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## Why does publicity matter? Power, not deliberation

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### ABSTRACT

Why does publicity matter for democratic politics? This article challenges the deliberative view of publicity's democratic value, making the case that publicity matters because it brings together people who stand to one another in relations of power, constraining the powerful to engage politically those whose action they affect, and enabling the oppressed to form new, oppositional identities. It underscores the centrality of the study of power to debates about democracy and shows that answering the question of publicity's democratic value requires careful power analysis of the sort that contributors to this special issue have developed over the past quarter century.

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### 1. Introduction<sup>1</sup>

In February 2000, the National Endowment for the Arts (NEA), in collaboration with the historian Robert Fishman, convened a conference on 'Sprawl and Public Space.' In the introduction to the proceedings, which were published two years later, Fishman (2002, p. 9) characterized the project's focus as 'the importance of public space for the vitality of democracy.' The idea was not new. By the turn of the twenty-first century, it had become all but commonplace to critique the mall-ification of the built environment in democratic societies. Not only historians, but also political theorists, geographers, urban planners, and even journalists who were writing for popular audiences expressed alarm at the decline of authentically public spaces, like urban plazas and parks, their transformation into pseudo-public spaces, such as 'festival marketplaces,' and their supplanting by unabashedly non-public spaces, like gated communities (see, e.g., Sorkin 1992, Kunstler 1996, Blakely and Snyder 1997, Bickford 2000). This trend, the worry was, threatened an important set of democratic values: values often grouped together under the rubric of democratic publicity.

The question I ask in this article is: 'Why does publicity matter for democratic politics?' On the conventional view, public space matters because it fosters publicity, and publicity matters because it fosters an openness to diverse interests, perspectives, and claims of the sort that is commonly associated with deliberative democracy. I disagree. Although it may be the case that, under some conditions, publicity fosters certain forms of openness, my claim is that the principal reason publicity matters is that it constrains and enables people to manage power relations democratically. More specifically, it brings

together political actors who stand to one another in relations of mutual dependence and vulnerability. It constrains the powerful to engage politically those whose action they affect; it enables oppressed people to form new, oppositional identities; and it helps make manifest what John Dewey ([1927] 1954) famously called ‘the indirect consequences of action.’ This argument underscores the centrality of the study of power to debates about democracy. It shows that answering the question of publicity’s democratic value requires careful power analysis of the sort that contributors to this special issue have developed over the past quarter century.

I develop the argument as follows. In sections two and three, I use the democratic critique of nonpublic space as a lens through which to explore the ideal of democratic publicity, asking ‘What is the democratic critique of nonpublic space?’ (section two) and ‘What is democratic publicity?’ (section three). I then turn to Jürgen Habermas’s classic *Structural Transformation of the Public Sphere* (Habermas [1962] 1989), which I use to engage the prevalent – although, I argue, mistaken – view that publicity’s democratic value centers on the forms of connection that are associated with deliberation (sections four and five). A better resource is John Dewey’s *The Public and its Problems* (Dewey [1927] 1954), to which I turn in sections six and seven. Drawing on Dewey, I make the case in sections eight and nine that the impersonalization of power relations, their asymmetry, and what I call their ‘polymorphism’ render publicity a crucial condition for contemporary democratic politics. In section ten, I return to the democratic critique of nonpublic space, to show the difference it makes when we think of publicity’s democratic value in terms of power, not deliberation.

## 2. The democratic critique of nonpublic space

Easton Town Center, a New Urbanist-inspired ‘lifestyle center,’ or ‘leisure-time destination,’ sits on a 78-acre site just off the Interstate 270 Outerbelt in northeast Columbus, Ohio.<sup>2</sup> A mixed-use development with an outer ring that includes offices, hotels, and high-end apartments, Easton is part of a growing trend in American retail. Unlike the traditional enclosed shopping mall, it is a pseudo-town square, complete with sidewalks, metered parking, and gathering places, such as fountains and plazas. When the NEA published *Sprawl and Public Space* three years after Easton’s grand opening, the organization’s Director of Design, Mark Robbins (2002, p. 5–6), presented Easton Town Center as an exemplar of nonpublic space.

### 2.1. Nonpublic space is exclusionary/isolating

What makes Easton nonpublic? Not the fact that it is privately owned, so much as that it is not open to everyone.<sup>3</sup> Nonpublic space is space that is exclusionary/isolating. It is space that bars people who are systematically disadvantaged: generally, those who lack the resources needed to gain entrance, and very often, also racialized others (Blakely and Snyder 1997). In the case of Easton, as Robbins (2002, p. 5) noted, the development ‘sits in the tertiary ring, far out from the city center,’ making it exceedingly difficult to access using public transportation.

This siting not only prevents some people from gaining entrée; at the same time, it shields those whom Easton admits from the people it excludes. Middle-class,

predominantly white suburban shoppers drive to the development in the privacy of their cars. Once there, they need not interact with others who are strangers to them. The people with whom they cohabit this nonpublic space pose them no psychic risk, no threat. They induce in them no sense of unease. Easton Town Center – and, more generally, the nonpublic forms of space that it exemplifies – fosters feelings of security through design that plays to what Richard Sennett (1970) famously characterized as an adolescent instinct to cope with uncertainty by avoiding exposure to the unfamiliar.

### **2.2. Nonpublic space is governed by democratically unaccountable actors**

In addition to being exclusionary/isolating, nonpublic spaces like Easton Town Center are policed spaces: spaces where a subjective sense of security for the invited comes at the cost of heightened risk and vulnerability for the unwelcome (Davis 1990, Bickford 2000, Low 2004). Importantly, surveillance in nonpublic spaces is performed by democratically unaccountable actors, who advance the interests of, not ‘the public,’ but rather those who employ them.

