

CHAPTER 1

Built Environments and the Public Sphere

Much has been written about public space, especially during the last two decades. Yet it remains an elusive idea. Efforts to articulate concepts of that space in a universal manner continue to provoke spirited responses from observers who do so differently. Defining the public sphere proves equally challenging, particularly from a democratic perspective. Yet it is plain that public spaces and spheres exist; they are spread across our topography and human geography, no matter where or by whom they are expressed in time. When I think of them, the following comes to mind: *individual and collective participation in open political discourses*. Though there are other ways to understand public spaces and spheres, the arguments here will reflect this communicative usage, which is traced to ancient Athens, found in the Middle Ages, and repeated in our modern vernacular. It is also manifested in Europe and the contemporary United States. And notwithstanding the many genealogies or protean qualities of publicity and space, expression remains central to politics and participation. Similarly, public spaces and spheres—whether we identify them as products of physical design, civic practice, or legal interpretation—are vital to the political experiences of people who inhabit them.

Recognizing public space and how it functions in law, design, and practice animates this examination, and this chapter specifically. Since exact meanings of public space are challenging to distinguish, I would like to start with some scholarly efforts to indicate the idea across multiple disciplines. Fortunately, these efforts have elements in common. There is also shared agreement about the political value of public space to an active public sphere outside the state. So to prepare for the statements

of law to be discussed later, I will concentrate on design and practice in this chapter and the next, borrowing interpretations of public space found principally in the work of urbanists and architects, planners and geographers, and sociologists and environmental psychologists, among others.

I would also like to address a debate in political theory over the modern, liberal public sphere—in particular, whether a normative construct of that sphere can accommodate expanded civic inclusion and participation in democratic discourses. The disciplinary lines here are fuzzy, as the interpretations from the different fields mentioned above invariably overlap with political theory. Still, it is possible to differentiate them in at least one way, in my view. While the approaches from these fields tend to locate a wider array of sociocultural practices within physical places, political theory traditionally abstracts the legal and historical conditions through which collective actions manifest vis-à-vis the state, explicitly. For example, the criteria found in planning and its sister literatures typically emphasize the physical arrangement of public space. Political theory, more often than not, privileges the publicness of the public sphere.¹ The distance is steadily closing, and a broader goal of this examination is to continue to enhance reciprocity between these different fields of research on laws, designs, and practices of publicity and public functionality.

Indicating Public Space on the Ground

Given the multiplicity of possible definitions and the term's resistance to a single definition, I suggest that public space may best be indicated by the following signposts, frequently found within academic and professional expressions: (1) openness and accessibility to users; (2) support for community practice; (3) visibility and revelation; (4) diversity, tolerance, and accommodation; and (5) authenticity and unexpectedness. These five indications are hardly exhaustive. Many more might be added, for example, "the flaneur" Benjamin artfully extolled in the streets of Paris or other European coinages.² In other words, public space might just as easily be indicated by leisurely strolls, people-watching, or private repose in places where people assemble. The signposts above seem equally useful when we explore overlapping constituents of a participative public sphere, however. I prefer

to concentrate on them, therefore, while considering their effects on syntaxes of civic engagement in advance of what follows.

1. Openness and Accessibility to Users

For a space to be defined as appositely public, it must be open and accessible to users. In this sense, public space is measured by the extent of its invitation to users, and its inhabitability by them, that is, the conditions under which occupants can use it in most circumstances. Public spaces offer wide latitude to those who use them. There are numerous implications when we treat space this way, of course, and problems are easy to imagine. Even observers who defend this benchmark suggest that unlimited openness and accessibility may threaten other benchmarks, such as support for community practice. For example, Carr, Francis, Rivlin, and Stone define public spaces as

Open, publicly accessible places where people go for group or individual activities . . . functional and ritual activities. . . . While public spaces can take many forms and may assume various names . . . they all share common ingredients. Public space generally contains public amenities . . . that support [the above] activities. It can also be the setting for activities that threaten communities, such as . . . protest.³

Accordingly, openness and accessibility necessitate amenities capable of supporting the widest possible invitation. These amenities produce appearances of public functionality and rights of entry to any and all prospective consumers of shared space. As we will see in the next chapter, these conditions have at times inspired conflicts. Yet the periodic clashes stirred by openness and accessibility have themselves transformed the practicability of public spaces, and have likewise advanced civil, if unruly, negotiations within them.

