

# Chapter 3

## The Relevance of Public Space: Rethinking Its Material and Political Aspects

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### 3.1 Introduction: Towards a Critique of the Two Mainstream Theses on Public Space<sup>1</sup>

The debate about public space is amply covered by a broad spectrum of disciplines: sociology, anthropology, architecture and planning and political sciences. Within this scenario, certain invariable focal points can be pinpointed that are common to a great deal of academic works and of journalistic and public debate also. The two recurrent theses on public space to which we refer are as follows:

1. Public space has a central role in the public sphere creation: “[public spaces] are spaces within which the ‘public sphere’ is formed, policed and contested” (Blomley 2001, p. 3); “[public space] provides a material basis for the public sphere” (Mitchell 2005, p. 85). “Theories of the public sphere ... must always be linked to theories of public space. ... The regulation of public space necessarily regulates the nature of public debate” (Mitchell 2003, p. 182).
2. Public space is subjected to a privatisation process: “It is practically a truism to say that the disappearance of public space is caused by privatization” (Kohn 2004, p. 4). This process is usually attributed to the development of new types of private settlements, for instance, contractual communities (like homeowners associations) and shopping malls.

The first thesis is generally employed to advocate the importance of public space. In this perspective, public urban space is considered important mainly for its own political value.<sup>2</sup> Adopting this view, it is asserted that the quality of a city is above all related to its public space: “the nature of public space ... defines the nature of citizenship” (Mitchell 2005, p. 85). A corollary of this view is the idea that it is a

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moral obligation, for example, for planners, to commit themselves in a battle to defend public space. This becomes even more pressing in the presence of a presumed progressive privatisation of public space (as the second thesis asserts): “Our commitment to free speech requires us to reconsider the spatial practices that can either enhance or inhibit that freedom. Most important, a proper understanding of the connection between spatial practices and freedom of speech should alert us to the dangers entailed by the erosion of public space” (Kohn 2004, p. 4).

In our opinion, however, these two theses are for several reasons quite inexact. We will present and defend two different theses that are in a certain sense opposed to the previous ones:

1. There is no necessary causal relation between public space and the public sphere; this is even more true nowadays – thanks, for example, to the development of the new information technology.
2. No privatisation process of public space is actually under way; on the contrary, an increasing collectivisation process of private space is in action.

It is important to highlight that our arguments also rest on the assumption that public space is *fundamental*. And, in fact, one of the purposes of this article is just that of confirming and strengthening this importance. In our opinion, this cannot however occur by using, as usually done, arguments that are not very persuasive, as happens with the aforementioned theses on the public sphere and of the privatisation of public space – they are a disservice to the cause. According to us, public space is not only important but also *necessary*. Nevertheless, this necessity is linked more to its “livability relevance” than to its “political relevance” – without any connection with the transformation processes that involve private urban spaces. The terms “livability relevance” and “political relevance” are employed here simply as labels to distinguish something that is relevant prevalently for certain physical, tangible actions (lingering in a square, sitting on a bench, moving from one neighbourhood to another...) from something that is relevant prevalently for certain “immaterial” aspects (communicating political messages, exchanging civic ideas...).

### 3.2 On the Concept of Public Space

The current discussion about public space is affected by a certain “Manichaeism”. Quite often, public space is described as a space concerning the people as a whole (Ercan 2010). In this sense, public space is regarded as totally opposite to and different from private space. The latter is often considered like a space where it is possible to exercise an unlimited right of exclusion.

Actually, the situation is more complex. In Western cities, different articulations – that is, different ownership regimes – of both public and private property are present; in both cases, we have no necessary correspondence between *property* and *use*. There are private property spaces (e.g. bars) that can have more “collective use” (i.e. a use open to people, with few access and behaviour restrictions) than certain public property spaces (e.g. police stations).<sup>3</sup>

Strictly speaking, a public space can be distinguished from a private one on the basis of its owner: public space is a place where the owner is the State (the central State or the local governments), while private space is a place where the owner is represented by private legal persons. In this sense, public and private spaces are two clearly different and separate realities; nevertheless, this does not express per se what is the “publicness/collectiveness” of the space at issue. This specification is important because, as we will see in the following sections, it is possible to maintain – for instance – that the diffusion of some private settlement models (e.g. shopping malls and contractual communities) entails paradoxically an increment of spaces used in common, or that many public functions (connected with public sphere or political mobilisation) can take place also in private property space as well – and not only in the public streets or squares – without any necessary decline in “publicness”.

