Conclusion

Anarchist Constitutionalising as Everyday Revolutions

Colonnata, a small hamlet to the east of Carrara in the Tuscan Apuan Alps, is famed for *lardo*, a pure white pig fat salumi. It also affords spectacular views of the marble cliffs that have been quarried in the region for over 500 years. Colonnata's third claim to fame is not readily discussed with tourists. But in the main square, Piazza Palestro, there is a plaque to commemorate the village's part in an anarchist insurrection during the winter of 1894. Like the rest of the public furniture in the area, it is made of black-blue veined marble, and it is engraved with the words 'Ai Compagni Anarchici Uccisi Sulla Strada Della Liberta', '*To the Anarchist Comrades Killed on the Road to Freedom*'.[1]

Predictably, when news of the insurrection broke, the anarchists were portrayed as rioters and outlaws. For good measure, *The New York Times* also described the 5,000 quarrymen who downed tools and supported them, as 'ex-convicts or fugitives from justice'.[2] Yet in doing so, it gave the lie to the idea that anarchism was the preserve of a few misfits and desperadoes. The only way to explain why the prime minister, Francesco Crispi, felt compelled to declare a state of siege and dispatch battalions of troops to quell the disturbances was to acknowledge that the anarchists' ideas resonated with the locals who supported them, fed them and hid them.

Indeed, the subtext of much of the alarmist commentary was that the rising was a constitutional moment, if not exactly a crisis, and moments like this, and innumerable others in innumerable places, *are constitutive of political community*. Even if the press agents could only detect 'anti-social tendencies' in the movement 'aiming at the dissolution of the Italian nation', they understood intuitively that the campaign was 'not a political one'.[3] Adopting

[1] See Søndergaard 2021; Ferretti 2023.
[2] *New York Times* 1894.
[3] *Freeman's Journal* 1894.

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Proudhon's language, anarchists would likely have described their revolution as social, mustering the collective power necessary to mount a challenge to the rapacious elitism of capital and the state that had pushed the miners to the brink. In any event, it was vehemently opposed to Crispi's brand of republican constitutionalism, and it probably came as no surprise that the former confidante of Garibaldi and Mazzini was prepared to use this episode to award himself plenipotentiary powers, setting an example that Mussolini would later copy.

In our opening allusion to Krouse's *The Anarchist Constitution*, we suggested that anarchism is usually imagined as anticonstitutionalism. But as Krouse argued, anarchism has much to offer constitutional thought. Indeed, it has played an integral role in the constitutional settlements of most modern states. Historic literary associations of constitutionalism with fusty officialdom, banal cruelty and complaisant assent to 'the way things are' help make this point.[4] And, as we have intimated, popular culture, literature and the visual arts remain effective incubators for anarchist thinking too. As Rocker suggested, statist perspectives never quite eclipse cultures of anarchy.[5] The spectre of disorder and incivility that clearly haunted the journalists in Carrara, and still excites twenty-first-century imaginations, is at best only half the story.

Our hope is that this comprehensive study of anarchist constitutional theory and practice exorcises the spectre, encourages the full turn to anarchism and motivates John and Jane Does everywhere to undertake a root and branch review of their inheritance. To this end, the book has produced a theory and practice of the anarchist constitution. The first half of the book discussed the key concepts, examining a neglected body of nineteenth-century thought to show how and where anarchism diverges from convention. The second explores the legacy of those concepts in the constitutional practices of three twenty first-century grassroots movements. Our intention is neither to test nor apply anarchist theory, nor to pass judgement on contemporary actors who simply did not have those concepts to hand. Our ambition was to work with fellow travellers, activists and academics to update our collective theoretical repertoire and signpost new, under-explored avenues for constitutionalising.

The narrative shows that nineteenth-century anarchists enriched their philosophical critique of constitutionalism with ideas gleaned from practice: the Paris Commune, participation in a plethora of nationalist, community and labour organisations and revolutionary federations, notably IWMA and its constituent Swiss and Italian federations.[6] We have similarly shown how

[4] Heady 2006, 317. In a discussion of public administration, Hood similarly follows cultural clues to find perspectives and hypotheses that conventional approaches 'downplay or leave out' (Hood 1995, 226).

[5] The way the Italian authorities dealt with anarchism is the subject of Dario Fo's *Accidental Death of an Anarchist* (1991 [1970]).

[6] On the enduring influence of the Paris Commune in anarchism, see Kinna 2025.

