

## CITIZEN ARTIST

### Assembling an Assembly: What Occupy can learn from Medieval Iceland's Althing.

It is not obvious that one needs a sovereign for a society to organise itself or to address its concerns and much of what the Occupation movement has drawn attention to is the possibility for people to assemble, discuss, vote on and implement actions that have local and national significance in the absence of a leader. The lesson learned is also that political participation and determination does not rely upon, nor are they exclusively embodied in a Nation State. Occupy presents, at least in theory, an incipient form of alternative government.

Potentially useful to activists is the example of the Icelandic Althing, an annual public gathering conducted in the open air at Pingvellir (meaning 'assembly fields') situated approx. 45 miles east of Reykjavick. In its early phase, the assembly

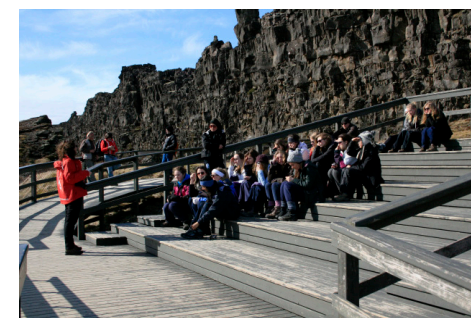
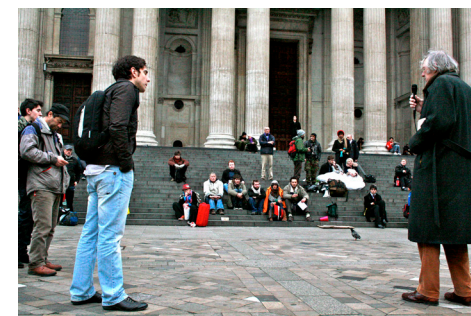
was the formal manifestation of government of a decentralized free state (930- 1260). The Althing was proto-democratic and egalitarian in nature with republican tendencies and consisted only of a legislature and a judiciary. There was no sovereign, no state bureaucracy, no police, no army. Instead, the Althing was in practice an event for discussing matters of concern, settling disputes, formulating laws and implementing standing courts (1).

The Althing was also representation-al. I will outline the details of this more fully below but for now I'd like to point out that the Occupation movement is also representative and although great efforts are (rightly) made to refute contemporary representational government, and a form of direct democracy is practiced within the movement, this does not elide the fact that something like '1%' of Activists represent 99% of the people. The strategy of representation itself is not an 'evil' and in many ways is implicit to politics: individuals represent their interests publicly, members of a collective represent the group's interests and so on. Currently, Liberal democracies have in place a representational system that is dysfunctional in part due to the imbalance between elected members and the population. A local Minister of Parliament or a Counsellor is significantly outnumbered and out of touch with whom they represent (other than their immediate followers and party mem-

bers) and this exacerbates the disconnection between people and Parliament, as does the paternalistic culture of Parliamentary governance, its hierarchies of statuses, its managerialism and the aggressive pursuance of neo-Liberal policies that disenfranchise citizens.

However, the concept of representation need not be seen as an obstacle to developing a legislature and judiciary within grass roots activist assemblies. Hence, the example of the Althing. There are a few parallels which may prove fruitful for ramping-up the leverage activists have over governments. What is missing within activist movements is the formalization of a legislative and judicial process that can replace the State while retaining the autonomy and plurality of its members' voices, support the dynamic of mutable organisational networks and focus on the issues that drive the politic, or what Bruno Latour calls 'matters of concern' (2). Activist networks need to gain real purchase over the State and the machinery of corporate capital in the void that has resulted from the State's systematic deregulation of the financial markets and its reneging on its democratic commitments and this requires establishing alternative avenues for justice.

To return to the example of the Althing: it allowed individuals to retain their autonomy while at the same



Top: Occupy Assembly, St. Pauls, London 2012.  
Bottom: Althing, Pingvellir, Iceland 2012.

time providing a voice for and a political system responsive to the needs of individuals within the society. I am not however suggesting that Medieval Iceland was an ideal state. In many ways it was not and I will attempt to draw out key points below for the purposes of highlighting its usefulness to activist organisations.

