

City Nights: The Political Economy of Postindustrial Urban Nightlife

by

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Abstract

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This study examines the impacts that broad economic and political forces have had on neighborhoods in postindustrial cities. As urban economies have shifted from being production-based to consumption-based, industries that were peripheral to city growth, such as forms of entertainment (i.e. nightlife, shopping, cultural activities), are today central. As a result, city governments have taken great steps towards encouraging private investment in and economic development that is based on these sectors. The very physical and cultural makeup of the contemporary city has been reconfigured as city centers and downtowns have become sites for large-scale entertainment projects. Another significant development has been the construction of nightlife scenes in gentrifying neighborhoods. Through the case of the Lower East Side of Manhattan, a formerly disinvested slum that has become one of New York City's premiere areas for nighttime entertainment in bars as well as a desired neighborhood for real estate actors and wealthy residents, this study analyzes the effects that "neighborhood nightscapes" have on the social relations, residents, and cultures in contemporary cities. While the development of nightlife and the intertwined processes of gentrification are often lauded as benefits for the

improvement of neighborhoods and the growth of cities, an in-depth, critical analysis reveals a number of issues that they cause. New bars that have opened on the Lower East Side since the 1990s have formed dense concentrations throughout the neighborhood that emphasize the consumption of their nightlife experiences as well as material products. This has transformed the Lower East Side into a destination for a wide array of nighttime activities for new residents and visitors from both within and outside of the city. While neither a formal public-private partnership nor a state-led effort, its many bars opened as a result of a liquor licensing policy based on economic development and in conjunction with the city's consumption-based growth initiatives and the neighborhood's gentrification. New forms of social control have been implemented by the local state and police to handle disorderly conditions generated by nightlife scenes and protect urban nightlife's image as a place for safe consumption. For Lower East Side residents, however, the development of the nightscape has had significant negative impacts—damaging their quality of life, fraying their civic bonds with local government and communal bonds with business owners, and resulting in social and cultural displacement. As an example of a common urban development, the neighborhood nightscape of the Lower East Side serves as an analytical lens for understanding the local impacts of broad economic and political changes occurring in postindustrial cities.

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Chapter 1: New Leisure, New Nightlife on the Lower East Side

The patterns of urban growth that helped shape the industrial city are changing in new and complex ways. The ongoing decline of the manufacturing sector that developed urban areas has led city governments to devise new policies and alternative means for economic vitality. Instead of industrial production, the economic foundation of contemporary, “postindustrial” cities is various forms of consumption, such as material (shopping), cultural (museums, historic districts), and experiential (entertainment) consumption (Hoffman et al., 2003; O’Connor & Wynne, 1996; Zukin, 1995). With this shifting economic base, the rigid forms of capital accumulation and labor relations of the industrial, Fordist city have become more flexible in the postindustrial economy; or the contemporary city is characterized by rapid financial flows and investments, intense speculation, and greater work options instead of the stable environment produced by an economy based on manufacturing (Harvey, 1989; Lloyd, 2006; Sennett, 1998). It has become imperative for city governments to develop an infrastructure that supports such consumption activities and to encourage their development in order to attract new residents, tourists, and real estate and business investment and compete with other cities in a global market (Greenberg, 2008; Harvey, 2001; Judd, 2003). This has radically altered the geography and social relations of the contemporary city as new uses (i.e., various forms of consumption) are being found for old spaces such as neighborhoods, city centers, and downtown areas, with major implications for their existing populations and cultures.

Leisure and entertainment are important examples of consumption activities that have become central to the economic vitality of cities and important elements in how downtowns and

neighborhoods are changing. Downtowns were largely abandoned and dangerous in the decades following World War II. Today they are being rejuvenated by entertainment developments with the goal of luring the middle class—visitors and residents—to the city (Ford, 2003; Hannigan, 1998). For example, Times Square and its numerous changes through the twentieth century is an archetype of the downtown experience in American cities. It began the century as a beacon of urban amusements, with a thriving theatre scene and wondrous public spectacles and attractions (Berman, 2006). Then, beginning in the Great Depression and in the decades following World War II, many of the upscale theatres and nightclubs that characterized Times Square changed. The seedy elements of licentiousness and unlawfulness that were always integral to but not dominant parts of the Times Square image began to intermingle with those of respectability: “Times Square didn’t get appreciably worse over the course of the [1960s], but what had been largely subterranean became increasingly visible, and what had been the subject for realist evocation became, increasingly, a Problem” (Traub, 2004: 116). With less “clean” pleasure for “decent” people, Times Square became a leading image of the city as a dangerous place of cheap amusements, criminal activity, and depravity. By the 1970s, a culminating decade for urban problems in New York and other modern cities, Times Square truly was a “risky” environment in several senses: sexually, criminally, and financially, as a real estate and business investment.

Transforming New York City’s risky image into something more marketable to investors and appealing to tourists was an important goal of political leaders and major real estate and corporate actors in the 1960s and 1970s (Greenberg, 2008). Times Square’s strategically planned redevelopment in the 1980s stems from their efforts to eviscerate the “fear city” image and brand the city as a fun and safe place to visit. Most notable among them was the Disney Company, whose aesthetic strategies of crowd pleasing and crowd control were adopted in

Times Square, which has prompted many to commonly refer to urban areas such as Times Square as an example of the “Disneyfication” of American cities.¹ This thesis links the Disney Company’s successful strategies of corporate branding and thematized experience found in their theme parks to the transformation of neglected, dangerous urban downtowns into zones for safe fun and consumption for the middle class.²

Disney was initially reluctant to move into Times Square because of its notoriety as the epicenter of urban problems (Traub, 2004: 167-9). Walt Disney himself had created Disneyland in the 1950s as a sanitized alternative to traditional urban amusement parks such as Coney Island. But New York City leaders courted Disney by promising to rehabilitate the classic New Amsterdam Theatre that it would occupy, to include other large entertainment conglomerates in their redevelopment plan, and to eliminate symbols of vice from the area.³ Times Square’s development replaced local conditions and cultures with a more coherent vision of an ordered downtown of consumption and spectacle (Zukin, 1995: 133-42). Besides the Disney Company there are many other global corporations, brands, and national and international restaurant and retail chains that occupy Times Square’s commercial spaces, adorn its elaborate billboards, and contribute to its status as a global destination for tourism. But the common unifying themes of consumption, leisure, and safety come from Disney’s parks (Traub, 2004).