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the IWW, the Occupy movement and RR weave decentralised federation, leaderlessness and mutual aid into their constitutional politics. These are all aspects of the same case study.

The long view of anarchist constitutionalising inevitably highlights the continuities and discontinuities in anarchist constitutional politics, but also how anarchists worked with 'ordinary capability' and a commitment to a core value of anarchy and its synonyms, to build 'the new in the shell of the old'. Anarchist constitutionalising mimics republicanism insofar as it presents a critique of power and association and uses concepts of division and balance to correct arbitrary domination. They produced preambles and statements to define the demos, the 'we', dividing the collective and regularising social interactions through complex institutionalisation, rule-making and appropriate decision-making procedures. As the case of RR shows, the constitution is underpinned by and fosters a strong group culture capable of withstanding internal and external critique. It can also be replicated through experiments across uneven geographies of the global political economy.

The anarchists who followed Warren and Proudhon contrasted self-government and individual sovereignty with government and sovereignty. While the first pairing encouraged individuals to weigh constitutional agreements with independence of mind, the latter encouraged compliance and domination. The first was based on voluntary agreement, the second required sustained and often gargantuan force. Patriarchy, private property, racism and imperialism were all facets of the latter. One way or another centralising, colonising, hierarchical forces must muster violence to preserve themselves. From any liberal or republican perspective, anarchists argued, constitutional states are doomed to fail. This was Rocker's analysis of the 'will to power', and it was illustrated by Crispi's handling of the 1894 uprising.

Not interested in tinkering with constitutional balances of power, as Krouse proposed, Proudhon, Bakunin and Kropotkin reconceptualised anarchy as order. As Bakunin argued, anarchists do not fear anarchy, they 'invoke it'. Their boldness explains most of the moral panics anarchism has sparked, though for all the headlines anarchist outrages have generated, it was women like Emma Goldman and Voltairine de Cleyre who put the wind up the bourgeoisie by advocating incivility where civility and politeness served as covers for domination, be it in the household, workplace or on the streets.

The anarchist invocation of anarchy was built on a science alert to actual lived experience. History, ethnography and sociology revealed that anarchy was not an uncivil, incommodious condition, but an organic process in which 'infinitesimal' forces exerted themselves collectively, through association, to create fluid balances of power. Observing the role that communal faith plays in the development of ethics and moral judgment, anarchists rejected Hobbes's moral subjectivism while also denying the existence of God as a transcendent master. Proudhon and Kropotkin linked the teloi of life to evolution, with all its variation, interconnection, violence and unpredictability.

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Adapting the same frame, Landauer and Rocker examined the mainsprings of cultural expression and social cohesion.

Those who spend time with standard definitions of anarchy find nothing but a 'dead end' in anarchism. We are cautioned to consign it to the dustbin of history and use the standard modelling of chaos and disorder to generate insights about the world.[7] But that way of thinking, anarchists argued, perpetuates arrogance, hubris and conceit. Tolstoy's worry was that sovereignty was a miscalculation, as well as a fiction. However it was construed, the sovereign was no more able to govern than Canute was able to hold back the sea.

Dismissing the dichotomy order/disorder that contract theorists hard wired into constitutionalism, nineteenth-century anarchists rejected the authoritarianism of sovereignty. Anarchists argued that liberals and republicans had constitutionalised absolutism and then searched in vain for a people to legitimate it. The constitution, they argued, could have no fixed centre and could not be reduced to the potentiality of any one group. *Jus gentium* or the rights of peoples, Proudhon argued in *War and Peace*, is not a function of their independence, but their ability to manage association. Constitutionalising is the practice of identifying, balancing and dividing powers, such that mutual pacification is not a function of genuflection to a central sovereign power, but mutual aid and interdependence. The point was not to consolidate power, but to link up, to federate, to network and form coalitions. The constitution's role was to avoid subsuming the parts in the whole and thereby make them subservient to the centre. Decentralised federalism is the means to this end. Monopolising force only brings that federative process of division and social effervescence to a stop. As Rocker argued, it is the mainspring of fascism.

The legacy of nineteenth-century thought is evident in twentieth-century movement organising. Anarchist concepts of decentralised federation, communalism and mutual aid, are built into the organisational structures of the IWW, OO and RR, acquiring specific meanings in these contexts. Yet in important ways, the constitutional practice of these movements breaks with nineteenth-century tradition.