In the NEA volume, Robbins (2002, p. 6) cited Easton Town Center’s extensive ‘Code of Conduct,’ which in its current manifestation, regulates not only ‘behavior,’ but also ‘clothing and attire’ (no ‘[w]earing of exposed undergarments, or dressing in a way that is likely to create a disturbance’; defines ‘disruption’ to include ‘[c]ongregating in groups larger than four people’; and prohibits ‘[s]oliciting, including picketing, literature distribution or petitioning’ (Easton Town Center 2020). These rules are just one element in an elaborate system of security at Easton, which includes a so-called ‘Community Room,’ where guards detain teens who violate the center’s curfew (Walker 2002).

### **2.3. Nonpublic space is depoliticizing**

The prohibitions against picketing and leaflet distribution at Easton Town Center point to a third key characteristic of nonpublic space. Nonpublic space is depoliticizing space: space that interpellates subjects as private individuals, who enjoy the (negative) freedom of noninterference by others, and as economic agents who enjoy market freedom, but not as political actors who exercise democratic freedom (McKenzie 1994, Barber 2001, Kohn 2004).

Robbins (2002, p. 6) wrote that the lesson Easton teaches to citizens is to be ‘good consumers’ and ‘to engage . . . in a fantasy, which includes participation in what appears to be a public realm.’ More generally, nonpublic spaces like Easton Town Center, because they direct people’s attention and concern toward amusements, storefronts, and product displays, encourage a retreat from the political, to pleasure-seeking, consumption-oriented activities.

## **3. What is publicity?**

As suggested by the discussion in the previous section, the democratic critique of nonpublic space is informed by a commitment to a cluster of analytically distinct, yet partly overlapping values: values that often are grouped together under the rubric of

democratic publicity.<sup>4</sup> What is publicity? In this section, I argue that it consists of at least three sets of values, which are thrown into relief by a focus on what is distinctive about public spaces and other public things.

### **3.1. Public space is inclusionary/integrating**

To begin, if nonpublic space is exclusionary/isolating, a defining characteristic of public space is that it is inclusionary/integrating. Public spaces are spaces that are open to all. Because they are open to all, they ‘press [people] into relations with others’ (Honig 2017, p. 6). Public spaces bring strangers together. More precisely, they bring together people who are strange to one another, not only in the sense that they are not one another’s familiars, but also in the sense that they are different along lines of interest and/or identity.

This inclusionary/integrating quality is a characteristic of, not only public spaces, but also public institutions and other public goods. Think of a public transit system, or a system of public education. The openness and inclusiveness of public things ensures that strangers experience them in common. It renders them things that people regard as, and understand to be, of common concern.<sup>5</sup>

### **3.2. Public space is governed transparently**

Second, because public things are understood to be of common concern, their governance is – or at the very least, it is widely recognized that it ought to be – transparent. Recall the worry about unaccountable policing in nonpublic spaces like Easton Town Center. The development at Easton is ‘for’ – in the sense that it serves the interests, or the good of – its paying customers, and ultimately its owners. That is why those who manage Easton police it privately. That’s why they make decisions about how to govern this nonpublic space behind closed doors.

Compare the policing of Easton with the governance of a public space like a city plaza, or a public institution like a public school. Because public things are of common concern to the large and disparate group that we call ‘the public,’ it is widely acknowledged that the public has a right to know how they are governed (Geuss 2001, p. 42). Transparency enables members the public to hold accountable the people – the ‘public officials’ – whom they task with governing public things.

### **3.3. Public space is politicizing**

Third, unlike nonpublic spaces, which are depoliticizing, public spaces, and other public things are politicizing in a very specific sense of that word: They encourage people to understand themselves as political actors who care about public things, and they motivate them to participate in caring *for* those public things.

At Easton Town Center, the attention is directed toward amusements, product displays, and merchandise. While at Easton, one is interpellated as a private individual, and above all as a consumer. By contrast, when one is physically present in public spaces, the attention is directed, at least in part, toward matters of common concern.

To see why, imagine that you alter your daily routines, and instead of driving to and from work, you begin to ride a public bus. Or imagine that, for the very times, you enroll your child in your community's public school. You likely will begin to notice things that you had not noticed before: details about how the public transit system runs, or how the public education system functions. You will notice what works well, what works poorly, and how these public things affect not only you, but also at least some of the others with whom you experience them.

You might come to see yourself a bit differently, as well. You might begin to understand yourself as a person who, together with strangers, is affected by decisions about whether and how to invest in public transit and public education, and how to organize and manage those public things. Public spaces and other public things interpellate people, not just as private individuals, but as members of a public (Honig 2017, p. 30).

#### 4. Publicity's democratic value: a classic account

Implicit in the democratic critique of nonpublic space is the claim that democracies need public space, *because democracy needs publicity*. Why does democracy need publicity? In this section, I begin to answer that question by imagining two ideal-typical political processes.

The first process is entirely opaque. Some official or officials make collective decisions behind closed doors, while ordinary citizens have no information whatever about their decision-making processes. The citizenry, what is more, is internally divided: segregated by race, class, or caste, perhaps, and/or by some other marker(s) of political identity or interest. Even within these groups, citizens have no capacity to communicate with one another about their beliefs, desires, and needs. They are unable to act together to address their common concerns, let alone to do so across the lines that divide them. Such a non-public process creates the opportunity and the incentive for those who exercise political power to decide and to act in ways that promote their private good. It gives ordinary citizens no capacity to influence outcomes.