The transformation of dangerous downtowns into vibrant entertainment districts are important examples of urban growth in cities adjusting to a postindustrial economy. Hannigan (1998) refers to these new projects as “urban entertainment destinations” that lure middle class

¹ For critiques of the “Disneyfication” thesis see Hammett & Hammett, 2007; Huxtable, 1997; Sorkin et al, 1992

² Fogelson (2003) discusses how Disney World’s development in Orlando represented a form of “private government” that significantly shielded it from the city’s own policies and regulatory authorities.

³ As Sagalyn (2003) shows, Times Square’s redevelopment was a long process that spanned two decades and the Disney Company only became an important actor in the 1990s after the city’s plans had already undergone significant changes. For more on Disney’s role in the redevelopment of Times Square, see Hannigan, 1998: 103.

consumers back to the city with fantasy and fun. He identifies them as not just being limited to renewed areas in older industrial cities, but also newer cities without industrial pasts, such as Las Vegas and Miami. Most importantly, Hannigan highlights the increasing importance of entertainment projects as key strategies for growth in the postindustrial city. They present contemporary cities with new sources of revenue and support local governments' desired goal of creating an image of the city as fun, attractive, and safe for visitors and residents alike. And entertainment projects allow cities to reshape the physical and social landscape of certain areas (such as downtowns) into new places of consumption. While urban areas such as Times Square and leisure activities such as theatre and shopping were important elements of the industrial city but less integral to its overall growth, today they are important to the postindustrial city's vitality and are directly encouraged by city governments. Although urban entertainment destinations differ from city to city, they share several characteristics in common and present a useful if general model for understanding how contemporary urban leisure projects are produced.

First, these are large-scale places with a "top-down" organizational structure. They partner local governments with local, extra-local, and global corporate and real estate actors and high-profile financiers. They are well-planned and highly coordinated developments that are generally conceived as holistic projects. Cities allocate a significant amount of resources for these projects. They offer land, including property seized through eminent domain; provide financial incentives through subsidies and tax abatements; and make infrastructural accommodations in order to entice and form relationships with developers, businesses, and investors. The aim is to aesthetically improve their city, boost its popularity and cachet for tourists and new residents, and prime it for growth through entertainment and leisure (Eisinger, 2000; Greenberg, 2008). In this sense urban entertainment destinations are examples of "urban

entrepreneurialism,” or the concept that city governments form partnerships with private actors in order to construct places in the city that will lead to capital accumulation as a political and economic goal (Harvey, 2001: 354).

Second, in terms of image and content, urban entertainment destinations are highly themed and branded. Most of their images and symbols have little connection to local histories or, as in the case of developments such as Baltimore’s Inner Harbor, they “decontextualize the past,” creating new uses, meanings, and places out of old spaces and thereby “turning a landscape of devastation in the inner city into a landscape of consumption” (Zukin, 1991: 20). The images found in urban entertainment destinations speak a common language of global consumerism.⁴ For the most part, they use themes and brands to target particular consumer audiences, the most common being the middle-class family, as in the Disney theme parks, but also relatively affluent young adults, as in casinos and nighttime establishments of Las Vegas and Atlantic City. They carefully select images and symbols that will attract these groups and restrict those of cultures that will repel them. Postindustrial cities also construct urban entertainment destinations in order to brand themselves as “24-hour,” or “24/7” cities that provide leisure activities at any time of the day and on every day of the week (Heath, 1997). Times Square, for example, features near-continuous leisure until late into the night such as shopping, dining, and the theatre, while Las Vegas’s nonstop gambling fully embodies the concept of the 24-hour city.

Third, social relations within urban entertainment destinations are generally structured by consumption practices. People visit them to be entertained, have fun, experience different attractions, and purchase specialized services and goods. There are generally few, if any,

⁴ It is such conditions that have troubled scholars who feel that cities are becoming increasingly homogenous.

residential buildings or developments in these districts. In this sense, even city residents go to these places as consumers (or “as if” they were tourists), or as workers.⁵ Employment in entertainment districts’ consumption spaces consists mostly of low-wage, hierarchically-managed service jobs that have proliferated in accordance with a shifting and expanding service economy (Florida, 2002: 71-2; McDonald & Siriani, 1996). At the other extreme are workers who deal directly with the public and are often akin to actors who utilize the images and symbols of the themed setting to perform scripted work roles and create particular consumption experiences for visitors (Pine & Gilmore, 1999; Zukin, 1995). The complaints that residents have of these places often resemble “Disneyfication” critiques. They frame them as “inauthentic” spaces that stage realities and lack a “real” connection to place or to the city (Grazian, 2003). They also see them as a misappropriation of public resources by the state at the expense of the needs of citizens (Eisinger, 2000).

Finally, urban entertainment destinations feature advanced forms of privatized spatial regulation such as professional security agencies and surveillance cameras. Control over public spaces is often at least partially given over to private actors by the local state. While these security endeavors have made these areas safer, they have major implications for social inclusion and access in these spaces. Meanwhile, the state’s public policies use quality of life policing strategies to rid public spaces of any symbols of disorder that may be detrimental to economic growth (Belina & Helms, 2003).

In sum, we can see large-scale urban entertainment destinations as an ideal type of leisure and tourist development that has become common in postindustrial cities and desired by local

⁵ Lloyd and Clark (2001) describe new middle class urban residents as people who often behave “as if” they were tourists, or as people who visit the city’s attractions and utilize its amenities as consumers.

governments. They are top-down in structure, corporately-owned, and feature consumption-oriented social relations as well as consumption spaces that are highly themed and branded, aimed at particular audiences, and regulated by private actors for the sake of capital accumulation and a forced social integration. They are projects with a collection of various entertainment options for both day- and nighttime consumption, from sports stadia and shopping to restaurants and theatres. The consensus among city governments is that embarking on developments such as entertainment destinations is imperative to urban growth; any city that does not risks falling behind in a global competition for capital investment, new resident populations, and tourism. This leads to examples of uneven development within societies as only some cities succeed in accomplishing these goals as well as within cities as only certain areas benefit from these new and specialized developments.