We have argued that the IWW, OO and RR formally constitutionalise. We have also argued that the IWW and OO promote democratisation rather than anarchy. In OO, the adoption of consensus decision-making in the GA became the defining feature of the camp, distinguishing 'real' from representative democracy. In the IWW, the anarchists in WISE-RA reconstituted the union by democratising institutions and retained the union's declarative statement, even while they recognised, perhaps only faintly, that the plan of industrial unionism devised in 1905 was completely moribund.

In contemporary anarchism, democracy is often used as a synonym for anarchy. But this reconceptualisation conflates communalism and mutual aid with

[7] Donnelly 2015.

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shared values. Anarchists produce ambitious plans to build antiauthoritarian movements and bring more diverse populations into their own movements. They are less focused than the earlier generation were on the constitution of anarchy. Indeed, the appeal to democracy fosters demands for compliance that the anarchist constitution shies away from. We see this especially in arguments about tactical diversity and violence. In OO, the starting point for the debate was reputational damage. Nineteenth-century anarchists were alert to the problem, but the constitutional argument turned on the promotion of the social against the political principle, not the enlistment of devotees to the cause. Constitutionalising was not designed to make anarchists, but to foster anarchistic behaviours. As Kropotkin argued, mutual aid was ethic of community because it was a lever of dissolution and immanent justice which encouraged individuals and communities to find routes through disagreement, not impose decisions in the guise of consensus. Mutual aid described the pacts groups made to protect themselves from direct and structural violence, including marginalisation and exclusion. The non-violence upheld by agents appointed by the sovereign was simply incapable of doing this. While the repeated deployment of 'non-lethal' weapons against OO and the bloody history of the IWW reveal just how tenuous legal protections are, the fallout over decolonisation highlights the corrosive power of the demos. The constitutional counterpart to Joe Hill's message, 'Don't mourn, organize', is 'don't democratise, anarchise'.

In the conclusion to their analysis of 'radical failure' Charles Landry, Davie Morley, Russell Southwood and Patrick Wright, argue that the task of anticapitalist movements is to create a political economy in which 'the economic units within that economy can provide a self-sufficient alternative economic system for those that work in it'.[8] More than merely surviving in 'a sea of capitalism', RR provides such a model. The strength of the federation, we contend, lies in the federation's constitutional commitment to mutual aid. Radical Routes's MOMS wrestle with ideology and worry about RR's appeal, but the review was an example of an anarchist constitutional process in action.

What does our analysis of the anarchist constitution contribute to the mainstream of constitutional thought? The argument we make in Chapter 1 is that anarchism completes the full turn to post-sovereign constitutional thought that global constitutionalists have been unable or unwilling to make. Pushing a set of contemporary literatures further towards anarchy than they are willing to go, we disturb constitutional conventions by stripping the statist wrapping from the architectural frame and re-setting the foundations on Kelsen's pure theory of law. We argued that anarchy is the *grundnorm* for anarchists, routinely and explicitly defended in anarchist groups. It shapes the way anarchists understand and contest arbitrary domination and power, it is central to their

[8] Landry 1985, 98.

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declarative statements, informs their thinking about institutions, ensures the relativity of rules, and is affirmed through various decision-making procedures. For the anarchists, without this commitment to anarchy, the constitution simply ossifies into arbitrary domination. This is not just an ideological claim but also an empirical one.

This strong defence of anarchy informs a gentle critique. Our aim is to open a conversation about productive overlaps and to carve out a space for anarchism that constitutional theory currently lacks. It seems perverse to us that contemporary theorists continue to ignore a whole tradition of thought, especially one that has mobilised millions of people globally in the last 150 years. From our perspective, the de jure anarchy of IR theory seems a strange and arbitrarily dominating way of constituting world order, one predicated on the sovereignty of artificial persons, personified and anthropomorphised states, that simply cannot bear the analytical and normative weight assigned to them, or resolve the contradictions they precipitate. However, the principle it cements, and the ontology of politics state sovereignty presupposes, clears a path to thinking more imaginatively about politics. As we argued in the introduction, the anarchist approach to constitutionalising and power collapses the distinction between 'domestic' and 'international' relations in terms more familiar to IR theorists than political theorists. The anarchist critique of state violence, easily caricatured, obscures a nuanced set of claims about the nature and inevitability of power and force in all social orders at all so-called levels. As a practice shaped by a normative commitment to what Landauer and Buber call 'multiplicity', anarchism emphasises the 'social' over the 'political', because the latter arbitrarily circumscribes the former. But there is no pure social form, and none that can persist without a political framework.