By contrast, the second ideal-typical political process is infused with the transparency, the inclusiveness, and the forms of politicization that are associated with the ideal of democratic publicity. Transparency enables ordinary citizens to know and to understand how officials act: what they decide, how they decide, and what reasons they give for the decisions they make. Inclusiveness incentivizes citizens to deliberate with one another in a way that is 'reasonable' in the Rawlsian sense of that word (Rawls 1993): in other words, it incentivizes them to advance claims that they support with reasons that their fellow citizens might accept. At the same time, the fact that people are interpellated, not as isolated individuals, but as members of a public, prompts them to come together to, and to act together to pressure the officials. Because publicity helps the public articulate reasoned criticisms of the use that officials make of political power, officials cannot hide behind the force of their authority, or behind the force of tradition. Instead, they must respond to the challenges that the public articulates. Publicity thus constrains those who exercise political power to do so in ways that serve what is sometimes called 'the good of the public.'

The contrast between these ideal-typical processes captures the intuition behind one influential answer to the question of publicity's democratic value. Publicity, it suggests – because it expands the role played by intersubjective reason in making collective decisions, while diminishing the role played by some people's capacities to coerce other people – moves politics closer to a state in which political power serves all.

This view is, roughly, that which informs the seminal *Structural Transformation of the Public Sphere* (STPS), in which Jürgen Habermas ([1962] 1989) characterized the bourgeois public sphere as a network of relations, practices, and institutions that enabled members of the eighteenth- and nineteenth-century bourgeoisie to constitute themselves as a reasoning public. In STPS, Habermas made the case that, in France, Germany, and England, members of this new public came to perceive themselves as united by shared interests in influencing state interventions into the capitalist economy. In addition, they began to respond, together, to such interventions. They deliberated about them. They 'talked back' to the state. They compelled state actors to justify their decisions before the newly formed public. Although members of the bourgeois public did not engage in direct collective self-government, Habermas argued, they did act together to constrain the ways that state actors used collective power. The ideal of democratic publicity that Habermas teased out of this historical case is one of collective power that serves all whom it affects to the extent that – and because – decision-making is checked by a public opinion emergent from free, equal, and inclusive rational argumentation.

This ideal, Habermas underscored, is one the bourgeois public failed to realize. The bourgeois public's claim to democratic legitimacy rested tenuously on what Habermas characterized as a 'fiction' that equated bourgeois man with all of humankind (Habermas 1989, p. 56). Nevertheless, his claim was, that ideal exerted real normative force: a force that depended, crucially, upon the cohesion of the public. By Habermas's telling, it was a perceived shared interest in protecting property rights that undergirded the bourgeois public's claim to instantiate 'a noncoercive inquiry into what was ... correct and right,' 'what was practically necessary and in the interest of all' (Habermas 1989, pp. 82, 83).

## 5. Revisions to the classic account

Commentators on this Habermasian understanding of democratic publicity focus, not only on its constitutive norms of inclusiveness, transparency, and politicization, but also on its emphasis on the cohesiveness of the public (see, e.g., the essays collected in Calhoun 1992). In the case of the eighteenth-century bourgeois public, Habermas's claim was that cohesion was a function of shared material interests. More generally, there must be *some* sense in which the members of a public form a cohesive body if publicity is to promote noncoercion, understood as the use of power for the good of all. If no shared interests unite the members of the public, if the public has no common aims or ends or purposes, then were publicity to enable the public to influence the actors who exercise collective power, from a Habermasian perspective, little would be gained. The majority, or those most capable of exerting force within the collectivity called 'the public,' would sway the exercise of political power to serve their own interests and advance their own purposes. If so, the use of power for particularistic ends by one set of actors (state officials) would be replaced by the use of power for particularistic ends by another (the

majority), and the aspiration to noncoercion, relinquished. If publicity is to constrain people to exercise political power in the service of all, there must be some 'all' for power to serve.

The obvious difficulty with this account – a difficulty of which Habermas was well aware – is that, in a pluralistic polity, there is no public, in the sense of a unified body of citizens, inclusive of all, and bound together by shared interests or common aims and ends. Hence, the tension in the bourgeois public sphere between, on the one hand, its implicit claim to be open to all, and on the other, its *de facto* exclusions. Habermas emphasized that the expansion of the public sphere to include the previously excluded had undermined its cohesiveness, and hence its noncoercive quality. Others underscore that the very ideal of a cohesive public can encourage the false universalization of dominant actors' particularistic experiences, perspectives, and needs.<sup>6</sup>

How, then, to understand the relation between publicity and democracy? One possibility is to re-conceptualize the cohesion of the public. If the public is 'heterogenous' (Young 1990, 2000) – if it is, not a unified body, but a set of multiple publics (Fraser 1992) characterized by diverse, and even competing or conflicting goods – then the bond that joins its members might be understood in terms of, not shared ends or common interests, so much as an openness to one's fellow citizens and a concern to live together with them on terms that they accept. What is more, one might reconceptualize this cohesion, not as a pre-political state upon which publicity depends, so much as a condition that it helps to produce. Inclusiveness, transparency, and the forms of politicization that comprise the ideal of democratic publicity (one might suggest) foster an openness toward strangers, which manifests itself as a willingness to take their needs and their claims into account. In short, one might make the case that democracy needs publicity, because publicity prompts the citizens of a pluralistic polity to be politically open to strangers: because it prompts people, when they act politically, to take into account the experiences, perspectives, and interests of diverse others.

