms and conditions of such participation that are at issue in progressive appraisals of contemporary development approaches.

⁸ Carole Pateman, “Participatory Democracy Revisited,” *Perspectives on Politics* 10:1 (2012), p. 10.

⁹ Pateman, *The Sexual Contract*; see also Mills, *The Racial Contract*; and Keating, *Decolonizing Democracy*.

¹⁰ Carole Pateman, “Contract and Social Change: A Dialogue Between Carole Pateman and Charles Mills,” in Carole Pateman and Charles Mills, *Contract and Domination* (London, UK: Polity, 2007), p. 15.

¹¹ Pateman, *The Sexual Contract*; see also Mills, *The Racial Contract*.

¹² Keith Whittington, *Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial Review* (Lawrence, KS: University Press of Kansas, 1999).

¹³ Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge, UK: Cambridge University Press, 2002), p. 210. See also Ayelet Shachar, “The Thin Line between Imposition and Consent: A Critique of Birthright Membership Regimes and Their Implications,” in Martha Minnow (ed.), *Breaking the Cycles of Hatred: Memory, Law and Repair* (Princeton, NJ: Princeton University Press, 2002), pp. 200–235.

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¹⁹ Sylvia Swiden, “The Pots and Pans Revolution in Iceland and its Aftermath,” 2012, < <http://jhaines6.wordpress.com/2012/05/27/the-pots-and-pans-revolution-in-iceland>>.

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²³ David Teather, “Iceland Will Vote Against Repaying UK and Netherlands in Referendum, Polls Suggest,” The Guardian, January 6, 2010; see also “Icelandic Voters Reject Icesave Debt Repayment Plan,” The Guardian, April 10, 2011.

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²⁵ Sarah Lyall, “Significant Victory for Iceland,” New York Times, March 22, 2013.

²⁷ Ibid.

²⁶ Gudjon Mar Gudjonsson, “How to Organize an Authentic and Genuine Forum,” 2012, < <http://agora.is>>.

²⁸ Stjornlagarad, 2011, < <http://stjornlagarad.is/starfid/frumvarp/>>.

²⁹ Ibid.

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³¹ Ibid.

³² Richard A. Posner, “The Demerits of Democracy,” 2012, < <http://www.fox.com>>.

³³ SX, “The m... coming from the oust...”, 2012, < <http://www.fox.com>>.



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- ³⁶ Dean, The Communist Horizon, p. 229.
- ³⁷ Ibid., 58, 65.
- ³⁸ Miguel Marques, Pots, Pans, and Other Solutions, 2012, 59:40, Documentary, < <http://www.youtube.com/watch?v=JGwMIlpgR2A>>.
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- ⁴³ Sarah Lyall, "Iceland Ousts Government That Steered It Out of Crisis," New York Times, April 28, 2013.
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