Beyond Zuccotti Park

Freedom of Assembly and the Occupation of Public Space

Editors
Ron Shiffman,
Rick Bell,
Lance Jay Brown, and
Lynne Elizabeth
with
Anastassia Fisyak, and
Anusha Venkataraman

Foreword
Michael Kimmelman

Contributors
Roland V. Anglin
Caron Atlas
Thomas Balsley
Terri Baltimore
Shirin Barghi
Marshall Berman
Julian Brash
Wendy E. Brawer
Paul Broches
Carlton Brown
David Burney
Brennan S. Cavanaugh

Susan Chin
Alexander Cooper
Arthur Eisenberg
Karen A. Franck
Michael Freedman-Schnapp
Mindy Thompson Fullilove
Gan Golan
Jeffrey Hou
Te-Sheng Huang
Lisa Keller
Brad Lander
Peter Marcuse
Jonathan Marvel

Signe Nielsen
Michael Pyatok
Michael Rios
Jonathan Rose
Janette Sadik-Khan
Saskia Sassen
Paula Z. Segal
Sadra Shahab
Benjamin Shepard
Gregory Smithsimon
Michael Sorkin
Nikki Stern
Maya Wiley

Room to Grow Something

Paula Z. Segal

Marginality is today no longer limited to minority groups, but is rather massive and pervasive. Marginality is becoming universal.
—Michel de Certeau, *The Practice of Everyday Life*

THE FOUNDATION OF a civil society is space for civility. The development of culture hinges on spaces for people to simply be together, to talk, to eat, to work, to avoid work—all on their own individual terms that meld together into a shared culture. Change from the ground up, whether subtle or revolutionary, is only possible where people are able to get together, form relationships, negotiate difference, find similarities, and finally see themselves as situated in a community by the natural workings of our biological inclination to feel safe among familiar faces.

Liberty Plaza in lower Manhattan, also known as Zuccotti Park, for a short time provided such a space. There, the occupants (née occupiers) built culture from the empty concrete slab up. They ate, drank, slept, took out the garbage, recycled their used water, shared books, argued, made electricity, spent money, sought privacy, sought publicity, and, most importantly, got to know one another.

The freedom to build community and so to exercise governance over our individual and collective lives is our most fundamental freedom as human beings.[1] In its natural form, New York City is dangerously lacking in space for the formation of these crucial relationships. Many neighborhoods

1. See Sen 2008.

have no communal spaces at all: nowhere to be together with others that does not hinge on a commercial transaction. At community meetings, I hear again and again that regular New Yorkers don't talk to their neighbors; they're not sure they have anything in common, don't know what to say, are not sure that they are actually part of the same culture. The problem is more acute in neighborhoods where demographics are changing, where those moving in feel like guests and those who have been there a long time fear that they will be pushed out.

Cities are the ultimate tools of what Michele Foucault termed *biopower*—the power to make live and let die. On the map of the city, we can most acutely observe that governance is not a question of imposing law on people, but of regulating things so that individual conduct situates itself within a determined frame of possible actions. As Michel Foucault reminds us, "The finality of government resides in the things it manages and in the pursuit of the perfection and intensification of the processes it directs; and the instruments of government, instead of being laws, now come to be a range of multiform tactics."[2]

The city on a map shows us areas where resources are pooled and vast steppes where resources are scarce. The census tract with the highest median income in the country and the one with the lowest are both in New York City.[3] They are barely three miles apart. One could walk between them in the span of an afternoon. Neighborhoods themselves reproduce vulnerability despite a widespread rhetoric of diversity and inclusiveness. Capital and the things that make life pleasant flee from areas where they are already lacking. Deleterious conditions concentrated in certain New York City neighborhoods are not an accidental convergence, but rather a systemic deprivation enabled through the production of urban geographies. Power congeals in pools of inequality that carry with them their

2. See Foucault 1991, 87, 95. Foucault explains that modern populations are governed through "biopower" or "biopolitics," a regulatory control that acts over the population as a whole, i.e., the global mass of bodies that is affected by overall processes of birth, death, production, illness, and so on. Biopower is the power to make live and let die by controlling and harnessing "endemics": permanent factors that sap the populations' strength, waste their energy, and take away their time.

3. See Center for Urban Pedagogy 2009. The map shows median family income by neighborhood in 2006. The Upper East Side had a median income of $178,000 per year, while only three miles away and across the narrow band of the Bronx River, the Belmont neighborhood of the Bronx had a median family income of $22,500 per year.

own gravitational pull. Piling burdens on those who are already burdened is certainly an efficient means of sparing those with the best chances of survival from exposure to death.