From a normative perspective, this modification of the Habermasian account is compelling. However, the empirical assumptions that do its heavy lifting are largely unwarranted. Decades of social psychological research demonstrates that, when people engage with what psychologists call members of an 'out-group' (that is, when they engage with people with whom they do not identify), they socially distance themselves from those others, and they selectively ignore evidence that disconfirms the stereotypes that they hold about them (for an overview, see Howard 2000). What is more, although encounters among strangers can reduce such biases, that result obtains only under a highly constrained set of conditions, which include engagement in cooperative work aimed at achieving a shared goal, status equality, the explicit disconfirmation of group stereotypes, the prevalence of egalitarian social norms, and the potential for the strangers who are interacting with one another to become acquaintances (Allport 1954, Pettigrew 1998, Pettigrew and Tropp 2000). Clearly, these conditions do not describe most political encounters among strangers, which are more likely to be characterized by conflict, disagreement, and inequality: factors that 'trigger greater stereotyping of out-group members' and enable "in-group member[s] to dismiss . . . out-group members[s]' views (Mutz 2008, p. 535).

In short, bringing citizens together across lines of difference is at least as likely to reduce, as to increase, their political openness toward one another. Does that mean that

those who value democracy should reject the ideal of publicity?<sup>7</sup> It does not. For reasons I elaborate in the sections that follow, no theory of democracy intended for complex, modern political societies can afford to repudiate this ideal.

## 6. The problem of the public

John Dewey famously defined a public as those persons who are affected by the indirect consequences of action, and affected 'to such an extent that it is deemed necessary to have those consequences systematically cared for' (Dewey 1954, p. 16).<sup>8</sup> The way that publics regulate the indirect consequences of action, on his view, is by forming states, which consist of organized publics and the governments those publics create. However, Dewey emphasized, it is not the case that every public is organized. Writing at the height of the so-called 'machine age,' he argued that the public that had been produced by what were at the time relatively new indirect consequences was 'largely inchoate and unorganized' (Dewey 1954, p. 109).

Hence, Dewey's central concern: a concern about what he called 'the eclipse of the public' (Dewey 1954, especially ch. 4). Beginning with industrialization and intensifying with globalizing pressures, he argued, technological and economic changes, along with the expansion of the democratic citizenry, had altered power relations in ways that undermined their democratic management. To be sure, explicit references to terms like 'power' and 'power relations' are largely absent from *The Public and Its Problems*. However, as some of Dewey's recent interpreters have demonstrated, and as my own discussion in this section underscores, the concept of power is critically important to his argument.<sup>9</sup> Writing in the early twentieth century, John Dewey identified three sets of changes to power relations that are deeply problematic from a democratic perspective, changes that have grown even more pronounced in the intervening hundred years.

### 6.1. Power's impersonality

First, power relations had grown – and they have continued to grow – increasingly impersonalized. The development of new productive, communicative, and travel technologies, along with the extension of capitalist markets that these new technologies enabled, expanded relations of human interdependence and mutual influence. Following Walter Lippmann (1922, 1925) and Lippmann's mentor, Graham Wallas (1914), Dewey argued that the Industrial Revolution had produced what he called a 'Great Society.'<sup>10</sup> It had, in Dewey's words, 'so enormously expanded, multiplied, intensified, and complicated the scope of the indirect consequences [of action] ... that the resultant public [could not] identify and distinguish itself' (Dewey 1954, p. 126).

The impersonalization of power matters, because when power does not wear the face of identifiable powerful agents – when it is not exercised by, to recall the language of the famous 'three faces of power' debate, powerful As who control and direct its effects (Hayward 2000, Hayward and Lukes 2008) – that undermines people's capacities, as individuals, to recognize their interests in regulating the indirect consequences of action. The impersonalization of power matters, as well, because it undermines people's collective capacities to organize with others to regulate those indirect consequences.<sup>11</sup>

### 6.2. *Power's asymmetry*

The second change on which Dewey focused was power's increasing asymmetry. Technological and economic changes not only expanded and impersonalized the relations through which people affected each other's actions; they also enabled the concentration of capital and of political influence. Citing low voter turnout, mass feelings of political inefficacy, and the widespread sense that 'big business rules the governmental roost,' Dewey characterized American democracy in the early twentieth century as a system ruled by political parties that presented citizens with 'a ticket of men mostly unknown to them, ... which is made up for them by an under-cover machine in a caucus whose operations constitute a kind of political predestination' (Dewey 1954, pp. 188, 119–120).

Dewey viewed this second change in power relations as a product of the first. If political parties 'rule[d], but ... [did] not govern,' the *reason* that was the case was that '[t]he public [was] so confused and eclipsed that it [could] not even use the organs through which it was supposed to mediate political action and polity' (Dewey 1954, p. 121). Yet I want to emphasize that these two changes to power relations are analytically distinct. Even if people *had* been able to recognize their interests in regulating the indirect consequences of action, and even if they *had* been able to organize to try to change the actions that affected them, the authors of those actions would have included powerful and democratically unaccountable agents: not only political parties, but also transnational corporations, state administrative agencies, and the mass media.<sup>12</sup> The impersonalization of power undermines people's political capacities in an absolute sense. Power's asymmetry undermines people's political capacities relative to powerful, unaccountable collective actors.

### 6.3. *Power's polymorphism*

The third change was what I will call power's increasing polymorphism. In 1927, in the United States as elsewhere, the democratic citizenry was in the process of growing more plural in its constitution. Dewey (rather dramatically) characterized recent immigrants to the country as a body 'so large and heterogeneous' that, absent advances in travel and communication technologies, 'it would have disrupted any semblance of unity as surely as the migratory invasion of alien hordes once upset the social equilibrium of the European continent' (Dewey 1954, p. 115). The American citizenry grew even more inclusive through the later decades of the century, and of course, this change was a clear mark of progress from a politically egalitarian democratic perspective. Nonetheless, Dewey's claim was that, as the citizen body expanded (to the point where, eventually it would include the unpropertied, women, African-Americans, and many others who formerly had been excluded) the possibility of a public defined by shared interests and/or purposes receded ever farther from view.<sup>13</sup>

Now, even if citizens had been able to identify and to organize in response to the indirect consequences of action and even if, collectively, they had had the capacity to hold accountable and to challenge powerful agents (like big corporations, party 'machines,' and the mass media), it far from clear how they would experience their interests in *how* to do so. It was far from clear, in other words, which individuals and which groups might ally themselves with which others, which collective aims those alliances might define, and which political strategies they might pursue.