Neighborhood as Nightscape

Nightlife is a specific form of entertainment that has always been a part of the modern city and urban life, but was peripheral to economic vitality and urban growth. Today it is linked with the central leisure sectors of the postindustrial economy, the expanding entertainment industry, and the city's overall growth strategy. Nightlife is integral to the city's goal of becoming a place for "24/7" consumption and a growing number of cities are experiencing a groundswell of new nightlife scenes (Heath, 1997).⁶ If the postindustrial city has become a

⁶ Most research has looked at burgeoning nightlife scenes in British cities (Chatterton & Hollands, 2003; Hadfield, 2006; Hobbs et al., 2003; Lovatt, 1996; Talbot, 2007), while American studies have looked at nightlife in Chicago (Grazian, 2003; Lloyd, 2006) and Philadelphia (Grazian, 2008). Using Milwaukee as a case study, Campo and Ryan (2008) list 29 American cities (New York City's "East Village/Lower East Side" is listed) that have at least one of what they call an "entertainment zone" of small bars and nighttime entertainment. (Many of the cities they list contain more than one zone.) And Hadfield and others (2009) examine the impacts nightlife is having on crime and

“landscape of consumption” based in part on leisure and entertainment developments, then we can understand new nightlife scenes more specifically as “nightscape.” A nightscape refers to physical nightlife consumption spaces (bars, restaurants, lounges, cafes, nightclubs, theatres), the spaces that connect them (streets, sidewalks), and the symbols of culture and consumption that are attached to both.⁷ They place classic urban phenomena—bars, nightlife—within a new context of the postindustrial economy. An urban area that has developed a nightscape becomes a place represented by nightlife activity, consumption, and culture. We can see the nightscape, then, as specific form of material and symbolic landscape that indicates new economic realities.

In many cases, nightscape develop in residential neighborhoods alongside gentrification—influxes of new residents, individual entrepreneurs, and real estate actors. These “neighborhood nightscape” are part of a renewed interest in urban areas that has transformed them from disinvested and unattractive slums to destinations for postindustrial lifestyles and real estate and commercial investments.⁸ While other forms of consumption such as clothing boutiques, art galleries, salons, and cafes represent daytime activity in gentrifying neighborhoods, bars, nightclubs, and restaurants often dominate activity at night. Instead of enclosures, rigid boundaries, and new large-scale developments, neighborhood nightscape for the most part utilize the physical environment of the city, such as existing buildings, streets, and sidewalks. And they bring new types of nighttime establishments and new forms of nighttime socializing to an area of the city that may not have had large amounts of commercialized leisure, let alone nightlife, in the past.

disorder in urban areas of nine European countries as well as cities in Canada, Australia, New Zealand, South Africa, China, and the American cities of New York, San Francisco, and Philadelphia.

⁷ As the name suggests, Chatterton and Hollands (2003) derive the concept of the “urban nightscape” from Zukin’s (1991) concept of the urban landscape as a “landscape of consumption.”

⁸ Campo and Ryan (2008) discuss the differences between different nightlife districts based on where in the city they develop. For example, they distinguish between nightlife districts that develop in residential areas as opposed to formerly industrial areas.

The consumption spaces and practices of nightscapes are intertwined with important issues occurring in gentrifying neighborhoods such as displacement, social inequalities, and deeply held local resentment towards change. But these issues are overshadowed by nighttime activities of alcohol consumption and entertainment by nightlife revelers (i.e. visitors from within and outside of the city and new residents) and by highly stylized new bars with unique themes, cultures, and high rents. With these characteristics nightscapes transform downtown neighborhoods from unprofitable and socially marginal areas into destinations for consumption and places of significant economic and cultural vitality. Most importantly, nightlife development and gentrification as key examples of growth in contemporary cities are often resisted by neighborhood residents who are highly vulnerable to the changes they bring; however, despite their efforts, these residents are mostly powerless to prevent their impacts.

Along with urban entertainment destinations, both neighborhood nightscapes and gentrified neighborhoods are typical new developments in postindustrial cities. However, there are several key differences between how these types developments are produced. First, unlike urban entertainment destinations, neighborhood nightscapes are not planned, well-coordinated, or organized hierarchically. They develop piecemeal over time by a multitude of independent private groups such as bar owners, landlords, and real estate actors. Local states neither partner with these groups to develop neighborhood nightscapes nor do they offer significant subsidies or tax abatements. However, as we will see, they still play a direct role by facilitating the proliferation of bars and nightlife as part of a larger urban growth initiative.

The cultural production of neighborhood nightscapes does not come “from above,” or from major corporate, business, and real estate actors, all of whom may be global in scope (Gotham, 2007). Individual owners are responsible for the images and content of their bars.

They rely on a wide array of sources to produce their bar cultures that may include symbols from local histories, global cultures, or popular forms of nightlife. Some owners target a particular niche consumer while others target a mass clientele; but all owners make decisions on what kind of establishment they want to have, what type of nightlife experience they want to provide, and who they want to attract by engaging in various strategies of cultural production. This has varying consequences on bartenders—a bar’s primary worker and a key cultural producer—depending on the type of establishment and clientele. While all bartenders in some way “make the scene” in bars, their behaviors, work requirements, and interactions with customers differ from place to place (Lloyd, 2006).

Neighborhood nightscape development is linked with ongoing gentrification processes as new bars displace old businesses and new residents and visitors are drawn to the neighborhood as a place for fun. For longtime residents, neighborhood nightscapes are a source of significant conflict. Their most common complaint is over the quality of life issues that stem from nightlife activity, such as noise, crowds, rowdy behavior, property defacement, and litter. But residents also see new bars and the multitude of visiting revelers who they attract from outside the neighborhood and the city as threats to the deep communal attachments and relationships that they have formed both with and within their neighborhoods. Bars, their customers, and the negative conditions that they create are forms of social and cultural displacement for residents who are constantly reminded of the transformation of their neighborhood. This creates a tremendous amount of tension and hostility between them and the local state.

And finally, small bars have not historically been sites of private forms of security, but were controlled by clienteles, bartenders, and owners. But new bars in neighborhood nightscapes are gradually adopting private security measures, particularly bouncers. In many

cases owners hire bouncers—who are increasingly professionalized members of large private security agencies—in order to control their crowds, but they also do so at the request of the police and local state who have made bouncers an important part of their efforts to curb quality of life problems, ensure public safety, and even handle certain forms of criminal activity. This transforms the role of the bouncer from solely serving the business interests of owners to also regulating the public spaces of the street.

