

USA's Destiny? Regulating Space and Creating Community in American Shopping Malls

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Summary. In North American cities, shopping malls are heralded as the new town square. Historically, the town square was a place where diverse people came together and where politics, economics and sociability were intermingled. However, shopping centres, which are separated from the old downtown by distance or design, seem for many people to be the new heart of public and social life. It is argued in this article that the regulation of the spaces of the mall is intended to create 'community' rather than a 'public'. In the process of creating community, the political potential of public space and the quality of publicity created are contorted so as to muffle political opposition and critique in the name of civility. This argument is illustrated through an examination of the Carousel Center Mall in Syracuse, New York.

Community is an appealing alternative to public life. It promises to provide the pleasures of sociability without the discomforts of the unfamiliar (Kohn, 2004, p. 193).

In North American cities, shopping malls are heralded as the new town square. Historically, the town square was a place where diverse people came together and where politics, economics and sociability were intermingled. By contrast, the centres of many contemporary cities are cast as having been abandoned by all who can afford to leave at the end of the work-day, turning town squares into sites where homeless people and drug dealers appropriate public space and where economics and sociability are combined in very different ways than they are during the day. But even during weekdays, homeless people, people asking for handouts and

bench-squatters create a feeling of threat or insecurity for many people, leading some to argue that disorderly behaviours threaten the norm of civility that is an essential feature of the town square. Shopping centres, which are separated from the old downtown by distance and which are often designed to mirror superficial features of the old town square, thus seem for many people to be the new heart of the 'legitimate' public, where sociability, civility and commerce again flourish. The regulation of these new community spaces, however, contorts the political potential of public space and the quality of publicity in and through it.

In the preceding paragraph, we switched between the words 'public' and 'community'. In discussing civility, we argue that this discursive move is significant and not accidental; instead, it is a key element of the regulation of

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space in malls to create a space for commerce and an environment that is safe, secure and civil—at least for a particular portion of the citizenry. As Margaret Kohn argues in the epigraph to this article, public implies randomness, chance and confrontation with difference, whereas community emphasises commonality, smoothing over (or perhaps excluding) difference. She argues further that community

collapses the distinction between public and private. It fulfills people's longing for sociability in a context that incorporates the appeals of private life: security, familiarity, identity, and (for some) control (Kohn, 2004, p. 193).

In this way, community works with ideas of civility, drawing simultaneously on ideas about the importance of conformity to the practices of citizenship, on orderliness and on responsibility as a community member. We argue that the emphasis on community, then, creates a moral justification for the regulation of space within the mall in ways that, in the name of civility, blend public ideals with particular forms of public control and private accumulation that many Americans believe cannot be accommodated in the public spaces of the city.¹

This article is organised in four sections in which we explore the differences between the ideals of public and community and how ideas of civility function in each. In so doing, we focus primarily on the ways in which these ideas are deployed in political theory and then how they are translated into the material spaces of the city. We focus on three modes of regulation of the spaces of the mall that signal the move between the creation of spaces for the public to the creation of spaces of community; these modes include the regulation of institutions, activities and people. We conclude by arguing that these new community spaces blend public and private in ways that can be used to enhance the profitability of malls and to muffle political opposition and critique in the name of civility. We illustrate these points throughout the paper with the example of the Carousel

Center Mall in Syracuse, New York; this illustration is based on reviews of newspaper accounts and interviews with officials and activists involved with the mall. A brief description of the mall and its role in the public life of Syracuse is initiated in the next section of the article.

Carousel Center

Carousel Center Mall opened in October 1990 on a brownfield site north of downtown Syracuse, New York (Roberts and Schein, 1993; Short *et al.*, 1993). Built by the Pyramid Companies, an important Syracuse-based, East Coast mall developer, its buildings and parking lots stretch for almost a mile along the shore of Lake Onondaga. Perhaps because the lake is heavily polluted from receiving a century's worth of industrial waste and raw sewage, the mall does not take advantage of its lake-side setting. Instead, it walls itself off from the lake. In fact, visitors to the mall could spend all day there without knowing there is a large lake right next door. Nor does the mall open up to the city; nothing but two miles of empty, scrub-filled lots fills the space between Carousel and the centre of the city to the south. The nearest neighbourhood, to the east, is separated from the mall not only by extensive parking lots, but also a major interstate highway. Carousel Center is, and was designed to be, fully self-contained. It is a separate city, comprising five main anchor stores, several restaurants, a large multiscreen cinema, and a 'Sky Deck', open to community uses.

Carousel Center is massive. The interior hallways stretch for almost a kilometre, although the sightlines are broken by pushcart vendors, gleaming glass elevator banks and advertising kiosks. The food court and seating areas are always crowded, as the mall has become the premier gathering-place in the region. The mall management sponsors Christmas concerts, blood drives, non-profit fundraisers and other community events. In short, in a city like Syracuse, where snowfall averages almost 3 metres a year, where 30 years of deindustrialisation have taken a

deep toll on downtown and its surrounding neighbourhoods and where suburban sprawl is occurring at some of the most rapid rates in the country, Carousel Center has become the new—indoor—city centre.