The differences between neighborhoods are even more stark when one looks at where foreclosures are concentrated,[4] where vast numbers of people are who pay more than 50 percent of their income in rent,[5] where renters most often find themselves in housing court.[6] These places overlap to a shocking degree. These are also the areas from which jail and prison populations are drawn and to which they return,[7] bringing the trauma and violence of their experiences back home, as well as the neighborhoods to which you have to take a bus because the subway does not reach them,[8] the neighborhoods where few hospitals ever opened and those that did are closing,[9] the neighborhoods with few grocery stores[10] and fewer farmers' markets, the places without parks but with trash incinerators.[11] These are also, by the numbers, the places where one is most likely to be stopped and

frisked.[12] The most burdened neighborhoods are also the neighborhoods where the majority of New York City's people of color live.[13]

Biopolitics pulls people with limited privileges toward blocks and neighborhoods that, despite their proximity to the rest of New York City's urban fabric, may as well be a world away. This is a sort of amputation, a more precise surgical version of Hitler's Telegram 71, an order to destroy the German people's own city (Berlin) in order to "save" it (Foucault 2003, 239, 241). Exposure to death is concentrated in certain areas, areas that simultaneously absorb the toxicity of the city and are deprived of its life-enhancing elements. The rest thrives.

A truly public and just city is one in which gravity evens out and there are no pools of plenty or barren steppes. Tactics for the formation of spaces in which a public can find shape is crucial to creating such a city. Those publics, once formed, can start the process of strategizing for a true rebirth of our shared culture and community.

[A tactic] takes advantage of "opportunities" and depends on them, being without any base where it could stockpile its winnings, build up its own position and plan raids. What it wins it cannot keep. This nowhere gives tactics mobility, to be sure, but a mobility that must accept the chance offerings of the moment, and seize on the wing the possibilities that offer themselves… It must vigilantly make use of the cracks that particular conjunctions open in the surveillance of the proprietary powers. It poaches them. It creates surprises in them. It can be where it is least expected. It is a guileful ruse.
—Michel de Certeau, *The Practice of Everyday Life*

The tools we have now are tactics that seize opportunities and slip through cracks, but our goal is to strategize and execute—to unify the margins and stockpile winnings of love and hope for the future. Participation in spatially based community projects is one of the tools we have as we move into a future of decentralized action with liberatory potential.

Putting governance tactics into the hands of the communities of people who are affected by the disposition of things is the goal of a truly demo-

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4. See Bloch and Roberts 2009.

5. See Community Service Society & United Way of New York 2005a.

6. See Community Service Society & United Way of New York 2005b.

7. Overtly discriminatory policing and the connection between imprisonment and larger trends in late capitalist economic development intensify the creation of a geographically determined racial "caste system" (See Herbert 2010, A27; Davis 2003). The effects of mass imprisonment are felt disproportionately by a small number of New York City neighborhoods. Fourteen of New York City's fifty-nine community districts, home to only 17 percent of NYC's adult male residents, account for over 50 percent of all adult males sent to New York State prisons each year from NYC (http://www.justicemapping.org/). These neighborhoods are geographically concentrated in three areas: northern Manhattan, northeastern Brooklyn, and the South Bronx. As an example, the neighborhood of Brownsville, in Brooklyn's 16th Community District, is home to Brooklyn's highest proportion of residents living below the federal poverty line. The residents who live in District 16 are nearly all people of color. During 2003, one in twenty adult men in the district were admitted to jail or prison (not counting those living in the district who are on parole, probation, or other community supervision). Even more troubling, one in twelve young men between the ages of sixteen and twenty-four go to either prison or jail from this district every year. See also Clear 2007, 63–67.

8. See OnNYTurf, n.d. This is a subway map overlaid on a Google map showing the gaps in service that the MTA map's distortion hides. See also American Community Survey 2008.

9. See Opportunity Agenda 2005.

10. See Kavanaugh 2010.

11. See the Parks, Playgrounds & Open Space layers of the OASIS Interactive Map of New York City at http://www.oasisnyc.net/map.aspx (last visited May 6, 2010).

12. See Robbins 2012.

13. See Opportunity Agenda 2005.

cratic society. Making self-governance possible allows people from any neighborhood to draw directly the resources they need. In this article, I describe three classes of tactics that my collaborators and I have tried and have found to work, despite an imperfect world, towards that end: (1) Go there and put a sign on it (govern your own city); (2) Use maps as megaphones; or spatially organized social networking; and (3) Draw pictures, with arrows.

