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Can agonism be institutionalised? Can institutions be agonised? Prospects for democratic design

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Abstract

One of the main criticisms of agonistic democracy (and of post-structuralism more generally) is that it fails to get beyond a purely negative assessment of alternative theories. The paper takes up this challenge. First, it seeks to specify the core commitments of agonistic democracy, focusing on the concepts of contestation, contingency and interdependence. Second, it analyses how these commitments might be institutionalised through models of perfectionism, adversarialism and inclusivism. Third, it considers how agonistic principles can suffuse broader processes of democratic design, drawing on insights from critical institutionalism. The paper argues that agonism can become more than a thought experiment or critique. An agonistic design process is possible. Such a process has five key characteristics: it is processual, collective, contextual, contestable and always provisional.

Keywords: agonism, pluralism, critical institutionalism, democratic design

Agonistic democracy emphasises the constitutive, and potentially constructive, nature of democratic contestation. This focus is driven by a suspicion that alternative models of democracy, especially theories of deliberative democracy, are too wedded to the idea of consensus (either as a precondition for, or goal of democratic processes). One of the main criticisms of agonism (and post-structuralism more generally) is that it is unable to get beyond a negative critique of alternatives. This article aims to address agonism's 'institutional deficit' (Schaap 2009). We take issue with the argument that such a project is oxymoronic, in that to institutionalise any particular set of values is to render them incontestable, thereby negating diversity (Wingenbach 2011). We argue that agonism has the potential to unlock the political puzzles that vex twenty-first century democrats – notably the rise of populism and fundamentalism - whilst also giving expression to actors' underlying creativity and interdependency in the face of political disaffection.

The article starts by specifying three core commitments of agonistic democracy: contestation, contingency and interdependence. Next, we look at the ways in which such concepts might be institutionalised through models of perfectionism, adversarialism and inclusivism. Whilst exploring the differences between these positions, we establish their common commitment to a democratic contest that offers diverse citizens a means of identifying and accomplishing collective goals (in preference to a search for consensus and 'universal values'). Acknowledging the progress that deliberative democracy has already made in institutional design (Warren 2007; Ackerman and Fishkin 2004), we consider the difficulties (theoretical and practical) involved in establishing agonistic 'projects' as an add-on to conventional democratic processes. Such consideration leads us to flip the question: how might institutions themselves be agonised? We argue that the real prize may be in *agonising processes of institutional design*. The article explores the potential for reconceptualising democratic institutions through an agonistic lens, drawing on insights from, and contributing to, an emerging 'critical institutionalism' (Cleaver and De Koning 2015; Lowndes and Robert 2013). An agonistic design process has five key characteristics: it is processual, collective, contextual, contestable and always provisional.

Key tenets of agonistic democracy

Drawing on the ancient Greek concept, 'agon' (contest or strife), agonists argue for a 'return of the political' (Mouffe 2000) through the recognition, revival and renegotiation of conflict. Agonists are committed to Nietzsche's 'spiritualisation of enmity' through the democratic process, rather than the transcendence of conflict (Wenman 2014, 40), perceiving contest as something to be celebrated. In ancient Greece, for example, ostracism of dominant citizens was vital to 'keep the agon open' and 'preserve the health of the state' (Honig 1993, 71). Underpinning this aspiration is a set of core philosophical commitments. Wenman (2014, 28) identifies an 'agonistic matrix' comprising a commitment to radical pluralism (where a diversity of values is constitutive, rather than requiring resolution); a belief in a 'tragic' view of the world (derived from Greek antiquity, where conflicts are intrinsic to the fabric of life, not something to be transcended); and a conviction that conflict can be productive. Reflecting these commitments, this article focuses upon three themes within agonistic theories – contestation, contingency and interdependence.

Contestation

Following Schmitt's (2008) concerns about the dangers of depoliticisation, agonists promote contestation to prevent democratic apathy; keep citizens engaged in democratic processes; and prevent them from turning toward non-democratic conflict. Mouffe (2007, 7) argues that when there is a lack of contending political positions to represent citizens, they might seek non-democratic forms of identification. She celebrates the growth of 'left populism' in Latin America, the US and Europe, seeing it as capable of bringing together different democratic struggles in opposition to a common adversary (Mouffe 2016). Contestation is not only perceived by agonists as important to political identification, it is essential to the creation of identity. According to agonists, it is through collective contestation that citizens gain autonomy. In Arendt's (2013, 38-44) account, just as the ancient Greek polis required citizens to distinguish themselves as the best (according to the principle of *aien aristeuein*, or 'ever to excel'), agonistic contestation promotes competition and excellence in the presence of others. Drawing on Nietzsche, agonists argue that such development of

citizens' capacities improves the well-being of democratic society (Owen 1995, 139). Contestation also provides a tool for exposing the domination of minority values and citizens in democratic society. As Foucault (2003, 221-226) argues, it is the 'permanent provocation' between power and freedom that 'make visible those fundamental phenomena of "domination" which are present in a large number of human societies.'