In fact, the earliest plans for the mall called for it to be even more of a centre. The plans included construction of some 2000 new residential units nearby, a hotel, other shopping centres and a marina in Lake Onondaga (which is under an Environmental Protection Agency mandate to be cleaned up) (Short *et al.*, 1993, p. 217). To finance all this, the Pyramid Companies secured a 25-year payment in lieu of taxes (PILOT) agreement that freed it from ordinary property taxes. It also secured significant public financing for environmental remediation, lakefront development, access roads and so forth. As a declining industrial city, Syracuse eagerly supported the Carousel development as one of the city's last best hopes for economic revitalisation (Roberts and Schein, 1993; Short *et al.*, 1993).

In the more than a decade the mall has been open, none of the amenities called for in the plans has been built, but the mall has nonetheless thrived. The Carousel Center website claims, quite improbably, that the mall drew 17 million people in 2001 (Carousel Center, 2005a).² Whatever the true number of visitors, one would be hard-pressed to find a Syracuse resident who does not spend at least some time there every year. By contrast, it is not difficult to find area residents who never go downtown. Carousel Center is truly the new gathering-place for central New York.³ And it is poised—perhaps—to become an even more important new urban centre. In 2000, the Pyramid Companies announced plans to transform Carousel Center into a massive, retail-entertainment 'destination resort', expanding the mall by millions of square feet of commercial space, developing numerous hotels and creating a massive, glass-enclosed park, portions of which will be designed to look like a Tuscan village, others a bucolic upstate New York glade.⁴ In short, Pyramid Companies hope to create a resort called Destiny USA that would be

the world's largest enclosed and integrated structure... operating with a unique single-owner model [where] all of Destiny USA's dining, shopping, entertainment, hospitality, and recreation venues are physically and virtually connected, providing guests with a matchless combination of experience and convenience (Destiny USA, 2005).

To that end, Pyramid Companies has obtained a new PILOT agreement, hired numerous planners and others, engaged in a concerted public relations campaign to win the support of a sceptical public and, over the past five years, released several revised plans for the expansion. What links all the plans is a desire literally to *internalise* the public life and to create an all-new community setting governed by a "unique single-owner model".

Such a desire, coupled with the fact that Carousel, like malls all over the US, already functions as the *de facto* urban centre in Syracuse, makes it all the more imperative to understand how 'community' and 'public' are constructed in publicly accessible private properties like malls—and to what end. The next section begins that analysis.

Publicity, Community and Civility

On 27 February 2003, during the lead-up to the second war in Iraq, the management of the Carousel Center informed a local peace group that they could no longer have a table in the mall (Gadoua, 2003). No explanation of the decision was given by the mall owners. The owners may have felt it was clear that the status of the mall as private property meant they could welcome—or discourage—groups as they pleased. This principle was established during an earlier debate in 2000, when the Pyramid Companies argued that access to the mall had to be consistent with its primary function: consumption. "This is a building the public is invited to, not a public building", they argued (Brieady, 2000). Activists, however, disagreed, arguing that it was a *de facto* public space. And the editors of the Syracuse

Post-Standard agreed, writing that “Carousel is, of course, within its rights. The mall is private property”. The editorial continued, however, noting that

Malls take the place of town squares, parks, streets, and other spaces that are publicly owned. That should imply a heavy responsibility. Putting limits on speech—even when you have the right to do it—is dangerous (*Post-Standard*, 2003).

The debate over public access to the mall, its function as a *de facto* public space and over the kind of speech rights that pertained to the mall, points to the importance of space in allowing public debate and, ultimately, to sustaining a sense of ‘publicness’ in the context of the perceived incivility of the contemporary city. In this section of the article, we outline arguments about the public and public sphere and about the creation of political community. We argue—as do many others—that the creation and maintenance of an inclusive, civil public sphere and the spaces for it are vital to democratic citizenship. We then discuss the notion of community and note its increasing prominence in discussions about public space and about the public realm. We argue that the reliance on a warm and fuzzy form of community can result in a diminished potential for a democratic public.

The Public and Publicness

Most Western theories of democracy posit a public sphere of some sort in which citizens or members of a community can participate in deliberation and decision-making regarding the way the polity is organised and governed. The degree to which the public sphere is autonomous from a private sphere, the ways in which the public is constituted and organised, the extent to which the public sphere is characterised by equality and co-presence are debated and there is often discrepancy between ideal or normative ideas of the public sphere as compared with the ‘nitty-gritty’ of ‘actually existing’ democracies (see Benhabib, 1996; Calhoun, 1992, 1998;

Fraser, 1990; Howell, 1993; Martin, 2004; Meehan, 1995; Staeheli and Mitchell, 2004; Young, 2000). But the *idea* of a public and a public realm is basic to Western understandings of democracy.

As one moves from abstract concepts related to the public to more material analyses of it, a space for the public to do its work—to interact, to deliberate, to confront and work through differences and disagreements—has to be created. These spaces may be traditional gathering-places (for example, the town square, speakers’ corners, sidewalks or town halls) or they may be less tied to specific places (for example, media spaces, the Internet, blogs). The kind of space in itself may not be as important as the quality of interactions afforded by different kinds of public spaces including: the kinds of people admitted, the ability of different voices to be heard, the range of speech and participation allowed, and the ways in which ideas are expressed and received. In the ideal, there probably should be few constraints on the public and those constraints should themselves be subject to public debate and deliberation (Calhoun, 1992; Young, 2000).