## 7. Political democracy

For John Dewey, democracy was much more than a form of government. It was a ‘way of life’: a participatory society that encompassed the family, the educational system, the work place, and the myriad groups and associations that comprise civil society. ‘The democratic idea,’ he wrote, is one of a society in which all have ‘a responsible share according to capacity in forming and directing the activities of the groups to which [they belong]’ (Dewey 1954, p. 147). It is an ideal of group members developing their capacities in ways that accord with the interests that are common within groups, and of ‘groups interact[ing] flexibly and fully’ with one another (Dewey 1954, p. 147).

Although Dewey was notoriously vague about what would be required to approximate this ideal in the early twentieth-century US, an important part of his vision was improved deliberation. ‘The essential need,’ he wrote, was ‘the improvement of the methods and conditions of debate, discussion and persuasion.’ Indeed, at points Dewey suggested that improving deliberation was ‘*the* problem of the public’ (Dewey 1954, p. 208). His hope was that free and reasoned communication, together with social problem-solving on the model of the natural sciences, would enable people, not just to understand how indirect consequences affected them, but also to discover common interests in regulating those consequences.

Thus, Dewey’s positive vision of democracy – his understanding of what would it mean to find the ‘lost public’ – prefigured Habermas’s normative ideal in important ways.<sup>14</sup> For Dewey, as for Habermas, legitimate government serves the public as whole (Dewey 1954, p. 146). It promotes the common good: a good that is both known, and known to be common, by all members of the public (Dewey 1954, p. 149). To construct what Dewey called ‘the Great Community’ would be to find or to forge a public that communicates in ways that enable its members to recognize their shared interests and ends, and to act politically in ways that promote the public good. Publicity is of value for democracy, this thread of Dewey’s writing suggests, because it enables the realization of the Great Community. It enables people to recognize what is in the public interest, and to act together to realize that interest.

This normative vision prompted some of Dewey’s critics to argue that he ‘erase[d] conflict from his account of politics’ (Damico 1978, p. 117). However, other Dewey scholars have suggested that there is an important ambiguity in his notion of the public interest: that it is unclear whether, on his view, the public has a merely ‘formal interest in *some* regulation of a particular set of indirect consequences’ or, alternatively, ‘a substantive interest in *some specific* measure by which indirect consequences’ should be regulated (Festenstein 1997, p. 86, emphasis added).

If the latter, then clearly Dewey was mistaken. People who constitute publics as he defined that term – people who are affected by the indirect consequences of some action – very often stand to one another, not in cooperative, but in competitive, or even antagonistic, relations. Recall the example of Easton Town Center, in suburban Columbus, Ohio. The public affected by the decision to site that region’s major shopping center in its affluent suburbs included people whose ‘groups’ (that is, whose families, schools, communities, and places of work) stood to benefit from the development: families whose local public schools would be supported by the tax revenue that the development would generate, for example, and people whose friends and neighbors would gain easy access

to the mall. But that public also included people who would be adversely affected: people like the residents of the city of Columbus, whose schools and other local services would receive no tax revenue, and who would find it difficult to shop, let alone to work, at a distant mall that would be hard to for them to access.

I am largely persuaded by those interpreters of Dewey's political philosophy who make the case that, at least on some level, he recognized that 'conflict is ubiquitous' to politics (Caspary 2000, p. 9; see also Hildreth 2009, Rogers 2009). Perhaps it is for this reason that he distinguished between what he called 'the democratic idea' and what he called 'political democracy,' where the latter centers on, not consensus-oriented deliberation, but conflict negotiation (see Festenstein 1997, p. 96–8). For Dewey, although debate and deliberation are crucial to approximating the idea of democracy, institutional change is at least as important, because it advances political democracy. Dewey lamented that early twentieth-century American political institutions were designed to meet the needs of an eighteenth-century agrarian society. At the time of the founding, he wrote:

The township or some not much larger area was the political unit, the town meeting the political medium, and roads, schools, the peace of the community, were the political objectives . . . The imagination of the founders did not travel far beyond what could be accomplished and understood in congeries of self-governing communities" (Dewey 1954, p. 111).

Illustrating with the example of the highly fragmented and decentralized system of American public education, Dewey argued that Americans had inherited local institutions and governance practices that could not meet the political needs of a modern public.<sup>15</sup>

In the next section, by foregrounding what Dewey called political democracy, I use his insights about 'the problem of the public' to articulate a political understanding of publicity's democratic value. Democracy needs publicity, I argue, not to ensure that collective power serves all, but rather to counter-balance power's impersonality, asymmetry, and polymorphism.

## 8. Bypassing the public

Most democratic critics of nonpublic space focus on the physical forms of places like Easton Town Center. However, from a democratic perspective, the processes through which such places are made are at least as troubling. In many liberal democracies, political decision-making about land development disproportionately empowers private capital (Weaver 2016). And in the postwar US in particular, the structure of local governance decentralizes decision-making to politically autonomous municipalities, like the ones where Easton Town Center was sited.