2. Support for Community Practice

Next, public spaces anchor the uses to which individuals and groups put them. Public spaces furnish satisfactory conditions for individuals who seek to use them for repose, reflection, and deliberation. Yet they also serve assemblies of people, who are rooted in their communities, and who seek to act in some collective capacity. Advocates look to the

Athenian agora described by Barker earlier, as well as modern spaces such as local parks, where neighbors gather for social or perhaps civic purposes. In this sense, “no individual is sovereign in this sphere, but each, on entering it, renounces the right to dictate the terms upon which he communes and conflicts with others.”⁴ When they elect to use it in their solitary capacity, individuals may be entitled to self-determination within public space. If they happen upon collective uses, though, then they yield their practices to the community. Public space thereby furnishes possibilities for autonomy, while articulating social sacrifice and inclusion through its dimensional designs and rules of use.⁵ It also blunts hierarchy among the people who use it. Public space is critical to pluralism, then. When we inhabit it, we create and also translate symbols that state who we are and where we stand vis-à-vis our community. Public space is a locus of mutual visibility.⁶

3. *Visibility and Revelation*

Public space gives its users the opportunity to articulate their values and beliefs. In this sense, embodied spaces are key sources of publicity itself, where identity and culture may be revealed to local audiences or others. According to Kohn, public space “create[s] a shared set of symbols and experiences that create solidarity between people who are separated by private interests . . . it is a shared world where individuals can identify with one another and see themselves through the eyes of others.”⁷ J. B. Jackson suggests that every public space be understood as a place of or for civic identification, regardless of its intended purpose:

It was, and in many places still is, a manifestation of the local social order, of the relationship between citizens and between citizens and the authority of the state . . . where the role of the individual in the community is made visible, where we reveal our identity as part of an ethnic or religious or political or consumer-oriented society, and it exists and functions to reinforce that identity. . . . Every traditional public space, whether religious or political or ethnic in character, displays a variety of symbols, inscriptions, images, monuments, not as works of art but to remind people of their civic privileges and duties.⁸

Jackson’s conception helps us see public spaces as the physical structures on which people configure natural or ascribed identity, and

then negotiate relationships within—where they locate their identities within a wider ecology. Public space catalyzes the exposure of commonality, then, while presenting geographical opportunities for expressions of difference.⁹

Public space likewise conveys meaningful openings for collective self-examination and encounter. It involves others, and it perpetually occasions contact and the myriad intersubjective negotiations demanded within physical environments. While television, radio, and the Internet may valuably reinforce images of pluralism and integration, the idea here is that I identify who I am and how I fit in through the reflection of others when we are in physical proximity. Twitter and Facebook's worldwide markets notwithstanding, flattened cyber-interaction is biased toward strategic promotion and capitalization, rather than personal self-reference.¹⁰ Its usefulness is stipulated here, yet an overreliance on the promises of a "virtual" public sphere neglects the fact that speakers select their own audiences and vice versa within mediated environments; that those environments are built almost exclusively on confirmation biases and may indeed have a diminishing impact on public space as one of contestation, too. Recent research suggests as much. So, too, do growing frustrations with "clicktivism" and "slactivism," in which citizens appear to enact their politics by doing little more than retweeting their friends' posts or hitting "like" from the privacy of their keyboards. In Parkinson's interpretation of the virtual public sphere, the problem is not that we use social media, but that we confuse the medium with the message. That is, we come to believe that online representations of political phenomena are what matter, rather than seeing them for what they are: media through which real acts undertaken in physical space may be disseminated.¹¹

Demonstrating the overlapping needs of public space and public sphere outside the state, Sennett contends that most intimate, and, therefore, pressing human interests must be addressed visibly. The alternative is a general lack of assembly, which fosters isolation and exclusion, what Durkheim described as anomie.¹² In the public eye alone, Sennett writes—linking the needs above to social theory—can individual self-improvement and collective self-fashioning occur.¹³ Relying on this connection (and Habermas's theory of the public sphere, which I will consider below), Warren develops the view that public space is the prime site of construction for what pragmatists such as Dewey called "organized intelligence":

The public sphere (or, more accurately, spheres) is the space of public judgment that is supported by the associational structure of civil society. . . . [P]ublic spheres . . . provide the means for forming opinions and developing agendas. . . . States and markets organize themselves through the media of power and money, and for this reason limit the communicative logic that inhabits public spheres. In contrast, the institutionally “unbound” qualities of public [spaces] are essential for allowing the logics of public discourses to take their course . . . [T]heir very existence depends upon generating the distinctive resource of influence, or communicative power. For this reason public spheres should be able to carry information and enable judgments with more authenticity than those developed within the state. . . . The public sphere is, in this sense, the spatial representation of the . . . notion that social collectivities ought to be able to guide . . . with their well-considered . . . opinions.¹⁴

Public space is the nucleus of political association, storing self-knowledge and civic capacity. It is where public opinion is formed and made legible to the members of a political culture. At its most democratic, it is a medium for communicating rational perspectives. It may contain the relationships forged among members of civil society, and it may facilitate mutual transparency and trust in processes of participation, cornerstones of self-representation.