Contingency

Agonists reject Platonic claims to philosophical truths, perceiving societal values as necessarily open to continual contestation. Following Nietzsche, agonists affirm that all values are situated in a particular community (Nietzsche, Ansell-Pearson, Large 2006, 114), contrary to liberal claims of neutrality (Rawls 1973, 10), rationality (Elster 1998, 8) and universality (Held and Mc Grew 2007, 62). Agonists echo Foucault's concern that 'truth isn't outside of power, or lacking in power' (Foucault and Gordon 1980, 72), perceiving claims to truth as entangled in power relations, a reflection of society's 'regime of truth' (Connolly 1991, 73) and a threat to diversity. Agonists are concerned that when one group in a pluralist society claims to possess truth or universality, it 'cannot recognise and respect any plurality of narratives, traditions or civilisations as equal yet different (Tully 2008, 149). It also renders its values 'incontestable' (Connolly 1995, 123), preventing them from giving way to new concepts. Contingency is fundamental to overcoming democratic exclusion, and promoting pluralism (Connolly 1995, 93). Agonists take up Nietzsche's notion of 'untruth' and Foucault's 'games of truth,' requiring citizens to call into question the societal values intrinsic to their democracy (Nietzsche, Ansell-Pearson, Large 2006, 8). While deliberative democrats are concerned that exclusion will simply be replaced with 'decisionism' or 'arbitrary and dangerous' forms of power (Honig 2007, 2), contingency combats this threat in two ways. First, it ensures the continual challenge of all dominant expressions of power; second, it works alongside agonistic contestation to provide a direct form of democracy that holds ideas up for scrutiny and critique. Contemporary debates about 'post truth' and 'fake news' (d'Ancona, 2017), associated particularly with the Trump presidency in the USA, reveal the contestability of facts and values, and the ways in which truth claims contribute to domination within democratic societies.

Interdependence

Agonists place strong emphasis on politics as a collective process in which citizens develop their identities relationally. For Nietzsche and Foucault, understanding a concept lies not in the concept itself, but in its comparison with related concepts (Nietzsche, Ansell-Pearson, Large 2006, 7; Foucault 1971, 335). For agonists, identity is 'specified by comparison to a variety of the thing I am not' (Connolly 1991, xiv). All citizens in a democracy are necessarily interconnected, creating and recreating themselves accordingly. The fabric of society thus consists of a diversity of threads – a 'crazy quilt' (Tully 1995, 197). Mouffe's adversarial account sees diverse identities less as a pluralistic web of interconnectedness and more as oppositional groups, formed in relation to one another (Mouffe 1993, 2). The construction of an 'us' and 'them' is necessary for a left populist challenge to what she calls the 'post democratic' political establishment (Mouffe 2016). However, whether identity is perceived as constituted by pluralistic individuals or oppositional groups, agonists converge in affirming that citizens do not fully exist without others. Drawing on Arendt's (2013, 23) view that no human life is possible without others, agonists claim that 'humans are incomplete outside of social form' (Connolly 2000, 153), rendering direct political participation fundamental to becoming a citizen (Tully 1999, 172). Agonism is a collective process dependent on democratic engagement between diverse citizens. It can overcome domination, challenging power relations by weaving an entangled web of interdependent groups (Connolly 2002, xxviii).

Approaches to institutionalising agonism

How might such models of agonistic democracy be translated into practice? What might agonistic institutions of democracy look like? Does such a project amount to neutralising agonism's potential for provocation and critique? We argue that it is important to address such questions for two reasons: first, agonism has the potential to unlock the political puzzles that vex twenty-first century democrats; and second, agonism has the capacity to revive the creative and interdependent nature of citizens as political

actors. Highlighting the dangers of democratic disaffection, Mouffe (2013, 140) attributes the success of Jean-Marie le Pen's *Front Nationale* in France in 2012 to the lack of clear differentiation between rivals Chirac and Jospin (she sees them as Coca-Cola and Pepsi). For Mouffe (2013, 140), the blurring of boundaries in liberal politics enables extreme parties to 'present themselves as the only ones concerned with offering alternatives and giving voice to the people neglected by the establishment parties'. Five years on and Le Pen increased her success, gaining 11 million votes in the second round of the 2017 presidential election, while in the USA Donald Trump cemented his electoral base with 'part of the popular classes…abandoned by neoliberalism' (Mouffe 2016).

A decline in political identifications is being replaced by an increase in religious, nationalist and ethnic identifications, fulfilling citizens' needs to belong to a community (Mouffe 2013, 14). Wenman (2013, 16) associates 'growing cynicism and serious erosion in the legitimacy of western liberal democracies,' with post-9/11 security measures, pre-emptive wars, and failed responses to financial crises. Agonism has the potential to tackle democratic disaffection and violent political conflict by reviving democratic contest, challenging domination, and overcoming *ressentiment* - 'a resentment of the most fundamental terms of human experience as you yourself understand them' (Connolly 2011, 61). Connolly (2005, 52) calls on Muslims and non-Muslims specifically to abandon essentialist understandings of faith and be more receptive to others. This attitude requires a shift away from current liberal politics, especially the 'clash of civilisations' discourse promoted by Western powers after 9/11 and underpinning the 'War on Terror'. It also offers a challenge to increasing Islamophobia, the 'othering' of Muslims and the discursive link between Islam and terrorism.

In a diverse literature, we identify three distinct approaches to agonism, based on models of perfectionism, adversarialism and inclusivism.

Perfectionist agonism: Preference ranking of diverse values

A term attributed to the work of David Owen (1995), perfectionist agonism includes a 'commitment to the cultivation and continuous improvement of citizens' virtues and capacities' (Fossen 2008, 378). Drawing on

Nietzsche, perfectionists see values as necessarily perspectival and communal (Owen 1995, 138). Democratic contestation involves a public, collective ranking of values, during which citizens enhance their capacities for 'self-mastery' (Owen 1995, 118). There is a resonance with processes of participatory budgeting (PB) as pioneered in Porto Allegre (Brazil), which involve citizens in collectively ranking budgetary resources (Wampler 2010; Smith 2009, 33-39). First, as the name suggests, this institution requires the direct participation of community members. Second, citizens have a direct input in establishing the rules of the game, reflecting Owen's calls for autonomy, contingency and contestability, and a move away from aspirations of consensus. Perfectionist self-mastery is a tool to reflect on past atrocities, strive toward nobility, and 'to pursue the goal of a humanity characterised by nobility' (Owen 1995, 118-119).