A large issue is the extent to which this contemporary urban nightlife in bars is new. One explanation is that nightlife today is produced by a coterie of entrepreneurs, public relations experts, savvy media sources, and well-trained performer-workers who use branding, theming, and staging strategies to create deceptively glamorous environments (Grazian, 2008). Another is that nightlife has become a common aspect of contemporary urban life, particularly in the way that it targets and appeals to young, middle-class adults:

The new urban nightlife is neither the sophisticated entertainment of the theatre, symphony, or ballet, nor ‘high-end’ entertainment serving the needs of corporate clients. The new urban nightlife is more basic: middlebrow partying for young city dwellers and suburbanites who want to drink, dance, watch sports, and have fun (Campo & Ryan, 2008: 291-292).⁹

Within this hierarchy of nighttime establishments, bars represent “basic” forms of commercialized entertainment in the sense that they exist solely for the purposes of enjoyment for the middle class. While both perspectives provide insight, neither points to phenomena that are “new.” Hannigan (1998) traces the strategy of enticing the middle class to come to cities by using entertainment back to the early twentieth century during the “golden age” of public urban amusements.¹⁰ It was during this era that “merchants of leisure” began targeting middle-class

⁹ Also see Lloyd & Clark, 2001

¹⁰ Also see Nasaw, 1995

consumers with affordable, family-oriented, and “respectable” entertainment such as vaudeville theatres and movie palaces that kept out the dangerous and intoxicated lower classes (1998: 24). And they did so with elaborate productions, spectacle, and dazzling environments akin to the nighttime stagings of today: “There is little evidence to suggest that the “golden age” was any more “authentic” than the Fantasy City of today...If anything, we celebrate the fantasy architecture and culture of the earlier era because it was *more* extravagantly dreamlike and fantastical than today’s creation which seem deliberately formulaic” (1998: 29). While contemporary nightlife producers use new technologies and themes and the demographics of the new middle class consumer have changed, we can see the strategies that this earlier era developed at play in the postindustrial city. What is new about urban nightlife and nightscapes is that they play significant roles in transforming neighborhoods into sites of revenue production as part of the postindustrial city’s overall growth strategy based on consumption, leisure, and entertainment.

In the industrial era of the early twentieth century, urban nightlife and its institutions of the upscale nightclub and working-class saloon, its incorporation of women, immigrants, and minorities into public life, and its sexual, criminal, and other licentious activities were castigated by reformers and city governments as immoral and corrupting (Chevigny, 1991; Erenberg, 1982; Lerner, 2007; Peretti, 2007). This most famously led to national Prohibition and other restrictions on public drinking and nightlife, which were seen as threats to prevailing social order, morality, and mode of production of the time (Gusfield, 1963; 1996). Today such moralizing has largely disappeared from popular politics, or at least vices such as prostitution, drugs, and gambling are no longer explicitly associated with or blamed on bars and urban nightlife. Rather than a marginal aspect of the city’s economy or even detrimental to urban

growth and production, bars and nightlife turn neighborhoods into postindustrial play spaces that have become important parts of the city's economic vitality and cultural vibrancy.

Stemming from this, urban bars and nightlife are recognized as having transformative effects on neighborhoods. Small bars in urban neighborhoods have always been places for local forms of socializing. They were intertwined with the neighborhood's daily rhythms and cultural patterns. Today bars and the neighborhood nightscapes within which they are embedded have become destinations for members of the middle and upper middle class. They enhance the appeal of neighborhoods for new residents and real estate investors and turn them into destinations for visitors from both within and outside of the city. Bars and nightlife transform the mixed use neighborhood into a place for fun, amusement, and profitable forms of postindustrial consumption and give it cachet for real estate development.

Urban Bars: From Local Hangouts to Destinations

Our understanding of how the social and cultural character of urban bars and nightlife has changed is based on a wide array of studies and sources. Bars have been a part of sociological research from its earliest beginnings in the United States. In late nineteenth and early twentieth century Chicago, both academic and settlement house sociologists used early forms of urban ethnography in saloons to understand the effects of the modern industrial city on new immigrants, the working class, and other marginal groups. They considered bars to be important places where these groups socialized and learned American values and norms, but were critical of them as a demoralizing form of commercialized leisure (Mattson, 2007). These early methods and perspectives crystallized in the Chicago School of the 1920s and 1930s, some of whose

classic studies such as Cressey's (1932) *The Taxi-Dance Hall* and Zorbaugh's (1929) *The Gold Coast and the Slum* treat bars and other nightlife venues as key places for seeing the modern city's development as well as its ills.

Since this time, corresponding to a general shift in American attitude toward public drinking and alcohol, post-World War II treatments of bars have less of a moralistic tone and focuses on the meanings that specific social groups create within them (Rotskoff, 2002). Studies show that bars, nightlife, and their characteristic behaviors of socializing and consumption are mainly significant for what they reveal about a particular population's relationship to spheres of production and work, the class structure, or a prevailing normative order. Mostly ethnographic, they have used bars as field sites for examining social phenomena surrounding marginalized groups such as the working class (Kornblum, 1974; LeMasters, 1975; Lindquist, 2002), homeless (Cohen & Sokolovsky, 1989; Spradley, 1970), African Americans (Anderson, 1978; Bell, 1983; May, 2001; Williams, 1989), women (Allison, 1994; Spradley & Mann, 1976), and deviant subcultures like jazz musicians (Becker, 1963) and pool hustlers (Polsky, 1967). In general, bars have been seen as local hangouts with great meaning for their regular clientele and the surrounding neighborhood's population (e.g. the "working-class tavern"). Until recently, there have been few studies that have approached bars and nightlife as important phenomena in themselves for understanding changes in neighborhoods as well as cities.

A key exception to this is Cavan's (1966) research on bars in 1960s San Francisco. Through a dramaturgical analysis, Cavan examines the bar as a setting for unique forms of social behavior and constructs a typology based on its varying social worlds. Less central to her discussion but highly informative is her discussion of the ecological distribution of bars in the modern city. Following the Chicago School's classic ecological model of urban growth, Cavan

finds that there are more bars in the business, commercial, and entertainment area of the city than in residential neighborhoods. The region of the city that contains 70% of bars also contains,

the greatest concentration of potential patrons. Although this quadrant has only 39 per cent of the total resident population, it contains 50 per cent of the single resident population of the city and 52 per cent of the single male resident population, two categories that are most likely to contribute to patrons to such settings. In addition to residents, the local transient hotels, business and commercial establishments, and a variety of recreational facilities draw a substantial number of potential patrons to the area on a day-to-day basis (1966: 29-30).