There may be an unintended consequence here, which at least bears acknowledgment. While Sennett and the others are saying that public space relies on visibility and revelation, these ingredients may also pose threats to freedom. There is sufficient historical evidence to recommend a cautious approach, therefore. The collective self-fashioning made possible within visible and revelatory public spaces may also open the door to the forms of peer surveillance that Michel Foucault traced in *Discipline and Punish*, part 1 of *The History of Sexuality*, and throughout much of his later work. In Foucault, the architecture and engineering of shared space are often conceived in Orwellian terms, particularly as Enlightenment values such as visibility and revelation yield a contemporary matrix of repressive relationships within the very public sphere that touted liberty.¹⁵ In this view, the paradoxes of modern public space and sphere are conveyed within their theories of liberation.

The irony is perhaps best exhibited in the political philosophy of

Jean-Jacques Rousseau. Rousseau went to extraordinary lengths to build his ideas of democracy and justice atop a visible and revelatory landscape. Rousseau's dream of democracy, best expressed in his "civil religion" construct (no less in his glorification of Geneva), attaches to the most public of spaces.¹⁶ In them, we find the transparency and trust critical to the creation of a democratic public sphere. But there are other uses for these abstract tools, and not a few totalitarian regimes in the 20th and 21st centuries have manipulated physical space, discerned dissent made visible inside, and then revealed their own sovereignty to the body politic forced to inhabit it. So, too, did post-Revolutionary War Americans, who at times violently imposed a new conformity on countrymen who displayed residual loyalty to the British crown. Draft rioters used open public spaces in New York to expose and intimidate abolitionist reformers, while visibly terrorizing African Americans during the height of the Civil War.¹⁷

Following Tocqueville in the 19th century, and Hannah Arendt in the 20th century, Sennett answers the concern above by submitting that visible and revelatory public space still promises a strong defense of freedom via mutual observations within. The transparency that indicates public space also harnesses the interpersonal responsibility behind checks and balances of power, while diminishing popular abuses. It is the interdependent ecology of public space that supports human agency and a spirit of cooperation. This agency and public-spiritedness transform users into guardians of their own moral codes of "getting along," helping to reorganize the "eye of power" traced by Foucault into a paradoxical instrument of civil liberty.

One may reasonably question their orderliness and impact; however, the "General Assemblies" of the Occupy Wall Street movement in 2011 were exemplary in this regard. Within the space of the Occupy protests themselves, a visible and accountable structure was routinely practiced, one that was respectful to its participants. That loose organizational structure revealed an alternatively modeled, nonjudgmental decision-making apparatus under threatening circumstances. Many movements create this space. As this chapter progresses and attempts to reconcile built environments and the public sphere, we will see that democratic space relies on visible and reproducible renegotiations of the social contract. Public space thereby enhances our capacity to recognize other points of view in spite of our civic pursuits and prejudices. It serves as a natural check on repression, according to champions such as Dewey

and free speech advocates such as John Stuart Mill. Without visible and revelatory space, subjectivity retreats inward, individuals abandon agency, and citizens relinquish self-determination and their collective freedoms.

4. *Diversity, Tolerance, and Accommodation*

Provided that favorable conditions are produced by the benchmarks previously mentioned, a fourth indicator is the diversity of users and uses of public space, tolerance toward those users and uses, and accommodation of new users and uses. According to Sennett, it is the very nature of public space “to intermix persons and diverse activities” that makes it worth producing. For environmental psychologists, a chief concern of public space “is whether people are free to achieve the types of experiences they desire . . . most simply, the feeling that it is possible to use the space in a way that draws on its resources and satisfies personal needs.” The corollary is a diverse notion of public space as “a place that accommodates people . . . and becomes, over time, a site that people rely on to meet, relax, protest or market.”¹⁸ Crawford elaborates on the pluralism of public space as an architectural creation:

Public space should be viewed not as a single, unified physical and social entity but as a situation that can be experienced in multiple, partial, and even paradoxical ways. Thus there is no single public space but as many different public spaces as there are different publics.¹⁹