In deciding which perspectives 'win,' citizens are required to come 'to an honest judgment concerning the degree to which they satisfy the interests (exhibits the virtues) of the practice' (Owen 1995, 143). Citizens ask themselves whether a judgement fulfils the principle of eternal recurrence; whether they 'desire this once more and innumerable times more?' (Owen 1995, 118) Perfectionist contest also makes use of ancient Greek competition, encouraging citizens to strive to surpass one another's perspectives, arriving at new standards of self-mastery (Owen 1995, 139). By promoting new standards, this agonistic model aims to ensure and enhance the well-being of the state; it could help (for instance) with establishing public spending priorities in the face of austerity, as in the citizen engagement processes in Iceland following the 2008 financial crisis. Preference ranking among citizens could also provide a means for discussing complex issues, such as fracking, where economic, environmental and health considerations all need to be considered (Beebeejaun 2013, 18-21). Owen's concept of eternal recurrence has the potential to restore citizens' passions, enable them to reach better decisions, and promote solidarity. It is not shared values that unite diverse citizens, but participation in a shared process (Owen 1995, 163). Evidence from PB in Porto Alegre demonstrates a range of education and wealth among participants, and a rough gender balance (Souza 2001, 168-169). The binding nature of PB transcends political discussion, and turns citizen input into action, resonating with Owen's calls to engage citizens in a 'quest.' The PB experience demonstrates the possibility of institutionalising principles from

perfectionist agonism. The goal is to design democratic practices that are more participatory; enable citizens a greater input in the formulation of the democratic process; allow for diverse participation; and ensure that citizens' voices are turned into action.

Adversarial agonism: Decision-making in the context of plural values

Predominantly associated with Chantal Mouffe, this model is inspired by Schmitt's (2008, 28) contention that conflict is fundamental to politics. For adversarial agonists, a blurring of political boundaries is dangerous because it can impede identification with a particular position, leading to democratic apathy (Mouffe 2007, 5-7) or affiliation with fundamentalist identities (Mouffe 1993, 6). The adversarial approach aims to provide democratic spaces in which citizens can express conflict, preventing displacement of conflict into other areas. In the adversarial model, agonistic contestation comprises three groups: *friends* - those who agree on the interpretation and implementation of liberty and equality; *adversaries* - those who share allegiance to liberty and equality but dispute their interpretation and/or implementation; and *enemies* - those who either do not share these values, or who threaten the democratic process (Mouffe 2000, 13-20). Adversarialism harnesses the passions of citizens to keep the democratic contest alive. It also draws on the differences between collectivities to promote unity within each group. According to Mouffe (2000, 13), collective identities can only be established via 'an us/them' distinction. Yet there is a significant difference between the adversary and the enemy; the former constitutes a worthy opponent, whilst the latter is to be excluded (albeit never permanently) from the democratic contest (Mouffe 2005, 20; 2000, 102). The goal of democratic politics is not to eradicate conflict, but rather to transform antagonism (enemies) into agonism (adversaries), in order that citizens can engage in legitimate contestation (Mouffe 2000, 103). She discusses the case of abortion policy, where this concept could help citizens to perceive others as having the right to defend their views (in spite of their substantive disagreement). Such commonality could prevent antagonism from emerging, allowing instead the expression of passionate conflict.

The concept of legitimacy could be useful to mediate other polarised discussions, for instance,

constitutional issues in the UK like Scottish independence or relationships with the European Union. Referenda are potentially an arena for institutionalising adversarial agonism since citizens are required to take a yes/no stance, thereby harnessing passions and encouraging agonistic contest. However, effectiveness is dependent on (a) the quality of information that is provided to each camp, not just about their own arguments but those of the other side, and (b) the establishment of arenas for respectful contestation that could help to combat antagonism and demonstrate the legitimacy of all arguments, without seeking to remove such conflict. Such characteristics were notably absent in the 2016 Brexit referendum in the UK, which has left a powerful legacy of antagonism. A Home Office report found that hate crimes increased by 41% in the month after the referendum (Forster 2016).

Another potential institutional format is the citizens' assembly, such as that in British Columbia, Canada (2004), where 161 citizens came together to discuss electoral reform (Warren 2008). The process entailed three stages: information, deliberation and voting. Citizens' assemblies have been used in many other contexts, including Iceland (as noted above) and, more recently, in testing arguments for devolution to English city regions (Flinders 2016 et al.). Adversarial agonistic institutions could draw from both referenda and citizens' assemblies to promote a passionate arena of contest in which opposing citizens learn to perceive one another as legitimate adversaries. Given the focus these initiatives place on deliberation, it is also important to note that Mouffe is critical of the deliberative tendency toward consensus and rationality. Instead she affirms the importance of 'recogniz[ing] those forms of exclusion for what they are and the violence that they signify' (Mouffe 1993, 145). For Mouffe, a non-conflictual consensus is impossible. Adversarial agonistic institutions would need to recognise and be transparent about the voices that were *not* represented by the discussion and/or the decision. Additionally, it would be necessary to transform deliberation into contestation, shifting the focus from education to impassioning by creating space for personal, emotive accounts and relying less on experts and technical judgements. Scaled up, adversarialism could construct a 'collective will' (connecting different popular struggles) capable of challenging 'post-democratic' elites, institutionalised through hybrid 'movement-parties' like Syriza and Podemos (Mouffe and Errejon 2016). In supporting the growth in left populism in the

USA associated with Bernie Sanders' 2016 presidential campaign, Mouffe (2016) argues for the ongoing, intentional construction of such a 'collective will' in opposition to the common adversary of 'Wall Street, the political establishment and the oligarchy'. Such a collective will makes no claims to universalism but rather reflects a convergence of plural political identities in opposition to a common adversary. Mouffe argues that populism is reawakening engagement in politics in many countries (in the face of previously declining electoral turnouts), but an agonistic rather than an antagonistic sensibility is required if populism is to be associated with progressive social change.

