

# The Right to the City

*Social Justice and the Fight  
for Public Space*

DON MITCHELL



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## The End of Public Space?

### *People's Park, the Public, and the Right to the City*

#### STRUGGLING OVER PUBLIC SPACE: THE VOLLEYBALL RIOTS

In April 1989 the chancellor of the University of California, sensing a changing political climate reflected in the moderating radicalism of the Berkeley city council and the general complacency of Reagan-Bush era students, raised once again the idea of building dormitories on People's Park. His timing was not good. Park supporters were in the midst of planning a 20th anniversary memorial of the 1969 riots and a celebration of the park, and the chancellor's proposal contributed to a growing sense that the demise of the park was imminent. Gentrification along Telegraph Avenue, further university development in the South Campus neighborhood, and almost nonstop debates over how best to "develop" the People's Park site all seemed to indicate that the survival of the park as a user-developed and -controlled site was in jeopardy. The cumulating unease and frustration erupted into a full-scale, if rather nostalgia-tinged, riot on May 20, 1989, the 20th anniversary of the original People's Park riots (*Los Angeles Times* 1989a; *New York Times* 1989).

Central to the 1989 riot was the question of homelessness: what right did homeless people have to the city? And in the city, what right did they have to the park? The growing homeless population in the park, and on the streets of Berkeley more generally, raised critical ques-

tions in this supposedly liberated and liberal city—questions about housing policy and gentrification, questions about appropriate street behavior, and questions about just whose city Berkeley was—in ways that they never really were raised in the 1960s. During the 1980s a number of Telegraph Avenue merchants, in particular, were growing increasingly vocal in their demands that "something be done" about the homeless. People's Park as a central gathering and living space for the homeless was seen by a growing number of residents, students, and merchants as not so much the solution to alienated living in the city but rather its cause—only now it was the middle class that was being alienated.

Even so, the university found it hard to do much of anything about People's Park. It had become a—if not *the*—primary symbol of the radical uprisings of the 1960s, and (often self-proclaimed) defenders of the park were zealous in their determination that no new structures be built there and that some of the traditional structures—such as the stage and the "free box" (Figure 4.1)—be preserved at all costs.<sup>1</sup> The politics of the park's evolution was often quite complex, with alliances frequently shifting. Despite their general antipathy for the stance of those merchants who wanted to rid the area of the homeless, many park defenders opposed a 1986 Catholic Worker plan to set up a "People's Café"—a trailer and deck that served as a soup kitchen for Berkeley homeless



**FIGURE 4.1.** The large central grassy area of People's Park, circa 1990. The Free Stage is behind the cluster of people to the left; the Free Box is below the bulletin board to the right. Photograph by author.

people—in the park. The university found itself aligned with these defenders when it sued to block construction of the People's Café, a suit that a Berkeley judge refused to hear, lecturing the university “about wishy-washy liberalism that refuses to take responsibility for the community's problems” (Horn 1989).

Despite its April announcement, by the fall of 1989, the University of California had resigned itself to maintaining the park as an open space, but it had not yet given up hope of controlling the space and developing the park in its own interest. On November 2 of that year, the chancellor announced that the university would lease a portion of the land to the city of Berkeley for a trial basis. The city determined that its portions of the park would be dedicated to user-control; but it also began exploring ways to remove the homeless people who camped there. To aid in this effort, the chancellor pledged \$1 million a year for 10 years to the city to help defray the costs of aid to the homeless and other services (Rabinowitz 1989).

The details of the November 1989 accord took more than another year to be ironed out. During its negotiations with the city, the university emphasized that it had every intention of retaining lot 1875-2 as a park but that it wanted it to be a park in which inappropriate persons—“the criminal element,” as the university put it (Boudreau 1991, A3)—were removed to make room for students and middle-class residents who, the university argued, had been excluded as People's Park became a haven for “small-time drug dealers, street people, and the homeless.”

The park development plan that the city and university eventually settled on seemed innocuous enough (Figure 4.2): the university would lease the west and east ends of the park (for \$1 a year) to the city for “community use.” The central portion of the park, the big grassy field where many homeless slept and which was the traditional gathering place for rallies, speeches, and concerts, was to be converted by the university into a recreation area featuring volleyball courts, public pathways, public restrooms, and security lighting. In exchange for the lease, the city was to assume “primary responsibility for law enforcement on the premises” (Kahn 1991a, 28). In addition the university and the city were to establish a “Use Standards and Evaluation Advising Committee,” which both hoped would help “bring about a much-hoped-for truce, and realization of the place as a park that everyone can enjoy” (Kahn 1991a, 28). While these developments seemed quite ordinary, all agreed that they portended great change. “To be sure,” the suburban

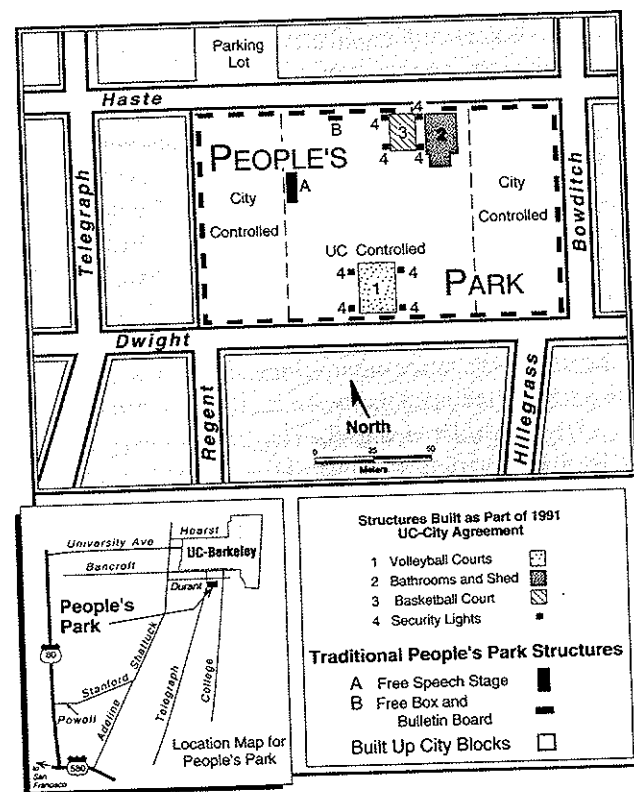


FIGURE 4.2. Map of People's Park showing the developments added in 1991. Map by Jim Robb, University of Colorado.

*Contra Costa Times* commented, “the one-of-a-kind swath of untamed land will never be the same. And to that extent an era is ending” (Boudreau 1991, A3).

After more than 20 years of riots, debate, controversy, neglect, broken promises, and more riots, the end of the era marked by the city-university agreement seemed long overdue to many in Berkeley and the Bay area. To critics of the park in the city government and university administration, as well as in the mainstream national and local press, the need for improvement in the park was a common theme. Comments such as this were rife in the press at the time: “To some park neighbors and students, People's Park, owned by the university, is overrun by

squatters, drug dealers, and the like" (Boudreau 1991, A3) (Figure 4.3). And as the university's director of community affairs, Milton Fujii remarked, "The park is underutilized. Only a small group of people use the park and they are not representative of the community" (*New York Times* 1991a, 1:39). Sensitive to claims that such sentiments might be interpreted as announcing a plan to remove the homeless users of the park, UC spokesperson Jesus Mena declared: "We have no intention to kick out the homeless. They will still be here when the park changes, but without the criminal element that gravitates towards the park" (Boudreau 1991, A3).

For the university, as for other critics of the park, the evident disorder of the park invited criminality. To be a functioning open or public space, it had to be reordered, and the city-university agreement was the first step in that direction. It had to be reclaimed so that it could be made available to an *appropriate* public.

Park defenders saw matters rather differently. For them, People's Park—which after all had survived as a user-controlled space for two



FIGURE 4.3. A homeless encampment in the city-controlled section of the east end of the park, 1994. Photograph by Nora Mitchell; used by permission.

decades despite numerous plans and efforts by the university to reclaim it—constituted one of the few areas in the San Francisco Bay Area in which homeless people could live relatively unmolested (Kahn 1991a, 2) and in which other users had pretty much free reign. It was, especially by contemporary standards, a quite unmediated space. The attractiveness of People's Park for homeless people indicated to many park defenders not that it was a dangerous and out-of-control place but rather that it was working as it should: as a truly public space. It had developed as a political space that encouraged unmediated interaction, a place where the power of the state (and other property owners) could be kept at bay. Activists felt that the university-city accord jeopardized some of the primary park institutions that had developed over the years and that set it apart from city-controlled parks: the grassy assembly area, the Free Speech stage, and the Free Box (a clothes drop-off and exchange) (see Figures 4.1 and 4.3). Without these, they felt that People's Park *as such* would cease to exist. According to Michael Delacour, one of the founders of the park in 1969, the defense of People's Park against the university's plans was "still about free speech, about giving people a place to go and just be, to say whatever they want" (Lynch and Dietz 1991, A20).

By the time the university and city were ready to act on their plans for park development, in the summer of 1991, activists had successfully linked this aspect of the park—the ability for people "to go and just be"—to the rights of homeless people. For those opposed to the UC-city plan, People's Park since its inception had been regarded as a refuge for the homeless and other street people. Activists feared that the building of volleyball courts struck at the heart of the park's traditional role—a place to "just be." As such, it portended ill for homeless park users and residents. It signaled a desire to see their removal. Reconstructing the park in such a way that would lead to the removal of the homeless, they surmised, was tantamount to an erosion of public space. The development of even volleyball courts had to be resisted.

Homeless residents in the park agreed. In her reply to a reporter who asked her about the UC-city plans, Virginia, a homeless woman living in the park, voiced the fears of many homeless people in the park and of park activists: "You know what this is about as well as I do, it is only a matter of time before they start limiting the people able to come here to college kids with an ID." When the reporter reminded her that the university promised not to remove the homeless, Virginia re-

sponded: "You look smarter than that. A national monument is being torn down" (Rivlin 1991a, 27). Oakland Homeless Union activist Andrew Jackson put the struggles over People's Park into a larger context. Looking at the bulldozers at work as redevelopment began in the park, he commented: "They're tearing up a dream. . . . Ever since I remember this has been a place for all people, not just for some college kids to play volleyball or the white collar. It's a place to lie down and sleep when you are tired" (Rivlin 1991a, 27).