What is interesting about this marker is that it elicits an echo among supporters that nontraditional spaces are often well suited to the demands of diversity in particular, as well as tolerance and accommodation. Spaces purposefully designated for public use are often poorly appointed to host diverse users and uses. This may be so because customized place is only able to tolerate prearranged uses. It cannot accommodate new or heterogeneous use frameworks, which are frequently isolated from the signs and symbols relied on by users in the visibility criterion above. On the other hand, as Glazer and Lilla point out, it is inside unconventional environments, such as shopping districts (and the interstitial spaces that connect them to noncommercial activities), that a diversity of users may discover opportunity to assemble and negotiate publicly.²⁰ Indeed, it may be

the mixed activities and rules of bargaining that govern such spaces that make them so desirable to diverse users and uses. Everyday spaces, to borrow a term popularized by Crawford, represent an attractive substitute to “the carefully planned, officially designated, and often underused spaces of public use that can be found in most American cities.” Franck and Stevens describe “loose spaces” as those in which any number of users practice assorted uses, generating collective capacity “with or without official sanctions and with or without physical features that support those activities.” And in an even more assertive endorsement of diversity, Jeffrey Hou advocates a distinction between institutional public spaces—the conventional ones referred to above, such as parks, where people routinely observe prescribed rules of behavior—and insurgent public spaces, where people may ignore such guidelines. Most notable among the latter spaces are protests.²¹

Events in Lower Manhattan further illustrate how a diversity of users and uses may redefine unconventional spaces. While post-Occupy scholarship in urban geography, planning, and architecture raised consciousness about privately owned public spaces (POPS), they were subjects of consideration prior to 2011. Following Jane Jacobs’s widely celebrated study of neighborhood streets and community spaces in *The Death and Life of Great American Cities*, a leading defense of diversity was developed by William Whyte, who studied POPS in several American cities, including New York. Whyte conducted what was thought to be a highly unusual study of publicly accessible plazas, skyways, concourses, and other urban places. He interviewed scores of planners, developers, architects, and most importantly, users of POPS. Without putting too fine a point on it, Whyte’s discovery was that spaces designated as public were problematic, indeed counterintuitive. They were consistently unaccommodating to outside users, intolerant of any but the most limited uses, and unlikely to channel any public practices. Whether it was a matter of uncomfortable appointments, an absence of light and visibility, or a pervasive difficulty with even locating them, the POPS observed by Whyte categorically failed to meet their designated purposes.

In Whyte’s view, the failure was most regrettable in New York City, which boasted a series of zoning incentives to developers in return for providing open and accessible public space. New “bonus plazas” were mandated, as givebacks to the public. They were intended to offset the loss of open space and light when office towers grew taller

in the City's central business districts. Instead, Whyte complained, the towers grew taller, but very little functional public space was added to the urban landscape. Whyte's study proved instrumental, prompting revised design requirements through a new city planning regime that demanded more from developers. The latter would have to deliver utilizable public places to inhabitants after any rezoning. Open space development has enhanced the accessibility and visibility of New York's bonus plazas and those in other cities, while supporting a surfeit of community uses and practices, even after the terrorist attacks on 9/11. POPS have been transformed into the highlights of urban business districts in many cities, helping to fuel metropolitan population increases in the last census.

From another point of view, however, Whyte's work may have fallen victim to its impact on the planning community. The spaces at the heart of his critique became objects of widespread concern among urban planners, and then wholesale reorganization with respect to their public design. This is a good thing on its face, but planning improvements on public places may sometimes diminish their accessibility as diverse, tolerant, and accommodating spaces, an unintended consequence of the reforms that followed from Whyte's fieldwork.²² Police actions undertaken during the Occupy movement in 2011 reveal a paradox of enhancement within POPS and other shared urban spaces. The renovation of these places has arguably been encoded with rigid planning values aimed at leveraging capital investment and spurring economic development, rather than the accommodation or toleration of diverse public uses. Echoing criticisms once leveled by Lefebvre in France and later by Graham in England, Brash decries the "urban neoliberalism" that now surrounds post-Whyte reorganizations of public space. As he reminds us, the claim advanced by the owners of Zuccotti Park in their effort to remove protesters—a claim heeded and then forcibly administered by the New York Police Department—mostly targeted littering and problems of aesthetics generated by the Occupy movement, while eschewing the civil rights of its members.²³

Thus, one may argue that planning itself has channeled misuses of Whyte's admonitions in favor of improved public articulation within privately owned spaces. It has animated the design of fungible spaces, which spurn public practices that do not generate revenue. Absent real diversity, the optics of these spaces presents opportunities for use

that are seemingly participative for users, yet limited by strict codes of programming. These codes are evidenced by the regulations posted at the entrances of POPS and other public places once condemned by Whyte as inadequately planned and hostile to personal or entertainment functions.