Yet the traditional spaces of the city where these democracy-inducing interactions were supposed to happen seem to have withered and to be increasingly characterised by uncivil behaviours that both limit the potential for reasoned speech and deliberation and the willingness of people even to go to those spaces. There are relatively few public forums that allow deliberation, for example, with talk radio and the polemics associated with it substituting for discussion about issues. Public input is mandated in most policy processes, but the discussion here tends to be limited to specific policies and to be scripted by technical rationality and language that are beyond many citizens and that are in many ways exclusionary (Habermas, 1970). And the traditional town square is argued to be overrun by drug dealers, panhandlers and other people exhibiting uncivil behaviours that drive many other citizens away from the city centre, to other places where such behaviour is controlled,

or even prohibited. Legal rulings that seem to give priority to the speech and travel rights of people engaging in 'nuisance behaviours' are said to lead to a diminished public space, leading to more segmented public interactions, with implications for the quality of democracy and publicity that can be achieved in traditional public settings (Allen, 1994; Ellickson, 1996; Teir, 1993). In response, settings in which norms of community and civility can be achieved become the new sites of engagement and interaction.

To understand the implications of these norms for the construction of publicity, it is important to reflect on the relationship between publicity and community as typically conceived in liberal democracies. The modern idea of the public is grounded in the Greek tradition of '*polis*' and 'political community'. As Delanty argues, the *polis* was above all local and characterised by immediacy and civility. He writes that

Politics was based on the voice; in its pure form it was indistinguishable from friendship and from participation in public life, which was both an ideal and a practice for the Greeks, who did not know the separation of the social from the political (Delanty, 2003, pp. 12–13).

In such a political community, politics is conducted in everyday life (Arendt, 1958). While this notion of political community is embracing for those within the community, it carries two implications that are important for our evaluation of the quality of the public and of civility in spaces of consumption. The first implication has to do with exclusion and difference, while the second has to do with responsibility.

It is something of a truism to say that communities are inherently exclusionary and are based on the construction of difference; this is no less true for political communities than for other types of communities. Communities are often rooted in some element of commonality, whether commonality is based on social, economic, historical or political relationships (Baechler, 1993; Goulding, 1993; Kemmis, 1990; Lichterman, 1996; Mouffe, 1992; Post,

1993). One is a member of a community to the extent that other members recognise and accept the commonality, or what is shared. In the ideal, a political community is based on shared political values, particularly values related to the processes by which decisions are made. It is this emphasis on shared political values related to process that leads Jean Baechler (1993) to argue that the identity of community members is that of citizen, but that the community itself is not defined by content. Beliefs and values beyond participation should not be pre-given, but instead should form through debate. Exclusion should be based on whether an individual is perceived to be able or willing to conform—to share in the communal political values—rather than on attitudes about particular issues being debated.

This idealised notion of political communities is in many ways compatible with the idealised notion of the public described earlier, but real political communities do not always work in such a fashion. Difference is always created and the construction of difference rarely stays within the tidy bounds put forth by political philosophers; this is not surprising when politics are understood as being intimately bound with and constituted through social and economic relationships—relationships that are themselves based on hierarchies of power and exclusion. It is for this reason that Engin Isin (2002, p. 22) describes political communities (or polities or cities) as "difference machines" in which citizens or members are continually defined in opposition to strangers, or to those who can be excluded. And he argues that, while the form or manifestation of difference and exclusion varies temporally and spatially, exclusionary processes are always at work.

Members of the polity may feel little moral obligation *as citizens* to those who have been excluded, but civility implies a strong norm of obligation and responsibility to others within the political community (Dunn, 1990; Horton, 1992; Smith, 1998). At minimum, these norms include respect for other citizens, for the values that underlie the community and for the decisions that citizens make;⁵ in short,

these norms speak to basic tenets of civility. Responsibilities also include following the rules established by the community and the institutions of governance. These responsibilities are sometimes described in terms of procedures that must be followed and they underpin many liberal formulations of democracy. Political communitarians, however, add another layer of obligation or responsibility to the community.

There are several strands of political communitarianism, each of which shares a concern for the ontological foundations of community, and especially with the ways in which individuals are situated within communities and societies. As Delanty (2003) argues, communitarianism is not necessarily hostile to or opposed to political liberalism and, as Giddens (1994) notes, political communitarianism is a discourse deployed on both the political right and left (see also Staeheli, 2003). Political communitarians frame citizenship as more than a social contract (as is typical of liberalism), understanding citizenship as a civic relationship between individuals and political communities in which each has certain rights that should be taken into consideration in developing a politics of a common good (Glendon, 1991; Kemmis, 1990). Thus communitarians add another set of rights that must be respected in democracy, and these are communal rights that may under some circumstances curtail or qualify the unabridged exercise of some individual rights (Glendon, 1991; Etzioni, 1993).