Cavan bases her bar typology, however, on use of the interior setting rather than its location in a specific part of the city or the social characteristics of its patrons. We learn much about bar behavior, but we do not learn about bars' importance in the city or their relationship with their neighborhoods.

As bars and nightlife have become increasingly important to urban growth and key factors in neighborhood change, many recent studies have shifted their focus from the interior view of the individual bar to the exterior view of the nightlife scene. Most of these analyses come from the United Kingdom. A consensus among these scholars is that the governments of formerly industrial cities around the country are taking direct steps to redevelop their centers according to the "24-hour" city concept, with an emphasis on nighttime activities (Heath, 1997). More than a decade of such activity culminated in the Licensing Act 2003, which formally integrated different local licensing schemes into a single system and, most importantly, relaxed restrictions on a nighttime establishment's hours of operation to the extent that it could now potentially remain open 24 hours a day, 7 days a week.

Studies of the new British nightlife can be placed into two general categories. One branch of the literature focuses on the cultural implications of an expanding nighttime economy (Chatterton & Hollands, 2002; 2003; Lovatt, 1994; Talbot, 2004; 2006; 2007). These authors argue that as nightlife has become a viable regeneration strategy, a “mainstream” regime of political and economic actors has come to dominate its production and regulation at the expense subcultural, alternative, and traditional forms of nightlife, which are pushed out of city centers. Expensive nightclubs replace underground raves and ethnic parties; trendy “gastropubs” with high-end cuisines and large “megapubs” with multiple floors and rooms replace the quaint, communal neighborhood pub; and national and international corporate operators replace local breweries and independent owners. The transformation of British pubs and alternative venues, then, parallels the top-down structure and theming and branding strategies found in the urban entertainment destination model.

The other branch of British studies focuses on the increasing amount of public disorder and violence that stems from an expanding nighttime economy (Hadfield, 2006; Hobbs et al, 2000; 2002; 2003; Roberts & Turner, 2005; Thomas & Bromley, 2000). These authors indicate that newly developed nightlife scenes in the centers of British cities create chaotic environments of alcohol and drug consumption that the state is unable to control through traditional mechanisms such as the police. As a result the private security actors of bouncers, who rely on tactics of violence and intimidation, have proliferated to maintain social control.¹¹ However, since the state’s attempts to regulate bouncers through licensing have largely been unsuccessful, these studies claim that the private sector has become the dominant regulatory mechanism in the nighttime economy (Lister, 2002; Lister et al, 2001).

¹¹ For more British studies on bouncers, particularly the phenomenology of bouncer work, see Monaghan, 2002a; 2002b; 2003; 2004

But there are differences between nightlife in the United Kingdom and the United States. First, small bars in neighborhood nightscapes are not owned and operated by corporations and large companies, but by independent entrepreneurs and investors. While there are numerous examples of corporately-owned nightlife venues in urban entertainment destinations in the United States (e.g. Hard Rock Café, ESPN Zone), they do not play a role in the development of neighborhood nightscapes. Second, neighborhood nightscapes do not develop as part of a formal partnership between local governments and private actors, nor is their development influenced by a national policy such as the Licensing Act 2003. Finally, while neighborhood nightscapes produce similar forms of public disorder as those in the United Kingdom, there are differences in the new forms of regulation—i.e. state control over the nightlife industry and social control of public spaces—that have arisen to deal with them. The British literature claims that control over social activity in the nightscape is dominated by commercialized security that relies on violence (or the threat of violence). But examining the development and everyday workings of neighborhood nightscapes shows that contemporary urban nightlife regulation does not solely rely on private security; rather, private security is part of a larger regulatory agenda that includes many actors in the local state and is shaped by the city's overall policies of maintaining safety and cleanliness in areas of postindustrial consumption. Therefore, we cannot understand how nightscapes, their activities, and their public spaces are produced and controlled without examining them within the contexts of their changing neighborhoods and the changing postindustrial city.

There have been a few American studies within the broad literature on changing postindustrial cities that have specifically looked at nightlife. David Grazian's (2003) work on Chicago blues clubs examines how global corporations and city leaders commodify the blues for

their own commercial ends, which shapes how individuals—i.e. musicians, music fans, tourists—look for different experiences in the contemporary city, pursue cultural attractions, and search for the “authentic” in this cultural form. But Grazian does not explore neighborhood tensions and conflicts that result from the development of a nightlife scene or how the local state is involved in nightlife development beyond its tourism sectors. While Grazian’s other research, on Philadelphia nightlife (2008), looks at a wider array of nighttime establishments beyond the blues club, we are still left without insight into these tensions and conflicts. Furthermore, this latter study also lacks the foundation of postindustrial urban political economy that anchored his previous work’s analysis, which weakens our overall understanding of how contemporary nightlife is produced and its position in the city.

Richard Lloyd’s (2006) work on the development of “neo-bohemia,” or neighborhoods of cultural production in postindustrial cities, comes closest to understanding the concept of the neighborhood nightscape. For Lloyd, artists and the art scene are lenses for analyzing how the Chicago neighborhood of Wicker Park has become positioned into a key spot in its postindustrial economy as a place for “property speculation of various sorts, entertainment provision, and new media production” (2006: 17). He identifies the importance of new bars in the neighborhood’s nexus of cultural production and their importance for the formation of postindustrial lifestyles of new urbanites. But since Lloyd’s analytical lenses for understanding neighborhood change are artists and the arts scene, we lose the nuances of neighborhood nightscapes, such as the politics behind their development, the diverse nightlife cultures behind their production, and their affects on the everyday lives of residents, all of which go beyond the behaviors of artists.