In order to go on with our discussion, at any event, it is useful to break the categories of public spaces and private spaces (as spaces owned by different subjects) down into a set of subcategories. In particular, we can distinguish among six kinds of urban spaces in the following manner (Moroni and Chiodelli 2013): first, *stricto sensu public spaces* (i.e. public spaces of the connective and open type for general use: public squares and plazas, streets); second, *special public spaces* (i.e. public spaces assigned to special functions: public schools, hospitals, libraries, etc.); third, *privately run specific public spaces* (i.e. publicly owned spaces that are leased to a private subject: marinas, lidos, etc.); fourth, *simple private spaces* (i.e. private spaces for individual use: detached houses, etc.); fifth, *complex private spaces* (i.e. private spaces in which use is conceded only to a specific group of people, usually an association or club); and sixth, *privately owned collective spaces* (i.e. bars, restaurants, hotels, shopping centres, cinemas).

### 3.3 Two Different Theses on Public Space

#### 3.3.1 *First Thesis: The Non-necessary Overlap Between Public Space and the Public Sphere*

As we have seen, a large quota of literature on the city focuses on the overlap between *public space* and the *public sphere*, that is, on the fact that public space is primarily important inasmuch as it is the place in which the public sphere develops.

The public sphere is usually defined, according to Habermas’ well-known definition (1974, p. 49), as “a realm of our social life in which something approaching public opinion can be formed”. Its nature is primarily “abstract”, without a direct, necessary connection to (public) space: “it designates a theatre in modern societies in which political participation is enacted through the medium of talk” (Fraser 1990, p. 57). Habermas’ public sphere idea is a-spatial.<sup>4</sup> The presumed necessary relationship between public space and the public sphere is stressed by (many) other sociologists, anthropologists and planners.

But if we define *public space* as a space owned by central or local state (i.e. as a space in which the rules of access and behaviour are determined by the public body) and the *public sphere* as an arena of public participation and deliberation, the two aspects/elements can in some cases overlap, but in other cases, this does not necessarily happen. The public sphere can in fact also develop outside public spaces. In the past, public space could have had a central role in the development of the public sphere, but, today, new technologies (e.g. the Internet) have weakened this role.<sup>5</sup> And this may be not necessarily negative: for instance, through new technologies, it is also possible to create “a dense web of sociality sustaining a civil society with a density and plurality of aims and objectives.... The net recreates [the] possibility of non-hierarchical discussion and free association” (Crang 2000, p. 309). In this sense, we can state that, nowadays, the public sphere is not *univocally* linked to public space.

This does not mean that a connection between public space and the public sphere cannot exist. Some connection between public space and the public sphere surely existed (Harvey 2006) and partially still exists (Lofland 2000). But there is nothing necessary about this, least of all necessary and sufficient. Nowadays, it seems that this connection is among varied types of space and the public sphere and not only between public space and the public sphere.

The physical places where public opinion nowadays takes shape are not only *stricto sensu* public spaces (e.g. squares and streets) or special public places intended to have particular functions (e.g. schools).<sup>6</sup> Dialogue and debate take place also in privately owned collective spaces: “Increasingly public life is flourishing in private places, not just in corporate theme parks, but also in small businesses such as coffee shops, bookstores, and others such ... places” (Banerjee 2001, pp. 19–20).<sup>7</sup> A considerable quota of contemporary urban society spends a lot of its time in private spaces of this kind, simply carrying out regular activities of interaction, socialisation and dialogue which in the past took place mainly in streets and squares.

Actually, political activities traditionally rely on the use of private space. Those “subaltern counterpublics” (Fraser 1990) that constitute the multiplicity of publics characterising contemporary societies often have their spatial location in private spaces. Habermas (1974) states that only “organized individuals” could take part and effectively participate in the process of “public communication”; these individuals can be organised in parties, associations, clubs, temporary groups, etc. Sometimes they use and occupy public spaces to demonstrate and to have successful political mobilisation; practically always they use and occupy private spaces for their everyday activities. As Kirby (2008, p. 83) argues referring to civil rights and non-violence movements, “important challenges to the status quo need not be restricted to the streets, and ... there has long existed an important tradition of political action occurring within privately-owned public spaces [e.g., bars]”.