Activists and homeless residents alike considered changes in the park to be related to changes on nearby Telegraph Avenue—the very avenue that UC Regents had long ago worried about becoming a center for "hippies" and other undesirable counterculture figures. Echoing the arguments made by and against Free Speech activists a generation earlier, People's Park activists feared that a transformed and "tamed" People's Park would become a beachhead for the wholesale transformation of the surrounding neighborhood. "The university says they're not against homeless people," commented homeless activist Curtis Bray soon after the city–university accord was finalized,

but all the rules and regulations that are coming out for the park are regulations that only affect the homeless community and no one else. . . . They don't want their students to be faced on a daily basis with what it is like to be poor and in poverty. Once they get the cement courts in, they're going to want to keep the homeless population out as much as possible. (Kahn 1991a, 2, 28)

Bray predicted that the agreement on People's Park was just the beginning. "Once People's Park is off-limits, the homeless are going to go to [Telegraph] Avenue. The university will then say the avenue is a problem" (Kahn 1991a, 28). David Nadle, another founder of the park and later an owner of a world-beat dance club in the city,<sup>2</sup> concurred. He denounced the UC–city agreement as a final move toward the total commodification and control of space. "The corporate world is trying to take Berkeley. The park represents a 22-year struggle over corporate expansion."<sup>3</sup> Berkeley, he claimed, had become "yupped out" (Kahn 1991b, 30).

In the years since the 1969 riots, Telegraph Avenue had experienced a series of transformations. A popular gathering place for Bay Area teens, the Telegraph Avenue–People's Park area was both a highly successful commercial district and one always on the brink of decline.

By the early 1980s, the counterculture flavor of the street (with its numerous locally owned coffee houses, bookstores, record shops, and street vendors selling everything from political bumper stickers to drug paraphernalia to locally produced arts and crafts) was beginning to yield to businesses catering to more affluent students and young professionals. By mid-decade, chain stores were beginning to expand at the expense of locally owned businesses. Coffee bars that appealed to the slumming suburban middle class replaced many of the small restaurants and "head" shops that had defined the street throughout the 1970s. Graffiti- and poster-covered walls were replaced with pastel colors and trendy neon.

As the boom times of the 1980s turned into the bust of the early 1990s, many students in the South Campus area, for whom the upheavals of the 1960s were not even a distant memory, had little time or patience for street activism and street spectacle. Both the park and the avenue reflected these changes in political and economic climate. "In a city where protesting was once as common as jogging," wrote the *San Francisco Chronicle* (Lynch and Dietz 1991, A1), "there is little tolerance for uprisings." As park activist Michael Delacour observed, "The students have changed. They know times are tough and they want to survive" (Lynch and Dietz 1991, A20). Time was scarce for activism and the community involvement that makes spaces like People's Park possible. Many students simply avoided the "untamed land" of People's Park. Others students who lived in apartments or dorms neighboring the park strongly supported the university's plans to take control over it.<sup>4</sup>

In the early 1990s, some of the chain stores moved out of Telegraph (Figure 4.4), and an air of dilapidation seemed to settle over the avenue (May 1993, 6) as visible homelessness increased. While many merchants attributed the decline to the physical hazards that People's Park and some of the people who used it posed to middle-class shoppers, officials of the Telegraph Avenue Merchants Association conceded that it was in fact the *image* of the park (and the avenue) that was threatening business success. As one official of the association put it: "If the majority of people think it's unsafe, unclean, why do they think that? Isn't it based on some sort of reality?" (Kahn 1991a, 28). The official did not directly answer her own question (and if she had, she would have had to concede that crime rates were no higher around Telegraph than in other commercial districts of the city). But perhaps, on Thursday, Au-



**FIGURE 4.4.** The old Miller's Outpost store, circa 1993. Part of a chain of clothing shops, the Miller's Outpost was seen as a symbol of both Telegraph Avenue's gentrification and its decline. Photograph by author.

gust 1, 1991, others did for her, providing the "reality" to which she referred.

On that morning, about 20 activists were arrested as they protested the bulldozers that, in the first step of implementing the UC-city park accord, began clearing grass and soil along the southern edge of the central part of the park where two sand volleyball courts were to be constructed (see Figure 4.2). By that evening, police found themselves trying to control a full-scale riot, as park defenders battled in the streets over whether park development could continue. Intense rioting around the park continued for the next 3 days, and smaller violent conflagrations continued to erupt for almost a week. Police repeatedly fired wood and putty bullets into crowds, and reports of police brutality were widespread (including the witnessed beating of a member of the Berkeley Police Review Commission). But neither did protesters refrain from violence, heaving rocks and bottles filled with urine at the police.<sup>5</sup>

The papers that week were filled with reports of street skirmishes, strategic advances by heavily armed police, and the rage felt by many

protesters. Police were accused of beating bystanders, roughing up homeless residents of the park, and using wood and putty bullets needlessly. Police countered that force was necessary to quell the riots, which included numerous street fires, protesters throwing rocks and bottles, smashed windows and vandalism along Telegraph Avenue. By August 6, eight formal complaints of police brutality had been filed with the Police Review Commission and six with the police department itself. A Police Commission member had received 50 statements alleging police abuse, and the commission itself received another 25 calls of complaint. In addition, an unknown number of police were injured in the rioting (Rivlin 1991b, 18).

"We offered to negotiate," club owner David Nadle claimed, "but this is what we got. Militarily, they have commandeered that part of the park"—the center zone with the Free Speech area, the human services, and the Free Box (Kahn 1991c, 11). The police occupation succeeded. The most intense rioting had all but subsided by Saturday, August 3, and park defenders conceded defeat. In a rally of protesters in the park the next day, park founder Michael Delecourt declared: "Basically, we've got no real choice over what happens in this Park anyway" (Auchard 1991, 23)—a remarkable concession after 22 years of tenacious struggle to maintain user control over the area.

Four days later, the first volleyball games were played in the park. Seeking to cement what one Park defender had earlier called "dominion, imposing solutions for other people's own good" (*New York Times* 1991b, A8), university officials released student employees from their jobs provided that they would play volleyball in the park. One of the players, a Berkeley junior and housing office employee, told the *San Francisco Chronicle* (Lynch 1991b, A20):

At first I thought "OK, let's go play volleyball." But then I realized there was more at stake and I got a little scared. But I came out here because I want to see this happen and show my support. People's Park needs to change. I've only been here once before—most people think the place isn't safe.

That evening at 7 P.M., despite the absence of disturbances around the park or along Telegraph Avenue, police arrested 16 people for trespassing after the park—which the university had asserted it wanted to retain as open space, and from which, the university said, it had no intention of removing the homeless—was closed (Lynch 1991b).

## THE DIALECTIC OF PUBLIC SPACE

The Berkeley housing employee was right. There was a lot more at stake in People's Park than volleyball. Most directly, as Duane, a homeless man who lived in the park put it, "This is about homelessness, and joblessness, and fighting oppression" (Koopman 1991, A13). It was, in other words, about rights, and about the right to the city. But such rights—to a home and job, and to freedom from oppression—were structured through a struggle over a right to and for public space, what such space means, and for whom it is "public." Among other issues at stake in the riots were two opposed and perhaps irreconcilable ideological visions of the nature and purpose of public space, two opposed visions that have a great deal of impact on how the right to the city is conceptualized and for whom it is a viable right. Activists and the homeless people who used the park promoted a vision of a space marked by free interactions, user determination, and the absence of coercion by powerful institutions—in other words, the same sorts of ideological visions for public space promoted by the Free Speech Movement a generation earlier. For them, public space was an unconstrained space within which political movements could organize and expand into wider arenas (see N. Smith 1992a, 1993). The vision of representatives of the university was quite different. Theirs was one of a space that was open for recreation and entertainment, subject to usage by an *appropriate* public (students, middle class residents and visitors, etc.) that used the space by permission of its owners. Public space is imagined in this vision to be a controlled and orderly *retreat* where a properly behaved public might experience the spectacle of the city. In the first of these visions, public space is taken and remade by political actors; it is politicized at its very core; and it tolerates the risk of disorder (including recidivist political movements) as central to its functioning. In the second vision, public space is planned, orderly, and safe. Users of this space must be made to feel comfortable, and they should not be driven away by unsightly homeless people or unsolicited political activity. These visions, of course, are not unique to Berkeley. They are, in fact, the predominant ways of seeing public space in contemporary cities.<sup>6</sup>

If these two visions of public space indicate that differing definitions of the right to the city are at stake, then they also correspond more or less with Lefebvre's (1991) distinction in *The Production of Space* between *representational space* (appropriated, lived space; space-in-use)

and *representations of space* (planned, controlled, ordered space).<sup>7</sup> Public space often, though not always, originates as a representation of space, as for example a courthouse square, a monumental plaza, a public park, or a pedestrian shopping district (Harvey 1993; Hershkovitz 1993; Sorkin 1992). But as people use these spaces, they also become representational spaces, appropriated in use. Public space is thus socially *produced* through its use as public space.

In the case of People's Park, however, the standard chronology was in many ways reversed. People's Park began as a representational space, one that had been *taken* and appropriated from the outset.<sup>8</sup> It was wrested from the university (who had already taken it from its previous residents and owners). But whatever the origins of any public space (planned, appropriated, accidental), its status as "public" is created and maintained through the ongoing opposition of visions that have been held, on the one hand, by those who seek order and control and, on the other, by those who seek places for oppositional political activity and unmediated interaction.

If public spaces arise out of a dialectic between representations of space and representational spaces, between the ordered and the appropriated, then they are also, and very importantly, *spaces for representation*. That is, public space is a place within which political movements can stake out the territory that allows them to be *seen* (and heard)—as the IWW understood so well in its struggles for free speech in the city in the first decades of the 20th century (Chapter 2). If the right to the city is a cry and a demand, then it is only a cry that is heard and a demand that has force to the degree that there is a space from and within which this cry and demand is visible. In public space—on street corners or in parks, in the streets during riots and demonstrations—political organizations can represent themselves to a larger population, and through this representation give their cries and their demands some force.<sup>9</sup> By claiming space in public, by creating public spaces, social groups themselves become public.<sup>10</sup> Only in public space, for example, can the homeless represent themselves as a legitimate part of "the public." Insofar as homeless people or other marginalized groups remain invisible to society, they fail to be counted as legitimate members of the polity.<sup>11</sup> And in this sense, public spaces are absolutely essential to the functioning of democratic politics (Fraser 1990). Public space is the product of competing ideologies about what constitutes that space—order and control or free, and perhaps dangerous, interaction.<sup>12</sup> These are

not merely questions of ideology, of course. They are, rather, questions about the very spaces that make political activities possible. To understand, therefore, why a plan to build volleyball courts and public restrooms in People's Park led to such extreme violence, to understand why people can be so passionate about spaces such as People's Park, we need to reexamine the normative ideals that drive political activity and the nature of the spaces we call "public" in democratic societies. Doing so will make it clear that while many of those who seek to order and control public spaces and who seek to make them spaces of exclusion rather than spaces where the cry and demand for the right to the city is heard (and even promoted), while perhaps being only "little Arnolds," are nonetheless giving voice to a definition of "democracy" that needs to be resisted at every turn.