These are ideas for how to pierce the city's concrete skins and form bonds as neighbors, to become the city we share and make room for a truly people-driven city strategy. Michele de Certeau described tactics as "currents" in a "sea theoretically governed by the institutional frameworks" that they "gradually erode and displace" (de Certeau 1984, 34). It's a hopeful thought.

1. *Go There and Put a Sign on It (Govern Your Own City)*

All space is occupied by the enemy. We are living under a permanent curfew. Not just the cops—the geometry. True urbanism will start by causing the occupying forces to disappear from a small number of places… The concept of the 'positive void' coined by modern physics might prove illuminating. Gaining our freedom is, in the first place, ripping off a few acres from the face of a domesticated planet.

—Attila Kotanyi and Raoul Vaneigem, "Theses on Unitary Urbanism"

In summer 2011, I started a project by getting my hands on a spreadsheet and a map that showed all the vacant public land in Brooklyn. "Vacant" land

Figure 1. 596 Acres physical interventions keep the digital placemaking relevant to real places. Here, we put up a sign demystifying the chain-link fence and weeds. *Courtesy of 596acres.org*
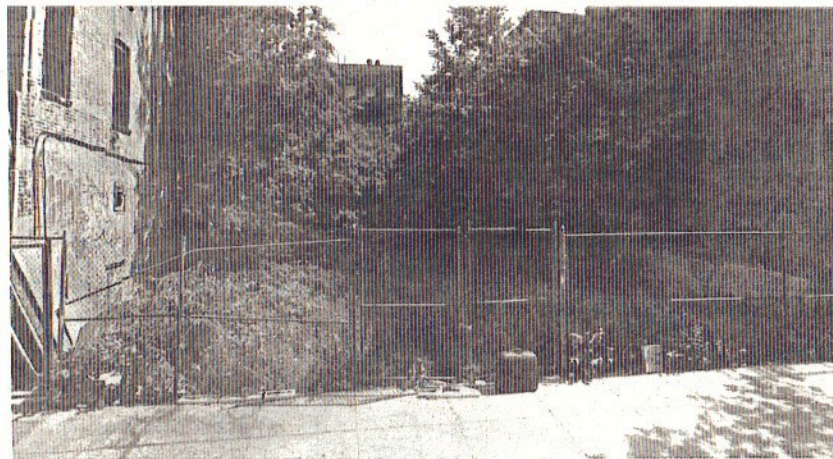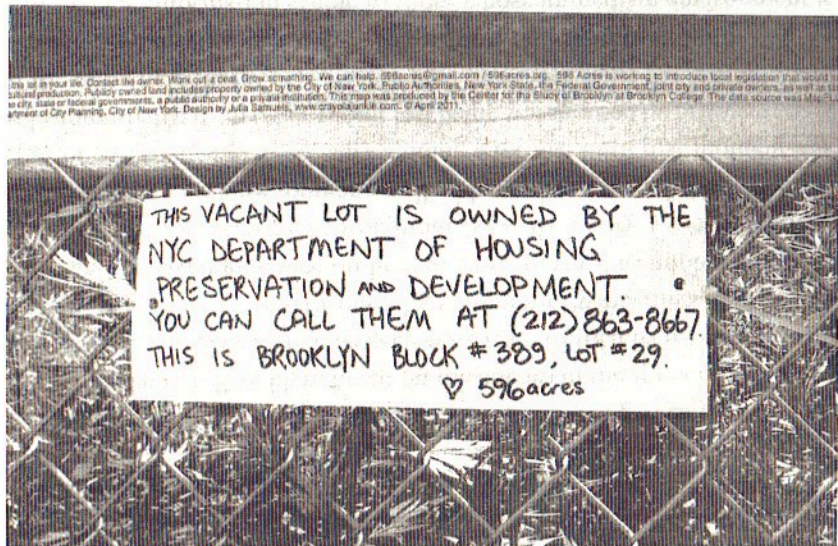
Figure 2. Before and after of a vacant lot where 596 Acres implemented a garden project. *Photo by Meg Wachter*

is land for which the NYC Department of City Planning has no use code on file, land that is literally, from the perspective of the department, not being used for anything. Public land is any land that is being held by a city, state, or federal agency. Adding up the rows in the spreadsheet, I came up with the number 596 acres of vacant public land in Brooklyn alone—an astounding total area of land slightly bigger than Prospect Park, the borough's celebrated giant park. I thought people needed to know; and so "596 Acres" was born.