An innovation on Whyte's argument from accommodation is found in the work of J. B. Jackson. Jackson considers public space to be a nucleus of tolerance, which is engineered not by planners or environmental designers, but rather by the users who annex it for their own diverse needs, including civic uses. His work therefore anticipates an emerging canon of thought, which posits public space as the outcome of client negotiation and, at times, contestation.²⁴ Jackson, too, reflects Whyte's concerns about bonus plazas and the like. However, he aims to transcend design restrictions, urging those who inhabit shared space to diversify or claim it for civic uses, that is, to appropriate environments for collective action. Jackson recommends commercial establishments as first-order public spaces in the making, all the more dynamic insofar as patrons use them in great numbers.²⁵ In essence, Jackson politicizes unused space; he recommends that individuals and groups enhance their citizenship by fashioning practicable public forums:

I think we have finally come to recognize that we no longer know how to use the traditional public space as an effective political instrument, and that we need a wide choice of very different kinds of public space. . . . We are better off than we suppose; our landscape has an undreamed of potential for public spaces of infinite variety. When we look back a century, or even a half-century, we realize how many new public or common spaces have appeared in our towns and cities, spaces where people come together spontaneously and without restraint.²⁶

This argument from appropriation, specifically, Jackson's claim that nontraditional places must be made public, requires further consideration when we examine jurisprudence that has legally circumscribed free speech and assembly within contemporary places. There is indeed a history of tolerance and accommodation within diverse spaces. Yet much of that history reflects exclusions of the public from spaces that Jackson and other observers use to emplace civic engagement. In many cases, those exclusions are enacted by competing stakeholders, such as

private property owners. When conflicts ensue between these public and private interests, the state frequently mediates between them, thereby determining legal access to space, a fact often overlooked by scholars of design and practice, including Jackson and his successors.

5. Authenticity and Unexpectedness

The last point above raises a complex issue, one that resurfaces throughout this examination: approved and unapproved functions of publicly accessible space. The geographic dimensions of an inclusive, participatory civic sphere are also beginning to take shape, I trust. The continuum between that sphere and its spatiality and functionality where political activity is concerned may be elaborated further through one last indicator of public space, namely, its authenticity and unexpectedness. Jackson defined public spaces as those in which people can “come together spontaneously and without restraint.” Carr et al. treated public spaces, first and foremost, as places of association and civic expression: “With the assembly of people, a sharing and unity are possible that can give expression to communal feelings and an exercise of rights, sometimes leading to political action.”²⁷ These notions suggest an intimate connection between public landscape and popular sovereignty, such as the links observed by Tocqueville, and later by Dewey. But they also reflect current arguments for a spatialized public sphere, the kind encouraged by social theorists such as Wolin and Barber, who both rely on the communal bonds constructed by people when they act collectively to authenticate the spaces they use.²⁸

It is the civic production of spaces that makes them both public and genuine in this view. And it is unanticipated negotiations within those public spaces that can interrupt political inertia by stemming the kinds of passive spectatorship in the civic sphere that works against democratic association. Without active authentication of public spaces, civic capacity is less likely to develop organically outside state institutions; community is weakened, leaving individuals or groups marginalized by dominant political processes vulnerable to the weight of majoritarianism, ideological orthodoxy, and exclusion.²⁹ Given authentic public spaces, users are presented with opportunities to participate in collective processes of their own making, democratic procedures that feed engagement and allow for negotiation, both of differences and common interests.³⁰

In turn, authentic spaces may be appropriated in unforeseen ways. Prescribed forms rarely routinize publicity. Nor is shared space easily encoded with contents prior to common use. To Carr et al., “Public space is the stage upon which the drama of communal life unfolds.”³¹ Reflecting Walt Whitman’s poetry of urban interaction and democracy, Lofland argues that the sincerest indicator of public space is what she dubs the “encounter,” noting that users “relish the adventures and encounters” that occur within.³² One of urbanism’s greatest champions, Jane Jacobs, used her observations in *The Death and Life of Great American Cities* to spread the idea that public spaces are improvised through people’s unrehearsed contacts. When free exchanges connect those spaces to their users, interpersonal bonds flourish and become transformed into chosen trusts, which political scientists generally regard as cornerstones of democracy.³³

This idea corresponds to Walzer’s expression, “open-minded spaces.” These spaces are defined principally by the unexpected activities that occur in them.³⁴ Walzer looks to bridge urban planning and participation with his communitarian theory of politics, suggesting that when the unexpected happens in shared spaces, the public good is diffused more equitably and democratic relationships ensue among users of different castes. He ostensibly grumbled about diluted discourses in a mixed-use agora, but this may be why Aristotle proposed a split between marketing and civic activities in his *Politics*. As Lerner notes, Aristotle had a profound fear of spontaneous collective action driven by egalitarian concerns: revolution.³⁵ Revolution, of course, is characteristically unpredictable. And it is true, for example, that medieval and early-modern public markets—Europe’s central civic spaces, as we will see in the next chapter—were the site of extemporaneous food riots and other kinds of turbulence so distasteful to Aristotle.³⁶ He may have been eager to segregate any upheavals away from the agora, bifurcating publicly accessible Athenian space and thereby reducing the likelihood of unplanned contact between commercial and political users.

