
REVISITING PUBLIC SPACE AND THE ROLE OF SIDEWALKS

What role is played by urban sidewalks in the early twenty-first century? After the 2001 World Trade Center attacks, Anthony Vidler argued that streets and sidewalks continue to be sites "of interaction, encounter and the support of strangers for each other; the square as a place of gathering and vigil; the corner store as a communicator of information and interchange. These spaces, without romanticism and nostalgia, still define an urban culture" (Vidler 2001, quoted in Mitchell 2003, 3).

But what do they define? Urban observers have interpreted the street as an important site of democracy, and this assumption needs to be further examined. At certain exceptional moments, people still take to the streets and feel united with those they find there. Common causes and concerns can bring people together, and urban sidewalks have provided the space for people to unite—whether to cope with a tragedy such as a terrorist attack or a beloved president's assassination, respond to violence, or demand the end of a war. Through these ephemeral acts, urbanites express grief or joy, insert group identities, and present demands to their government.

The more numerous daily sidewalk encounters are also important and continue to be a way for people to negotiate conflicting interests. Through these actions and reactions, urbanites live ordinary lives, debate issues of broad concern, and learn about others. Such activities are not uniquely

public, however, and they also unfold in parochial and private realms. Nevertheless, the public realm of the sidewalk serves as a visible site for contestation and conflict. Despite a hundred-year preoccupation with turning the sidewalk into an orderly space for unobstructed movement, widely varying activities are still contested on these narrow strips.

As a conclusion, we briefly outline some critical questions about public space and the public sphere—questions about public spaces of the future and constructs about public space trends that need complementary or challenging explanatory frameworks. We then turn to the multiple actors who affect inclusion or exclusion from public spaces and the role of state intervention.

QUESTIONS

We need to know more about public relationships in a global, media-centric era. How important are public-space activities, and what effects do they have? How and where do people meet, learn about others, and make demands on their government? How do different urbanites understand public culture? What do they value? What do they fear?

Many scholars have offered useful directions for future thinking. Drawing from Sandercock (2003), we might ask how cities can better integrate immigrants, given that multiple public-space conflicts arise around vending and day-labor sites. Streets are shared spaces, and controls—formal and informal—are inevitable and necessary for an enjoyable and functional public realm. But from Mitchell we might ask, “what *sort* of order is best for the city—and for whom? Who will have the right to the city?” (Mitchell 2003, 228; italics in original). The controls we use and the logic behind them are also important, and drawing from Blomley (2007a, 2007b), we seek to understand the logic that underlies a city’s approach to sidewalk use and the ways that it operates. Whose interests are served? Whose rights are protected? Who is being planned for, and who is being excluded? Following Phillips and Smith (2006), we might explore what makes incompatibilities incompatible. We could also shift the focus from studying public spaces to asking where and how people engage in activities considered public. How

sidewalks relate to other spaces deserves further examination, as does the relationships among varying public institutions and the changing private and parochial realms.

CONSTRUCTS

The moments of interaction that take place on sidewalks are complex and include more than the immediacy of the interaction. Crossing paths with people in different circumstances tells us about both the city and ourselves. Individually, we find that we accept poverty, feel powerless to change our or others' circumstances, or fear that we too might fall onto hard times. We might worry that problems that plague other parts of the city, the country, the world, or simply another neighborhood will encroach on us, and we may wish to render them invisible.

Conflicts over public encounters and interactions have been debated in numerous ways, and we discuss four here. Two influential frameworks are privatization and the claim for individual rights. The first describes a process by which public spaces become more like private spaces, and the second focuses on rights of individuals in public. Quality-of-life claims and safety are two frameworks that attempt to insert an experiential or emotional component. Both seek to explain tangible and intangible responses and violations, although safety also embeds an explicit public interest. All four frameworks are useful and help explain the complexity of public spaces.

PRIVATIZATION

Privatization is an influential hypothesis that includes numerous distinct trends. It suggests a withdrawal from public life and an increased emphasis on privacy. As privately owned and managed public spaces have proliferated, public activities are associated with spaces that foster consumerism, such as malls, shopping plazas, and destination streets. To the extent that municipal governments contract out previously public services, give private entities control of publicly owned spaces, or regulate public spaces to compete with private public spaces, they participate in the process of

privatization. Individuals participate by frequenting privately managed spaces and by selecting gated and other secured residential communities. Critics have argued that privatized public spaces threaten diversity and democracy by siphoning people and activities away from public sidewalks and toward more private and protected territories. Privatized spaces are nonetheless popular.