In and of itself, there may be nothing menacing or undemocratic in this formulation. Yet many commentators have identified an ascendance of what Nikolas Rose (1999, p. 176) terms “government through community”, in which civility and the behaviours and expectations of citizens are regulated through invocation of community. Significantly, however, the ideals of community deployed in government through community often foreground individual responsibilities to conform to community; community’s responsibility to the individual is muted and depoliticised. In moving towards government through community, the notions of deliberation, dialogue and confrontation with difference may be lost in

the name of maintaining civility and communal rights; hence, it may affect the ways in which people and institutions imagine the nation and society and the ways in which citizens should move through the world. Delanty writes that this conceptualisation of the community member/citizen emphasises

less the entitled citizen than the dutiful citizen. . . . Community articulates disciplinary strategies, such as community policing, neighbourhood watches, and a political subjectivity that does not seek large scale solutions to social problems but rather looks to voluntarism (Delanty, 2003, p. 90).

This notion of community as a disciplinary strategy in governance is key to the ways in which civility in public spaces—whether in the shopping mall or the traditional town square—is maintained. Rather than being something natural, organic and voluntaristic, communities are also tightly regulated and policed by agents and processes both internal and external to the community itself, and the controls on community may effectively be hidden by the comforting and affirming aura of community (Rose, 1999; Kohn, 2004). Regulation and control may proceed further in private spaces, as well, reflecting a new conservative ideology in which politics are private and non-confrontational.⁶

Regulating and Creating the Public in the Mall

Functioning as the new town squares, shopping malls may effectively exercise the kind of control that Rose and Kohn were concerned about, creating a qualitatively different ‘civic’ or ‘community’ space in which only certain kinds of people, ideas and behaviours are acceptable in public. In this section of the article, we focus on the ways in which the public is regulated in malls, using the example of the Carousel Center.

Regulating Institutions and Functions

The first (and perhaps most obvious) mode of regulation is in the kind of functions or

institutions that are allowed into the mall. Consistent with the rights accorded to property owners, malls select the tenants allowed into the mall and thereby regulate the kinds of activities to be found there. Mall owners do not have complete control over this, of course, as business owners exercise their own agency, but owners set the parameters for the kind of institutions and functions allowed into the mall. Mall owners are clear that malls are first and foremost spaces of consumption and so they will try to create a retail mix that will attract a particular segment of the consuming public. The flipside of this is that they are unlikely to allow functions that will interfere with commerce or that will allow a non-commercial institution to 'compete' with services available for purchase in the mall. Competition in the mall is carefully managed, based on comments from tenants, consumers and management's predictions about future retail trends. As Carousel Center's manager commented

Our primary purpose it to make money. . . . We are constantly looking at traffic to see how we're doing from day-to-day, month-to-month, year-to-year, looking at sales reports to see how tenants are doing. We're getting feedback from customers to see who they would like, all those kinds of things".⁷

In this sense, the function of the mall as a gathering-place or as a new kind of downtown is clearly secondary and the mall considers its primary purpose of profit before other concerns such as building community or a public sphere.

Mall owners do, however, often recognise their role in the community and allow functions into the mall that are not obviously commercial. In Knoxville, Tennessee, for instance, a newly built shopping centre offers a host of civic functions, in the name of taking the services to the people (Kohn, 2004). Since the population is growing at the periphery of metropolitan areas, it makes some sense to take services there. The kinds of services and community functions, however, may be tightly controlled. The

manager of the Carousel Mall was completely clear on this point, saying that they can refuse to allow different users into the mall precisely because the mall is *not* downtown and is not a traditional civic centre

We have the ability [to control functions in the mall]. It is private property. You probably get to the point where everybody thinks that it ought to be like a street corner and everybody can do what they want. But the mall is not a street corner. . . . If I look at a downtown corner in the city, I think anybody could go there and stand on the corner and do what they want. I think you have the ability to do that within reason. But the people that control that would be the police. The police would control as to when you're going overboard and things like that. I'm not sure that's something that we want . . . There's a lot of people here. They feel that they're not shopping downtown. They're shopping here.

Furthermore, he argued that it was the responsibility of mall management to ensure that the services provided by non-profit, local government or community groups did not compete with the paying tenants in the mall. Restrictions on the community functions allowed into the mall, then, are intended to ensure that they are consistent with the primary goal of consumption; access is limited and permission to use the mall may be rescinded at any time.

At the same time, the restrictions cannot be too strict and mall owners recognise a certain symbiosis; when people use the mall for community or civic functions, they may also do some shopping and the 'generosity' of the mall in making space available for community functions can generate a loyalty to the place. Newly developed malls try to foster a sense of community and of the mall as a place of sociability; comfortable chairs clustered in 'living rooms' that shoppers can use to gather and to chat are one part of this effort. Also important is making the mall available to 'mall walkers' by making walking circuits through the mall where senior citizens get

cardio-vascular exercise in the climate-controlled comfort and safety of the mall. And many malls, such as Carousel Center, offer community rooms that non-profit organisations can use for meetings or special events. At Carousel, these rooms are known as the 'Sky Deck', which has two rooms and a kitchen that caterers could use on the top level of the mall. The manager of the mall argued that these two community rooms served the public good, providing a meeting-place. He neglected to say, however, that the meeting place required \$300 for room rental. Furthermore, there were limitations on the way these rooms could be used.