Let us consider each of these problems in turn. As far as the first is concerned – capital's influence on development – it is worth noting that Easton Town Center would not exist in anything like its present form had the American state not built the highways that link the city of Columbus and its suburbs with one another, enabling some 20,000 annual visitors to drive to Easton in the privacy of their cars. Yet when, at midcentury, the US Congress authorized Ohio's 1500-mile-long expressway system – part of a 41,000-mile, federally funded national network – the decision to do so was driven largely by

business. The lobby for what would become the Interstate Highway Act of 1956 (at that time, the nation's second largest lobby) included homebuilders associations, automobile makers and dealers, banks, and the construction industries. The top contributor was General Motors (Jackson 1985, pp. 248–51). In Columbus, as elsewhere, decisions about where to site the new inter-state highways were determined largely by local business interests (Frieden and Sagalyn 1989). This pattern continued through the close of the twentieth century and into the twenty-first. When the development at Easton was designated a tax-increment financing (TIF) district in 1996, that decision was negotiated by the founder and CEO of The Limited, Inc., the billionaire Leslie Wexner (Carmen 1996).<sup>16</sup>

As far as the second problem is concerned – decentralized local governance – the political fragmentation of the American metropolis, coupled with the political autonomy that American states grant to incorporated municipalities, enables privileged people to make decisions that affect those who are systematically disadvantaged, and to do so without engaging them politically. A case in point is the decentralized process through which land use decisions are made. If residents of affluent suburbs, like the communities near the development at Easton, want to site a regional mall in their territory – a decision that indirectly affects all of the residents of the Columbus metropolitan area – they can do that without engaging the people who live outside their municipalities' boundaries. Municipalities can decide unilaterally, not only to permit particular land uses, but also to forbid others. In the words of the historian Colin Gordon (2019, p. 123), 'Outside the central city, the dominant practice [is] "exclusionary zoning," land use controls that [ensure] a pattern of predominantly low-density, single-family settlement through a combination of outright prohibitions (no heavy industry, no manufactured housing), effective prohibitions (no land zoned for multifamily housing), and area or density standards (for lot size, setbacks, and building size).' Exclusionary zoning drives up the cost of housing. It effectively excludes, not only categories of land uses, but also groups of people: specifically, those who cannot afford to purchase large, expensive houses. And, of course, when municipalities exclude people, they prevent them from accessing their local schools and the other 'public' services that they make available only for residents.

What's wrong with decision-making processes like these? They circumvent the relevant public, in John Dewey's sense of that word. Think of the Columbus residents who were adversely affected by the decision to site the region's major shopping mall in the outer-ring suburbs. If those same people had been adversely affected by a decision that was made by democratically accountable local officials – say, a decision to dramatically increase the city's sales or property taxes, or a decision to substantially alter the curriculum in Columbus public schools – they would have been considerably more likely to perceive it as an exercise of power that affected them and to mobilize to act together in response.

## 9. Publicity's democratic value: A political account

The decentralized structure of political decision-making about land use in the contemporary US, and more generally the fragmentation of American local politics, does just the opposite of 'bring strangers together.' It sorts citizens, and it separates them, along lines of identity and interest. This institutional structure enables the privileged to act in ways

that significantly affect the disadvantaged, and it enables them to do so without experiencing the negative effects of their actions (for example, the negative effects of exclusionary zoning and systematic disinvestment from older communities). At the same time, it diminishes the capacities of the disadvantaged – the people who do experience those negative effects – to recognize their interests in acting politically to regulate the indirect consequences of such actions. In short, the institutional structure of American local politics exacerbates power's impersonality.

It exacerbates power's asymmetry, as well, because it insulates the powerful and the privileged from political struggles. Imagine, counterfactually, that a significant percentage of the residents of the city of Columbus had recognized the siting of Easton Town Center in the outer-ring suburbs as an exercise of political power that adversely affected them. What recourse would they have had? Little to none: They could not vote in the elections of the municipalities that bordered the development, because in the US, non-residents are excluded from the local franchise (Frug 2011). And, of course, it is exceedingly unlikely that they could have influenced the decisions that were made by democratically unaccountable, powerful actors like the billionaire Leslie Wexner.

What if American local government were radically restructured? What if the power of private capital were diminished or even eliminated. What if the authority to make critically important decisions – including decisions about land use, the distribution of local tax revenue, and housing policy – were centralized to the metropolitan or the regional level? What would that look like? New political coalitions would form. No doubt, some would be coalitions of the powerful and the privileged. Wealthy people who live in different exclusive communities likely would band together to advocate for laws and policies that reproduce, reinforce, or recreate hierarchies that serve their private interests. Yet, at the same time, such restructuring would almost certainly bring together people with divergent, but not dissimilar experiences of oppression: people who live in different local communities that bear the brunt of collective decisions made by the powerful and the privileged, who increasingly would come to view their problems and their struggles as related to one another, and as causally linked.

To continue with the Columbus, Ohio example, political institutional changes of this sort would enable and encourage residents of the city of Columbus to identify politically with residents of the city's structurally disadvantaged inner-ring suburbs. If an inadequate supply of affordable housing affects all low-income people in metropolitan Columbus, then cross-jurisdictional political engagement would likely produce a shared interest in challenging exclusionary zoning. Cross-jurisdictional political engagement might produce shared interests in redefining development and investment priorities in the Columbus metropolitan region, as well, and in improving public transit and strengthening struggling public schools.

In other words, it would produce new, cross-jurisdictional publics, in the Deweyan sense of that word: individuals and groups mobilized around the indirect consequences of actions that significantly affect them. By making apparent the similarities among some sets of political struggles, needs, and ends, publicity-enhancing institutional changes could mitigate, not only power's impersonality and asymmetry, but also its polymorphism.

To be sure, if American local governance were restructured along these lines, the laws and policies that resulted would be different from the laws and the policies that at least some people desired. For example, they almost certainly would have redistributive consequences that would undermine the material interests of the wealthy and the privileged. Under conditions of plurality, publicity does not ensure that collective power serves all. But it does ensure that collective problems are formulated and addressed *as collective problems*: that is, as problems that ought to be decided, and that are decided, through political processes that are open to everyone who will be significantly affected by their outcomes.