Within Iceland, assemblies were events held at the local level (called Varthing) as well as the national level (Althing). Both consisted of representatives (called 'Gothar') who were equal in status and unlike their counterparts in Europe, "they were neither war lords nor petty kings" (Byock, 2002, p3). What is significant is that the Gothar differed from their European contemporaries in that they acted as representatives of small groups of farmers rather than as overlords, formulating laws and communicating the farmers' concerns at the annual meeting of the Althing in Pingvellir. Selection of the Gothar was not via elections but was based primarily on kinship however, it was not tribal. Anyone<sup>(3)</sup> could change their allegiance to a Gothar and in theory at least (this hasn't been verified), could opt out. More significantly, the selection (or deselection) of a Gothar depended upon interdependent allegiances between the 'citizen' and Gothi (4) and it was open to both to break allegiance which was proclaimed publicly (i.e., officially published) at the Althing.



An assembly of song: members of the Mountain View High-school Madrigals from Southern California, USA, gathered around the Law Rock, Pingvellir, Iceland.

Modern western societies are clearly not open to the social and cultural homogeneity that was in place within Iceland. However, what is worth examining is how the system of selecting a local representative was effected: it was not through voting but through actual contact and negotiation with those whom one represented. More importantly, it was the system of assemblies that drew together, educated and informed those in the society. Legislation then emanated from the widespread practice of assembling. So too in activist circles: assembling through social media networks, regular meetings at encampments etc., to discuss problems and issues, share information and collaborate on organising events is the key characteristic in the Occupation

movement and fuels the solidarity of activists enabling them to punctuate the political calendar at both the local and national level.

Looking more carefully at how the annual Althing was structured, it combined two elements; 1) a forum for discussion that brought together local representatives who communicated the issues and problems of their network and formulated laws that emerged from those discussions at the Althing and 2) it was an event that facilitated the settling of disputes through standing courts. The law that developed was a set of guidelines that were valid in virtue of their having emerged from discussion within the community as a whole and by incorporating the lessons

learned from deliberating, analysing and judging cases. However, with regard to carrying out a judgement, the Althing had no power to execute and police its will: the law was not enforced. It was up to the individuals involved in a dispute to manage the resolution of their affairs following the deliberation of a court. This is in my view deeply significant for activist organisations not only because it allows for the epistemic dimension of justice to come to the fore (all involved come to understand and witness the law and its operations), it also places the power of the law and its responsibilities in the hands of individuals, actualizes equality between members and prevents the establishment of an 'authority'.

To say a bit more about the details of the political process: the meeting of the Althing was the place where the law council called the 'Logretta' reviewed and made laws annually. Local Gothar gathered to discuss emendations. They were allowed to have two advisors called Thingmen who could accompany them in meetings. The proceedings of the Althing were conducted by a Law-Speaker, a chairman, who was elected for a three year period of time. The position had no powers attached to it although it was prestigious. The Law-speaker's job was to proclaim the laws at the opening of the Althing, to manage the proceedings of the Assembly





Above: Protests in Iceland 2009, screen shot from Youtube. Middle: The square in front of the Althingi without protesters 3 years later. Bottom: The Icelandic Parliament: the Althingi, 2012.

and when called upon, to furnish information about any part of the law that was needed in deciding new legislation or settling disputes, or when difficult points arose, to consult five or more legal experts (Logmen).

Courts were conducted in the open air and in public. There were two levels of courts: local courts called the Varthing (or Things) and a regional courts called Quarter Courts which sat during the season of the Althing and represented the country divided into four (Western, Southern, Northern and Eastern quarters). If the dispute was too serious or not resolvable at local level then the case would be heard at the Quarter Court during the meeting of the Althing.

To ensure impartiality, a case would be heard in the Quarter Court of the defendants domicile. Panels of judges would be selected annually and were assigned by lot drawn from all parts of the country. They had the power to operate as a kind of jury, as knowledgeable witnesses, as investigators weighing evidence and to deliver a verdict. The nomination of judges was open to public scrutiny and contestation. Proposed judges could be disqualified on the basis of kinship and other factors where their impartiality was in question. The system not only involved large numbers of farmers' participation but also ensured against regionalism. Farmers were exposed to cases from across the country which in turn standard

ized the law and shaped Iceland as one legal community (Byock, 2003).