### THE IMPORTANCE OF PUBLIC SPACE IN DEMOCRATIC SOCIETIES

Public space occupies an important—but contested—ideological position in democratic societies. The Supreme Court, as we have seen (Chapter 2), bases its public forum doctrine on the notion that since "time immemorial" people have used the public spaces of the city—the streets, parks, and squares—as gathering places for "communicating between citizens" and "discussing public questions" (*Hague v. CIO* 1939). But, as we have also seen, just *how* and *where* people are to meet, under what conditions they are to do so, and what they are able to discuss are all themselves points of struggle. The central contradiction at the heart of public space is that it demands a certain disorder and unpredictability to function as a democratic public space, and yet democratic theory posits that a certain order and rationality are vital to the success of democratic discourse. In practice, the limits and boundaries of "democracy" seem to be determined as much through transgression—as with the Free Speech Movement's insistence on using the campus, against the will of the university, as a space for political organizing—as through legal or bureaucratic ordering. Public space must therefore be understood as always historically and socially contingent, even as it is politically necessary. Attention needs to be paid to the specific practices through which public space is produced and how the power to determine its use is arrayed.

All that said, it is nonetheless important to sketch, even if only very briefly, the history of public space as both a form and an ideology. The notion of urban public space can be traced back at least to the Greek *agora* and its function as "the place of citizenship, an open space where public affairs and legal disputes were conducted . . ." (Hartley 1992, 29). While the *agora* was thus a political space, "it was also a marketplace, a place of pleasurable jostling where citizens' bodies, words, actions, and produce were all on mutual display, and where judgments, decisions, and bargains were made" (Hartley 1992, 30). Politics, commerce, and spectacle were juxtaposed and intermingled in the public space of the *agora*. It provided a meeting place for strangers, whether citizens, buyers, or sellers, and the ideal of public space in the *agora* encouraged nearly unmediated interaction—the first vision of public space referred to above. In such "open and accessible public spaces and forums," as Iris Marion Young (1990, 119) has put it, "one should expect to encounter and hear from those who are different, whose social perspectives, experience and affiliations are different."<sup>13</sup> One should expect, that is, *urban* experiences, defined by conflicting demands for the right to the city.

Young is speaking specifically of a normative *ideal* of public space. In "actually existing democracies" (Fraser 1990), the functioning of public spaces has rarely lived up to the ideal. The normative ideal that Young points to has its echo in Habermas's (1989) analysis of the (aspatial) normative public *sphere*, which argues that the bourgeois public sphere developed in early modern Europe as the ideal of a suite of institutions and activities that mediated the relationship between the state and society (see Howell 1993; Calhoun 1992). In this normative sense, the public sphere was where "the public" was organized and represented (or imagined). The public sphere is normative, because it is where all manner of social formations should find access to the structures of power within a society (Habermas 1989). Many theorists (e.g., Fraser 1990; Hartley 1992; Howell 1993) contend that public space serves as the material location where social interactions and public activities of all members of "the public" occur. Public space is the space of the public.

Just what that "space" is, however, is a point of deep contention. As has already been made clear, the streets and parks of the city, like the Greek *agora*, Roman *forums*, or 18th-century German coffeehouses (Habermas 1989) before them, have never simply been places of free,



unmediated interaction. Rather, they have always also been spaces of exclusion (Fraser 1990; Hartley 1992). The public that met in these spaces was carefully selected and homogeneous in composition (contra Young's ideal). It consisted of those with power, legal standing, and respectability, and in this exclusiveness the roots of the second vision of public space can be seen. In Greek democracy, for example, citizenship was a right denied to slaves, women, and foreigners. None of them had standing in the public spaces of Greek cities, even as their labor (and their money) may have been welcomed in the *agora*. They were formally excluded from the political activities of the public space.

And in American history, of course, the admittance of women, the propertyless, and people of color into the formal ranks of "the public" has been startlingly recent (and not yet really complete). Foreigners are still not considered part of the public (and recent changes in immigration law have in fact eroded rights for many noncitizen residents). Women, some of the propertyless, and people of color have only won entrance to "the public" through concerted social struggle, demanding the right to be seen, to be heard, and to directly influence the state and society. As in other Western countries, notions of "the public" and the nature of public democracy played off and developed dialectically with both the fact and the ideology of private property and the private sphere. The ability for citizens to move between private property and public space determined the nature of public interaction in the developing democracy of the United States (Fraser 1990; Habermas 1989; Marston 1990). In the context of an evolving capitalist American state, citizenship is defined through a process whereby "owners of private property freely join together to create a public, which forms the critical functional element of the public realm" (Marston 1990, 445). To be public means having access to private space to retreat to (so that publicness can remain voluntary).

Each of these spheres—the public and the private—of course has been constrained and defined by gender, class, and race. By the end of the 18th century, according to Richard Sennett (1992, 18–19, emphasis in the original):

The line drawn between public and private was essentially one on which the claims of civility—epitomized by cosmopolitan, public behavior—were balanced against the claims of nature—epitomized by the family. . . . [W]hile man made himself in public, he *realized* his nature in the private realm, above all in his experiences within the family.

The private sphere was the home and refuge, the place from which white propertied men ventured out into the democratic arena of public space.<sup>14</sup> The public sphere of America and other capitalist democracies was thus understood as a voluntary community of private (and usually propertied) citizens. By "nature" (though really by custom, economics, franchise, law, and sometimes outright force) women, nonwhite men, and the propertyless were denied access to the public sphere in everyday life.<sup>15</sup> Built on exclusions, the public sphere was thus a "profoundly problematic construction" (Marston 1990, 457).

For the historian Edmund Morgan (1988, 15), the popular sovereignty that arose from the split between publicity and privacy was a fiction in which citizens "willingly suspended disbelief" as to the improbability of a total public sphere.<sup>16</sup> The normative idea of the public sphere holds out the hope that a *representative* public can meet (Hartley 1992). The reality of public space and the public sphere is that Morgan's "fiction" is less an agreeable acquiescence to representation and more "an exercise in ideological construction with respect to who belongs to the national community and the relationship of 'the people' to formal government" (Marston 1990, 450). It is precisely a contest over who counts as Morgan's "citizens" (see Brown 1997).

As ideological constructions, contested ideals such as "the public," public space, and the public sphere take on double importance. Their very articulation implies a notion of inclusiveness that becomes a rallying point for successive waves of political activity. Over time, such political activity has broadened definitions of "the public." It is no longer so easy (though still possible) to exclude women, people of color, and some of the propertyless from a formal voice in the affairs of state and society. In turn, redefinitions of citizenship accomplished through struggles for inclusion have reinforced and even transformed normative ideals incorporated in notions of the public sphere and public space. By calling on the rhetoric of inclusion and interaction that the public sphere and public space are meant to represent, excluded groups have been able to argue for their *rights* as part of the active public—to make a claim for a right to the city. And each (partially) successful battle for inclusion in "the public" conveys to other marginalized groups the importance of the ideal as a point of political struggle (even as it also calls opponents of widening "the public" to the barricades, or at least to the lofty pulpits of the right-wing think tanks).

In these struggles for inclusion, the distinctions between the public sphere and public space assume considerable importance. The public

sphere in the sense that Habermas developed it and many of his critics have refined it is a universal, abstract sphere in which democracy occurs. The materiality of this sphere is, so to speak, immaterial to its functioning. Public space, meanwhile, is material. It constitutes an actual site, a place, a ground within and from which political activity flows.<sup>17</sup> This distinction is crucial, for it is "in the context of real public spaces" that alternative movements may arise and contest issues of citizenship and democracy (Howell 1993, 318).

If contemporary trends signal an erosion of the first vision of public space as the second becomes more prominent (see below; Crilley 1993; Davis 1990; Fyfe 1998; Gold and Revill 2000; Goss 1992, 1993; Sennett 1992; Sorkin 1992), then spaces such as People's Park become, in Arendt's words, "small hidden islands of freedom" (quoted in Howell 1993, 313).<sup>18</sup> Such hidden islands are created when marginalized groups take space and use it to press their claims, to cry out for their rights. And that was precisely how activists understood their defense of People's Park in the face of the university's desire to transform and better control it. As the *East Bay Express* observed (Kahn 1991c, 11): "Ultimately, they claim, this is still a fight over territory. It is not just two volleyball courts; it's the whole issue of who has a rightful claim to the land." Michael Delacour argued that People's Park was still about free speech, and the homeless activist Curtis Bray claimed that "they are trying to take the power away from the people" (*New York Times* 1991a, 1:39). For these activists, People's Park was a place where the rights of citizenship could be expanded to the most disenfranchised segment of contemporary American democracy: the homeless. People's Park provided the space for representing the legitimacy of homeless people within "the public." In just this sense, People's Park was exactly that sort of Hyde Park that Matthew Arnold railed against. Like the streets of San Diego for the IWW 80 years earlier, People's Park was, for homeless people, a deeply political space.

### THE POSITION OF THE HOMELESS IN PUBLIC SPACE AND AS PART OF THE PUBLIC

People's Park has been recognized as a refuge for homeless people since its founding, even as elsewhere in Berkeley the city has actively removed squatters and homeless people (sometimes rehousing them in a disused city landfill) and become one of the leading innovators of puni-

tive anti-homeless laws (Dorgan 1985, B12; Harris 1988, B12; Levine 1987, C1; *Los Angeles Times* 1988, 13; Stern 1987, D10; Wells 1994, A14). Consequently, the park has become a relatively safe place for the homeless to congregate—one of the few such spots in an increasingly hostile Bay Area (*Los Angeles Times* 1990, A1). Around the Bay, the homeless have been repeatedly cleaned out of San Francisco's United Nations Plaza near City Hall, Golden Gate Park, and other public gathering places; in Oakland, loitering is actively discouraged in most parks (*Los Angeles Times* 1989b, 13; 1990, A1; MacDonald 1995; *New York Times* 1988b, A14).