In the end, an important clarification is needed. It is important to warn against the dangers of nostalgia for certain public spaces of the past – spaces that were often far from ideals of inclusion, openness and publicness. Actually, spaces now viewed as embodying the ideal of democracy – for instance the Greek Agora – were usually also spaces of strong and violent exclusion (Dixon et al. 2006).<sup>8</sup> As Madanipour

(2010, p. 7) argues, there is “false romanticization of historic public spaces” on which we project our own political and social expectations.

### 3.3.2 *Second Thesis: No Privatisation of Public Space*

A great deal of critical analysis about contemporary urban development asserts that a privatisation process of public space is actually in action – even an “end of public space” (Mitchell 1995; Sorkin 1992; Low 2006). This “narrative of loss”, which emphasises an overall decline of the public space (Banerjee 2001), is associated with the decline in the civic spirit and in social cohesion. Among the factors cited as principally responsible for all this are new forms of private spaces.

Contractual communities are considered one of the main perpetrators in this regard: “Gated communities represent a major reordering in the physical, social, legal and civic arrangements... The conversion of public to private space, inherent in gated community development, drives the process” (Lang and Danielsen 1997, p. 868). See also Blakely and Snyder (1997, p. 2): Today’s homeowners associations “are not multi-unit, high-density apartment and condominium buildings with security systems or door-men in which gates or guards prevent public access to lobbies, hallways, and parking lots. Gated communities are different: their walls and fences preclude public access to streets, sidewalks, parks, beaches, rivers, trails, playgrounds – all resources that without gates or walls would be open and shared by all the citizens of a locality”. Compare with Scott (1994, p. 20): “The assignment to homes associations of open space, parks, and other important community facilities bypasses the local governments that could appropriately be designated as custodians of such property”.

This charge seems quite mistaken, however.

Let us consider, for example, the running of a homeowners association. This kind of contractual community is a residential complex whose inhabitants are members of an association: each member is the owner of his/her housing unit, and all members are co-owners of the common areas (streets, squares, parking lots, recreational areas, etc.). The members of the association accept preset rules on land use and pay an annual fee that is employed for managing the common spaces (Foldvary 1994; Nelson 2005). What happens in the creation of a homeowners association then is simply that a space privately owned (e.g. by a developer) is subdivided into spaces that are still private, some of which will be open to all the members of the future association. Hence, not only do homeowners associations not subtract any (previously) public space, but actually they organise (formerly) private spaces in a less parcelled method than the traditional way, encouraging the members of a certain group to use more of the common spaces: rather than the *privatisation of public space*, what happens here is a form of *collectivisation of certain private spaces* (Brunetta and Moroni 2012). In brief, and paradoxically, the phenomenon of homeowners associations “is causing an unprecedented transition from the traditional individual ownership of property to collective governance of most property in the USA” (Ben-Joseph 2004, p. 132).<sup>9</sup>

Contractual communities can clearly be criticised for several reasons. But the “public space privatisation argument” cannot be among them, because it is simply misleading.

Private commercial areas (e.g. shopping malls and outlets) likewise come under attack from the “privatisation” argument. In this case too, nevertheless, it is quite simple to observe how these structures do not entail any privatisation of spaces that were publicly owned before. On the contrary, they give citizens new spaces for collective use.

In the end, it seems possible to assert that many discussions about “public space privatisation” implicate a certain confusion. The risk is to confuse the (non-existent) reassignment of spaces that were publicly owned into private ones with the social and cultural transformation process which actually affects *the whole space*. The second process is really important – but it has nothing to do with any kind of “privatisation of public spaces”.<sup>10</sup>

### 3.4 The Indispensability of Public Space

Public space is fundamental; *stricto sensu* public spaces, in particular, are indispensable to urban life. But the public space indispensability does not rest primarily on its “political” meaning. Surely, *stricto sensu* public spaces are the place where certain political interactions occur (Mitchell 2003) and where some political movements are visible (Mitchell 1995; Blomley 2001). But, in continually underlining this “political” meaning, sometimes we forget that space – and particularly *stricto sensu* public space – has also a fundamental “livability relevance” (Sects. 3.4.1 and 3.4.2).

It is important to note that stressing the “livability relevance” of public space does not imply assuming a reductionist position, that is, a position which devalues the immaterial meanings of public space. As we will see in what follows, however, certain symbolic-political meanings are in common with other types of space – not only physical ones. The political interaction, for instance, can occur in private spaces (e.g. bars) or in virtual locations too (e.g. social networks). On the contrary, the specific functional meanings we will talk about in the present section find their own expression *only* in *stricto sensu* public spaces. So it seems possible to argue that *stricto sensu* public spaces are *important* from an immaterial sociopolitical viewpoint, but *necessary* (indispensable) only from a “livability” perspective. And this “livability relevance” is – as we will see – a strictly *ethical* one.