It is not clear, for example, that the rooms were used by a wide variety of groups (as one might expect, given the relatively steep room rental). The mall manager's description of the users was vague, but what he did mention hardly seems representative of the community at large or of the range of activities that one would expect to see in a public sphere

It can be used for weddings. Stores use it for training, for interviewing. Proms. There was a Boy Scout dinner up there last night. We also have a private community room, which is an area for anywhere from a couple of people up to 25, 30 people, and it's a little more private. . . . I know we have crisis groups that meet there, and you know. It's a variety.

While recognising that the manager would not be able to provide a complete list of users from memory, the users he did list do not in any way span the range of public or of non-profit organisations in the city; most of the functions listed are, in fact, private uses of the space. The users seem consistent with the idea that the mall is a building that is public only insofar as some members of the public are invited to it.

Part of the difficulty in seeing the public function of the mall may reside in the fact that the mall management did not make it known that the Sky Deck was available for community use. For example, one of the members of the Syracuse Common Council

(the elected governing board for the city) who was involved in working with the mall to make it more accessible to city residents did not know there were community rooms in the mall, as this exchange makes clear

DM: There are already community rooms in the tower [the Sky Deck] that we'll be going in today. I don't know what all the restrictions are, the ways to get access to the community rooms.

Respondent: See, I didn't even know that. If there are rooms, they are not well advertised . . . And I don't want to say that's on purpose, but once again, with a for-profit attitude, they're worried about tenants and people shopping, not people using it for other purposes.

Indeed, the community rooms were not mentioned anywhere on the Center's website.

A second factor limiting public use of the space may be cost. As noted, mall management charged a hefty sum for rental that would be too expensive for many community groups to pay. It also charged a 15 per cent surcharge on caterers to serve food and only six caterers had the right to provide food there, thereby limiting competition amongst the caterers. In response to questions as to whether the surcharges would be passed on to non-profit organisations, mall management simply said, "I can't answer that question. I hope the caterers would not be doing anything like that". When caterers were asked whether the restrictions on who could cater events were fair, one caterer commented, "The Carousel Center can do anything they want. It's their place" (Carr, 1991). Apparently, it was not the community's place. It certainly no longer *is* the community's place, either, as the Pyramid Companies decided in 2005 they would no longer allow the rooms to be used for community functions.

But was the issue of community access also about definitions of community? When Pyramid negotiated with the City for a new PILOT agreement in 2000 to create Destiny USA, the company promised they would make educational spaces available for the

public. As one member of the Common Council recalled

There was an educational aspect of the plan where they were going to have dedicated space for basically an educational initiative, where they're going to allow people to get their GED.⁸ They're going to allow schooling to go on inside the Carousel Mall. So that was something that was able to be worked in. Although, it is not in the PILOT agreement, it is once again 'trust me', a leap of faith. We have a commitment that the developers are going to allow that.

In another interview a few hours later, however, we learned that the mall management had a different idea of what that educational initiative would involve. The 'learning centre' would involve the Syracuse library and some of the higher education institutions in the region, but would focus on job training and adult education for construction and retail workers as part of the proposed expansion of the mall. This is rather different from a place to obtain general education or a high school equivalency degree; it is education in support of the commercial function of the mall or of the mall as private property. Other quasi-educational institutions proposed for the mall expansion—such as an aquarium and a reconstructed Erie Canal village museum—would be commercial establishments. Commerce, after all, is the primary function of the mall and putatively public goods would be supported insofar as they supported that function. By regulating the kinds of institutions—even ostensibly public institutions—present in the privately owned space of the mall, mall owners attempt to shape the community in ways that are consistent with commerce, which is not necessarily consistent with an inclusive public sphere.

Regulating Inclusion

Malls require traffic—people—in order to survive. Thus mall owners emphasise the ways in which malls serve as a gathering-place; as noted previously, however, it is a gathering-place of a particular sort, in which

people are invited to come and to conform to norms of civility. It is in the process of inviting—and uninviting—people that the kind of public gathering is shaped.

Most mall owners undoubtedly would argue that they have the right to exclude people from the mall. They would focus on the fact that the mall is private property and argue that forcing them to allow everyone onto the property would be a 'taking' of their rights. Courts in the US approach the issue somewhat differently, questioning whether the malls actually function as a public space and weighing the relative importance of property rights and individual liberties, such as freedoms of assembly and speech (Freeman, 1998; Kohn, 2004). Their conclusion has been that malls do play a role in providing a public setting and that property rights of owners do not automatically supercede the rights to speech; rather, court rulings have left the question of the balance between individual liberties and property rights somewhat open, in part to reflect the constitutional protections on speech and assembly that individual states might enact. While we develop this point later in the article, for now it is important to note that courts have recognised the rights of property owners—including mall owners—to limit access to their property.