Inclusive agonism: Engagement in the context of diverse identities

This model is primarily associated with William Connolly and James Tully who employ agonistic engagement as a means of enhancing inclusion in pluralist society. Influenced by insights from Nietzsche, Foucault and Arendt, inclusive agonism perceives citizens as necessarily interconnected, reliant upon others to be complete (Connolly 1991, xiv; Tully 2008a, 3). Whereas Mouffe employs sees the inter-related character of identity as a provocation to engage in democratic contest, Connolly and Tully see it as tool to render democratic society more inclusive. This approach also reflects their understanding of interdependency as a plurality of interconnected individuals, compared with the Mouffe's understanding of oppositional group identities. Endorsing political engagements that increase the role of citizens (such as norm formulation and grass-roots politics), the focus is on identifying agonistic behaviours that render society more inclusive. Principles of agonistic respect, critical responsiveness, and contestability can help to overcome *ressentiment* in pluralist contests about, for instance, gay rights and religious values. Connolly claims that his agonistic respect (2005, 123-127) extends beyond liberal toleration since it flows in all directions, comprising a 'more ambiguous relation of interdependence and strife' (1993, 382); minority toleration is not simply reliant upon the decision of the dominant majority. Similarly, Tully's mutual recognition (1995, 23) calls on citizens to avoid comprehending others through prior judgments, instead understanding them as they wish to be understood. Inclusive agonism could prevent gay rights advocates from being tolerated as the inferior minority,

encouraging both sides to respect one another, whilst still disagreeing fundamentally. Such an approach could be applied within the Church of England, in seeking to recognise and value a role for openly gay clergy.

Additionally, Connolly (2005, 127) calls for a critical responsiveness that involves 'careful listening and presumptive generosity' toward novel positions, which could subsequently 'engender a shift in criteria of judgment, justice, identity, or legitimacy.' Critical responsiveness could address feelings of *ressentiment* by enabling both sides to express their differences, and to develop some (even partial) understanding of the other side. For Tully (2008b, 110; 1995, 207), *audi alteram partem* ('always listen to the other side') encourages citizens to pay particular attention to minority voices, and to adopt a critical attitude to one's own culture and those of others. Drawing on Foucault, Tully's (1995, 115) account of 'non-consensuality' calls on citizens to 'act differently,' demonstrating alternative possibilities and exposing what people ignore of their own situation. As Tully argues, these principles could enable Quebecois voices to be heard in Canada, preventing legislators from assuming that they understand the Quebecois culture and instead requiring them to debate directly with Quebecois citizens. Through abandoning calls for deliberative discussion and instead promoting a diversity of interactions (based, for instance, on narratives and story-telling), a wider range of citizens could be encouraged to participate, with the promise of opening up dialogues between diverse cultures, and enhancing cross-cultural understanding.

There have been attempts to institutionalise such principles in the form of 'truth and reconciliation commissions' in a range of countries that have experienced civil war, internal terror and even genocide. The focus is on providing people with the opportunity to both speak and hear personal narratives from different sides, with an emphasis on giving space and respect, rather than eradicating difference or building consensus. Inclusive agonism could offer opportunities to challenge the domination of marginalised groups within more settled environments; for instance, enabling Syrian refugees in the UK and Europe to be understood on their own terms rather than conflated with Islamic extremists or economic migrants. Further, Connolly's concept of contestability requires citizens to acknowledge that conflicting others may not share their view. As a result, citizens 'connect positively through reciprocal confession that those in each group confront

doubts, forgetfulness, or uncertainties in themselves that may invert those confronted by others' (Connolly 2005, 125). Through acknowledging and exhibiting the contestability of their position, agonistic behaviours can help different groups to perceive one another as less threatening to their own identity, enabling multiple identities to coexist in democratic spaces. A challenge exists to develop such spaces via the internet and social media. These channels have great potential for taking inclusive agonism further, given their capacity to open up interactive and explorative communication between diverse citizens without the condition of a dominant majority granting toleration to a minority. However, an absence of respect and critical responsiveness characterise many web-based exchanges involving minority or marginalised identities (Citron 2014). At the same time, research shows the importance of the web for expanding knowledge of, and respect for, 'new' identities associated with trans and non-binary sexualities (Alexander 2002).

Whilst these three approaches - perfectionism, adversarialism and inclusivism - differ significantly, it is necessary to consider all of them together when examining how agonistic principles could be institutionalized, in order to promote a more collective, impassioned, and inclusive democratic arena. Agonistic interventions could help politics to become more inclusive by addressing feelings of *ressentiment* and overcoming domination and marginalisation, thereby opening up dialogue and encouraging understanding. They could also provide conflicting citizens with a space to express their passionate differences, engaging them in democratic politics, thereby preventing shifts to non-democratic outlets. The collective capacities of citizens could be enhanced, allowing better decisions to be reached, whilst promoting solidarity through a common process. Agonism could help to overcome pluralist conflict by encouraging a greater diversity of democratic participation, a revived political sphere, improved decision-making, and increased social unity.

Can agonism be institutionalised?