#### 3.4.1 Indispensability for People in a “No-Property Situation”

The mere fact that as individuals we have a physical body implies that to exist we must be in some place at any given time, and an absence of *stricto sensu* public

spaces would entail that all those without private property could not “exist” or do anything. For certain categories of people in a “no-property” situation – such as the homeless – *stricto sensu* public spaces are what permit them to exist. As Jeremy Waldron (1993, p. 313) observes: “One way of describing the plight of a homeless individual might be to say that there is no place governed by private rule where he is allowed to be”. The point is that “anything a person does has to be done somewhere. All actions involve a spatial component ... It follows, strikingly, that a person who is not free to be in any place is not free to do anything; such a person is comprehensively unfree” (Waldron 1993, p. 316).

For those who do not possess a place of their own, *stricto sensu* public spaces are the only places in which they can carry out the functions of survival (sleeping, eating). For such a person, the prohibition of certain behaviours in public spaces – such as eating, sleeping or urinating – actually prevents him from these functions and as such prohibits him from “existing”. The growing exclusion of certain forms of behaviour in public places<sup>11</sup> – without offering alternatives for carrying out such functions (public latrines, for instance) – means that people without private property, or without access to private services, are completely unable to carry out certain physical functions.<sup>12</sup> To quote Waldron (1993, p. 328) again: “If an action X is prohibited to everyone in public places and if a person A has no access to a private place in which to perform it, then action X is effectively prohibited to A *everywhere*, and so A is comprehensively unfree to do X”.

### 3.4.2 *Indispensability for All*

The “livability” aspect of *stricto sensu* public spaces is fundamental also to people who privately hold – as owner or renter – a portion of urban space, that is, the great majority of people living in a city. Many examples can be considered here, but, for the sake of simplicity, we will focus only on one of them: the “connecting” function.

The “connecting” function of *stricto sensu* public spaces is really indispensable. Individual freedom is essentially based on freedom to move, that is, the possibility to move inside space: mobility is, in some respects, “constitutive of democracy”; it is a “democratic right” (Sheller and Urry 2000, p. 741).<sup>13</sup> Private property gives its owner a variety of powers and rights, but, paradoxically, it does not automatically entail the right to free mobility. You may own your own house, but if all around it there is private land on which you are not allowed to trespass, you are as if in jail, even if you possess your own jail. Even a libertarian like Robert Nozick (1974, p. 55) recognises this as a problem in a theory that gives absolute priority to private property rights: “The possibility of surrounding an individual presents a difficulty for a libertarian theory that contemplates private ownership of all road and streets, with no public ways of access. A person might trap another by purchasing the land around him, leaving no way to leave without trespass”.

In the end, certain *stricto sensu* public spaces guarantee everybody the right to move from one point of the city to another, to reach other (public or private) spaces,

where wished functions take place. In brief: “Public space mediates between the private spaces that make up the bulk of the city.... Without it, the spatial movement across the city becomes limited and subject to obstacles in need of constant negotiation” (Madanipour 2003, p. 220).

### 3.5 Conclusions

In this chapter, we have tried to argue two theses.

First, that public space is not perforce connected with the public sphere at all. As Kirby (2008, p. 91) writes: “There is nothing in our urban experience that demands that public space and the public sphere are inherently, ubiquitously and infinitely connected”. Today, a large amount of daily interaction, meeting and communication no longer takes place only in public spaces. There are virtual or private spaces for collective use beyond these spaces. If we are interested in rebuilding the public sphere (and it is anyway doubtful that this has to be the planners’ and architects’ *central* purpose), action on (public) space does not appear as the better way nor the only one possible at all.

Second, we have argued that the privatisation process of public space is not actually under way. The opposite is happening: actually a “collectivisation” of certain private spaces is in place.

At the basis of our discussion, at any event, we retain the conviction that public space is an essential component of contemporary cities. The city could not exist without certain forms of public spaces, and these cannot be replaced by any suitable private space whatever. Necessary public spaces are first of all *stricto sensu* public spaces. Their own indispensability is, however, based primarily on questions of “livability”. This does not mean that the “political” aspects of public space are irrelevant; it means merely that they must not be overplayed to the detriment of other fundamental roles played by public space. Clearly, public spaces that are made available and accessible for purposes of “livability” can turn out to be useful anyway even for “political” reasons (though the latter cannot be planned nor are they predictable or directly governable).