In part, the desire to sweep the homeless from visibility responds to the central contradiction of homelessness in a democracy composed of private individuals and private property (see Deutsche 1992; Mair 1986; Marcuse 1988; Ruddick 1990; N. Smith 1989; Takahashi 1998; Waldron 1991). This contradiction turns on publicity: the homeless are all too visible. Although homeless people are nearly always in public, they are rarely counted as part of the public. Homeless people are in a double bind. For them, socially legitimated private space does not exist, and so they are denied access to public space and public activity by the laws of a capitalist society that is anchored in private property and privacy (Waldron 1991; Blomley 1994a, 1998, 2000a). For those who are always in the public, private activities must necessarily be carried out publicly.<sup>19</sup> When public space thus becomes a place of seemingly illegitimate behavior, our notions of what public space is supposed to be are thrown into doubt. Now less a location for the "pleasurable jostling of bodies" and the political discourse imagined as the appropriate activities of public space in a democracy, public parks and streets begin to take on aspects of the home. They become places to go to the bathroom, sleep, drink, or make love—all socially legitimate activities when done in private but seemingly illegitimate when carried out in public (Stae-heli 1996).

As importantly, since citizenship in modern democracy (at least ideologically) rests on a foundation of voluntary association, and since homeless people are involuntarily public, homeless people cannot be, by definition, legitimate citizens.<sup>20</sup> In consequence, homeless people have proven threatening to the exercise of rights since they seem to threaten to expose the existence of the "legitimate"—that is, voluntary—public as a contradiction if not a fraud: voluntariness is impossible if some are necessarily excluded from the option of joining in or not.

The existence of homeless people in public thus undermines one of

the guiding fictions of democracy. This is why George Will (1987) is adamant when he argues (as we saw in Chapter 1) that "Society needs order, and hence has a right to a minimally civilized ambiance in public spaces. Regarding the homeless, this is not merely for aesthetic reasons because the unaesthetic is not merely unappealing. It presents a spectacle of disorder and decay that becomes contagion." The ideological foundation of modern democracy, with all its practical contradictions, is apparently rather fragile. For reasons of order, then, the homeless are continually pushed out of public space, and they are excluded from most definitions of the legitimate public (notice, in Will's formulation, how there is simply no consideration of the *rights* of homeless people as citizens). In much writing about order and the city, the homeless have become something of an "indicator species," diagnostic of the presumed ill health of public space and of the need to gain control, to privatize, or to otherwise rationalize public space in urban places.<sup>21</sup> Whether in New York City (N. Smith 1989, 1992a, 1992b; Zukin 1995), Columbus (Mair 1986), Los Angeles (Ruddick 1996; Takahashi 1998), or Berkeley, the presence of homeless people in public spaces suggests to many an irrational and uncontrolled society in which appropriate distinctions between public and private behavior are muddled (see Cresswell 1996). Hence, those who are intent on rationalizing "public" space have *necessarily* sought to remove the homeless—to banish them to the interstices or margins of civic space, or to push them out altogether—in order to make room for "legitimate" public activities (Mair 1986; Marcuse 1988; Lefebvre 1991, 373).

When, as in Berkeley's People's Park, New York's Tompkins Square and Bryant parks, or San Francisco's Golden Gate Park (Karacas 2000), actions are taken against park users by closing public space or exercising greater social control over park space, the press explains these actions by saying that "the park is currently a haven for drug users and the homeless" (*Los Angeles Times* 1991b, A10; see also Boudreau 1991, A3; Koopman 1991, A13; *Los Angeles Times* 1991a, A3; 1992, A3; *New York Times* 1988a, A31). Such statements, besides creating what are often invidious associations, pointedly ignore any "public" standing that homeless people may have, just as they ignore the possibility that homeless people's usage of a park for political, social, economic, and residential purposes may constitute for them a legitimate and even necessary use of public space. When UC officials claimed that the homeless residents of People's Park were not "representative of the community"

(Boudreau 1991, A3), they in essence denied social legitimacy to homeless people and their (perhaps necessary) behaviors. By transforming the park, UC hoped that illegitimate activity would be discouraged. That is to say that the homeless could stay as long as they behaved "appropriately"—and as long as the historical, normative, ideological boundary between public and private was well patrolled. But that boundary is *itself* a product of constant struggle—especially now in the contemporary city where the neoliberal assault on all things public is in full swing.

### PUBLIC SPACE IN THE CONTEMPORARY CITY

Public space is more than just a "Hyde Park"—as crucial as that function is. It is also a representation of the *good* that comes from *public* control and ownership, as contested and problematic as these may be. This is a corollary of the vision of public space as a place of relatively unmediated interaction: it is a vision of public space that understands a space's very publicness as a good in and of itself, that understands there to be a *collective* right to the city. And this vision and practice of public space is increasingly threatened in the American city (as the defenders of People's Park recognized). The threat here is not from the disorderly behaviors of homeless people, as so many argue, but rather from the steady erosion of the ideal of the public, of the collective, and the steady promotion of private, rather than democratic, control of space as the solution to perceived social problems.

The public space of the modern city has always been a hybrid, and certainly a contradictory, space. It is a hybrid of commerce and politics (Sennett 1992, 21–22) in which, ideally at least, the anarchy of the market meets the anarchy of politics to create an interactive, democratic public. In the 20th century, however, markets have increasingly been severed from politics, with, ironically, the latter being banished, fairly completely, from public space. The very success of struggles for inclusion—by women, African Americans, gays, and the propertyless—has led to a strong backlash that has sought to reconfigure urban public space in such a way as to limit the threat of democratic social power to dominant social and economic interests (Fraser 1990; Harvey 1992).

These trends have led to the constriction of public space, even as various social movements continue to struggle for its expansion. Inter-

active, discursive politics has effectively been banned from the natural gathering places in the city. Corporate and state planners have created environments that are based on a desire for security more than interaction, for entertainment more than (perhaps divisive) politics (Crilley 1993; Garreau 1991; Goss 1992, 1993, 1996; Sorkin 1992; Zukin 1995). One of the results of contemporary urban planning (especially in the post-World War II period) has been the growth of what Sennett (1992) calls “dead public spaces,” such as the barren plazas that surround so many modern office towers. A second result, one that evolved as a partial response to the failure of dead public spaces, has been the development of festive spaces that encourage consumption—downtown or seaside festival marketplaces, gentrified historic districts, and even a certain kind of mall (Figure 4.5). Though seemingly so different, both “dead” and “festive” spaces are premised on a perceived need for order, surveillance, and control over the behavior of the public (see Fyfe 1998). As Goss (1993, 29–30) has remarked, we—as consumers and as users of public spaces—are often complicit in the severing of market and political functions. He points to the case of what he calls the “pseudo-public” spaces of the contemporary shopping mall:

Some of us are . . . disquieted by the constant reminders of surveillance in the sweep of cameras and the patrols of security personnel [in malls]. Yet those of us for whom it is designed are willing to suspend the privileges of public urban space to its relative benevolent authority, for our desire is such that we will readily accept nostalgia as a substitute for experience, absence for presence, and representation for authenticity. (see also Fyfe and Bannister 1995, 1998; Oc and Tiesdell 2000; Williams, Johnstone, and Goodwin 2000)

Goss (1993, 28) calls this nostalgic desire for the market “agoraphilia”—a yearning for “an immediate relationship between producer and consumer.”<sup>22</sup>

Such nostalgia is rarely innocent, however (see Lowenthal 1985). It is, rather, a highly constructed, corporatized image of a market quite unlike the idealization of the *agora* as a place of commerce and politics (Hartley 1992). In the name of comfort, safety, and profit, political activity is replaced in spaces like the mall, festival marketplace, or redesigned park (such as New York’s Bryant) by a highly commodified spectacle designed to sell—to sell either goods or the city as a whole (Boyer 1992; Crawford 1992; Garreau 1991, 48–52; Goss 1996; Mitchell and

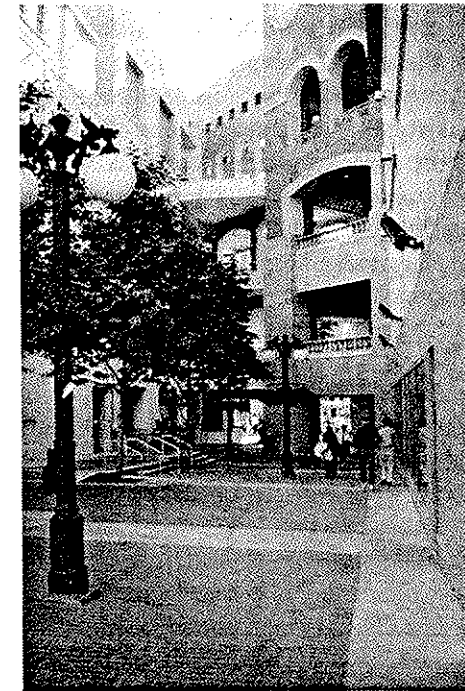


FIGURE 4.5. Horton Plaza in San Diego. An example of the playful “festival market” type of privatized public space that has become so important to downtown redevelopment. Photograph by Susan Millar; used by permission.

Van Deusen 2002; Zukin 1995). Planners of pseudopublic spaces such as malls, corporate plazas and redeveloped parks have found that control-led *diversity* is more profitable than the promotion of unconstrained social *differences* (in the sense that Iris Marion Young uses the term) (Crawford 1992; Goss 1993, 1999; Kowinski 1985; A. Wilson 1992; Young 1990; Zukin 1991). Hence, even as new groups are claiming greater access to the rights of society, the homogenization of “the public” continues apace, since the sort of diversity that pseudopublic spaces encourage is a diversity bound up in the unifying, leveling, homogenizing forces of commodity, brand-oriented consumption (Klein 1999).

This homogenization typically has advanced by “disneyfying” space and place—creating landscapes in which every interaction is carefully

planned (Sorkin 1992; A. Wilson 1992; Zukin 1991), right down to specifically planning the sorts of "surprises" one is supposed to encounter in urban space. Market and design considerations thus displace the idiosyncratic and extemporaneous interactions of engaged people in the determination of the shape of urban space in the contemporary world. Representations of space come to dominate representational spaces (Lefebvre 1991; Crilley 1993, 137; Zukin 1991). Designed and contrived diversity creates marketable landscapes, as opposed to unscripted social interaction, which creates places that may sometimes threaten exchange value. The "disneyfication" of space consequently implies the increasing alienation of people from the possibilities of unmediated social interaction and increasing control by powerful economic and social actors over the production and use of space.