Having discussed resonances between agonistic principles and particular democratic innovations, it is important to note that the existing literature is unhelpfully silent on matters of agonistic institution building. As

Andreas Kalyvas puts it, there is an 'institutional and legal deficit' in agonist approaches, which 'tend to subordinate political reality and the intricacies of institutional design to philosophical speculation' (Kalyvas in Schaap 2009, 34). Ed Wingenbach (2011, 85) describes Connolly and Mouffe's recommendations for conceptualising democratic institutions as 'underdeveloped' and 'frustratingly shallow'. This concern is supported by Iris Marion Young's (1992, 511) condemnation of Connolly's 'abstractness' and 'lack of political recommendations', and Schaap's (2007, 69) claim that Mouffe 'lacks an adequate account of the institutionalisation of agonistic democracy'. Peter Wagner and Nathalie Karagiannis (2008, 331) ask of Owen's account 'how can this [Ancient Greek] model be translated to contemporary circumstances'? Concerns about agonism's institutional deficit are partly provoked by drives within the sister field of deliberative democracy toward institutionalisation, as in Ackerman and Fishkin's (2004) 'Deliberation Day'. Thomas Fossen (2013, 331) argues that, 'to distinguish itself as a mature current of its own, rather than a footnote to liberal and deliberative accounts of politics, agonism needs to engage questions of law and institutions more thoroughly'. Whilst Wingenbach (2011) develops a strong case for designing agonistic institutions, his proposal for agonistic institutions falls back on Rawls' political liberalism; a position that it is insufficient for realising agonistic principles of contestation, contingency, and interdependency. Looking more closely at the fundamental assumptions behind agonistic democracy, it becomes clear *why* institutional development has received so little attention: this gap may be due less to inattention than to a fundamental paradox. A key concept, which agonists have in common, is contingency. As Norval (2014, 70) puts it: '"nothing is guaranteed", and everything is at stake, the question of the emergence of subjectivity is opened up and the contours and the boundaries of what can be regarded as "common space" is put into question'. Agonists abandon attempts by liberals and deliberative democrats to attach labels of neutrality, rationality, and/or universality to their values, arguing that society's understanding of these is entangled in power relations. Consequently, according to Mouffe (2009, 32), 'to present the institutions of liberal democracy as the outcome of a pure deliberative rationality is to reify them and make them impossible to transform'. To overcome exclusion and incontestability, agonists focus on enabling contingency through continual critique.

Is any attempt to design agonistic institutions at odds with ensuring such contingency? According to Foucault (1982, 791) perspective, institutional mechanisms are designed to ensure their 'own preservation [which] brings with it the risk of deciphering functions which are essentially reproductive'. As Wingenbach (2011, 80) notes, 'to propose institutions is to impose limits on contestation of some sort, if only provisionally'; since agonism emerges from 'a tradition emphasizing resistance and disruption', its institutionalisation may be considered oxymoronic. Additionally, more radical accounts of agonism, such as Wenman's (2013, 298) 'militant cosmopolitanism', resist the traditional commitment to liberal democratic, capitalist institutions and the presumption of augmentation, applauding instead the 'revolutionary moment'. There is a concern that any attempt to further institutionalise agonism will replicate existing institutions and their power relations, thus undermining the agonistic potential for disruption, contingency, and ultimately freedom. Hence, the lack of institutional consideration may be explained by the tension between institutions and contingency. It is this important tension that agonists must negotiate in considering questions of institutional design. Agonistic principles are important in cultivating an ethos of democratic engagement, and can be realised to some extent through extant democratic innovations, social movements and grassroots politics. However, it is our contention that traditional institutions must also be rethought if we are to promote and embed agonistic behaviours into democratic politics.

Can institutions be agonised?

So far we have argued the case for institutionalising agonism but also underlined the practical and theoretical difficulties. The next stage is to challenge the idea that a paradox between contingency (agonism) and order (institutions) underpins agonism's 'institutional deficit'. We can flip the question by asking not how to institutionalise agonism, but how *institutions themselves can be agonised*. Is it possible to suffuse democratic institutions with agonistic principles of contestation, contingency and interdependence? The agonistic literature hints at this possibility. Tully's (2008a) 'practices of freedom' focuses upon 'acting otherwise' in respect of the institutions of governance, but he explains that this agonism involves 'under the radar' modification of existing

rules and norms as well as open challenge to institutional arrangements. Mouffe (2016) engages directly with the promise of institutional design, proposing both institutional recovery and institutional radicalisation. To 'agonise' democracy, it is necessary first to recover it, by recuperating rights lost in the withering of democratic institutions. Mouffe (2016) criticises 'autonomist' social movements like Occupy which reject links with traditional institutions, arguing for the need for progressive forces 'to try to come to real power in the institutions and government' and 'build real influence in civil society, the dominant institutions, mainstream culture, and the media'. The power relationships that are sedimented in the existing institutions of representative democracy (which Mouffe calls 'post democracy') require active disruption.

We argue that the apparent paradox between agonism and institutions rests upon a particular conception of institutions embodied in mainstream political science, namely that institutions are formal organisational arrangements which shape the behaviour of political actors through rules backed up by coercion and norms upheld through socialisation. The assumption is that the institutions of the democratic state are built on rational premises (Weber 2012 [1947]), reflect shared values (derived constitutionally and/or in relation to parliamentary objectives) and exist in a state of homeostasis or equilibrium. As such, institutions are seen as bringing stability and predictability to political life (Huntington 1968). Beyond the academy, such a view informed the confident transportation of 'Westminster' arrangements to new colonial locations. It continues to resonate in multilateral commitments to establishing 'good governance' through institutional reform in developing countries and failing states, and in US-led missions to secure 'regime change'. Such a view of political institutions has, however, been under strain given the failure of many of these enterprises and, indeed, the proliferation of diverse and novel institutional arrangements - like Iran's theocratic democracy, China's synthesis of state socialism and capitalism, and the rise of new 'movement-parties' opposing austerity in Greece and Spain.

Such a view of institutions is indeed at odds with the principles of contestation and contingency. The 'new institutionalism' that developed from the 1980s offered a more sophisticated and theoretically rich account of political institutions, paying new attention to the role of informal elements, history and local context (March

and Olsen 1989). But, as Stephen Skowrenek (1995, 92) argues, mainstream scholarship still casts 'institutions as the pillars of order and regularity in politics', which serve 'to integrate the actions of the polity, to coordinate its interests, and to make it cohere as an organized system'.