By definition, the purpose of planning is to ensure that unexpected things do not happen. Thus, we see a persistent gap between the development and control of accessible public place on one hand, and the spontaneous, practicable space engendered by public appropriation and legitimation of unsanctioned uses on the other. As Staeheli and Mitchell remind us, this political terrain is always subject to contestation:

[S]pace is produced out of a struggle between designers, planners, engineers, or other powerful actors who seek to create a space of order and control, and users of the space who necessarily perceive space differently and thus act in it in ways not necessarily anticipated by their designers.³⁷

Whether we think of public space as a product of designation or practicability, this struggle pertains to a wide range of spaces today. It has played out over centuries, since well before the idea of a vibrant public sphere was tested against its spatiality in the United States. In Europe, where that idea was born, the publicity of political democracy has always been contoured by traditions of exclusion carried over from feudal days. Those traditions have hinged on a dispute over space, heterogeneity, and inclusion in places where people gather. This dispute demands further attention now, if we are to reconcile American law with our designs and practices later.

Political Theory and the Public Sphere: The Problem of Inclusion

As the indications above show, constructs of public space should address the following questions: What are its permissible uses, and who are its legitimate users? From the ancient agora to medieval and modern markets, urban POPS, and the suburban shopping malls that will concern us later, determinations about uses and users depend on whether built environments are accessible to and supportive of their adjacent communities; whether they improve visibility for identity claims; whether they permit diverse uses; and whether they accommodate public-producing acts, or at least tolerate unexpected activities by users. Before providing historical examples, I want to relate the question of access to a debate about pluralism in the public sphere. Should built environments be reconciled with political oppositions among publics? This inquiry may be framed in two ways: Is it acceptable to use civic space to animate multiple causes? Conversely, is it permissible to use any shared space to engage in public discourses?

For the remainder of this chapter, I will address the first question by examining the ideas of social debate and inclusion in the work of Jürgen Habermas—a contemporary political theorist who most conspicuously dedicates his intellectual efforts to the desiderata of a public sphere.

The reverse question will be examined more closely in the next chapter, against the historical backdrop of discursive practices within embodied spaces.

I have elected to focus on Habermas for three reasons. First, Habermas makes the public sphere a centerpiece of his political thought.³⁸ Second, he couches his conception of the public sphere as part of an argument about its degeneration under contemporary conditions, an idea that reappears in the following chapters. Third, Habermas champions a notion of the public sphere that implicates modern commercial space, an important advance on Hannah Arendt's work, specifically, the "space of appearance" on which she constructs her theory of the public realm. In this sense, Habermas is engaged in a contest with Arendt over people's access to the political domain. That is certainly the case in *The Structural Transformation of the Public Sphere*, which he first published in 1962 and revised thirty years later.³⁹ Habermas's criticism of accommodation in Arendt's public realm therefore sheds greater light on the indications of civic space above. Moreover, it requires us to wrestle with the exclusion of conflict, as well as the practicability of discursive space within publicly accessible environments.

As I noted above, Habermas develops his theory of the public sphere, in part at least, to overcome intolerance he detected in Arendt's writings. As the 20th century progressed and the aftermath of the World War II revealed the costs of totalitarianism, especially in Europe, political theory began to concentrate on the public domain as vital to the study of governments. Arendt's work was instrumental in this regard, since it proffered a view of civic engagement. However, the "space of appearance" she conceived in *The Human Condition* was inaccessible to citizens of a modern, pluralistic world.⁴⁰ So while Habermas shared Arendt's concerns with an eclipse of the public realm in contemporary politics and her conceptualization of public space as a locus of communication and action, he saw no bridge between her antiquated construct of embodied space and the demand for diversity, tolerance, and accommodation in the modern public sphere. Arendt's agonistic space revealed a disdain for the socioeconomic antagonisms that take center stage in modernity. The concerns of the household might not seem as principled as abstract moral debates, but the kinds of justice sought by philosophers, including Aristotle and Tocqueville, recommended a politics based on lived realities, rather than exclusions of all but the noblest ideas or participants.⁴¹