Imposing limits and controls on spatial interaction has been one of the principle aims of urban corporate planners during this century (Davis 1990; Fyfe 1998; Gold and Revill 2000; Harvey 1989; Lefebvre 1991). The territorial segregation created through the expression of social *difference* has increasingly been replaced by a celebration of constrained *diversity*. The diversity represented in shopping centers, "mega-structures," corporate plazas, and (increasingly) public parks is carefully constructed (Boyer 1992).<sup>23</sup> Moreover, the expansion of a planning and marketing ethos into all manner of public gathering places has created a "space of social practice" that sorts and divides social groups (Lefebvre 1991, 375) according to the dictates of comfort and order rather than those of political struggle. But, as Lefebvre (1991, 375) suggests, this is no accident. The strategies of urban and corporate planners, he claims, classify and "distribute various social strata and classes (other than the one that exercises hegemony) across the available territory, keeping them separate and prohibiting all contacts—these being replaced by signs (or images) of contact."<sup>24</sup>

This reliance on images and signs—or representations—entails the recognitions that a "public" that cannot exist as such is continually *made* to exist in the pictures of democracy we carry in our heads: "The public in its entirety has never met at all . . ."; yet, "the public [is] still to be found, large as life, in the media" (Hartley 1992, 1). Hence, "[c]ontemporary politics is *representative* in both senses of the term; citizens are represented by a chosen few, and politics is represented to the public via the various media of communication. Representative political space is literally made of pictures—they *constitute* the public domain"

(Hartley 1992, 35, emphasis in original). I will return to the importance of symbolic politics and the resistance it calls up in a moment; for now it is sufficient to note that the politics of symbolism, imaging, and representation increasingly stand in the stead of a democratic *ideal* of direct, less mediated, social interaction in public spaces. In other words, contemporary designers of urban "public" space increasingly accept signs and images of contact as more natural and desirable than contact itself.

Public and pseudopublic spaces perform a vital role in representational politics. The overriding purpose of public space becomes the creation of a "public realm deliberately shaped as theater" (Crilley 1993, 153; see also Glazer 1992). "Significantly, it is a theater in which a pacified public basks in the grandeur of a carefully orchestrated corporate spectacle" (Crilley 1993, 147).<sup>25</sup> This is the purpose of the carefully controlled "public" spaces such as the corporate plazas, library grounds, and suburban streets critiqued by Davis in his important *City of Quartz* (1990, 223–263) and the festival marketplaces, theme parks, historical districts, and so forth analyzed by the contributors to Sorkin's landmark *Variations on a Theme Park* (1992). It is certainly the goal of mall builders (Garreau 1991; Goss 1993; Kowinski 1985; A. Wilson 1992).

These spaces of controlled spectacle narrow the list of people eligible to form "the public." Public spaces of spectacle, theater, and consumption create images that define the public, and these images—backed by law—exclude as "undesirable" the homeless and the political activist. Thus excluded from these public and pseudopublic spaces, their legitimacy as members of the public is put in doubt. And thus *unrepresented* in our images of "the public," they are banished to a realm outside of politics because they are banished from the gathering places of the city.

How "the public" is defined and imaged (as a space, as a social entity, and as an ideal) is quite important. As Crilley (1993, 153) shows, corporate producers of space tend to define the public as passive, receptive, and "refined." They foster the "illusion of a homogenized public" by filtering out "the social heterogeneity of the crowd, [and] substituting in its place a flawless fabric of white middle class work, play, and consumption . . . with minimal exposure to the horrifying level of homelessness and racialized poverty that characterizes [the] street environment" (Crilley 1993, 154). And, by blurring the distinctions between private property and public space, they create a public that is narrowly prescribed. The deliberate blurring of carefully controlled spaces

(such as Disneyland, Boston's Faneuil Hall, or New York's World Financial Center) with notions of public space "conspires to hide from us the widespread privatization of the public realm and its reduction to the status of commodity" (Crilley 1993, 153). The irony, of course, is that this privatization of public space is lauded by all levels of government (e.g., through public-private redevelopment partnerships) at the same time that the privatization of public space by homeless people (their use of public space for what we consider to be private activities) is excoriated by urban planners, politicians, and social critics alike.

## THE END OF PUBLIC SPACE?

### The Rise of Open Space

Have we reached, then, "the end of public space" (Sorkin 1992)? Has the dual (though so different) privatization of public space by capital and by homeless people created a world in which designed diversity has so thoroughly replaced the free interaction of strangers that the ideal of an unmediated *political* public space is wholly unrealistic? Have we created a society that expects and desires only private interactions, private communications, and private politics, that reserves public spaces solely for commodified recreation and spectacle? Many cultural critics on the left believe so, as do such mainstream commentators as Garreau (1991) and such conservatives as Glazer (1992). Public spaces are, for these writers, an artifact of a past age, an age of different sensibilities and different ideas about public order and safety, when public spaces were stable, well-defined, and accessible to all. As we have already seen, such sensibilities are nothing more than nostalgic fantasy: the public spaces of the past were anything but inclusive, except insofar as concerted social protest and conflict *opened* them up for new groups of people and new kinds of politics. That is, then as now, public spaces were only "public" to the degree that they were *taken* and made public. Definitions of public space and "the public" are not universal and enduring; they are produced through constant struggle in the past and in the present. In People's Park, as in so many other places (such as the streets of Seattle and Washington during ministerial meetings, or over the fight to preserve community gardens in New York), that struggle continues.

But that said, the places where the struggle may open up—that is, the opportunities for *taking* space—are steadily diminishing as new

forms of surveillance and control are implemented (even though many cities are in fact increasing their stock of open spaces and parklands). During the period of rapid suburbanization and urban renewal in the decades after World War II, North American cities "vastly increased open space, but its primary purpose was different [than public spaces with civic functions], i.e., to separate functions, open up distance between buildings, allow for the penetration of sunlight and greenery, not to provide extensive social contact" (Greenberg 1990, 324).<sup>26</sup> There are many reasons for the growth of open space: preserving ecologically sensitive areas, maintaining property values by establishing an undevelopable greenbelt, providing places for recreation, removing flood plains from development, and so on. But in each case open space serves functional and ideological roles that differ from political public spaces. Indeed, open spaces often share characteristics with pseudopublic spaces: restrictions on behavior and activities are taken for granted; prominent signs designate appropriate uses and outline rules governing where one may walk, ride, or gather. These are highly regulated spaces.<sup>27</sup>

In Berkeley, UC officials recognized this distinction between open and public space. During various People's Park debates, speakers for the university never referred to the park as public space (even though the land is owned by a public entity), though they frequently reiterated their commitment to maintaining the park as open space (Boudreau 1991, A3). Berkeley City Council member Alan Goldfarb, an occasional critic of university plans, also traded on the differences between public and open space. Speaking of People's Park, he celebrated the virtues of public space and then undermined them:

It's a symbol for the police versus the homeless, the have-nots versus the haves, progress versus turmoil, all the undercurrents most troubling in the city. You've got pan-handling going on, the business community nearby, the town-gown tensions. You have anarchists and traditionalists. People's Park becomes a live stage for all these actors. For many people around the world, Berkeley is People's Park. (Kahn 1991a, 28, emphasis in original)

But if "[t]hese things are real and important," he continued, it is even more important to make People's Park "a viable open space" that would provide a bit of green in a highly urbanized area (Kahn 1991a, 28). The end of public space might consist as much in its deracination as in its co-optation by corporate or state interests.



### New Public Spaces?

But there is an even stronger argument for the end of public space than its usurpation by a suburban ideal of open space. Many analysts suggest that the very nature of space has been transformed by developments in communications technology—even to the point where the right to the *material* city is decreasingly necessary, so long as one has access to the “city of bits” (W. Mitchell 1995). They maintain that the electronic space of the media and computer networks has opened a new frontier of public space in which the material public spaces in the city are superseded by the forums of (perhaps interactive) television, talk radio, and the web. For many scholars (not to mention all those entrepreneurs who rode the dot-com wave to untold riches—at least until the wave crashed on rocky shores) modern communications technology now provides the primary site for discursive public activity in general and in politics in particular. Indeed, such a sense was all-pervasive, perhaps best gauged by the desire of newspapers to ever more closely track the pulse of “the people” by printing transcripts of “what they’re saying on the web.” Recall how not a political or social event of the mid- to late 1990s—Princess Diana’s death, the Monica scandal, even the various crises in Kosovo and Belgrade—could pass without every newspaper in the land tuning into the various chat rooms so they could track for those of us less well connected just what “we” were thinking.<sup>28</sup> And, indeed, there was something of an explosion of discursive populism spurred by the web and talk radio and TV. But defining chat rooms, fax broadcasts, talk radio, and television as “public space” is not an unproblematic move, even if the media (newspapers and so forth) have always been bound up in the construction of national “publics” (Anderson 1991; Habermas 1989). If we have indeed created “the first cyberspace nation” (Roberts 1994, C1), then our very conceptions of citizenship have been transformed without much by way of public debate—or much by way of the struggle for inclusion that typically marks such transformations. One might immediately want to ask who has been excluded in this move. One might also want to know what it means when being part of “the public” no longer requires being in the public, but instead can be accomplished from the private home by tuning the radio, switching the TV channel, or dialing up the modem. And yet these questions seem rarely to be raised.

Consider, for example, the rather optimistic account of electronic

space as public space by the Mass Media Group (MMG) of the Committee for Cultural Studies at CUNY Graduate School. Writing before the explosion of the web and focusing on television, the MMG challenged the second part of what they deemed the “unquestionable truism” that “the media today is the public sphere, and this the reason for the degradation of public life if not its disappearance” (Carpignano et al. 1990, 33, emphasis in original). The MMG argues instead that the evolution of television talk shows has transformed “the public” from an audience for mass politics and entertainment into a discursive interactive entity—a proto-web, perhaps. TV talk shows “constitute a ‘contested space’ in which new discursive practices are developed in contrast to the traditional modes of political and ideological representation” (Carpignano et al. 1990, 35).