A popular branch of research looks at the difficult task cities have of luring “creative” and innovative workers in the new postindustrial economy or risk continuing on their downward

spiral of deindustrialization (Currid, 2006; 2007; Florida, 2002; 2008). With a vague and widely-encompassing notion of “creativity,” they argue that providing lifestyle amenities such as bars, nightlife, and affiliated music scenes entices such individuals, cultivates creative communities and networks, and leads to urban growth. Other scholars praise how neighborhood nightscapes represent innovative strategies for urban downtown redevelopment and for improving social vitality in cities. In their research on Milwaukee, Campo and Ryan (2008) consider local nightscapes or “entertainment zones,” as they call them, to be examples of “everyday urbanism”—a concept that is inspired by Jane Jacobs and emphasizes urban planning that accounts for the everyday lived experience of the city. They see the informal and piecemeal manner in which entertainment zones develop as an example that cities should harness in order to be lively as well as economically successful. Campo and Ryan laud entertainment zones for their natural development in unused downtown spaces, claiming that they represent the *evolution* rather than the *creation* of urban space” (2008: 308; emphasis in original). As we will see, the perspective that opening bars in “underutilized” spaces is beneficial for urban growth is also held by many in the local state and among the neighborhood nightscape’s developmental actors in the nightlife and real estate industries.

But these analyses ignore the key actors in the political economy of urban nightlife in postindustrial cities, the culture of nightscapes, and the numerous conflicts they raise for neighborhoods and residents. Instead of evolving “naturally,” neighborhood nightscapes are shaped by large economic conditions and political processes in the city, and in turn they shape the economic development and political activity in local neighborhoods. They develop in areas that suffer from deindustrialization and a lack of capital investment. They are intertwined with complex gentrification processes of capital flows in major real estate development and

entertainment. They require political intervention to develop and significant public and private efforts to control, both of which change over time to accommodate their sizable growth. Rather than being “unused,” the spaces in which they develop have great meaning for local residents and business owners already in the area who experience displacement from their development and struggle to wrest control over these spaces from business interests. And the notion of nightlife scenes as urban lifestyle amenities for cities to compete in a global economy is a strategy that requires critical scrutiny. In addition, because of the homogenizing and disorderly effects that nightlife proliferation has on neighborhoods, Jacobs (1961) would likely object to entertainment zones and neighborhood nightscapes and disagree that they make communities lively. As she describes Third Street in her Greenwich Village neighborhood of the late 1950s,

This street, for a stretch of several blocks, has become immensely popular with tourists, drawn first by the local bohemian life of coffee houses and neighborhood bars, with—at first—a light sprinkling of night clubs, all mingled with the interesting neighborhood shops and residential life of a stable old Italian and artists’ district...*Night spots today are overwhelming the street, and are also overwhelming the very life of the area...*The duplication of profitable use is undermining the base of its own attraction, as *disproportionate duplication and exaggeration of some single use* always does in cities (1961: 245; emphasis added).

According to Jacobs, an excessive number of nighttime establishments in a neighborhood transforms it into a destination for outside visitors and chokes the mixed use quality that makes such neighborhoods attractive in the first place. This process parallels the development of the neighborhood nightscape in the contemporary city, which transforms neighborhoods into destinations for nightlife. However, unlike in Jacobs’ time, when they were merely frivolous local amenities in cities, today the duplication of bars in neighborhoods has become part of the city’s larger growth agenda based on leisure, entertainment, and tourism.

New bars, nightlife scenes, and changing neighborhoods raise several unresolved issues that require further analysis. How can we learn about the transformation of cities and old neighborhoods into places for postindustrial consumption by examining the development of bars, nightlife, and nightscapes? What conflicts have arisen from this development and what do they mean to the actors involved? What are the implications of neighborhood nightscapes that radically alter social relations in communities for contemporary cities and urban life? This project answers these key questions through an in-depth examination of the Lower East Side—an urban downtown whose transformation from neglected slum to neighborhood nightscape and destination for nightlife has resulted in a considerable amount of conflict in the neighborhood and serves as a case for analyzing the dynamic urban processes of postindustrial consumption.

Postindustrial Consumption on the Lower East Side

What is it about this place? From Fourteenth Street to the Financial District, from the old West Side piers to Avenue D. Does something emanate from Five Points, carried by rats throughout the city over all these years? Is this something lost in the memories of waves of immigrants—Irish, Italian, Chinese, African American, Jewish, Latino—who came to New York seeking a better life? Is it the close proximity to the center of capitalism and the justice system? Or is it the cheap rent in barely habitable buildings with makeshift heating and plumbing? What ethos adheres to the ironclad buildings, the cobblestone streets, the fire-escaped tenements that stirs up political unrest and artistic creativity?

- Marvin Taylor¹²

New York City has a nearly unparalleled historical reputation as a preeminent capital for all varieties of nightlife. It has been the subject of numerous accounts of scholarship and fiction, television and film, theatrical performance and song, and biography and memoir and its tales and legends have been spread throughout the world for generations. From its European founding public drinking places and nightlife have been important aspects of New York City's image and social life. As a seventeenth and eighteenth century Dutch and British colony taverns and inns served as integral community and political centers. As a commercial power in the nineteenth century, New York City's public drinking places were divided between the social clubs, restaurants, and hotel bars for the wealthy, and the saloons, concert halls, and beer gardens for working class and immigrant groups. This was the start of the "modern" era of urban nightlife, or the aforementioned "golden age" of urban public amusements, when leisure was emerging as a common aspect of city life. As the famous working-class slogan indicates, "Eight hours for

¹² 2006: 17

work, eight hours for sleep, eight hours for what we will,” leisure and nightlife during the industrial era were kept separate from work, with distinct times, spaces, normative orders, and forms of social control in place for each. Nightlife was a defining image of New York City during the twentieth century, but remained subservient to its greater commercial, financial, and industrial enterprises. But changes in the late twentieth and early twenty-first centuries have altered this relationship.

With an industrial sector that has all but disappeared and burgeoning tourism and entertainment industries, nightlife has emerged as an important contributor to New York City’s economy. According to NYC & Company, the city’s official marketing and tourism organization, there were 37.1 million domestic and 8.76 million international visitors in 2007. “Leisure” was the main purpose for the visit for 74% of them, and nightlife-related pursuits represent a significant percentage of their activities (domestic: 44% dining, 22% concert/play/dance performance, 17% nightlife; international: 84% dining, 40% concerts/plays/musicals, 17% nightclubs/dancing). According to a 2003 economic impact report conducted for the New York Nightlife Association, a lobby group for bar and nightclub owners, New York City’s nightlife industry generates approximately \$9.7 billion in economic activity and 95,000 jobs, while also contributing \$391 million and \$321 million in tax revenues to the city and state, respectively.¹³ These revenue figures are comparable to the economic impact of the traditional media industry of film and television—which receives local governmental support in the form of tax incentives and other subsidies while nightlife does not—and are nearly double

¹³ The first two figures includes how much nightlife businesses—bars, lounges, dance clubs, and music venues—spend both directly (business expenditures) and indirectly (interindustry impact) as well as how much patrons/attendees spend directly (within venues) and indirectly (on related industries). The tax figures are based on personal income, sales, and business taxes.

those of the digital media industry (\$5 billion).¹⁴ These numbers do not include the ancillary businesses to nightlife, such as fast food restaurants and private car companies that service a considerable number of nighttime revelers; the restaurant industry; or other industries such as media, art, and fashion whose social networks are in part sustained in nighttime establishments.¹⁵ Along with these impacts is the fact that nightlife has turned neighborhoods such as the Lower East Side into a major economic and social focal point as one of the city's premiere nightlife districts.