In June 2011, 596 Acres began physically labeling vacant and available public land in Brooklyn, based on the entries in the spreadsheet. Since then, at least four new garden projects have been formed by passionate local citizens, who joined forces through local community meetings held by 596 Acres and received guidance on how to gain approval to implement projects in vacant lots scattered throughout New York City. Over two dozen projects started because someone walked by and saw one of the 596 Acres signs on the chain-link fence surrounding a lot that until that moment was indistinguishable from other vacant lots being warehoused by private owners in the same neighborhoods. People who saw these signs got together and decided how they wanted to fill the vacant property in their corner of the city. Making information visible to those whose immediate environment is controlled by that information creates power and the possibility of change.

To highlight the effects of a top-down revitalization plan for the city of Sao Paulo, Brazil, and start a conversation about gentrification with those who would be affected, the Spanish collective Left Hand Rotation organized a walking tour in which participants studied the plans put out by Sao Paulo's city hall, then went out to the streets hanging signs on buildings that described each one's specific projected trajectory: whether it would be demolished (many) or rehabilitated.[14] These walks and signs started conversations with the residents of Sao Paulo's downtown and the owners of businesses whose buildings were slated for demolition, most of whom had no access to the connection between the city hall's plans and their own spatial reality.

Sometimes signs are just the beginning. Guerilla gardens and renegade spaces are wonderful, but many folks we work with actually want their projects to be authorized and legitimized by the municipal bureaucracy. Permission is the key to resources and protection from law enforcement interventions. But getting permission can take a very long time. It's hard to hold the attention of the community and to communicate hope and possibility when the day-to-day reality is an unmoved locked fence. So—we plant pansies in plastic bottles we find in the local garbage cans. Right on the fence, attached with string or wire or zip ties. Pansies are hardy flowers that can live with just a little bit of soil. Here in New York they bloom in March, a welcome splash of color after winter's gray. And they are patient and long-suffering. Spending a Sunday afternoon with a bag of soil and a palette of flowers and a stack

14. See http://www.lefthandrotation.com/museodesplazados/ficha_luz.htm.

○ vacant lots (1027)
◑ vacant lots being organized around (28)
◐ vacant lots where groups have gained access (3)
● lots that are part of community gardens (281)

Figure 3. This map shows vacant public land that is warehoused by New York City agencies for projects that have not been realized. Not surprisingly, this warehoused resource is concentrated in poor communities of color that cluster around North and Central Brooklyn, as well as near Coney Island. Sites that are preexisting community gardens are depicted as "vacant land" in the city's databases, making them vulnerable to offers by private developers. *Courtesy of the Center for the Study of Brooklyn at Brooklyn College*
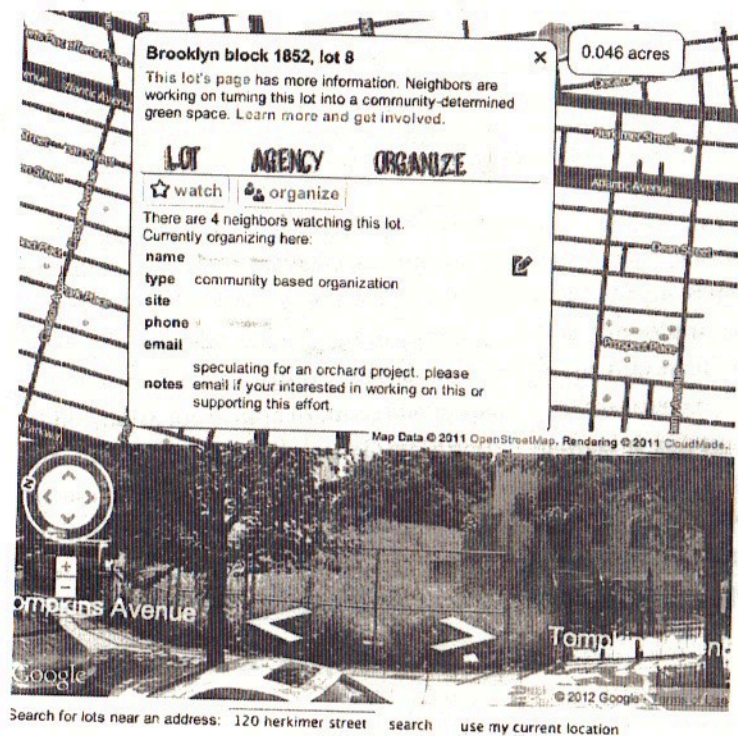
Figure 4. A community is gathering resources digitally to create a real urban orchard on this sunny vacant lot. The picture shows that there is an organizer who has identified herself and four people who are watching any changes to this lot's page. Anytime anyone adds a note or other information to the page, all the organizers and watchers get a message. *Courtesy of 596acres.org*

of fliers is a wonderful way to break up the waiting and create a public space for the day. It serves as an entry point for neighbors to connect to the larger dreams of taking land (which already belongs to them) for the community.[15]