For the MMG, talk shows are now “common places” that produce “common sense” in a manner analogous to idealized town meetings of times past: “Common sense could also be defined [within these shows] as the product of an electronically defined common place which, by virtue of being electronically reproduced, can be considered a public space. In its most elementary form, going public today means going on the air” (Carpignano et al. 1990, 50). MTV put it even more bluntly after the 1992 presidential campaign (and reprising this, too, for the 1996 and 2000 campaigns). On November 9, 1992, the network ran full-page ads in newspapers across the nation “salut[ing] the 17 million 18–29 year olds who stood up, turned out and voted.” The advertisements carried the logo “MTV, the community of the future.” As with MTV’s vote drive campaign as a whole, the ads were “presented by AT&T, The Ford Motor Company, and your local cable company.” MTV’s campaign tempers the MMG’s optimistic assessment of the power of the electronic media “in the age of chatter”: corporate sponsorship, MTV makes clear, is what makes public space possible.<sup>29</sup> The similarities between what the MMG hails as the “therapeutic” discursive practices of the talk show (Carpignano et al. 1990, 51; see also Sennett 1992, 12, 269–293) and the privatization and corporate control of public space are readily apparent. In both cases, the material structure of the medium closes off political possibilities and opportunities. The “public” gathering in the “public space” of the afternoon talk show (contra the MMG’s claim that it is unmediated) is a selected audience that is scripted *in advance*.<sup>30</sup> Members of the audience are expected to be articulate, to stake out controversial positions, and to add to the spectacle while at the *same time*

not alienating sponsors or viewers. MTV's structuring of the community of the future, along with the MMG's assessment of contemporary public space, provides ample evidence that the sorts of commodification of public space that are so apparent in the material realm are also well advanced in the electronic.

As importantly, if it is true that "going public . . . means going on the air," this undermines the use of *material* public spaces for democratic politics. If the MMG is correct, then politics will henceforth *only* be possible through the media, only through highly structured and dominated electronic "spaces." The MMG puts the best face on this situation by suggesting that the nature of the talk-show format, its compromise between confrontation and shock, "becomes an opening for the empowerment of an alternative discursive practice" (Carpignano et al. 1990, 52). Yet, this empowerment is almost exclusively a private, solipsistic empowerment of therapy, and one which has little to say about alternative political projects.<sup>31</sup> Television chat shows, like "disneyfied" city spaces, create a certain kind of "public"—one in which individuals are allowed to get angry, albeit in their place and in a highly scripted manner, but one that is ultimately nonthreatening to established structures of order and power. The spectacle of "the public" is dissolved into public spectacle.

But TV is old media; it is discredited one-to-many broadcasting.<sup>32</sup> Surely the one-to-one, one-to-many, and many-to-one capabilities of the Internet allow the best chance yet to realize the ideal of unmediated interaction and communication embodied in some visions of public space. When I first started writing about People's Park and public space, the Internet revolution was just emerging, but even then some of the directions in which the revolution was going to be pushed were clear. The federal government worked assiduously to privatize most of the infrastructure during the early 1990s, suggesting that the Internet was not to be seen as primarily a *public* good. But what was hard to predict was just how quickly and how thoroughly the "space" of the web would be commercialized, essentially commodifying vaunted one-to-one communication in ways it never had been before. There is no doubt that the net has been a vital force for political organizing. It has become an indispensable means of communicating between activists and activist groups. The groundswell of prodemocratic protests that have greeted every major economic and political summit during the past few years might not have had the force—and surely could not have organized the sheer numbers and varieties of people—that they have without the communi-

cative capabilities of the web. But in this sense the role of the web is to serve the same function as the telephone and the newsletter used to—only much more efficiently and in a way that allows close to real-time communication across vast distances. This is important, but what is more important were the people—their bodies and their costumes, even their rocks and bottles—on the city streets. It was their *visibility* in the *material* public spaces of the summit cities that has made the difference. All the web communications in the world would not have nearly shut down the Seattle meeting of the World Trade Organization or destroyed the Genoa talks. But people in the streets did.

What is remarkable about the web, to put all this another way, is just how little public visibility it has. Indeed, its main function is to facilitate private (or small-group) communication, to make more efficient the publishing of newsletters, magazines, and tracts (which can all now reach a larger potential audience), and to act as a giant catalog showroom. Just as importantly, electronic communication embodies a rather different ideal of public space than that of the *agora* (despite the promiscuous mixing of market and politics that is so much a part of the web), and it responds to a different set of social desires. "What society expects, and [cyberspace] exemplifies, is to conduct itself via a private ethic of transmissive communication" (Hillis 1994, 191), and the web is becoming the perfect technology for this desire. Such a desire, and its fulfillment, however, is remarkably limited and diminishing: as Setha Low (2000, 247) notes, "in cyberspace we cannot see, hear, touch, and feel each other, much less our environment." And, of course, in cyberspace, we cannot *live*. A fully electronic public space renders marginalized groups such as the homeless even more invisible to the workings of politics (Hillis 1994): there is literally no room in the Internet's "public space" for a homeless person to exist—to sleep, to relax, to attend to bodily needs. Nor can the needs, desires, and political representations of the homeless ever be *seen* in the manner that they can be seen in the public spaces of the city. It is a limited political world, indeed, that assumes that only those who *can* "go on the air" *need* to "go public" with their representations.

### THE NECESSITY OF MATERIAL PUBLIC SPACES

The vision of the electronic future as public space has proven, by any number of events—from the uprisings in Tiananmen Square, Leipzig,



Prague, and Budapest in 1989, to the anti-corporate globalization protests in Seattle, Bangkok, Quebec City, Davos, and Genoa at the dawn of the new century, to the growing "take back the streets" movements in countless cities in Europe and North America—to be little more than wishful thinking. It has proven, despite the importance of electronic communications for *organizing*, to be more a dream of control than liberatory democracy. This is so simply because public democracy requires public visibility, and public visibility requires material public spaces. This is not to say that electronic media are not important—quite the contrary—but it is to say that they are not even close to sufficient.

Consider the uprising in Tiananmen Square. Electronic communications—the telephone and fax in particular—played an important role in organizing the protest, but the uprising truly began only with the transformation of the square itself from a monumental and official space (a space of representation) "into a genuine place of political discourse" (a representational space) (Calhoun 1989, 57). Students, workers, and other activists "met in small groups of friends, large audiences for speeches, and even more or less representative council for debating their collective strategy and carrying out self-government" (Calhoun 1989, 57). But the important thing is that this *mass* movement took over a specific—and centrally important—physical space. As Hershkovitz (1993, 417) suggests, the appropriation of Tiananmen served as incisive "evidence of the extraordinary power of apparently 'placeless' movements to create and transform space in new and authentically revolutionary ways."<sup>33</sup> By taking over and transforming the square, the movement created a space *for* representation—representations that were *then* picked up by the media and broadcast around the world. Without capturing the space of the square (and, indeed, without being incredibly savvy in timing the protest), the movement simply would not have been *seen*—at least not at the scale, and with the impact, that it was.

Spaces such as Tiananmen Square (or the central square in Leipzig) enable opposition to be extended to wider scales, to radiate out into the wider polity. This is no less true of People's Park, even if the events there may not have had the immediate world-historical importance of the events in Leipzig and Beijing. *After* space is taken—whether that space is a contested city lot, as in Berkeley, or the most important public space in China—oppositional representations expand beyond the confines of the local struggle, in part because they are broadcast (D'Arcus 2001). Without the occupation of the space, without taking it, however, the

kinds of protests that came to a climax in Tiananmen, Leipzig, Seattle, or People's Park would have remained invisible. The occupation of space is a necessary ingredient of protest, a fact that the forces of the state, capital, or other powers know only too well.

For this reason, reliance on the media as the *entrée* into the public sphere is dangerous (Fraser 1990). Media in the "bourgeois public sphere" (as it has been described by Habermas) "are privately owned and operated for profit. Consequently, subordinated social groups lack equal access to the material means of equal participation" (Fraser 1990, 64–65). To overcome the problem of access, "subaltern counter publics" create a "parallel discursive arena where members of subordinate groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests and needs" (Fraser 1990, 67). In these arenas and spaces, counter-publics can be seen by other factions of the public. Without these spaces, "the public" is balkanized. Occupation of public space, then, "militates in the long run against separatism because it assumes an orientation that is *publicist*. Insofar as these arenas are *publics* they are by definition not enclaves—which is not to say that they are not often involuntarily enclaved" (Fraser 1990, 67, emphasis in original). This is exactly the dynamic at work in the current round of anti-corporate globalization protests, even if many of the condescending tribunes of the global elite (such as Thomas Friedman or Paul Krugman at the *New York Times*) fail to understand that.

While television and other electronic media (including the Internet) have important roles to play in political movements—indeed, contemporary political movements are largely impossible without them (which is why television and radio stations are often the first targets whenever a revolutionary movement attempts to seize power)—there has never been a revolution conducted solely in cyberspace. Revolutions entail a taking to the streets and a taking of public space. They require the creation of disorder in places formerly marked by order and control. Political movements must take space and create it anew as a space in which the participants *can* be represented. While Lefebvre (1991) may theorize the continual production and representation of space and representational spaces, social movements understand that they must create spaces *for* representation (see D'Arcus 2001). The IWW knew this well (see Chapter 2), and so has every other important social movement, whether progressive or reactionary. The fascist move-

ments (and governments) of 1930s Italy and Germany were adept at both taking space and transforming it into a new representational arena. While the taking and production of public space is a necessary component of democracy, it is not *only* or even *necessarily* democratic. Public space always entails risks; public space, like the disorder that must be part of it, is an inherently dangerous thing.<sup>34</sup> This is why, as we saw in Chapter 2, the protests outside of abortion clinics—and the means by which they are regulated—are so vexing.

Opponents of public, unmediated, and thoroughly politicized spaces, and of the disorder that must be part of them, have responded by creating a new “enclosure” movement every bit as undemocratic as that advocated by Matthew Arnold. Fearful of disorder and potential violence in public space, many developers, planners, and city officials (and planners of economic summits) advocate taming space by circumscribing the activities—and people—permissible within it. Powerful processes of exclusion are thus arrayed against the play of assertive, uncontrolled differences so necessary to democratic public spaces. As Lefebvre (1991, 373) has argued, differences threaten social order and hence must be absorbed by hegemonic powers:

Differences arise on the margins of the homogenized realm, either in the form of resistances or in the form of externalities. . . . What is different is, to begin with, what is *excluded*: the edges of the city, shanty towns, the spaces of forbidden games, of guerrilla war, of war. Sooner or later, however, the existing center and the forces of homogenization must seek to absorb all such differences, and they will succeed if these retain a defensive posture and no counterattack is mounted from their side. In the latter event, centrality and normality will be tested to the limits of their power to integrate, to recuperate, or to destroy whatever has transgressed.

