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THE CHALLENGES OF CONSENSUS, CONFLICT AND DEMOCRATIC PARTICIPATION IN TURBULENT WATERS

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Entanglements of Unsettled Currents

We are living in increasingly unsettled and turbulent times, where the imperative to find new ways of thinking about cities, and contributing to them as activists, planners, architects and policymakers is ever more urgent. In this context, democratic participation and debate in cities are highly relevant. This is all the more important in many parts of the world where neoliberal economic thinking is dominant and where we see the state withdrawing from public involvement and expenditure. In these countries, it is even more urgent for marginalized populations to be able to voice their dissent. One key arena where public life is enacted are the urban commons and community spaces, which are negotiated by all and free to those using them. Such spaces, which are central to the argument developed here, underpin the inclusiveness of cities, which have the potential to be just and responsive to local needs. What I want to suggest in this chapter is that in the context of cities as spaces of differences juxtaposed in complex configurations with one another, often at density, living together necessarily involves contestation, conflict, resolution and compromise. Therefore, no place is settled forever. New needs are articulated, and new practices—from political action to government interventions—are enacted that will unsettle the settled. Flux and change are inevitable processes of urban life.

Let me turn to how can these turbulent and unsettled currents in cities be understood in several ways. First, over the past decade, there have been growing social and economic inequalities within cities, regions and countries in access to, and the distribution of, resources. These inequalities are inflected by, and constituted in, differences across race, ethnicity, sex, gender and age specifically, which derive from unequal relations of power. Rising house prices and the lack of affordable housing for people on low and middle incomes renders large numbers

of people dependent on high rent levels or forced to live in far flung suburbs or rural locations at some distance from their place of employment or resorting to living in cars or other forms of temporary solutions, as the blue-collar workers of Silicon Valley (Chapter 8, this volume). At the extreme end, growing numbers of homeless people are consigned to temporary shelter on city streets and underpasses, or temporary settlements, dependent on diminishing services or the kindness of strangers. Secondly, there is a growing number of people displaced from their place of origin, due to political or religious conflict, persecution or lack of resources. Many of these refugees find themselves without accommodation and employment and vulnerable to exploitation in their place of arrival. There is evidence that climate change and environmental degradation—lack of water, pollution and desertification—is contributing further to the movement of populations, a trend that is likely to continue and deteriorate over the coming years. Third, we see increasing disaffection with traditional democratic governments and institutions, often expressed in hostility toward the metropolitan elites and experts, which is manifest in the rise of populist movements from the US to countries across Europe. Such a disaffection, I suggest, potentially has serious consequences for the future of democracy. To date liberal democratic societies have been ill prepared to confront the present challenge, often unable to grasp its nature. As a result, we see the growth of right-wing populism, nationalism and racism, and a lack of tolerance toward those who are different. Fourth, societies are becoming increasingly complex, interconnected, unpredictable and uncertain, not least because of the increasing visibility of differences of class, race, ethnicity, sexuality, households, age and bodies, in city life.

Such complexity and uncertainty present serious challenges for city planners and urban policymakers. In this context, the urban commons (Kornberger and Borch 2015) and community and public spaces (Madanipour, Knierbein and Degros 2014; Watson 2006) become ever more important, the former conceived as an alternative to the battle between public and private, and as land or services that are commonly and collectively owned and managed, the latter to spaces that are open to all regardless of gender, race, ethnicity, age or other socio-economic factors. These spaces are important for the opportunities they provide for low-income people to find recreation and relief from the intensity of city life, not only for different people to encounter one another, or for the people whose accommodation offers them no outside space, but also for people to create new ways of living and interacting, among many other reasons. Ensuring that public space and the urban commons remain open to the multiple publics that live in cities is a challenge, since every public space is embedded in relations of power, which serve to include one group at the same time as marginalizing another. When these processes become fixed, and firm hard borders are established, groups that are ‘othered’ in the process may have difficulty finding a way in. This, then, is the context for thinking about democratic participation in cities, where much of the discussion of its importance in planning and politics overlooks both the reality of conflict and its contradictory effects, which can be negative, when

voices are silenced, and positive when negotiation and debate lead to outcomes that take account of different voices and views. However, there is a normative assumption that agreement and compromise can always be reached, even though such agreement has the potential to overlook, marginalize and ignore differences and tension. Assumptions of consensus typically underpin the often-valued notions of participatory democracy.