In Habermas's space, civic engagement is generated in response to both public and private conditions, so it cannot segregate them, as Arendt tried to do. Perhaps anticipating the pluralist critiques of Iris Marion Young and other contemporaries, Habermas defines the relationship between the public and private spheres with greater fluidity than Arendt, as exhibited in the nexus "between state and economy, freedom and welfare, political-practical activity and production." A public realm defined by singularity could not contain the complex and dynamic interplay among modern polities, economies, societies, and liberties. Habermas therefore posts his main criticism of Arendt on behalf of a more timely conception of the public sphere, one in which civic capacity is harnessed by social differentiation:

Arendt rightly insists that the technical-economic overcoming of poverty is by no means a sufficient condition for the practical securing of political liberty. But she becomes the victim of a concept of politics that is inapplicable to modern conditions when she asserts that the "intrusion of social and economic matters into the public realm . . . necessarily frustrate[s] every attempt at a politically active public realm . . ." I want only to indicate the curious perspective that Hannah Arendt adopts: a state which is relieved of the administrative processing of social problems; a politics which is cleansed of socio-economic issues; an institutionalization of public liberty which is independent of the organization of public wealth; a radical democracy which inhibits its liberating efficacy just at the boundaries where political oppression ceases and social repression begins—this path is unimaginable for any modern society.⁴²

Habermas now looks to reinvest a liberal theory of publicity with substance. In *The Structural Transformation*, he borrows from the expressions of public space produced during the Enlightenment, within a "bourgeois public sphere" made of "private persons assembled to form a public" inside 17th- and 18th-century cafés and salons.⁴³ Private discourse therein relates to the miscellany of public affairs at the time, when political policy begins to be evaluated outside of the traditional spaces of royal courts. The public sphere thereby expands its membership. Where the Arendtian public realm only included elites, practically speaking, Habermasian public space could at once be accessed by the new bourgeoisie, regardless of their excluded claims

on formal titles or influence on the state. That access stimulated free debates about existing socioeconomic problems, a form of insurgency that slowly engendered visibility among members of the bourgeoisie. This allowed it to become aware of itself and its shared identity, while using its newfound consciousness to question an outdated system of economic distributions—feudalism—and then enact innovations, eventually transforming mercantilism into capitalism.⁴⁴

Habermas's bourgeois public sphere exhibits four conditions, which distinguish its geography from previous incarnations. First, it is built on new conditions of access and social exchange.⁴⁵ Groups who inhabit shared spaces in the 17th and 18th centuries enjoy greater levels of inclusion than their feudal counterparts; membership in the modern public sphere no longer depends on ranks of royalty. Rather, and secondly, participation becomes a function of the rationality of members' arguments.⁴⁶ Third, the publicly accessible spaces of the modern period become sites for the "problematization of areas that until then had not been questioned."⁴⁷ Topics such as religion and politics, previously the purview of church and crown, become subjects of public opinion. Finally, as a result of the conditions above, the emerging public sphere—its spaces and its publics—becomes less exclusive. Everyone who could acquire what Calhoun calls the requisite "cultural products," that is, information and experience that enabled them to become suitably versed in public opinion, could lay claim to the debates that transpired in places such as English coffee houses and French salons.⁴⁸

Using the conditions above to situate the modern public sphere, Habermas goes on to define it as a normative space, in two ways. The sphere outlined in *The Structural Transformation* is rendered public through the quality of discourse expressed therein, as well as the quantity of discourse accepted therein. Thus, it is both the nature and volume of expressive contact in publicly accessible places such as cafés that defines the modern public sphere. Habermas is eager to distinguish these interactions from affairs of state in the strict sense, as well as from the marketplace. The modern civic sphere he is outlining is an intermediary product, a new form of agency built atop emergent public opinions. It exists to bridge the relationship between the state and civil society, and it does include the economy as an object. Nevertheless, its key organizational feature, in other words, its driving force, is rational deliberation about the state.⁴⁹ More people can contribute to the body

of rational opinion, but engagement must be structured through civilian discussions of public administration.