Whether challenged from the left or the right, the established power of the state and capital are threatened by the exercise of public rights within public space. The conflicting desires for order and for rights and representation—the need to go again to Hyde Park—structured the 1991 riots at People's Park. Activists in Berkeley fought on behalf of the expansion of social rights and opposition to outside control over the park: the power of the state and corporate capitalism, they felt, had to be opposed by (re)taking space. *Only* by taking and maintaining control over People's Park could oppositional political activity be represented and advanced. For activists such as David Nadle, the precedent

was clear. The struggle in People's Park was another “Tiananmen Square” in which park activists and homeless people together would halt the expansion of the corporate state.

### CONCLUSION: THE END OF PEOPLE'S PARK AS A PUBLIC SPACE?

The university seemed just as clear in its use of precedents. According to an unnamed university employee, Berkeley Chancellor Cheng-Lin Tien “personally rejected” the possibility of further negotiations with activists during the riots “on the grounds that he wanted violence and confrontation to show the regents he is tough. He alluded to Bush's actions in the Persian Gulf; you don't negotiate, you simply attack” (Kahn 1991c, 13). Attack was necessary because the occupation of People's Park by homeless people and activists was illegal and illegitimate and because that occupation had excluded the majority from the park. Berkeley City Manager Michael Brown promised that the city would do all that was necessary to ensure implementation of a more orderly vision of public space in People's Park. Referring to the homeless residents and activists, Brown told the *New York Times* (1991b, A8): “If they obstruct the majority opinion in a democracy, the city, the university, the county, and the state will apply whatever force is necessary to carry out the law.” Brown kept his word. In the midst of the battle between protesters and police, Brown told the press: “We have a serious situation out there. People think this is about volleyball at the park but it is not. It's about a group of people who think they can use violence to force their will on a community, and we won't accept that” (Lynch 1991a, A21). “We almost lost the city,” he added later (Kahn 1991c, 13); the police and the governing institutions of the city, according to Brown, were nearly incapable of quieting the disorderly politics of the street (Kahn 1991c).

The long-simmering and sometimes white-hot controversies over People's Park in Berkeley are paradigmatic of the struggles that define the nature of “the public” and public space. Activists see places such as the park as places for representation. By *taking* public space, social movements represent themselves to larger audiences. Conversely, representatives of mainstream institutions argue that public spaces must be orderly and safe in order to function properly. These fundamentally opposing visions of public space clashed in the riots over People's Park in

August 1991, and it is through such clashes that the actual nature of the right to the city is determined.

Though its "public" status remains ambiguous to this day (given UC's legal title to the land), the political importance of the park as a public space rests on its status as a *taken* space. By wresting control of the park from the state, park activists, to one degree or another, and over a period of more than 30 years, have held at bay those who wish to impose on the land a very different conceptualization of public space. But for those opposed to the park's continuing as some sort of "untamed land" (as the *Contra Costa Times* put it), the park's long-standing use as a refuge for homeless people suggested that it had become unmanageable, that large segments of the public felt threatened by the park's resident population, and that the city and the university needed to exercise more control over the park.

The riots that have occurred in and over the park—in 1969, in 1989, and again in 1991—require us to focus attention on exactly those issues Matthew Arnold so long ago pointed to: appropriate uses of public space, the definitions of legitimate publics, and the nature of democratic discourse and political action. Struggles over public space are struggles over opposing ideologies, certainly; but they are also struggles over the *practice* of democracy, a practice that is as often determined in the streets, on the sidewalks, and in the parks as it is in the halls of the legislature or in the courtroom. Oppositional movements, as well as movements seeking to create a new kind of space and a new kind of world, such as that which constructed People's Park in the first place, continually strive to assure the currency of more expansive visions of public space. Still, as we will see even more clearly in the next chapter, to the degree that the "disneyfication" of public space advances and both marginalized people and political movements are shut out of public space, the possibility of finding spaces that *can* be taken and made into a space for representing the right to the city seems to become ever more remote. That is why, as the activists that Naomi Klein (1999) profiles make clear, it is necessary to oppose the usurpation of public space and its privatization at every turn.

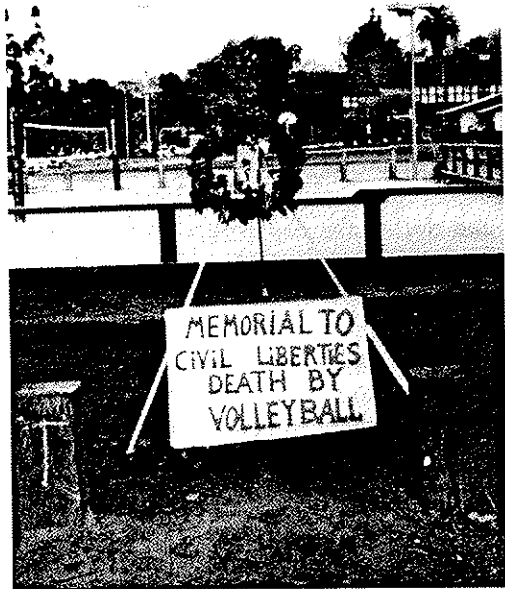
### CODA

More than ten years after the 1991 riots, the fate of People's Park still remains unclear. The volleyball courts were built but were rarely used.

Residents of the park occasionally sabotaged them by burying broken glass in the sand. Eventually, under pressure from park users and the city, the university removed them altogether (Figure 4.6). The Free Stage and the Free Box are still there, despite frequent threats by the university and sometimes the city to remove them, and the basketball court is well used. The toilet facilities, which also house an equipment shed that has doubled as a police substation, were quickly covered with murals and graffiti (Figures 4.7 and 4.8). Numerous homeless people still sleep in the park, mostly at the east end under the trees. The west end contains several community garden allotments. The big grassy field is still there, and during the day groups of homeless people, mostly men, lounge about. Food Not Bombs provides regular meals (a practice opposed by many merchants and some of the neighborhood associations in the city).

Showing its typical bad sense of timing, in April 1999, as the 30th anniversary of the 1969 riots approached, the UC administration, in the person of Berkeley Chancellor Robert Berdahl, reiterated once again its desire to build student housing on the site of People's Park, declaring the park to be "underutilized and unsafe" (Burress 1999; Wong 1999). The president of the Berkeley Council of Neighborhood Associations supported Berdahl, saying that "the days of People's Park's historical significance are long gone" (Wong 1999, A22). Even so, she averred, the university should set aside a little space to commemorate what it once was (Burress 1999). Students, however, did not support the building of housing on the site. A year later, in a nonbinding resolution students voted 54% in favor of keeping the park as it is and not building dormitories (Lee 2000, A13). The vote came in the wake of the announcement of a new university long-range plan that held as one of its options the building of an "urban village" on the People's Park site.

When the fiscal year ended on June 30, 2000, the university sent a letter to the city announcing that it would no longer pay the nearly \$200,000 a year in maintenance costs for the park as it had for the preceding 10 years under the 1991 agreement. The university would no longer clean and maintain the toilets or support the recreation programs the city developed for the park (Holtz 2000a). The university asserted that it could no longer afford the upkeep costs, but some city officials, such as one of the Parks and Recreation commissioners, felt that the withdrawal of funds had more to do with the city government's failure to be "tough enough on the poor" and homeless (quoted in Holtz 2000a, A15). In response to the university's decision and other con-



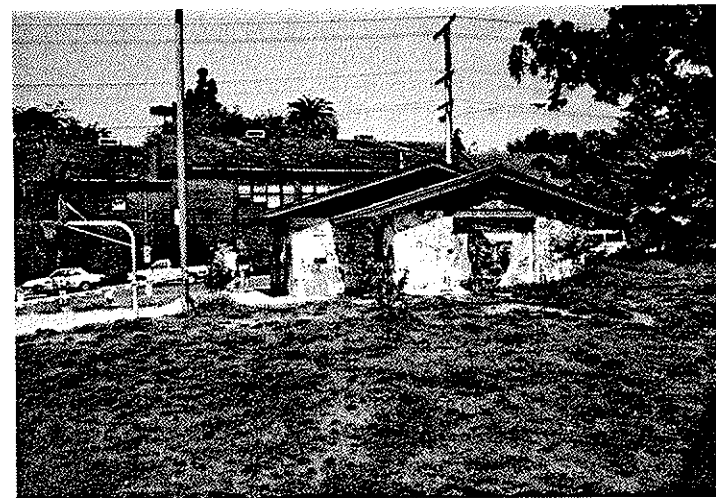
**FIGURE 4.6.** Part of the ongoing protests at the volleyball courts, 1994. The courts were eventually removed, but the basketball courts across the park have been retained. Photograph by Nora Mitchell; used by permission.

cerns, a number of park activists and supporters revived a plan to raise money to purchase the park and establish it as a land trust that would be administered by the city. Other activists countered that the university should continue its maintenance agreement while leaving the park as it is. As one of them put it: "I think it has been bought and paid for in blood" (quoted in Holtz 2000b, A18).

Whatever the fate of the park, it remains, for now at least, an intensely conflicted spot, and it is this very history of conflict that is important to how we understand—and act on—the relationship between public space and democracy, and how we determine just who counts as part of "the public." For, despite 30 years of confrontation, and despite Berkeley's ongoing gentrification and the continued development of the



**FIGURE 4.7.** The front of the restroom and utility building constructed in 1991. It was almost instantly covered with murals and graffiti, much of it depicting the various riots at People's Park and ongoing concerns about police brutality in the city. Photograph by author.



**FIGURE 4.8.** The rear of the restroom and utility building. The area behind the rolling door was used for sports equipment storage and checkout and as an occasional police substation. Photograph by author.

Berkeley campus and the surrounding neighborhoods, People's Park remains, troubled as it is, a refuge for homeless people, people who have no other place just to be. As the next chapter will show, such places are increasingly rare, and their destruction has clear implications for just who has the right to the city.