More generally, the public/private distinction has been fruitful for public-space scholars, but its limitations are equally great. Information about the world comes through public media such as the Internet, television, and radio but might be absorbed and experienced in private spaces. Conversely, private telephone conversations and other intimate interactions also take place in public. The public/private distinction seems decreasingly accurate because public and private actions intertwine and spaces mean different things for different people. As we have argued, however, the distinction is not irrelevant and should not be disregarded until we have a better formulation. We also need a more complex understanding of people's encounters in the wide variety of places that they engage with those outside their immediate circles.

RIGHTS

In contrast to privatization as a process, rights focus on individuals. Asserting rights allows for ranking claims to public spaces, and to some degree rights preempt other concerns. Specifically, rights are claims in the face of state action, and for this reason, they have received much attention by legal scholars. Defenders of access to public space have often drawn on constitutional rights—from freedom of speech to prohibitions on cruel and unusual punishment—to other legal defenses such as interpreting prostitution-free zones as banishment. Although rights preempt a city's regulatory ability, municipalities also adapt to constraints, reformulate their responses, and fine-tune their ordinances to achieve desired outcomes without violating basic liberties. Rights safeguard democratic practices and thus are critical but also limited. It is a meager victory to win the right to beg, to sit on a sidewalk, or to speak so that the audience can hear.

QUALITY-OF-LIFE ISSUES

When people appear disruptive or activities become unwanted, the problem contains both tangible and intangible elements. People become uncomfortable and may evoke "quality-of-life" claims. Indeed, much tension around the acceptable uses and users of sidewalks and other public spaces is generated because of such claims. The quality of urban life and space is more than a simple list of objective assessments, such as the quality of paving, number of street trees, or number of benches. Residents and urban planners make more vague "quality-of-life" claims based on subjective assessments of well-being, comfort, and safety. Rights are constraints against such claims. At times, however, privatization has allowed some people to seek spaces where they are more likely to feel comfortable.

The desire of individuals and neighborhood groups to enhance their quality of life and sense of well-being may have both positive and negative impacts on the openness and vibrancy of public spaces. Improving physical neighborhood characteristics, providing trees, and supporting businesses make neighborhoods more livable. But some people also interfere with others' sense of well-being, and the notion incorporates a significant degree of qualitative self-assessment. Because of this, quality-of-life claims may privilege the experience of those with more influence.

Although public-space providers listen and invoke quality-of-life concerns, this notion nonetheless poses significant challenges. Street trees, planters, decorative lighting, or sidewalk cafés may enhance some people's feelings of well-being, and conversely, graffiti, litter, panhandling, and street vending can diminish it. However, restrictions on vending and panhandling, for example, can hurt the well-being of those engaging in these activities, and physical improvement can also be used to determine who is welcome or not.

SAFETY AND SECURITY

Safety has become a quality-of-life concern, as well, but it has a legitimate public purpose. Local governments have the authority to take action to keep urbanites safe and secure. Safety can determine the type of activities

that are allowed or prohibited, but often it is the presumption of a lack of safety rather than a clear presence of danger that guides state controls and actions. Articulating a concern for safety or security is powerful, nonetheless, and can have immediate effects. Event permits can be denied, cities can enact ordinances that prohibit panhandling in the evening, and loiterers get moved along. In the post 9/11 era, dangers can be generally evoked and often go unexplained. Demands for safe and secure public spaces usually trump other goals that involve their communicative, political, or social aspects.

ACTORS

All four constructs influence people's actions and claims. Each definable public-space issue involves many people who have multiple objectives. In some cases, the motivations of powerful actors may be easy to identify. Multinational corporations, for example, may want to avoid challenges to their labor practices or environmental violations. But why do the goals of one actor foster agreements among other actors with different goals? Why would the sanctity of a World Trade Organization meeting, for example, outweigh the dissenters' decision to disrupt the event, even when the dissenters draw attention to problems at a magnitude of human-rights abuses?

A partial explanation lies in the multiple scales that each public interaction embodies. Although many agree that poor work conditions are wrong and environmental devastation is unsustainable, the protest event also closes streets, disrupts daily activities of those who reside, work, or shop in the area, creates discomfort, and may even invoke fears for personal safety.