Individual autonomy was sustained while allowing for differences to be settled: "Farmers and chieftains met there to settle differences, to broker their power, and to advocate the positions of those individuals whose cases they were supporting." The Assembly pivoted on mediating disputes which in turn solidified a form of governance and legal procedures. "The courts offered a choice for breaking the cycle of violence...[A]n individual could turn to the formal legal system with its prescribed rules for summoning, pleading, announcing" etc. (Byock, 2003, p13) as a kind of pressure valve through which personal independence could be sustained at the same time as strengthening the law and governance.

What the example of the Althing offers is a model of a legislative and judicial system that is at least potentially a natural development of what activist organisations already have in place. To formulate a system of law that is responsive to the issues and concerns of those assembled, a willingness of those affected to invest time in deliberation and the determination to act could be formalized to directly call to account the State and Multinational Corporations. It is entirely plausible for activists to establish a judicial system independent of the Nation State – to form a State within a State and to challenge the

powers of the multi-nationals through a system akin to the Althing where those who benefit from the inequities of capitalist production are directly called to account by those who are disenfranchised by it.

Activist movements have already vividly demonstrated that the act of assembling is a puissant tool in critiquing defunct State Assemblies and that protests and encampments are effective symbols of the problems and issues that people face in their daily lives (5). There is a real opportunity for a legal and judicial system to be developed within activist assemblies and from the ground up within the encampments and social networks. The current plurality of activist voices is an ideal precondition and foundation for a new form of judiciary to evolve and to meet the genuine need for social problems that are consequent upon the rise of economic capital to be presented and heard as specific cases within the public space: issues such as wage slavery, discrimination, the exploitation of migrants, the corporatization of education, the stripping away of pensions and welfare, state securitisation, the loss of homes to the banks etc.. If justice is to be 'of the people and by the people' then let it be just that--independent of a degenerate Nation State and free to formally judge the criminality of neo-Liberal policies and rampant capitalism.

**D.Plessner, 2012.**

## Footnotes:

1) The annual gathering was also a kind of festival where people met their future spouses, bought and sold their wares etc. (Byock, 2002)

2) I rely on Bruno Latour's use of the phrase 'matters of concern' which he discusses in his article titled 'From Realpolitik to Dingpolitik'. He argues that within the Modern period, politics has focused on the 'form' of the politic and is preoccupied with systems of governance, rather than on politics conceptualised as an event. Conceiving of an assembly as a verb rather than a noun, Latour emphasizes the event of assembling and one that pivots on issues and differences. People come together not out of agreement but because of the differences and tensions that play out within a society. As he says, "We don't assemble because we agree, look alike, feel good, are socially compatible or wish to fuse together but because we are brought by divisive matters of concern to some neutral, isolated place in order to come to some sort of provisional (dis)agreement. If the Ding designates both those who assemble because they are concerned as well as what causes their concerns and divisions, it should become the centre of our attention." (p.13) It follows then that 'matters of concern' are, or at least should be, foundational to governance.

3) The use of the word 'anyone' is not exactly correct. One had to have the status of a 'Freeman' in Icelandic society to be eligible to participate in the legal and judicial system and to have one's interests represented. Free-men were required to own some form of property, to have "a fixed abode and to be responsible for their commitments and oaths" (Byock, 2002, p.11). However, this does not diminish the value of a representational form of governance or undermine the potential the model of the Althing holds for an alternative form of government. It requires that the notion of eligibility be extended to 'everyone' and for the sake of the comparison to the Occupy movement, membership could equally be defined by active involvement (made all the more poignant given its symbolism of dispossession and disenfranchisement).

4) Gothi: plural of Gothar. Byock (2002)

5) One notable quality of the Occupy movement is that it stakes a claim in the public space but not a claim on property per se. This opens up the possibility for a judicial system to be realised as an event (rather than as an 'institution') in the public space akin to that within the 'free state' of Medieval Iceland.

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A quote stating the right to insurrection from the 'Declaration of the Rights of Man and Citizen' in front of the Althingi, Iceland.