## NOTES

1. The defense of the stage and the Free Box are in fact quite important and indicate why People's Park is such an important space in the current history of American public space. The stage was built explicitly as a space for free speech and political action, and it has remained a key center for rallies and organizing efforts in the city. In this sense, People's Park was constructed as a public space for politics, as a place where political involvement and debate were encouraged—and in a way that stood at odds with (but not disconnected from) the more orderly politics of the traditional parties, elections, council meetings, and the like. The "Free Box" is a clothes (and other materials) exchange. People leave what they no longer need for others to pick and choose as they please. The Free Box is a fully decommodified system of exchange of use values (to put it in technical terms), and as such represents the possibility of public space as a noncommodified space in the city where people can meet their needs in a manner not entirely predicated on capitalist relations of property, exploitation, and exchange value. Whatever the differences between the politics of protest and the politics of homelessness in the American city, they are united in their need for a *public* space either relatively free or liberated from the controlling power of the state and property. This chapter will begin to show just how complex the "relatively" in the previous sentence is.
2. In 1996 Nadle was murdered in his nightclub.
3. With these comments, Nadle makes it clear how the struggle for People's Park foreshadowed some of the key issues that were to become radical battlegrounds later in the 1990s and into the next decade, including the corporate dominance of public space (see Klein 1999). Organizations such as Reclaim the Streets, Critical Mass, and the coalitions that have disrupted world trade meetings have expressed a deep affinity for the Berkeley activists of the 1980s.
4. My evidence here comes from my brother, David Mitchell, who was one of those neighboring students and a supporter of park redevelopment. His constant questioning of my positions in my research on People's Park has been invaluable to its development.
5. The best reporting on the riots is in the weekly *East Bay Express* (Auchard 1991, 1ff; Kahn 1991c, 1ff; Rivlin 1991b, 1ff), which details incidents of police abuse and the actions of protesters.

6. I recognize that there are potentially many more ways of seeing public space (some of which will be explored in later chapters) and that many people will hold a middle (and perhaps wavering) ground between them. But these, as we will see, are the predominant ways of seeing public space across a variety of (largely Western) societies and historical periods. I suggest in what follows that in examining these visions we can begin to see how public space is produced through practices guided or structured through their dialectical interaction.
7. Lefebvre (1991, 39) claims that representational space is "passively experienced" by its users. This thesis will not withstand close scrutiny. People actively transform their spaces, appropriating them (or not) strategically.
8. Some critics of my position here (cf. Heyman 2001) argue that *taking* space is fundamentally different from *producing* it. Heyman's argument is that any public space must be a *new kind* of space that represents new social relations, not a space transformed. At the level of a philosophical thesis, Heyman is perhaps correct. In the physical world, however, it is hard to see how physical space can be conjured up out of nothingness: space already exists, and indeed *must* exist, in order for it to be socially produced as *public* space.
9. That this is the case is now very well understood by planners of major international summits (such as WTO meetings). It is now standard practice to do all that can be done to render protests against international ministerial meetings invisible by locating the meetings behind miles-long fences or in the heavily guarded compounds of totalitarian states (such as Qatar). This is the face of democracy under globalization.
10. This is not to say that public space is sufficient—only that it is necessary. Sexual minorities, for example, often have very real needs for *private* space—space free from the surveilling eyes of the state or dominant society—in order to both fulfill desires and to fashion identities. Yet, it is also the case that such minorities have become *political* actors to the degree they have forced themselves into public space, as with ACT-UP, Queer Nation, or through the development of spatially concentrated neighborhoods where gay men and women and other sexual dissidents are regularly seen in public on the streets. For recent discussions of these issues see Brown (2000) and Hubbard (2001).
11. As we will see in the next two chapters, understanding the rights of the homeless to be *seen* in cities in this manner sheds important light on some of the consequences (if not always the intent) of anti-homeless laws. Anti-homeless laws have the effect not only of regulating homeless people's behavior but also of delegitimizing them as bonafide members of the public.
12. I will save a fuller discussion of what constitutes "danger" for Chapter 5, in which we will examine the ideal of what Sennett (1994) calls an urban environment free from "resistance."
13. Young (1990, 119) goes on to argue that, in order to promote a democratic politics of inclusion, "participatory democracy must promote the ideal of a

- heterogenous public"—exactly that, as I will later argue, which so much current public space law and planning does *not* promote.
14. At least that was how the ideal of separate spheres posited the relationship between them. The degree to which this ideal was matched in practice can be gauged quite precisely by reading the 1848 Declaration of Sentiments that launched the feminist movement in the United States—a document that spells out how women were excluded from the polity (and turned into privately held property) while at the same time showing how some women were able to break the bounds of that ownership and exclusion.
  15. Even if their labor, and often their bodies, have been quite welcome. Women in public as other than decorations on the arms of men (or working-class cleaners, sellers, waitresses, etc.), as E. Wilson (1991) has shown, have historically been viewed as suspicious, as prostitutes, or as deranged and uncontrollable. Alternatively, stylized representations of women in public—the bare-breasted heroine on the barricades—have played an ideologically important role in struggles over public space.
  16. The argument here is similar to Benedict Anderson's (1991) famous argument about the nation being an "imagined community," since the community in total can never be experienced or even known.
  17. Numerous geographers have attempted to advance remarkably unmaterial definitions of public space, but they have yet to show how such definitions differ in any substantial way from the rather ethereal sense that attaches to the public sphere. As importantly, losing focus of the materiality of public space leads to a rather remarkable inability to engage in clear empirical analysis of the spatiality of political events. See Kilian (1998) and Ruddick (1996).
  18. Howell (1993) notes that the difference between Arendt and Habermas is that, for the former, public space has not lost its "geographical significance."
  19. For a fuller analysis of the relationship between public and private *activities* and public and private *spaces*, see Staeheli (1996).
  20. The ideological and definitional exclusion of homeless people from the polity has a long history in Anglo-American jurisprudence (see Ribton-Turner 1887; Commonwealth of Pennsylvania 1890). It finds its practical expression in such mundane things as laws that require a fixed address in order to register to vote.
  21. In such discourse "the homeless" are presented as a homogeneous mass, with few if any characteristics to distinguish them—in essence denying homeless people's individuality and humanity. This discourse operates simultaneously with another that seeks to particularize the homeless, showing that this one is an alcoholic, that one a drug addict, still another is mentally ill, and a fourth is all three. The strategy here is to so particularize the homeless as to deny what is common among them: namely, that they are without permanent shelter of their own. I take on this latter discourse (to some extent) in the next two chapters; but throughout this volume I also engage in my own essentialization of "the homeless." This is a purely political choice on my part: it is a means to focus on political processes and struggles that shape and define the homeless as a class with a set of common interests rather than as pathological individuals needing treatment or other forms of paternalistic intervention.
  22. Goss (1996, 1999) has softened his stance a bit, focusing now as much on the ways that users of highly designed spaces transform those spaces while they are using them often into things their designers did not plan. Lees (1998, 2001) argues that some new urban public spaces—such as the Vancouver Public Library—are in fact fairly political places despite, or even because of, their security apparatus. And studies of consumers using malls (Miller, Jackson, Thrift, Holbrook, & Rowlands 1998) argue that consumers engage in tactical appropriation of meanings while they shop. All of these studies argue that meanings of particular landscapes are never fixed once and for all, which is true, but they tend to gloss over the degree to which different actors possess different levels of power to determine both uses and meanings of public space, a point very clearly made in the introduction to Gold and Revell (2000).
  23. This seems especially apparent in new civic buildings, such as Vancouver's new library, according to the evidence, if not the analysis, presented by Lees (2001).
  24. This point is also central to Debord's (1994 [1967]) theory of spectacle. Debord's argument undergirds much of what follows.
  25. Compare Wallace (1996), who argues that the presentation of spectacle in place of history and society fits well with prevailing corporate conceptions of progress and "democracy."
  26. So pervasive has this suburban sensibility become that architects and designers seem to find it nearly impossible to transcend even when facing the prospect of designing a new *urban* park such as Toronto's Downsview (Mitchell and Van Deusen 2002).
  27. Cindi Katz's (1998) examination of Central Park in this regard is especially important.
  28. This was another trend amplified in the wake of the September 11, 2001, terrorist attacks. In the massive reporting on the event, not a little ink and airtime was devoted to what was being said—what political arguments were being made, what rumors were flying, etc.—on the Internet.
  29. MMG's analysis and the MTV campaign are two examples of the massive outpouring of faux populism issuing from corporate boardrooms, ad agencies, and cultural studies centers that Thomas Frank (2001) so thoroughly demolishes in *One Market, Under God*.
  30. See Rosati (2002) for an excellent analysis of these practices.
  31. Sennett (1992) provides an excellent analysis of the dangers of this sort of solipsistic empowerment.
  32. It is also, as we saw (on pp. 71–72), hemmed in by some quite bad constitutional precedent that makes it a particularly anemic "public forum."
  33. Hershkovitz is arguing, rightly, against de Certeau's (1984, xix) notion that popular movements are necessarily "placeless"—that hegemonic powers

have monopoly power over space and place, and hence resistance can occur only in the interstices—that is, it can *only* be “placeless.”

34. In the next chapter I introduce the idea of a “brutal public sphere.” The dangers of public space should not be equated with this brutal public sphere. “Public space,” in this case, refers to an environment of risk, the risk necessary to any democratic politics. But “public sphere” refers to systematic oppression and exploitation, either organized by the state or by private interests.

## The Annihilation of Space by Law

### *Anti-Homeless Laws and the Shrinking Landscape of Rights*

No one is free to perform an action unless there is somewhere he is free to perform it. . . . One of the function of property rules, particularly as far as land is concerned, is to provide a basis for determining who is allowed to be where.

—JEREMY WALDRON (1991, 226)

When some members of the Berkeley City Council feared that the university had ended its decade of support for People's Park because the City had not been “tough enough” on the homeless and other poor people, one must wonder just what constitutes “toughness” these days. For Berkeley, though often experimenting with “liberal” policies toward the homeless (such as establishing a program in which pedestrians gave vouchers for services to panhandlers in lieu of money), has been one of the leaders of a new legal assault on homeless people. This assault takes the form of passing and implementing a suite of “quality of life” initiatives and laws that seek to highly regulate street behavior, when and where (or if) people can sleep in public, and how people can and cannot beg. In 1994, the Berkeley City Council and voters approved an anti-panhandling law that prohibited “aggressive” panhandling, all begging at night, panhandling people as they got in and out of their cars, and begging inside a 10-foot “bubble” around every automatic teller ma-