Publicity does not create a public in the classic, Habermasian sense of that word: a cohesive body, the members of which are bound to one another by shared interests, or by common aims and purposes. Instead, it produces a public in the political, Deweyan sense. It brings together multiple persons and groups who are affected by, and who recognize that they are affected by, the indirect consequences of action.

## 10. What's wrong with the mall?

I have argued that the values grouped together under the rubric of 'publicity' matter for democracy, not because they diminish the role that power plays in politics, but instead because they help counter power's impersonality, asymmetry, and polymorphism. To see what difference this Deweyan account publicity's democratic value makes, let's return to the example from the start of the essay: the example of the mall at the Easton Town Center in suburban Columbus, and more generally the democratic critique of the growth of nonpublic space.

According to the dominant view, democracy needs public space, because democracy needs publicity, understood as political openness to the needs and the claims of strangers. The idea behind this view is intuitively plausible: It is that public space, by bringing strangers together, promotes a willingness to take the claims of others into account when acting politically. For example, the political theorist Susan Bickford (2000, p. 370), in her account of the political role of public space, writes that 'literally bringing people together in a variety of ways through their daily experience makes a difference in how they think politically . . . in terms of the awareness of different perspectives that must be taken into account in forming opinions.'

As intuitive – and as normatively appealing – as this idea may be, the argument in this essay suggests that it is of limited use in thinking about how to organize cities and other public spaces, because it is naïve about power. An alternative approach is informed, less by deliberative, but by agonist understandings of democracy (Laclau and Mouffe 1985, Mouffe 2000, Tully 2002). On this view, democracy needs public space, because it needs space for protests, demonstrations, and other disruptive political actions, such as sit-ins, kiss-ins, and die-ins. Coming together in public enables people to act in ways that command the attention of the powerful and the privileged (Parkinson 2012). Think of the Arab Spring protests of 2011, the Occupy encampments of that same year, or the more recent Black Lives Matter and Climate Strike demonstrations and actions: examples of political phenomena that extend back in time through the Civil Rights Movement of the 1960s, to early century demonstrations like those organized by the Industrial Workers of the World, and even to ancient Greece and Rome.

These are examples of ‘the many’ employing public space to make a show of their collective power, and to challenge the concentrated power of ‘the one’ and ‘the few.’ In some of these cases, the assembled people ‘talked back’ to the state, much like Habermas’s bourgeois public. Think of protesters in Tunis, Tunisia, or in Tahir Square in Cairo ‘stand[ing] together . . . hoisting their banners and chanting their slogans, demanding the departure of the corrupt regimes’ (Rabbat 2012, p. 207). In other cases, such as Occupy, the power to which the people ‘talk back’ is corporate power. But what all of these examples have in common is that, in each instance, people acted in concert to represent themselves as ‘a public’: an act that helped offset modern power’s asymmetry. Although the power of a dictator, or the power of capital, or the power the American-militarized police far outstrips that of any ordinary citizen, when citizens assemble in public space, they can command the attention of, and they can exert real pressure on, even the most powerful political agents.

Of course, even when people come together and represent themselves as a public, that representation belies real differences in identities and interests. Movements like the environmental movement or Black Lives Matter are far from internally homogenous. They are comprised of individuals and groups with divergent experiences, aims, ends, needs, and values. An important part of what people do when they participate in such movements is met with one another, face-to-face, and work to articulate short- and long-term goals, to develop strategies, and to plan actions. In other words, they coordinate, cooperate, and negotiate over time, through repeated interactions. In addition, they confront obstacles, and they face adversities together. Research on social movements shows that working together, and struggling together, facilitates the construction of horizontal ties, even among people with different identities and different lived experiences (Hirsch 1990, Polletta and Jasper 2001, Fominaya 2010). It produces a shared political identity that is fashioned through resistance to multiple and intersecting systems of oppression: a constructed unity that counteracts modern power’s polymorphism.

Power’s impersonality is a major challenge that contemporary social movements face, because, as Dewey emphasized, it is often difficult for people to perceive and to comprehend the indirect consequences of action. Think of the problem of structural racism, which lies at the heart of the Black Lives Matter movement. Or think of the neoliberal institutions and policies that generate the pronounced economic inequalities that concerned Occupy. A major challenge for movements such as these – movements that oppose systemic forms of power and domination – is that many people do not see the relationship between, on the one hand, state and/or corporate actions, and on the other, the problems those actions help produce. Many people thus have difficulty perceiving the relevant problems as political problems, which could be, and which should be, redressed. Activists often respond to this challenge by ‘staging’ the links between action and consequence, and/or by performing their vision of transformative change. Think of the die-ins of 2014–2015, which communicated, in dramatic fashion, the relationship between state violence and harm to black bodies. Or think of the ways the occupation of Zuccotti Park and other public spaces in 2011 staged an ‘assertion of collective control of the common wealth of society’ (Kohn 2013, p. 100). The latter quote is from Margaret Kohn, who rightly underscores the centrality of public space to such performances:

performances which, in order to achieve their intended political effects, '[require] a stage' (Kohn 2013, p. 107).

Dewey's democratic citizen feels the indirect consequences of the actions that affect her, but she cannot identify, let alone resist, the forces that produce those consequences. Public space, when used politically, can help alter this dynamic. More generally, when used politically, public space can help to promote the democratic management of power.