Instead, I suggest, what is needed is a better understanding of conflict and collaboration as mutually reinforcing elements of an ongoing political process, where conflict is not only unavoidable but also a necessary aspect of participation and engagement. Compromises may have to be reached, but they are reached often at the expense of marginalized groups and implicated in relations of power. Chantal Mouffe's (1999, 2013) writing is a helpful starting point. Mouffe suggests that 'deliberative democracy' is a commendable aspiration, which confronts the problems of an interest-based conception of democracy, which is inspired by economics, and which is skeptical about the virtues of political participation. Theorists who are interested in developing notions of deliberative democracy, according to Mouffe (1999: 745–746), aim to introduce questions of morality and justice into thinking about politics. This involves looking for new meanings of traditional democratic ideals such as autonomy, sovereignty and equality. However, as Mouffe (*ibid.*) argues, "their aim is to reformulate the classical idea of the public sphere, giving it a central place in the democratic project". What matters in this conception of democracy is reason and rational argument rather than interests or an attempt to respond politically to majority preferences. Jürgen Habermas (1962) emphasizes the importance of rational debate, typically in the public sphere of the coffee house, where deliberative democracy is based on social practices of communication—according to classical principles of democratic theory, in particular, the concept of popular sovereignty, which he understands as the unconstrained political sovereignty or government by the people or their elected representatives, which presupposes that people are free and equal (Schumacher 2018). Seyla Benhabib (1996: 70) similarly argues for a democratic theory, which attempts to bring together rationality with legitimacy seeking a 'common good' that is compatible with the sovereignty of the people. Such a formulation is based on the assumption that common interests can be agreed upon through the processes of rational collective deliberation between free and equal individuals, who all have the chance to initiate debate and question the assigned topics of the conversation, and all have the right to challenge the very rules of the engagement and procedures (*ibid.*). Such challenges are nevertheless also embedded in the inequalities that derive from differences in power. Nancy Fraser (1990) develops these arguments in her call for spaces for 'subaltern counter publics'—where minorities, such as women, gays, Black people and others, can articulate their claims through counter discourses to those that are dominant.

Mouffe (2013), in contrast, takes seriously the dimension of power and extends this to consider its ineradicable relation to antagonism. She suggests that the possibility of a public sphere that is devoid of power and antagonism within

which a rational consensus is imagined as the outcome involves the denials of some conflict as inevitable in the formation and performance of collective identities. For this reason, the traditional model of democratic politics is inadequate since it fails to recognize this. So too the idea that planning can intervene to organize consensus becomes problematic. Rather, the question of power, Mouffe argues, is central to the conduct of political debate, and in my view central to living with differences in the city, which are crucial to the production and reproduction of public spaces, which are ultimately spaces of politics and power, which act to include some social groups while excluding others. Public space can never be a neutral space where all people have equal access at all times; it is bound to be a space of contestation and conflict, even if these conflicts are sometimes resolved. But any resolution is bound to be temporary and impermanent, or maintained through constant attention to the differences of power that are constituted and played out in the public realm. Identities are necessarily formed and constituted in the spaces of the city, themselves vulnerable and precarious and shifting.