Habermas is surely establishing a more moderate public-private division than the one defended by Arendt, who sought to spatialize political discourses against practices in the household and the marketplace. However, Habermas appears to produce a different hierarchy, by assigning greater public value to rational deliberation about the state, and a lesser value to economy.⁵⁰ In so doing, he may be destabilizing his own construct—specifically, the quality and quantity signposts he relies on to demonstrate his idea of modern public space. That is, while Habermas’s public sphere initially promises to reflect indications described earlier in this chapter and thereby overcome Arendt’s exclusion of heterogeneous discourse from the modern sphere, Habermas’s normative account begins to display inattention to the need for visibility and diversity within embodied spaces. As Villa points out:

Both Arendt and Habermas see the public sphere as a specifically political space distinct from . . . the economy, an institutionally bounded discursive arena that is home to citizen debate, deliberation, agreement, and action. Yet they also see this sphere as overwhelmed by the antipolitical forces unleashed by modernity. . . . The result is the destruction of the space of democratic decision making, a realm now “colonized” by technical-administrative imperatives.⁵¹

In his examination of the evolving public sphere, then, Habermas seems to join Arendt in lamenting the contemporary corrosion of discursive space, following an earlier, rational heyday. Habermas’s distinction between “lifeworld” and “systemworld” suggests a more inclusive idea of agonistic space, but it is nonetheless agonistic—that is, space in which politics ought to be bracketed from the mix of pluralistic practices ushered in by modernity. Habermas is discomfited by excessive annexation of the public sphere by increasingly well-organized interests inside the marketplace of ideas. And while Arendt seems to distrust the modern public’s expression of its organic needs, Habermas is reasonably apprehensive about the engineering of public opinion through mediated manipulations of demand or the mass marketing of what Calhoun calls “apolitical sociability,” and “passive culture consumption.”⁵² The upshot of these distortions, Habermas argues, is no less than a diminution of

all civic capacity. This result merits attention. So, too, does Habermas's reflection on the deliberative quality and quantity of public space.

With respect to quality of discourse and its signal of public space, Habermas elaborates the modern public sphere emerging in cafés and salons by highlighting its origins in rational discussion. Quality in this sense corresponds to the shift in public exchanges during the Enlightenment. No longer did the potency of political arguments attach strictly to who communicated them. It was the logic of what one said that mattered, and this new currency could be accumulated outside royal courts. As a result, the emergent public sphere began to influence political development both in and outside of government, because the administrators of fledgling European states started hearing a newer and richer public opinion. It was informed, and in turn shaped, by spaces where subjects previously unaddressed by mixed social classes were now being deliberated.⁵³ In effect, political deliberation within cafés and salons catalyzed those same cafés and salons politically. Rational discourse began to yield human geographies that were at once more accessible and more predisposed to question feudal authority. Thus, a modern public sphere was harnessed through unexpected activities inside environments where people gathered habitually, producing new forms of civic space that thrived on criticism.

Habermas even suggests that the discourses that transformed the structure of the public sphere included concerns about commerce and private production:

Because, on the one hand, the society now confronting the state clearly separated a private domain from public authority and because, on the other hand, it turned the reproduction of life into something transcending the confines of private domestic authority and becoming a subject of public interest, that zone of continuous administrative contact became "critical" also in the sense that it provoked the critical judgment of a public making use of its reason

And later,

The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations

in the basically privatized but publicly relevant sphere of commodity exchange and social labor. The medium of this political confrontation was peculiar and without historical precedent: people's public use of their reason.⁵⁴

These expanded expressions of the public sphere beckon Habermas's second indicator: quantity of discourse. They may also signal a pivot in Habermas's argument, when he exhibits more unease about the growing synergies between public and private, politics and markets, discourse and mediation. As he turns his attention to the decline of the modern public sphere, Habermas detaches civic activity from commercial intercourse and social reproduction. And though he is critical of Arendt for historicizing a golden age based on a misinterpretation of the ancient agora, Habermas may himself be guilty of romanticizing the bourgeois public sphere and spatiality during the Enlightenment. As the structural transformation of the public sphere magnified the scale of access among new users, the permeable qualities first celebrated by Habermas become the sources of decay within that sphere. In turn, his anxiety over the spatialization of that sphere in the mass marketplace leads him to adopt a normative view of space, which is exclusionary.

Habermas's concentration on the modern public sphere shifts from membership in the discourses that comprise it to the size of the discourses that undermine it. Surges in civic participation were influenced by democratic upheavals that took place in Europe during the 17th and 18th centuries. Liberalized access to political spaces in England, and later on the Continent, was propelled by the ascendancy of bourgeois social classes—what Benhabib calls new “autonomous publics” produced by greater diversity among discussions and discussants. Given these expanded scales of inclusion, the geography and content of the public sphere is reshaped by multiplicity. Its functionality begins to outgrow its form:

Public space . . . is viewed democratically as the creation of procedures whereby those affected by general social norms and collective political decisions can have a say in their formulation, stipulation, and adoption. . . . The public sphere comes into existence whenever and wherever all affected by general social and political norms of action engage in a practical discourse, evaluating their validity. In effect, there may be as many publics as there are controversial