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15. Fence pansies are the canaries of community-controlled space. We planted pansies on the fence that surrounds the space one community hoped would someday be Myrtle Village Green, a community space promised to be created atop a property that was acquired for building an access tunnel into New York City's newest aqueduct. Unfortunately for these pansies, they and the banners announcing the community intentions to make a green space were removed after five days, apparently swept up in NYC Sanitation Department's campaign to get rid of unpermitted election campaign advertising. Another set of pansies was planted on the fence surrounding a trash-strewn lot in Bedford Stuyvesant where a community is just beginning to organize. A young neighbor told us that his family had tried to plant a tree in the same lot the summer prior, only to face threats of trespassing charges from the NYPD. He now plans to join his neighbors in their efforts to gain control of the space officially, and start planting.

Figure 5. 596 Acres started as a poster that simply shared NYC Planning Department's data about vacant public land. We got the data, did the arithmatic, and added a summary. One thousand of these were distributed all over the borough, some as folded broadsheets and some, like here, as signs affixed directly to vacant public lots. *Courtesy of 596acres.org*

2. *Use Maps as Megaphones or Spatially Organized Social Networking*

> *Maps don't merely represent space, they shape arguments; they set discursive boundaries and identify objects to be considered.*
> —Institute for Applied Autonomy, "Tactical Cartographies"

596 Acres facilitates the creation of gardens and community green spaces by connecting people with the public land resources in their neighborhoods, supporting them in forming community organizations with the capacity to steward public land, advocating for these organizations' access to land with the government entities that hold title to it, and continuing to support the newly formed gardener coalitions by connecting them with resources and networks of experienced gardeners and farmers. Currently, there are over one-hundred people who actively use our site as a social networking hub to organize with their neighbors around specific sites of urban abandonment and municipal neglect.

Being able to organize geographically and to see the disparate distribution of vacant land in poor communities inverts the power imbalance. While the NYC budgeting process inherently gives more life opportunities to projects and people living in places where capital is pooled, the areas left underfunded are no less likely to house people who want to live in a city and neighborhood they are proud of. Letting those people find each other using spatially organized social networking tools allows their voices to be heard.

A tactic is an art of the weak.

—Michel de Certeau, *The Practice of Everyday Life*

Like the human "mic" used in the Occupy general assemblies, whereby everybody has the same right and power to speak and turn his/her message into a powerful collective voice, the coming together of people living in disadvantaged areas empowers them to express desires and concerns that are usually silenced. 596 Acres's goal through collective action is to make the weak and the marginal stronger, more capable of strategy, and of protecting their winnings. These are the acres where people can truly catch their breaths, if only for a moment, or for the short duration of the notice that allows them to access and steward the commons.

3. *Draw Pictures, with Arrows*

"Government" and "law" shape the fabric of daily life but are illegible from that vantage point. There are databases to be decoded and a special legal language to learn if you are to understand how law and bureaucracy apply to you in your daily life. But not everyone has the interest, or the time, or the education. Making law legible where it matters is key to creating an opportunity for people to intervene in their own governance.

The collective #whOWNSpace re-revealed the prevalence of privately owned public spaces (POPS) in Manhattan—as opposed to truly public spaces like parks—and made visible their ownership by the same large corporations whose recklessness has affected so many people in recent decades by publishing a two-sided map, designed by DSGN AGNC.[16] On one side,