This approach that I am advocating involves a displacement of the traditional relations between democracy and power, which, following Mouffe (2013), accepts that power relations are constitutive of the social. Acceptance of this proposition opens up the question not of how to eradicate power, but rather to think about, and work with, forms of power that are compatible with democratic values rather than destructive. This is to acknowledge that power relations are always present and need to be transformed in the interests of what Mouffe refers to as the project of ‘radical and plural democracy’. In this conception of politics, others who are different from ourselves are not conceived as some kind of enemy that needs to be destroyed, but rather as an ‘adversary’, whose ideas we listen to and possibly struggle against, in occasional relations of antagonism. But for Mouffe, this conflict between adversaries who may disagree involves mutual respect and the recognition of one another’s right to exist. Mouffe called this kind of respectful conflict ‘agonistic pluralism’. In this way of thinking, the objective of democratic politics is not to eliminate passions or differences through rational debate, rather, it is to mobilize these passions and differences toward new forms of democracy through ‘agonism’.

I find myself attracted to Mouffe’s notion of agonism, in its more ‘friendly’ and open sense of engagement with differences rather than their erasure through consensus seeking. But as Nikolai Roskamm (2015) cogently argues, however, there are other ways of thinking through the conflicts—antagonisms that inevitably are constituted in the spaces of the city without arguing for agonist pluralism. As he points out, Mouffe’s thinking developed from the writing of Carl Schmitt (2007 [1932]) which sees the ideals of pluralist democracy as “a contradictory combination of irreconcilable principles: on the one hand, deliberative consensus (the aim of democratic politics), on the other, antagonistic forces (the essence of the political), which leads him to argue that liberal government is not ultimately viable” (Roskamm 2015: 390). Mouffe sees conflicting differences—antagonism—as

constituting democracy, through proposing agonism as ‘taming’ the antagonistic engagement with the other into an agonistic encounter where differences constituted in relations of power are explicitly debated without necessarily being resolved. Roskamm (2015) reminds us of the other influence on Mouffe’s thought—Ernesto Laclau (1990) with whom she collaborated. For Laclau, identities—constituted in relations of power—are not fixed but contingent—which is to say—they are constituted in specific contexts, partial and thus open to change. As Roskamm (2015: 398) suggests, reflecting on the work of Schmitt, Laclau and Mouffe shows that

both antagonism and the constitutive outside are not the enemies, and that antagonism is not a personal feature but a structural principle. Accepting the possibility of an outside without thinking in friend/enemy distinctions constitutes a starting point for a fresh rendezvous of agon/antagonism and planning theory.

Finally, on the question of differences between groups, psychoanalytic theory with its focus on affect can offer some insight into the context of urban politics. I suggest that antagonistic differences to those that are different from oneself or one’s group often occur as a result of fear of others who we don’t understand, or whose culture is not familiar—the fear of the stranger (Kristeva 1991). This can lead urban dwellers to cut themselves off from others in gated communities, or behind walls, and refuse to engage with others who they see as threatening. One of the challenges of living together in cities is thus to break down these visible and invisible boundaries that are erected between one group and another, creating soft rather than hard borders between places to open up spaces of engagement. It also involves acknowledging that relations of power produce a sense of powerlessness that many people feel, particularly in the context of a lack of education, employment or income. It also means addressing the question of representation in the political and public spaces of the city, noticing who gets to speak and who gets to represent who. So often it is only the powerful voices that are heard.

In many cities, there is a long history of the importance of the urban commons and public space. With the growth of environmental movements over the past two decades, there has been a renewed interest in creating urban gardens and making use of liminal and marginal spaces of the city which have been neglected—alongside railway lines, under bridges, adjacent to derelict buildings and so on. Places that were previously not valorized—such as open water swimming spaces—are increasingly important to city life (Watson 2019a). New public spaces are emerging, and new forms of community and social organizing are taking place. These forms of collaboration provide hope for the city as a space of self-organization and a radical democratic politics that engages the diverse populations that now inhabit many cities of the world. Yet it remains important to think about the questions posed earlier in this chapter. How to create these spaces