There are a host of ways that mall owners can effectively 'uninvite' certain elements of the public. The placement of malls in suburban areas or areas without adequate public transit is one way that access can be limited. In the case of Carousel Center, the Pyramid Companies expansion plans call for a multi-purpose, destination entertainment shopping centre that remains disconnected from the rest of the city of Syracuse and from other redevelopment efforts. One design proposal, for example, surrounded much of the mall with four-storey parking decks, requiring a long trek through the parking structures and across a highway if someone were to come to the mall using public transport. One member of the Common Council commented that Pyramid was more interested in building a moat around the redeveloped centre than in

building connections with the rest of the city. While the mall manager agreed that it would be nice to have a connection with the city, he said it would be up to some other entity to design and build it.

Other strategies to limit access include codes of conduct and use of surveillance and security teams to make people who do not 'belong' feel uncomfortable or, in some cases, to remove them (Goss, 1993; Hopkins, 1991; Kohn, 2004; Shields, 1989). From the perspective of mall owners, this makes sense in terms of the kind of market niche they want to attract and in order to provide a feeling of safety and comfort for their targeted consumers. Many people do avoid the downtown centres of cities precisely because they feel uncomfortable being confronted with people who are different from them or who seem threatening, thereby limiting the kind of public that is created there (Allen, 1994; Ellickson, 1996; Teir, 1993). But whereas this limitation arises through the choices of members of the public to remove themselves from public space, malls try to limit access to the private space of the malls as a way of attracting a very specific kind of public—a consuming public that is not threatening to other consumers. As the manager of Carousel put it

One of my objectives is to maintain a safe, clean environment so that, no matter what time of the day or what time of the week, anybody wants to come here, they would expect to find a place where they don't feel threatened.

The effort to create a non-threatening, non-challenging environment has led many malls to exclude or to severely limit access to the mall for one segment of the public: youth.

Teenagers and young adults occupy an ambiguous position within the public, with some rights accorded to them, but other rights withheld. What does seem unambiguous, however, is the wariness that many older adults feel around youth and, in particular, young males or young people of colour (Collins and Kearns, 2001; Pain, 2001). By their very presence, youth can be challenging

and threatening, disrupting the feeling of safety that many expect in the mall. But malls cannot simply exclude youth, since youth are also an important part of the consuming public the mall needs to attract for survival. One national study in 2003, for example, found that nearly 75 per cent of youth between the ages of 13 and 18 either had jobs or hoped to find jobs during the school year and that over 50 per cent of them spent their earnings on clothing and entertainment, including music, movies and video games (Auer, 2003). In American malls, clothing stores that cater to youth and music and video stores are important tenants. Youth not only purchase goods in the mall, they also buy food and are an important part of the fast-food customer base. But youth do not just buy their clothes and a hamburger and then leave. They often 'hang out' and socialise in the mall, using it as the gathering-place that malls promote themselves as providing. Their presence in malls is obvious during weekend evenings, as the mall has become a place where youth can socialise indoors without the direct supervision of parents; in places with uncomfortably cold or hot climates, malls are important social spaces.

The success of malls in attracting young customers, however, increasingly seems to be at odds with the demands of other customers and so malls around the country have begun to implement curfews for teens. The Mall of America, the largest mall in the US, may have been one of the first to implement a curfew. Mall management estimated that over 10 000 unsupervised teens would gather in the mall on Friday and Saturday evenings, and would sometimes engage in raucous behaviour, shouting, laughing and running. Even when gathering quietly, some older customers complained that the youth dressed in gang colours. After a shooting at the mall, a 'parental escort policy' for youth under age 16 was implemented. While some mall users were comforted by this, others argued that the policy was racist, as most of the youth were African American whereas most of the people complaining about youth presence were Caucasian (Freeman, 1998).

The Carousel Center management had been reluctant to implement a curfew, but ultimately imposed one in 2003. The policy states

Carousel Center has instituted a Parental Escort Policy on Fridays and Saturdays between the hours of 4pm and closing.

Anyone under the age of 18 visiting Carousel Center must be accompanied by a parent or guardian 21 years of age or older. One parent or guardian (21 years of age or older) is permitted to supervise up to five teens. Teens must remain within the company of their parent or guardian. Acceptable proof of age is a driver's license, state/provincial non-driver ID, military or college ID, passport or visa.

This policy does not apply to the cinemas or stores with exterior entrances. (Carousel Center, 2005b).

The policy was implemented after adult patrons complained that groups of youth were just 'hanging out' on Fridays and Saturdays "running around, making noise, and fighting" (Doran and Errington, 2003). In implementing the curfew, Pyramid hired 'greeters' to check identification and to ask teens to leave. A new 'community room' was established to hold teens violating the curfew until a ride could come to pick them up. Teens, of course, complained, as did some older adults who wrote letters to the editor. No one has seemed capable of mounting a defence of youth in the spaces of the mall, however, and the curfew remains in place. Youth are apparently part of the public when consuming, but not when socialising—or at least not on Friday or Saturday evening.