### Notes

1. This article is the result of joint research activity undertaken by the two authors. The final written version of Sects. 3.1 and 3.3 can be attributed to Stefano Moroni and that of Sects. 3.2 and 3.4 to Francesco Chiodelli.
2. “Because by definition a public space is a place accessible to anyone, where anyone can participate and witness, in entering the public space one always risks encounter with those who are different, those who identify with different groups and have different opinions or different forms of life. ... Politics, the critical activity of raising issues and deciding how institutional and social relations should be organized, crucially depends on the existence of spaces and forums to

- which everyone has access” (Young 1990, p. 241). “Publicly accessible spaces are important features of any vibrant and sustainable urban environment. The best spaces present opportunities for discussion, deliberation and unprogrammed, spontaneous encounters with those maintaining diverse viewpoint on the world” (Németh 2009, p. 2463).
3. To quote Low and Smith (2006, p. 3), public space “is not a homogeneous arena: the dimensions and the extent of its publicness are highly differentiated from instance to instance”. In the same way, a private property space is not necessarily used by few persons – and in any case private ownership is never absolute, for it always includes duties and obligations (Needham 2006).
  4. On this point, see Howell (1993, p. 311) and Mitchell (1995, p. 16).
  5. As Sisk (2007, p. 1198) observes: “While the town square evolved in an era in which the primary means of communication was oral and most interaction was face-to-face, the opportunities for expression of ideas have expanded in number – and changed in nature – tremendously in the past several decades. The development of inexpensive access to a broad audience through internet technology promises to further revolutionize and democratize wide-ranging public debate in the future”.
  6. As Amin (2008, p. 6) argues: “Today ... the sites of civic and political formation are plural and distributed. ... Urban public space has become one component, arguably of secondary importance, in a variegated field of civic and political formation”. See also Amin (2008, p. 5): “In the age of urban sprawl, multiple usage of public space and proliferation of the sites of political and cultural expression, it seems odd to expect public spaces to fulfil their traditional role as spaces of civic inculcation and political participation. We are far removed from the times when a city’s central public spaces were a prime cultural and political site”.
  7. According to Light (1999), the origin of the public sphere in seventeenth and eighteenth centuries can be linked to private property space (e.g. coffee houses and salons). “It is possible to make the case that the public sphere has always been... part of an ongoing and ramifying development of congeries of semi-private social spaces” (Crag 2000, p. 309).
  8. As Miles (2000, p. 255) notes: “In Attica in the time of Perikles, only twenty to thirty thousand people were citizens, all men, of a population of perhaps two hundred and fifty thousand; ... citizens alone participated in a democracy from which women, slaves and strangers were excluded”. See also Basson (2006).
  9. In other words: “At the end of the twentieth century, there was a ... shift in the United States from individual private ownership of residential property to new collective forms” (Nelson 2005, p. 351). See also Glasze et al. (2006, p. 2): “The value of ‘public space’ and its endangerment through ‘privatisation’ is a frequently cited *topos* within the critique of contemporary urbanism. ... [But] many master-planned private settlements simply involve the subdivision of a piece of land formerly under single private ownership into many titles under shared ownership. ... A piece of land under single private ownership may become co-owned by many residents”.
  10. Another point is worth clarifying. The fact that many collective activities take place in private spaces does not render them the opposite of “publicness”. As Tyndall (2010, p. 134) writes, “too often urban research has framed publicity as a zero-sum game which, given the privatization occurring in our cities, is necessarily equated with a decline in publicness itself. ... Publicness is a social practice that is applied across a variety of spaces ... [and] is both constituted by, but also constitutive of space”.
  11. On this point, see for instance Mitchell (2003) and Laurenson and Collins (2007).
  12. This does not mean that to allow a homeless individual to sleep on a bench is a desirable solution. This means simply that, in the absence of some form of public aid, to impede a homeless person from sleeping in a public space is *to prevent him from sleeping at all*. On this point, see also Mitchell (1997). As he observes, the “annihilation of (public) space” through a lot of restrictions as regards its use is a form of “annihilation of people”. In Mitchell’s opinion, anti-homeless legislation is not about crime prevention (as sometimes held) but about “crime invention”.
  13. For instance, in the USA, “freedom of travel can be invoked either as an implicit constitutional right or as a fundamental interest that triggers strict scrutiny under the Equal Protection Clause” (Ellickson 1996, p. 1239).

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