However, as we reconceptualise institutions, the paradox dissolves. Instead we find a productive tension that serves to challenge how we conceptualise political institutions and associated processes of democratic design. Agonistic theory has the potential to stimulate and support new ways of thinking about political institutions – whether in the legislature, executive, sub- or supra-national government - that are suited to contemporary democratic challenges. In current theoretical developments we see the contours emerging of a new, cross-cutting *critical institutionalism*, which reveals important points of contact with agonism, and post-structuralist political thought more generally. The term 'critical institutionalism' has been coined in development studies and human geography among those researching the governance of natural resources (Cleaver and De Koning 2015, Hall 2014 et al.). Cleaver and De Koning (2015, 12) argue that such arrangements are always 'multi-stranded, overlapping and imbued with a variety of meanings and interests', despite the assumptions of planners and professionals that technical, consensus oriented solutions are both desirable and possible. There are parallel but as yet unconnected developments in political science; Author (2013a) identifies similar principles underpinning a 'third wave institutionalism', which exists in contrast to the 'old' and 'new' variants and also cuts across the different institutionalist 'schools' (clustered around rational choice, historical, sociological and discursive approaches). While Sorensen and Torfing (2008) and David Moon (2012) attempt to develop a specific 'post-structuralist institutionalism', we choose to cast our critical institutionalist net wider.

Common themes link these approaches, which see political institutions as discursively constructed power settlements, that are animated through the creative action of reflective agents (who interpret, adapt and resist institutional rules), and are deeply entangled with the wider institutions of social, cultural and economic life (Author 2013a). Given internal contradictions and power struggles, and changing external environments, institutional change is seen as an inevitably contested and highly contingent process, in effect reflecting the core

commitments of agonistic democracy. Broadly conceived, critical institutionalism mounts three challenges to the traditional liberal view of institutions, each of which gives theoretical clues for developing agonistic institutional design.

First, critical institutionalism questions the relationship between *institutions and actors*. While institutions shape human behaviour, they are at the same time constructed (and endlessly revised by humans (they are 'double faced'). Brass name plates and formal organisational structures do not prove the existence of institutions; rather, institutions are instantiated in the actions of individuals and the meanings that they attach to them (Giddens 1999; Schmidt 2008). Institutions are indeterminate and open-ended, however forcefully they may dominate actors in specific contexts. Critical institutionalists place both agency and power at the heart of their understanding of political institutions (Author 2013a, 42-44). Institutions are both 'the medium and the outcome of political power struggles' (Sorensen and Torfing 2008, 38). They are games of power, a set of arrangements that influence, but do not determine, how citizens act and interact. Actors may recognise institutional rules and norms but such rules are also sometimes bent and broken. Critical institutionalism can serve the agonistic ambition to reveal the political nature of the polity (Sorensen and Torfing 2008, 38), by focusing upon how it is that 'institutions are instituted' (and in whose interests) (Moon 2012, 114). Institutions do indeed bring stability and predictability, but there are always multiple, contested and incongruous 'institutional orders' (Skowronek 1995, 95). They do not secure a single set of values in any absolute way; rather they constitute an arena within which actors contest value positions (Rothstein 1996, 138). Even in totalitarian settings, institutional disobedience or subversion persists, through humour, absurdity or irony as well as forms of material resistance. Such a view of institutions goes hand in hand with Foucault's games of truth in which freedom offers a 'permanent provocation' to power; or Tully's games of politics in which citizens negotiate the rules of governance. There are connections with Owen's collective ranking where citizens strive for new standards of nobility; Mouffe's adversarial arena where the hegemonic interpretation and implementation of values is contested; and Connolly's ethos, where continual oscillation between dominant ideas enables new and better outcomes. Allowing citizens to shape institutions through direct participation and

the power to choose experts (as in mini-publics) can channel contestation within institutional design.

Second, critical institutionalism questions the relationship between *institutional stability and institutional change*. The new institutionalists of the 1980s and 90s pointed to long periods of stability, inertia even, punctuated by sudden shocks, as in models of 'punctuated equilibrium' (Peters and Pierre 1998). Critical institutionalism finds that it is only active processes of human agency that sustain particular sets of institutional arrangements (Author 2013a, 130). Change may be generated out of the gaps between institutional prescriptions and the behaviour of actors, as they seek to respond to changing environments or pursue new political projects. Institutions are adapted and evolve over time; actors' creativity is apparent in the 'soft spots' between rules and interpretation (Mahoney and Thelen 2010). As such, institutions may be generative of new possibilities, and not only self-reproducing in the way envisaged by Foucault. Actors may work with institutions in pursuit of empowerment, and are not subject to inevitable or total constraint. Indeed, ambiguities are typically built in at foundational moments (and then expand over time); reflecting political compromise and the enduring legacy of former arrangements (Thelen 2009, 491-492). Apparently stable institutions actually exist within a state of dynamic tension rather than functional consensus, and can unravel when ambiguities expand. There is resonance here with Connolly and Tully's behavioural ethos, which promotes a contestable attitude to pluralism. Mouffe's adversarial contest and Owen's collective competition may open up possibilities for more proactive shifts in institutional rules and norms. As we saw, participatory budgeting (at least as pioneered in Porto Alegre) shows how citizens can be entrusted not only with scrutinising previous decisions but also with changing the rules of the game in the present.