What does it mean for ideas about 'the public' to implement restrictions like this, particularly when the behaviour of some people means that other members of the public avoid a place? Democratic theorists have failed to take on the significance of the spaces in which the public can gather and, by extension, the problems when privatised spaces—which legally can restrict access—become the primary gathering-place for the public. As Kohn writes in a word play on the 'mallings' of America

In this mauling of public space, democratic theorists have confronted extremely sophisticated marketing experts, and the democratic theorists have been the losers. The political theorists who are most concerned with democracy have failed to offer a convincing rationale to challenge the privatization of public space (Kohn, 2004, p. 80).

As a result, the public/private spaces of the mall are cleansed of those people whom 'legitimate' members of the public find offensive or worrying or, more specifically, the mall is cleansed of those people who may challenge social norms and expectations related to civility (and perhaps to consumption). Accordingly, the importance of responsibility to the community seems to have trumped the importance of an inclusive, democratic public sphere.

Regulating Activities

The trumping of publicity is perhaps most clear in the regulation of activities in shopping malls; it is in this way that the full implications of the regulation of institutions and of the terms of inclusion may be most clearly seen. As we demonstrate in the following paragraphs, the regulation of activities in malls is justified in terms of the responsibility of people invited into the mall not to upset or disrupt other members of the community who are using the space for consumption and accepted forms of sociability and civility.

One can think of the teen curfews as an example of regulating activity (such as, hanging out) by regulating inclusion. In this case, the activities of some teens were deemed disruptive to other community members, justifying the exclusion of an entire class of people—at least at certain times or unless accompanied by a 'responsible' community member. Another example—and one perhaps more obviously related to our concern for the ways in which a focus on community mutes the democratic potential of the new town squares in malls—is the regulation of political activities.

If malls are to function as the new town square or a new civic space, then the political activities allowed in public space should be allowed in malls. If they are not, then allowing only certain kinds of community functions and certain community members into the mall makes it possible for them to be shielded from dialogue, confrontation with competing ideas and dissent—confrontations that are the hallmarks of the spaces in which a democratically constituted public can operate. The effect, according to Kohn (2004), would be as though civic functions and conversations were surrounded by a moat, disconnected from the people who actually live in the city. Yet that is precisely what malls often attempt to do.

We have argued above that mall owners do allow certain civic and community functions into the mall, yet they also rely on the status of the mall as private property to limit speech and assembly. These limits have been upheld by the US Supreme Court under certain circumstances, and whether the mall presents itself as a public space is key to interpreting these circumstances. In 1980, the Court ruled in *Pruneyard Shopping Center v. Robbins* that while mall owners could not claim complete supremacy of property rights, mall owners could limit speech and assembly as long as the regulations were not “unreasonable, arbitrary, or capricious and the means selected shall have a real and substantial relation to the objective sought” (ruling cited in Kohn, 2004, p. 73; see also Mitchell, 2003). In this regard, representations of the mall as a public space by mall owners become important, as malls that sell themselves as public spaces may be required to meet a higher standard for protecting speech and assembly (Freeman, 1998). The Court also allowed that states could set a higher bar, but only five states do; New York is not one of those states. Furthermore, the political will to challenge speech rights in malls through constitutional or legislative means is often lacking, given the ideological dominance of property rights in the contemporary US and that many people prefer to shop in malls precisely to avoid political confrontation and dissent (Kohn, 2004).

Carousel Center and the Pyramid Companies have negotiated the rules set forth in *Pruneyard* by steadfastly maintaining that their primary goal in opening private property to the public is to provide a space for consumption, not politics. Restrictions on political activities, therefore, have a real and substantial relation to their goals. Furthermore, they point out that the restrictions do not limit all political activities or assembly, but simply attempt to manage them so that the activities do not interfere with the flow of traffic in the mall, do not create a safety hazard and do not compete with the commercial functioning of the space. And they argue that they have to provide a balance in political perspectives. So for example, in 2000, the mall hosted debates between Republican and Democratic Congressional candidates in what the organisers called an “Old Fashioned Political Rally”. In addition to debates between congressional candidates, the rally included sessions where citizens could speak from the top of a real soapbox (Breidenbach, 2000).

The mall is much more restrictive, however, when community groups want to put up a booth or distribute information. An organiser for the Accountability Project, a local organisation trying to force greater public access to the mall, claims that the Project was denied permission to set up a booth for voter registration—an activity that most commentators would see as enhancing democratic governance and as consistent with activities in the town square. Mall management counters that there are clear guidelines regulating the conditions under which booths can be set up and that community organisations can use the main spaces of the mall; groups are only denied access when they fail to comply with the rules or when too many groups want to use the mall at one time. These conditions include restrictions on the size of tables and booths, restrictions on selling merchandise that would compete with what is already sold in the mall, staffing of the booths, times for set-up and a \$1 000 000 insurance policy. As the mall management argued, the mall is a busy place

and they have to regulate the space to allow people to do their shopping. All uses of the mall by non-profit organisations had to be compatible with the mall's primary purpose: shopping (Brieady, 2000).