The Lower East Side is one of the earliest-settled areas by Europeans in New York City. For much of its history, Manhattan settlement proceeded northward from its lower regions, with wealthier residents and more upscale forms of entertainment fleeing the squalid living conditions, substandard housing, and often bawdy leisure of the lower classes at the bottom. From the early nineteenth century, the Lower East Side, more so than any other New York City neighborhood, remained the city's destination for immigrant groups; the working class; and the socially, politically, and culturally marginal. Along with these settlements, its history as a neighborhood that spawned countless forms of entertainment, nightlife, and art from vaudeville and the Yiddish theatre to bebop and punk rock is well-documented (Fields & Fields, 1993; Maffi, 1995). The underbelly to these cultural achievements is that they came out of a neighborhood context that was impoverished, unsanitary, and at times highly unsafe. For instance, for many decades in the twentieth century the Lower East Side featured New York

¹⁴ These figures are from a 2000 study conducted by The Boston Consulting group at the request of the New York City Investment Fund and the New York City Comptroller's Office with support from the Mayor's Office of Film, Theatre, and Broadcasting and the New York State Governor's Office for Motion Picture and Television Development.

¹⁵ For a discussion of nighttime labor such as diner work, taxi driving, and food cart vending, see Sharman & Sharman, 2008; for a discussion on the importance of nightlife for creative industries, see Currid, 2007

City's most notorious Skid Row, with a dense collection of bars that served down-and-out homeless men. Such a stark reality has always accompanied the neighborhood's glories.

Lower Manhattan, and the Lower East Side in particular, was first proposed as a site for revitalization in the 1920s (Mele, 2000; Wasserman, 1994; Zukin, 1983). Its close proximity to Wall Street and the Financial District made it valuable property for developers, city leaders, and business actors who envisioned a residential area for service professionals and the middle class to replace the slum conditions of cheap buildings and low-status residents. A long sequence of factors—the Great Depression, World War II, community opposition, urban renewal, suburbanization, and downtown disinvestment—prevented any formal plans from coming to fruition, and until the 1980s the Lower East Side remained an inexpensive, highly diverse, mainly working-class neighborhood with urban problems of poverty, unemployment, and high crime rates. With low rents and a reputation as an alternative space the neighborhood attracted artists, musicians, and political radicals for many decades and played an important role in developing such movements as jazz subgroups, the Beats, hippies, Yippies, neoexpressionists, squatters, pop artists, and punk rockers.

It is sometimes difficult to define what areas constitute the Lower East Side. Historically, it has meant the area south of 14th Street extending to the Manhattan and Brooklyn Bridges and east of Broadway extending to the East River. Over the centuries numerous immigrant groups have divided it up into their own ethnic social worlds (Little Italy, Chinatown, Little Germany) while coexisting under the general name “Lower East Side.” The boundaries between these sub-worlds have expanded, contracted, and shifted over time, and many have all but disappeared except for scant architectural traces of their existence, but the Lower East Side's overall status as an immigrant, working-class neighborhood—until recently—has remained consistent. Today

sections of the Lower East Side are known as the East Village, a name that borrows from Greenwich Village that was coined in the late 1960s by real estate actors to make the area more attractive; Loïsaida, Spanglish or “Nuyorican” for Lower East Side; and Alphabet City, in reference to Avenues A, B, C, and D—each with its own history and cultural connotations—while the name “Lower East Side” is commonly reserved only for a particular section south of Houston Street. As Mele (2000) points out, these multiple names for the areas that were historically known solely as the “Lower East Side” are indications of the struggles of representation that have taken place among the various social actors with a stake in the neighborhood over the past few decades.

For this project, I use a more classical interpretation of the Lower East Side’s boundaries—Bowery and the East River at the western and eastern borders and 14th Street and Canal Street as the northern and southern borders.¹⁶ This represents most of the political district covered by Community Board 3, which plays an important role in addressing nightlife issues in the neighborhood and in the liquor licensing process. Although the district’s southern boundary extends a bit further south of Canal Street, I have chosen it as a border because nightlife has not expanded much below it.

As a form of market-led gentrification, the Lower East Side’s transformation into a trendy neighborhood was gradual. It began in the area popularly known as the East Village. In 1984, *New York* magazine ran a cover article entitled “The Lower East Side: There Goes the Neighborhood” (Unger, 1984). The photograph is of a funky-looking, thin couple in torn denim and black leather. They are sitting in front of a half-graffiti’d building, with the woman glaring

¹⁶ The official northeastern boundaries are 3rd and 4th Avenues. Both begin at Cooper Square with Bowery becoming 3rd Avenue and Lafayette becoming 4th Avenue.

at a man next to her in overalls and cap, painting over the other half in bright blue. The article describes the 1983 sale of the Christodora building for an alarming \$1.3m as a sign that the neighborhood was undergoing significant changes.¹⁷ During this period the Lower East Side changed from a slum to a highly coveted neighborhood that attracted real estate developers (such as Christodora's buyers), art dealers and gallery owners, new entrepreneurs of boutiques and restaurants, and new middle-class professionals (Abu-Lughod, 1994; Mele, 2000; Sites, 2003; Smith, 1996). During the 1980s and 1990s the Lower East Side experienced soaring property values, new construction, and considerable police initiatives aimed at eliminating public drug activity, crime, and symbols of disorder such as the homeless (Vitale, 2008). By the end of the century it seemed the proposed vision of the area from the 1920s as a place for the middle class had materialized.