without excluding some groups? How can urban citizenship be constructed to be open to those that are different from those engaged in their construction? How can different groups have their interests met, and also be represented? Questions of how to engage in democratic debate that does not shut down some voices or force consensus where none exists need to be addressed. How to build political capacity among marginal urban actors? In this, it is important to recognize the heterogeneity of urban populations rather than impose some imagined homogeneity. It is important also to recognize the complex socio-cultural and political histories of place, recognizing the specificity of each unique locality and taking this into account when constructing and imagining different futures. Urban commons and community spaces in cities are here to stay. What matters is to ensure that they are open and inclusive to all the diverse actors that participate and inhabit city spaces. As we see in our story that follows, this may be a laudable aim but not always one that can be achieved.

Turbulent Waters

Let me turn now to a story of storms over calm waters, or less metaphorically, the unsettling of a settled place where a politics of belonging, consensus and heterogeneity was disturbed by disputes as to whose space this was. This brief vignette raises interesting questions and debates. Hampstead Ladies Pond, in Hampstead Heath in North London, has existed since the late 19th century as a bathing pond for women's exclusive use. Originally established to protect women's modesty and privacy in the late Victorian period, over the past century or more, it has increasingly been celebrated as a site for women to share, away from the male gaze, and enjoyed by women of all ages, different sexualities, different ethnicities, and different bodies. So popular has it become that on summer days, the queues extend for some 100 meters away from the pond and admittance has to be restricted.

This pond is passionately defended and loved by the women who swim there, many of whom have been swimming there for decades, sometimes throughout the entire year. When the City of London Corporation who manage the Heath, and the ponds within it, attempted to introduce charges—the ponds until recently have been free—or curtail winter swimming on the grounds of the health risks, these incursions have been fiercely resisted (Watson 2019a). Women who swim in the pond talk of how swimming in the ponds is sublime, exhilarating, spiritual, soothes troubled souls and so on. Poems, books and artworks have all been inspired by these calm green waters hidden from view by the surrounding bushes. For lesbians, it represents a place of safety where women can be together without harassment, for certain minorities such as Orthodox Jewish women, or Muslim women, it is the only public place where they can reveal their bodies and swim.

This peaceful co-existence at the ponds was disturbed in 2018 when transgenderism fractured this long-established harmony. Though the number of transgender women swimming in the pond, or being present there was almost

negligible, some women at the ponds objected vociferously to the presence of transgender women at the pond, and particularly in the shower area, leading to extensive public discussion and media coverage. The views expressed by those opposed to transgender women at the pond drew on several arguments, interestingly on some of the same features of the pond for which it had often been praised—its significance for minority ethnic women, its imagined safety for girls and women away from men. Comments like these were published in the press:

One Muslim woman said she would no longer be able to use a woman only pool or changing room. She said: ‘I will no longer be able to use women only pool and changing area if men are allowed in’.

(Gordon 2019)

My nieces are not allowed to be uncovered around men and will not be able to learn to swim.

(Gordon 2019)

Muslim girls are put at risk and discriminated against by this change.

(Gordon 2019)

A survey was launched by the Hampstead Heath management to explore women’s views with objections drawing on discourses of biological sex—that access should be restricted to women born in a female body, on the need to prioritize the dignity of women and girls, and a concern that any transgender woman who self-identified as a woman, where her bodily characteristics remained those typically recognized as male could enter the ponds. One long-term swimmer described seeing a young man using the pond wearing a bikini and declaring he was transitioning to a woman. This was seen to lay women and girls open to the threat of violence and to threaten the sense of safety that the women’s pond offered:

Feminist writer Julie Bindel is also a regular visitor to the pond and lambasted the decision to welcome transgender women as ‘totally unacceptable’. The last thing [young girls] want is to look behind them and see a male-bodied person pretending to be a woman in order to gawp at them.