## 11. Conclusion

In suburban Columbus, Ohio, the mall at Easton's faux-public 'town center' simulates a public realm (a bustling square, an urban park), but one devoid of the connections – and hence the frictions, the uncertainties, the risks to the self – that living together with strangers entails. Like countless malls throughout the US and other countries, it simulates a world devoid of both publics and their problems: a world where people express preferences that are theirs and theirs alone, where they make choices that affect no one but themselves.

When, during the height of the 2014 holiday shopping season, Black Lives Matter protesters shut down the Mall of America, they temporarily shattered this illusion. In response, American state actors prosecuted them, charging them trespassing, disorderly conduct, and other misdemeanors (Mohr 2015). What's wrong with the mall – or, or more precisely what's wrong with the mall-ification of modern democratic political societies – is that it inhibits the collective expression of counter-hegemonic political claims like the claim that 'black lives matter.' The decline of public space means the loss of the physical sites that people need if they are to organize as publics, to effectively contest the exercise of modern power.

That said, public space alone is insufficient to solve 'the problem of the public.' I have argued in this article that what John Dewey called 'political democracy' also requires publicity-enhancing institutional changes, such as, in the American case, the restructuring of the institutions of local governance that enable privileged people to make decisions that affect the disadvantaged, and to do so without engaging them. Public space is a crucial tool, which people need in order to organize and to act to demand publicity-enhancing institutional changes. However, more generally, democracy needs publicity, because we need to counter-balance power's impersonality, asymmetry, and polymorphism, if our aim is to govern ourselves democratically.

## Notes

1. This article has been a long time in the making. I first began thinking about the argument more than a decade ago, when I presented early versions at the University of Birmingham Symposium on Power and Identity in September 2010; the Washington University Workshop on Politics, Ethics, and Society in January 2011; and the Montreal International Conference on the Political Philosophy of the City in May 2011. In the intervening years, I returned to it periodically, but I never fully sorted out what I wanted to say. I am grateful to participants in those early meetings for their thoughtful criticisms and feedback, which improved the work. I am also grateful to Suzi Dovi, Giulio Gallarotti, Mark Haugaard, and Jen Rubenstein, whose comments on a much more recent version were

invaluable in helping me (finally!) work out my view. No funding or potential conflict of interest to report. Twitter handle @ClarissaHayward.

2. Although 'lifestyle center' is the more commonly used term, 'leisure-time destination' is the label preferred by Easton's developer, Yaromir Steiner (2005), according to whom it highlights Easton's mixed uses and 'neo-traditional town planning principles.'
3. Private ownership does not rule out public use. Consider the case of privately owned public spaces (POPS), like Zuccotti Park, the original site of Occupy Wall Street: spaces that, by contractual agreement, the owners must make open for public use.
4. Raymond Geuss (2001) argues persuasively that the relationship among the values that comprise the ideal of publicity is contingent, rather than necessary. However, as James Bohman (1999) underscores, in contemporary democratic politics, they tend to hang together.
5. As Geuss (2001, p. 41) notes, public things can be 'of common concern,' even if there is no common good, in the sense that there is no way of regulating them that serves the good of the public as a whole, let alone the good of all of the individuals who comprise the public.
6. To imagine 'the public' as a harmonious whole, the claim is, is to enable the experiences and the perspectives of the dominant to masquerade as universal, and hence to justify the exclusion and silencing of the marginalized (Young 1990, 2000, Fraser 1992).
7. Jodi Dean (2002) advances a provocative argument along these lines. Dean urges democrats to reject what she characterizes as the anti-democratic ideology of publicity, which she says legitimizes the exercise of power in the name of 'what the public wants.'
8. Although '[t]here is no sharp and clear line which draws itself . . . just where a public comes into existence which has interests so significant that they must be looked after and administered by special agencies,' Dewey's general claim was that indirect consequences generate publics when they are 'lasting, extensive and serious' (Dewey 1954, pp. 64, 67).
9. See, for example, (Hildreth 2009, Rogers 2009). For earlier work criticizing Dewey for insufficient attention to power, see (Mills 1969, Wolin 2004).
10. For background and a discussion, see (Westbrook 1991, ch., p. 9).
11. As contemporary social movement scholars emphasize, outrage that is directed against a powerful agent – one who is understood to be the cause of some injustice – is mobilizing, while a diffuse sense of suffering, which people cannot pin on a clearly identifiable causal agent, is not. It is for this reason that organizers often 'exaggerate the role of human actors,' rather than 'broader structural constraints,' and sometimes 'misdirect their anger at easy and inappropriate targets' (Gamson 1992, p. 33).
12. Although Dewey characterized this second change as a product of the first, the claim that they are analytically distinct is not inconsonant with his view, and in particular with his critiques of, first, what he characterized as the American failure to change institutions of democratic governance, to reign in trans-national powers, and second, capital's control of communication via advertising and propaganda. See (Dewey 1954, chs. 4 and 6).
13. 'Others who formerly had been excluded' includes people who were racially barred from naturalized citizenship prior to the McCarran-Walter Act of 1952, which ended the exclusion of Japanese and Korean immigrants. See (Ngai 2004, especially chapter 7).
14. For a discussion of commonalities and differences between the two views, see (Honneth 1998).
15. 'Our modern state-unity,' he wrote, 'is due to the consequences of technology employed so as to facilitate the rapid and easy circulation of opinions and information, and so as to generate constant and intricate interaction far beyond the limits of face-to-face communities. Political and legal forms have only piecemeal and haltingly, with great lag, accommodated themselves to the industrial transformation' (Dewey 1954, p. 114).
16. In a TIF district, taxes can be paid into a fund which is used to finance – and hence to subsidize – development. Much of Easton's infrastructure development was funded this way. Parking garages for the mall's customers, for instance, were paid for with TIF funds.

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No potential conflict of interest was reported by the author.

## Notes on contributor

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