Cities and their municipal professionals—traffic engineers, city planners, building-and-safety officials—represent important actors in the determination and regulation of public-space uses. Cities try to mediate among incompatible uses on sidewalks and in other public spaces. Restrictions on the time, place, and manner of activities—words associated with First Amendment rights but appropriate for describing a variety of public-space controls—have been a primary technique for doing this. But activities are

not always transferable to different times, places, and manners, and regulations meant to mediate can be prohibitive. Rights at the very least protect some aspects of basic subsistence and communication, but they do not provide a vision for a better way forward.

In recent decades, local groups—neighborhood councils, business improvement districts, and homeowner associations—have sought to define and control sidewalk uses and other neighborhood public spaces. Although some fear that civic engagement is declining, others look at such activities as hopeful indicators of civic renewal.

In response to the modernist top-down planning and destructive urban-renewal policies in the 1960s and 1970s, urban planners and designers have advocated for community-based planning and participatory design. Community-based visions have many positive outcomes. But to praise local actions as a true exercise of grassroots democracy overlooks who gets included and excluded from participation. Notions of neighborhood and community effectively privilege those who own real estate over those who do not own property. Even positive outcomes result in policies and programs that are more responsive to resident interests. Some neighborhoods also have more influence than others. Without acknowledging the need for a greater vision of equity, neighborhood-based responses will likely benefit more resource-rich than resource-poor neighborhoods.

Ultimately, the interplay of different actors over different public-space activities and rights hinges on the issue of inclusion and exclusion. Cities pass ordinances and selectively enforce them to prohibit or contain certain activities. They use hard control practices through policing to ban certain sidewalk users, as well as soft controls such as outdoor seating, landscaping, and other design details to encourage some users at the expense of others. Individuals or neighborhood groups seek to exclude other people and activities for many reasons. Residents may be personally uncomfortable but also fear property damage or economic loss from the stigma associated with another person.

These moments of public interaction reflect larger issues and debates. A lack of control and the inability to protect oneself from the intrusion of unwanted interactions, people, or knowledge—or exciting but rapid change

or uncertainty—might motivate people to seek exclusion. Thinkers such as Jane Jacobs or William H. Whyte were comfortable in seeking exclusion of some through encouraging active use by others. But we respectfully disagree that exclusion should be the intent of an active public realm.

WHAT DO WE WANT FROM PUBLIC SPACES?

As planners, we cannot help but ask “What do we want from public spaces?” If we envision an engaging urban public realm, what would it look like? What spaces and policies might facilitate it?

As history shows, public spaces have never been just, access has never been universal, and systematic solutions for public spaces have never been meant to integrate the priorities of all users. Urbanites, nonetheless, have fought for justice, demanded access, and adapted themselves to urban life and space according to their interests. Although complete participation or access to public space has not and cannot be fully realized, Nancy Fraser (1992) tells us that societies that provide opportunities and places for contestation and conflict come closer to the ideal than those that seek a homogenized public sphere.

Anxiety and possibility intertwine in urban public spaces. Opportunity among unknowns has drawn people to cities. If we seek security to such a degree that we remove the possibility of chance encounters, spontaneous interaction with strangers, and conflict, we eliminate a quality for which we turn to public spaces. Public-space controls, in fact, rarely make people feel safer. On the contrary, the processes used to justify state action—narratives of danger and harm—might undermine our sense of well-being by amplifying incompatibilities among activities that ultimately we cannot and do not necessarily want to control.

The trend of the last decades has been to segregate, contain, and enclose uses, homogenize urban form, and prohibit anything that falls outside a narrow cadre of activities. In a post-9/11 era, this is not likely to change, yet as residents and urban designers and planners, we need to be more vigilant to ensure that sidewalks remain accessible and open, even if this means some potential danger and conflict. Municipal regulations and sidewalk

design must balance the needs of a diverse public, and people need to be able to integrate without assimilating.

Attempts to design and regulate sidewalks must balance competing, even incompatible activities. We are challenged with formulating and envisioning a just city. This requires acknowledging the complexity of the task ahead—the real incompatibilities, the unpleasantness we advocate for, the uncertainty that most might feel but few want to live with—but urbanites are up to it. The passion that cities invoke will accept nothing less.