(Petter 2018)

Some women entered the men’s pond nearby donned in beards as an attempted counterpoint. Though the figures from the survey were disputed, a majority of women were supportive of transgender women, with some women referring to the women who objected to trans-women swimming in the pond as TERFS—trans-exclusionary feminists, while others, though not drawing on this discourse, supported the equal rights of transgender women as laid down in the Equality Act of 2010, and the political position of Stonewall’s campaign and organization for lesbian, gay, bisexual and transgender rights: the supporters of the scheme to

open up the pond to all women identifying as women argued that it was essential that trans-women had a safe place to go. One said:

I am happy to share services for women with those not born into female bodies [...] I think their safety would be more compromised in male spaces than mine would be by having trans women in a female space with me.

(Duggan 2019)

In the end, the dispute was resolved at the political level with the City of London Corporation adopting a new gender identity policy, which meant that anyone could have access to female facilities if they identified as a woman. In their statement, the Corporation declared (cited in Duggan 2019):

All communities should be fully respected, and equality and basic human rights upheld. [...] We aspire to be a leader in diversity, equality and inclusion. [...] We are committed to building and supporting a strong, sustainable and cohesive society in the capital and beyond, and this policy will take us one step further towards realising this vision.

As one woman said: “I have been swimming there for years, as many London women trans and cis. It is a tiny piece of heaven that just got better” (Petter 2018). For the women who opposed this view, their right to have sole access to what they defined as safe women only spaces, of which there are few, were denied. However, the decision put the debate to rest.

This story illustrates the instability of the apparently settled nature of urban spaces and accepted everyday practices, and how quickly they can become unsettled. It also illustrates the challenge of finding solutions where spatial justice is not an easily attainable goal (Watson 2019b), since as Andreas Philippopoulos-Mihalopoulos (2014) suggests no two bodies can occupy the same space at the same time. In the end, the two opposing views could not both be recognized in policy terms, unless, for example, practical solutions were proposed, which offered different groups of women particular time slots. But such a solution was unpopular and also problematic, since at the legal level, excluding transgender women at one time of day would have been contrary to the Equality Act and the spirit of the Corporation’s policy on gender identity. But clearly, debates had to be possible even if the eventual outcome did not satisfy some of the protagonists.

In Mouffe’s terms, what we saw here was agonism in practice where the conflict between adversaries was not shut down, each was vociferous about their views and debate was possible among adversaries. Yet in the end, the conflict was resolved through enacting legal decisions agreed for wider public policy issues beyond this specific site. Not everyone was satisfied with the decision. The majority voice and view held sway, since this decision was underpinned by the law, putting an end to the continuing practice of ‘agonistic pluralism’ as enacted in this space. This dispute thus followed a pattern for past political

struggles, where the outcomes, seen by some as a success, for others a failure, were institutionalized in policy and regulations. Shutting down the dispute in the way that took place put an end to agonism at specific moment in time, illustrating the difficulty of an ongoing and vibrant culture of political debate and struggle, which does not necessarily have to be resolved. On the other hand, this case study gives a picture of how agonism in practice works beyond immediate political wins. Perhaps the main achievement of such struggles in the city lies in raising awareness about different practices, about the importance of sensitivity toward others who are different, or the emancipation of certain groups to engage as politically active subjects, which they otherwise would not do.

There are not always easy answers to contestations of space in the city. Returning to Laclau's emphasis on the more contingent constitution of identities and differences, it follows that no space is ever settled forever and these—or other—differences at the pond may erupt again in a different form depending on the context. Where power relations are in play, there is an inevitable contestation of spaces as this example illustrates. In practical terms, the easiest way to solve such conflicts is recourse to the law, as occurred here, where such law exists. But the resolution was only partial, in that one group's demands were not met. The different views of adversaries nevertheless need to be acknowledged even if consensus cannot easily be found. Differences between groups, different interests, unequal relations of power always exist in some form in cities, though for much of the time, they may not be visible and lie dormant, while inevitably leading to a constant dynamic of settled/unsettled/settled/unsettled. These differences make cities the vibrant and dynamic spaces we know and love.

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