Our discussion of the critical literatures in IR and political theory, in constitutional theory and theories of global constitutionalism tells us that anarchists are not alone in thinking that there is more to politics than states and individuals, governments and international governmental organisations. Non-anarchists also engage in 'feasible utopianism', imagine new orders and theorise and conceptualise the present in different ways. Our claim is that anarchists do so armed with an underlying realist *grundnorm*: anarchy. Like the sociological constitutionalists we surveyed in Chapter 1, anarchists are compelled to investigate alternatives to sovereignty. This distinguishes anarchist constitutionalising from all other forms, expressing a politics of inter-relationality, and a do it yourself ethos necessitated by the structures of power which run through our relationships, and which we seek to channel or direct for ourselves.

By pointing to the infinite anarchy of the social, of meaning and of politics,[9] anarchism offers a unique response to Jeremy Waldron's call for a 'political

[9] Cf. Ashley 1988.

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political theory'.[10] Political theory, Waldron argues, has more or less given up on its responsibility to reflect on the normative and political value of current political institutions and their ability to help or hinder the ambitions of the people that staff them and are governed by them. The tendency of normative political theory, he notes, is to reflect on ideal conditions of achieving the good, or justice,[11] while remaining relatively uninterested in how democratic these institutions are or might become. Popular participation seems to be beyond the purview of mainstream political theory. Calling on political theorists to look outside the established canon, beyond Hobbes and Mill, Waldron argued: 'We need institutions to frame the hard choices and decision-making that our disagreements give rise to. And we need to find ways of respecting one another in our politics in the environment that those institutions provide'.[12]

Red republicans, fellow travellers we discussed in Chapter 1 and throughout, have responded vociferously to this call for nearly three decades. Philip Pettit's commitment to an investigation of the institutions that do best by freedom is central to this debate.[13] Yet the neo-Roman republican revival exhibits the same antipathy to anarchism as nineteenth-century republicans did towards Proudhon. If the goal of political theory is to find ways of ameliorating the most egregious injustices arising from property and the state, Machiavelli, Harrington, Rousseau and de Tocqueville are worthy interlocutors. But if our aim is radical, root and branch transformation, Proudhon, Warren and the rest are better companions. Political theory that presupposes or reinforces domination is ill-suited to the task.[14]

How, then, should we summarise our findings? Our argument is fourfold: (i) anarchists constitutionalise routinely; (ii) anarchism exposes the irreparable flaws of liberal and republican constitutionalism; (iii) that the pressures exerted by globalisation on the international state system compel radical, anarchic and self-directing micro-agency, which in turn shapes the global order itself; (iv) this dynamic reveals the reality and necessity of anarchy as a self-ordering system, beyond the structural level usually associated with 'international politics'.

This 'new anarchy' takes the historical and continued globalisation and fragmentation of order seriously as the underlying constant of politics and demands an approach to constitutionalism that does the same. We have shown that the concept of anarchy, and the constitutional politics it presupposes, is one that can and already does begin at the bottom, in the grassroots, and it happens there all the time. Not only is this a response to wider structural

[10] Waldron 2016.
[11] Waldron 2016, 4.
[12] Waldron 2016, 7.
[13] Pettit 1997; Laborde and Maynor 2008.
[14] It is instructive, for example, that Waldron presents Robert Nozick and John Rawls as diametrically opposed politically but were able to work together because they shared the same Harvard corridor. See Waldron 2016, 7.

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pressures people and communities face, but it is also the only locus of resistance. Agency at a distance is only possible through institutions, but it first requires individuals to act in the situations in which they find themselves. This approach restates the basic ontological problem of international politics as the problem of politics as such and locates the solutions, in principle, in the behaviours of sovereign individuals, enmeshed in workplaces, households and in civil society. It accepts that the defence of anarchy is the precondition of our mutual freedoms and collective security in the absence of a final point of fixed authority.

Our turn to anarchist history has resurrected a political vocabulary and grammar that can support the development of anarchist institutions of all sorts, institutions that can be relatively enduring without becoming instruments of arbitrary domination. We have argued that anarchy is a viable normative principle that can help shape those institutions and act as both a benchmark against domination and a principle to guide renewal.

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