Conflict over restrictions on use of the mall for speech activities came to a head during the lead-up to the second Iraq war in 2003. As noted in the beginning of the paper, mall management refused to allow peace groups to use the mall for leafleting, picketing and for distributing information. Peace groups attempted to change their materials in order to comply with Carousel rules, but the company refused access, nonetheless. Despite an outcry from the press and from many community members, Carousel stuck to its policy. The Central New York chapter of the American Civil Liberties Union reluctantly decided that Carousel was within its rights and would probably win in court (Gadoua, 2003). This restriction on distributing political information is telling in that it represents the triumph of ideals related to private property and the responsibility of individuals to the norms set by a private corporation over a commitment to open, public, civil debate.

It is hard to imagine that the ACLU, the residents of Syracuse or members of the Common Council would have acceded to a similar restriction on political activities in downtown Syracuse. While cities place a number of restrictions on the 'time, place and manner' of protests (see Mitchell and Staeheli, 2005) and while some city officials might like to ban political activity on their streets, such a blanket restriction on political activity on publicly owned, publicly accessible property would undoubtedly be challenged. The Carousel Center's actions are only understandable in the context of the *de facto* (but not *de jure*) public space of the mall. As owners of the private property, the mall owners could justify their actions in terms of its need to regulate activities in the mall in order to accommodate the community of consumers. What is remarkable, perhaps, is not the action of the mall owners, so much as the acquiescence of the broader public to the regulation of this space of publicity.

Conclusions

If we are correct in arguing that a democracy needs a space in which a public is constituted and political ideas are discussed, the movement of civic functions and sociability to the highly regulated spaces of the mall is much more than a spatial shift in a particular form of activity. Instead, we need to work through this movement's implications for the kinds of publics that are created in our cities. We have argued that malls stand for civility and community, rather than publicity, tightly holding to private property rights as a basis for regulating the institutions, actions and people allowed in the mall, or the new town square. It is not the case that these regulations prohibit interactions with people or ideas different than ourselves; that would be too strong a conclusion and would deny the expressions of dissent and acts of resistance that do occur. Rather, ideas of publicity are mutated into community, thereby blunting the possibilities for building an inclusive, but nevertheless civil, public sphere. This is accomplished in large measure by managing the potential for randomness and by subtly shifting the focus of community from public good to private gain. In so doing, the spaces and opportunities for democratic politics are constrained.

Epilogue: USA's Destiny

The plans for Destiny USA are nothing short of spectacular. The opening sequence at the Destiny USA website (Destiny USA, 2005) shows a city of soaring skyscraper hotels and apartment buildings webbed together by a lattice work of glassed-in winter gardens and glassed-over glades and waterfalls. Surrounding the development is a lush urban forest where now only small industrial buildings and toxic scrub brush exist. No parking facilities are visible. This is to be a fully internalised, and completely separate, city.

As residents of Syracuse know, the plans for Destiny are ever-changing. Aquariums have come and gone; Tuscan villages seem to remain; plans for a third-floor re-creation

of the Erie Canal also seem to remain, but no sign of them can be found on the Destiny website. And as residents of Syracuse also know, while ground for the big project has been broken several times, a number of new employees have been hired (including some 40 unskilled workers promised \$60 000 a year for jobs so far unspecified) and a concerted television public relations campaign about the development has been unveiled, no construction has begun—six years after the expansion of Carousel Center was announced.

In mid 2005, Pyramid closed the Sky Deck to create a ‘Technology Command Center’ for the expansion (Destiny USA, 2005), severing its even tenuous commitment to provide ‘community space’ at the mall. Even earlier, Pyramid refused to permit the Syracuse Common Council and Onondaga County Legislature to write provisions for community and political access to the mall as part of the new PILOT and bond financing agreements. Both legislative bodies acceded to Pyramid’s refusal, despite the fact that hundreds of millions of dollars of public money will be devoted to the expansion. Pyramid truly seeks to internalise all urban functions—except the political. And in doing so it is providing a glimpse of not only what the new American city, but also what the new American civic community, might come to be.

Notes

1. We are sympathetic to Jon Goss’ (1999) argument that malls can be sites of a variety of political acts and intentions, but will focus our paper on the ways in which political action is regulated and moderated.
2. Original projections called for 1 million visitors a year. The catchment basin for the mall contains less than 1 million residents in total.
3. We use the terms ‘gathering-place’, ‘public space’, and ‘new town square’ rather carefully, reflecting legal rulings discussed later in the paper. Since the mall is privately owned, it is not a public space in the same way that a town plaza or street might be. Nevertheless, people in Syracuse think of the mall as being equivalent to downtown, making it a *de facto* public space in the ways they want to use it and the ways in which they think about it.
4. There may be a contradiction between the mall serving as a community space and as a destination resort. This contradiction is not one that Pyramid Companies or the City of Syracuse discuss, however.
5. This is not the same as agreement with a decision. As community members, citizens can give voice to dissent or can leave the community if the disagreement is strong enough. Neither of these acts, however, is inconsistent with respect for the community and for the obligations of community members.
6. See Berlant (1997) and Pratt (2004) for summaries of this argument.
7. All uncited quotations in this paper come from interviews conducted in Syracuse, New York, in February 2001.
8. The GED, or General Educational Development, credential is for people who leave secondary education before completing degree requirements. To obtain the GED, people must pass a test certifying they have the equivalent knowledge of someone who has passed the standard coursework. People often take classes to obtain that information before taking the test.

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