Third, critical institutionalism questions the relationship between *political institutions and their wider environment*. Rather than the independent entities of traditional liberal theory, political institutions are seen by critical institutionalism as implicated in wider institutional environments. Social institutions are articulated with political institutions in complex ways, as in the influence of conventions about the sexual divisions of labour on women's opportunities in political life (despite formal protection against discrimination) (Krook and Mackay 2010; Gains and Lowndes 2017). Economic institutions are also part of the institutional web, with political

decision-making shaped as much by conventions as to what 'the markets' will expect or tolerate. This understanding echoes Foucault's assertion that power relations necessarily transcend the confines of the state, and Mouffe's claims that state/society distinctions are insufficient in mediating deep conflict (for example, over abortion). For agonists and post-structuralists democratic institutions do not exist in isolation; the power relations which constitute them are interwoven into society. Institutional linkages are reflective of different (contested and contingent) power settlements - as in the coupling of racism and liberal democracy, or patriarchy and capitalism. Institutions create a (temporary) 'operational closure by including and excluding various issues, particular forms of knowledge and certain actors' (Sorensen and Torfing 2008, 40). Countering such patterns requires that the boundaries between institutions – or rather the adhesions or tanglings - become the subject of political action, rather than focusing only on the overtly *political* rules of the game. For agonists, such entanglement leads to a society in which citizens are necessarily interdependent, with their identities constituted and reconstituted relationally - as in Owen's common quest, Connolly's ethos of engagement, Tully's 'crazy-quilt' society, and Mouffe's friend-adversary narrative.. Citizens partake in an ongoing collective contest that seeps across institutional boundaries and embeds itself into different levels of society including schools, clubs, workplaces, cultural spaces and the home. The contingent character of such contest prevents institutions from arriving at an end-point, enabling citizens to question, challenge and contest them.

Agonising democratic design

Rather than seeking to secure an organisational fix for agonism, the bigger challenge is to develop an approach to the design of democratic institutions that embodies agonistic principles of contestation, contingency and interdependence. The prize of democratic design is to set the 'rules of the game' for political practice or, in Foucault's terms, to interrogate and transform 'the conduct of conduct'. Conventionally, institutional design prioritises functionality, internal coherence, goodness of fit with external environments, and even aesthetics (Goodin 1998, 37-38). Design is seen to be oriented towards achieving institutional equilibrium or a self-regulating homeostasis (Skowronek 1995, 92). So how might an agonistic designer proceed? Critical

institutionalism provides new theoretical tools, revealing how aspects of the lived experience of political institutions - ambiguity, conflict, diversity and contingency – can provide important opportunities for opening up agonistic spaces. These spaces facilitate and encourage the transformation of ineradicable conflict into a productive force, which promotes inclusion, passion, and collective enhancement of society. Here we are working with something of a 'halfway house' between social and normative theory, identifying the types of institutions that reflect agonistic principles, whilst also offering some guidelines to help assess how 'democratic' existing institutions are. We follow Bob Goodin's (1996, 39) advice that, in matters of institutional design, it is advisable to seek 'principles that trade on "theories of the middle range" in both empirical and normative realms'. In this spirit, we propose a democratic design process with the following five characteristics:

Processual: Informed especially by adversarial and inclusive approaches, the process of agonistic democratic design can be seen as important as the outcome. Attempts at institutional reform provide an opportunity for 'the discovery, clarification and elaboration' of the values that undergird existing and alternative institutional arrangements (March and Olsen 1989, 90). Agonists reject the idea that a universally-accepted 'good society' will emerge from (or guide) such a process. Rather, agonistic design reflects a deep pluralism, whereby diverse actors express perspectives that need to be recognised rather than reconciled. Agonists do not concern themselves with the outcome of the pluralistic contest since there is no universal truth to be arrived at. Rather, they focus on the *process* of discussion in which citizens constitute their values against those of others, and in which the emergence of new values leads to a reconstitution of such values. Griggs et al. (2014, 30) argue that democracy should avoid proceduralism and promote a 'practical ethos of questioning and collective problem solving'. This notion reflects Owen's commitment to a collective cultivation of virtues, as well as Connolly's emphasis on overcoming *ressentiment* through passionate yet respectful engagement. Thus, citizen participation in democratic design should transcend the usual boundaries of the 'political', being involved in the process of norm formulation via a wide range of educational, cultural and social media channels.

Collective: Agonistic democratic design engages a multiplicity of actors in the active (yet open-

ended) construction of a collective will. It is a design process of un-doing as well as doing, exposing and interrogating the embedded meanings within extant institutions as well as elaborating new ones through respectful contestation. Rather than seeking to fix rules and invisibilise their underlying values, agonistic democratic design asks questions about the 'rules of the game' and opens up spaces in which alternatives can be elaborated and contested. Wagenaar (2014, 248) argues that the 'inherent conflict' between citizens' diverse subjectivities and 'ensembles of administrative belief' can be made productive. Through a 'process of enacted interdependence', it is possible for diverse actors to come together to form governance networks that facilitate collective learning and action, as well as transforming relations of antagonism and resentment into those of agonistic respect and mutual recognition. Such a process encourages deep pluralism, diverse participation and interdependency through measures such as random selection, honorariums and rewards, and network facilitation - measures that actively promote more diverse attendance and active participation. It is important to design institutions that reflect both adversarial accounts of identity (Mouffe) and more pluralistic ones (Connolly, Tully and Owen). A combination of 'yes/no' referenda-style topics and debate-like fora on the one hand, with 'preferenda' (where citizens rank a series of options in order) and pluralistic view-sharing on the other, can encourage impassioned democratic engagement, whilst also transforming relations between agonistic citizens. Agonistic design creates opportunities for citizens to be involved in crafting and adapting specific institutional arrangements, and in holding politicians accountable for previous decisions on institutional design. Such a design resonates with Connolly and Tully's calls to expose and overcome domination, and reflects Owen's emphasis on the autonomy citizens.