Figure 6. This image illustrates the barricades that surrounded Liberty Plaza from November 15, 2011 to January 10, 2012. It appeared on the #whOWNSpace website as part of call for direct action. *Courtesy of #whOWNSpace*
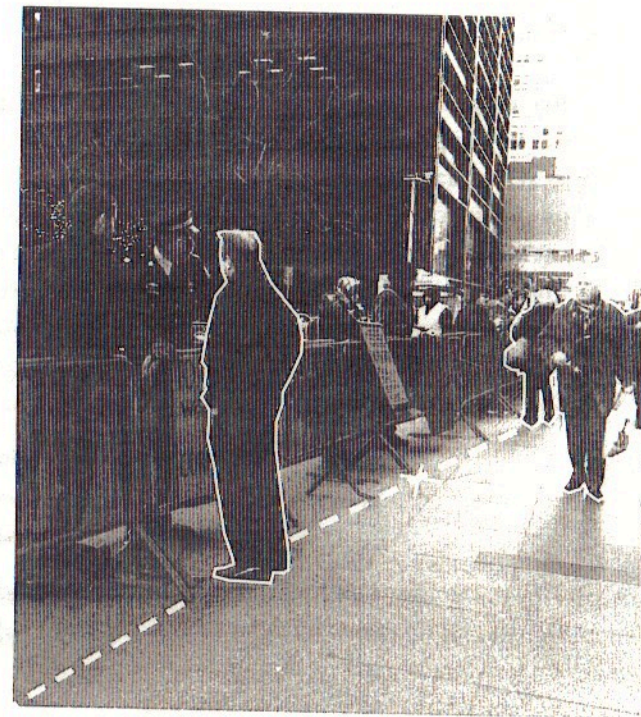
the POPS, and the other, the parks, with contrasting sets of rules and obligations for each. These maps were distributed at Liberty Plaza and are likely to resurface as planning tools for temporary spaces where people can come together.

The New York City Zoning Resolution governs the design of POPS. The resolution has been revised several times in the last fifty years; with each revision, design specifications have gotten more detailed. The original resolution included the requirement that at least 50 percent of frontage between a POPS and the sidewalk be unobstructed. Revisions have added the requirement that paths be provided through the space, and that those paths connect to adjacent sidewalks for circulation.

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16. From http://whownspace.blogspot.com/2011/10/whownspace-mapping-nyc.html: "The 1% weOWNu map focuses on Privately-Owned Public Spaces (POPS) as well as institutions of private funding, specifying financial institutions that received bail-out funds in 2008. The goal of doing so is to direct attention to the constitutions that control the flow of capital. These funding institutions are essential in the transfer of ownership from the city to private interests. The 99% weOWNu map focuses on publicly owned open spaces and the city agencies that control those holdings. Both maps provide a framework for a larger study to comparatively map POPS and publicly owned open spaces, identify their intentions, and understand the political, corporate, and economic entities that control them; and organize with community and activist groups so that designers can collaboratively strategize to advance the use of these spaces."

In the aftermath of the early morning demolition of the Occupy Wall Street encampment in New York City on November 15, the New York City Police Department and security personnel for the property owner turned the POPS into a police barricade cage. The barricades at Liberty Plaza clearly violated the law, but law is words in books and on computer screens. We decided that we needed to apply the law to the place it governed; the result was the literal illustration of the violation through a series of pictures (Figure 6).

The pictures made the error so clear that *anyone* who cared about the future of Liberty Plaza or the public right to "public" space (and not just zoning experts) could engage the municipal agencies in charge of enforcing zoning laws and make a complaint. The way citizens can enforce the public side of the POPS bargain is by complaining to the Department of Buildings (DOB) about the violation of the zoning regulations. The Department of Buildings will send out an inspector and if the inspector finds that there is a violation, a citation will be written and returned to the Environmental Control Board. The Environmental Control Board (ECB) then has the authority to impose a fine on the owners of the "public" space. This route is not particularly clear to see, nor are the institutions involved particularly concerned with the public's right to inhabit space in our city. Nonetheless, these are the institutions that exist.

#whOWNSpace gave people directions so that they could engage with the existing mechanism and "occupy the NYC Department of Buildings Commissioner's inbox." The directions simplified the process of engaging the city agency: go to this web address, put in your name, paste this text, you should get a response in fifteen days, and if you don't, contact us. Over one hundred people complained and were backed up with the weight and power of three major civil liberties organizations. The barricades came down and the park became again became a site of potential.

We are developing an arsenal of tactics that allow for the congealing of power in unexpected places. Relationships are built, resources stockpiled—and yes! Now we begin to plan the raids: occupy our government agencies, hold on to what is already ours, put a sign on a fence, meet the neighbors, write a letter, fight, win, lose, understand the system, meet our elected officials, invite strangers to our house. This is how we pull the margins to the center and erode the institutional frameworks that have resulted in neighborhoods that are pampered and others that are left behind.

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