Contextual: Agonistic democratic design acknowledges and values the necessarily embedded nature of democratic institutions. Such a process reclaims parochialism, seeing the distinctive character of local agency and environments as an important resource (Lowndes and Wilson 2001). Agonistic design facilitates *bricolage* rather than seeking to stamp out actors' institutional tweaks and subversions. Especially in contexts of resource shortage and/or inter-group enmity, 'refurbished' or 'recombinant' institutional arrangements represent a contingent settlement that enables collective action (Lowndes and McCaughie 2013; Crouch

2005). Acknowledging the contextually embedded and indeterminate character of institutional boundaries makes a democratic virtue of Tully's 'crazy quilt'. An excess (or surplus) of institutional opportunities for democratic design allows some innovations to thrive and others to wither, in the absence of any expectation of design perfection or permanence (opposing the a-contextual liberal mantras of 'best practice' and 'good governance'). A 'fine mess' rather than a homeostatic model is the aim of the agonistic democratic design (Cleaver and De Koning 2014, 12). This design mirrors Mouffe's claim that all consensus is necessarily exclusionary and that society's goal should be not to resolve such exclusion, but to acknowledge and maintain its contingency. A prime example would be the way in which PB in Porto Alegre is not codified into municipal law, allowing it to be restructured or even abandoned.

Contestable: Agonistic democratic design involves contesting existing institutions and also making new arrangements open to contest. Designing for agonism means valuing conflict, and making spaces for agonistic contests, which allow for passionate expression of differences. Such passionate conflict is reflected in contestable and contingent institutions, which are always subject to challenge; for instance through the provision of short election cycles, frequent rotation of those leading democratic institutions, and spaces for challenge and critique. It is also inherent in institutions that harness citizens' passions and sustain engagement by tackling controversial 'value' topics (like abortion), using facilitators who actively encourage citizens to bring in personal accounts and stories, and enabling citizens to make binding decisions. There is a link here to the embedded aspect of agonistic institutional design, in which the flow of conversation across formal and informal institutions (and politics and wider society) upholds opportunities for continual contest. Following Tully (2008a), agonistic design has to embody 'the freedom of speaking and acting differently'. The 'rules of the game' are contestable and democratic institutions are designed to be permeable. In addition to speaking to Mouffe's commitment to passionate democratic engagement, this design also resonates with Owen's virtue cultivation and Connolly's drives toward future pluralisation.

Provisional: Agonistic democratic design rejects an endpoint. There is no expectation of arriving at a juncture where the political process is deemed perfect. Instead, democratic design is understood as

necessarily incomplete, involving institutions whose 'gappiness' is not just inevitable (given the impossibility of shutting down interpretive spaces) but also productive (as a potential locus of creativity among political actors). Provisional (or emergent) institutional design seeks to harness, rather than suppress, open-ended processes of political reflection (Andres 2013; Lowndes 2005). It acknowledges the contingent character of political environments, which destabilise modernist attempts to 'fix' institutional settlements across time and space. Institutions are no more than forms of contestation that are 'contingently instituted, sometimes deeply sedimented, but always recontestable' (Griggs 2014 et al., 28). Types of rule are only ever 'more or less institutionalised' and are always subject to contestation and contingency. Hence agonistic design promotes temporary and experimental democratic forms that allow for the practical elaboration of contesting perspectives (rather than being 'pilots' for the 'roll out' of pre-determined schemes). This contingency seeks to address Foucauldian concerns about the institutional tendency toward self-preservation, emphasising the unending and imperfect democratic contest promoted by Owen, Mouffe, Connolly and Tully. Internal institutional differentiation is encouraged, even 'the deliberate creation of institutional irritants' (Goodin 1996, 39).

In summary, we have argued that an agonistic perspective alerts us to potentially positive aspects of political institutions that have traditionally been regarded in a negative light. Conventional institutional design seeks to close the gaps in political institutions, resolve the ambiguities, settle the power disputes, and establish 'fitness for purpose' and 'good practice' across a range of contexts. Instead, we argue that the inherent incompleteness of all political institutions could be built upon to open up agonistic spaces. Rethinking political institutions in this way may be as important as developing agonism-specific democratic devices.

Conclusion

Agonistic designs for democracy are likely to be less prescriptive than either liberal or deliberative projects. They do not seek to eradicate conflict through consensus (as in liberalism and deliberative democracy), nor do they shift the focus specifically to diverse minority groups (as in communitarianism and

group rights theory). Instead, such designs aim to bridge the gap between these positions, creating a productive tension between encouraging collectivity and democratic community (through a common quest and interdependent relations), and acknowledging and valuing diversity (through conflict, and agonistic attitudes that are open to pluralism). Agonistic institutional design is inevitably a project with limits. It cannot ever claim to provide a perfect, complete set of democratic institutions. Instead, the aim of agonistic designs for democracy is to be 'good enough': good enough to be inclusive and plural, and good enough to argue about. However provisionally, such a project seeks to express the core agonistic principles: to encourage diversity, subvert domination, revive political contest, and promote interdependency.

When thinking about agonistic institutions, the challenge is to maintain a balance between providing political guidelines and encouraging certain forms of political behaviour, whilst also enabling contingency and contestation. How can we implement agonistic institutions, and ensure citizens act according to them, without replicating the domination that agonists seek to overcome? How do we decide who is to be included and excluded from democratic discussion without reverting to liberal labels of reason and rationality? What do we do about those citizens who do not follow agonistic principles of respect, recognition, critical responsiveness and listening to the other side? Furthermore, how do we marry different agonistics principles, ensuring that adversarialism, passion and conflict are valued, whilst also providing space for a respectful ethos of interdependence to emerge? These are questions for further research and scholarship.

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