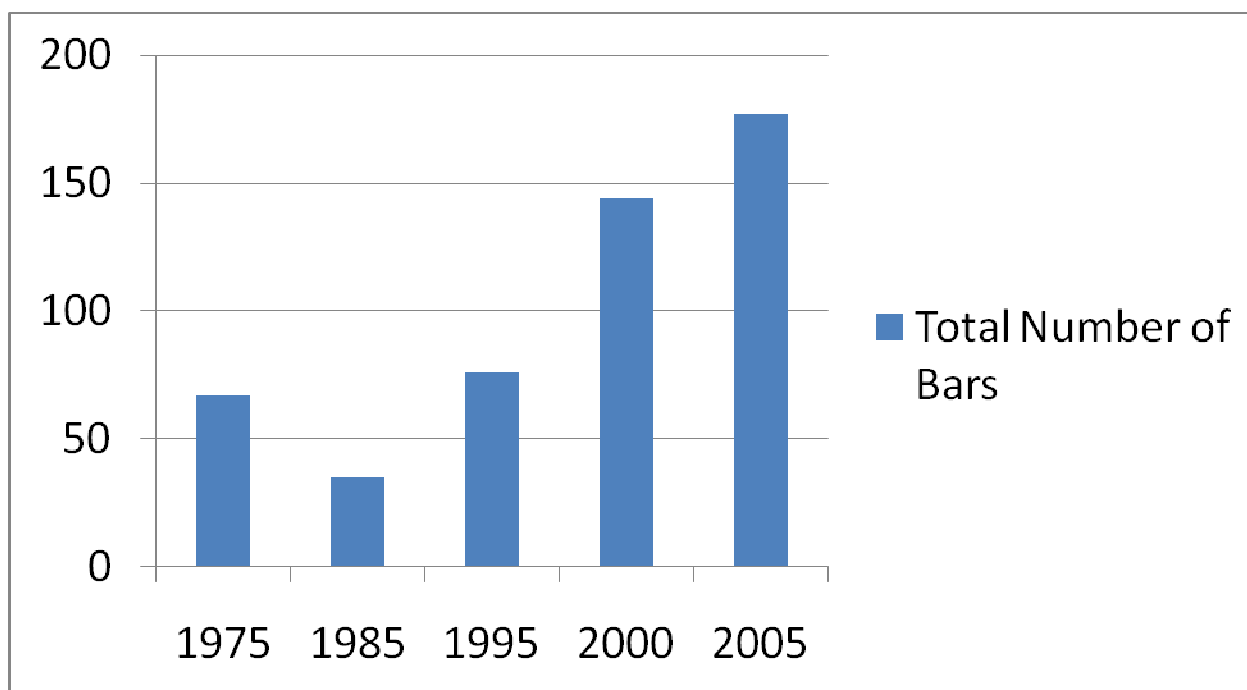
During the 1980s, residents and community groups had strong reactions to these changes. Public demonstrations and anti-gentrification protests were common, and some resulted in violent confrontations with the police (Paterson, 2007). A potent symbol from the 1980s that reflected the feelings of Lower East Side residents toward its early gentrification refers to the most famous symbol for nightlife—an upside-down martini glass with a slash going through its spilled contents. Meaning “the party’s over,” the symbol was created in 1980 by resident artist, poet, and musician Peter Missing as a protest against what he saw as the police’s invasion of privacy. Missing intended the symbol to be a call to action and throughout the decade he and other like-minded residents spread it around the neighborhood as graffiti. It eventually came to symbolize an inversion of bourgeois, “yuppie” culture and represent frustration toward a broad

¹⁷ A former settlement house, the 17-story building had been abandoned for more than a decade at the time of its sale. For most of its history it was by far the tallest building in the area and offers incomparable views of the city. It was renovated into luxury condos in 1986, all of which were sold by the next year.

array of changes that were occurring in the neighborhood during this time such as new and wealthier residents moving in, real estate construction, and heightened police activity in public spaces—all signs of a neighborhood undergoing gentrification. Since there were no new high-end bars on the Lower East Side at this time Missing did not specifically intend the symbol to represent the proliferation of upscale alcohol consumption as an example of neighborhood change; but it presciently foretold how intertwined the Lower East Side's gentrification would be with new urban nightlife.

The number of bars and amount of formal nightlife activity on the Lower East Side increased as it gentrified. As Figure 1 shows, in 1975 there were approximately 67 bars on the Lower East Side.¹⁸ In 1985, after New York City's fiscal crisis and recession, both of which had a considerable economic effect on the area, the number decreased to 35. These were mostly establishments for people living in the neighborhood. There were ethnic bars (mainly Ukrainian and Puerto Rican, with many ethnic social clubs), Bowery bars for homeless men, old working-class bars that had been open for many years, and new bars that accommodated the escalating population of local artists and musicians. But gentrification processes of new residents and businesses moving into the area and greater neighborhood investment dramatically changed the nightlife culture. As Figure 1 shows, the number of bars more than doubled to 76 in 1995, doubled again to 144 in 2000, and increased to 177 in 2005. At this time the Lower East Side's

¹⁸ I obtained these numbers from the Cole Directory. Published since 1947 by Cole Information Services, the Cole Directory is an annual listing of names, phone numbers, and addresses for residents and businesses in major markets across the United States. I searched through the directories from these years and counted the number of listed bars on streets within the Lower East Side. I only counted those businesses that were clearly identified as bars. I did not count those I was unsure of, and the directory admits to an 85-90% accuracy rate. Therefore, these numbers are most definitely conservative estimates intended to be illustrative of the area's transformation rather than statistically definitive. See the Research Methods section at the end of this chapter for a more detailed discussion of using directories to supplement and augment ethnographic analysis.

Figure 1: Total Number of Bars on Lower East Side, 1975-2005

Data taken from Cole Directory, New York County, 1975, 1985, 1995, 2000, 2005

population increased from 164,407 in 2000 to 167,263 in 2005. This corresponds with trends of declining crime rates, public drug activity, the renovation of old housing and the construction of new housing, and the expansion of New York University that brought people to the Lower East Side. These new bars increasingly attract consumers from outside of the neighborhood, and when they do feature a local clientele, it generally consists of new, wealthier residents. It was during this growth period in the mid- to late-1990s that residents began to complain of the quality of life problems caused by bars and connect nightlife proliferation with the overall gentrification that was occurring in the neighborhood.

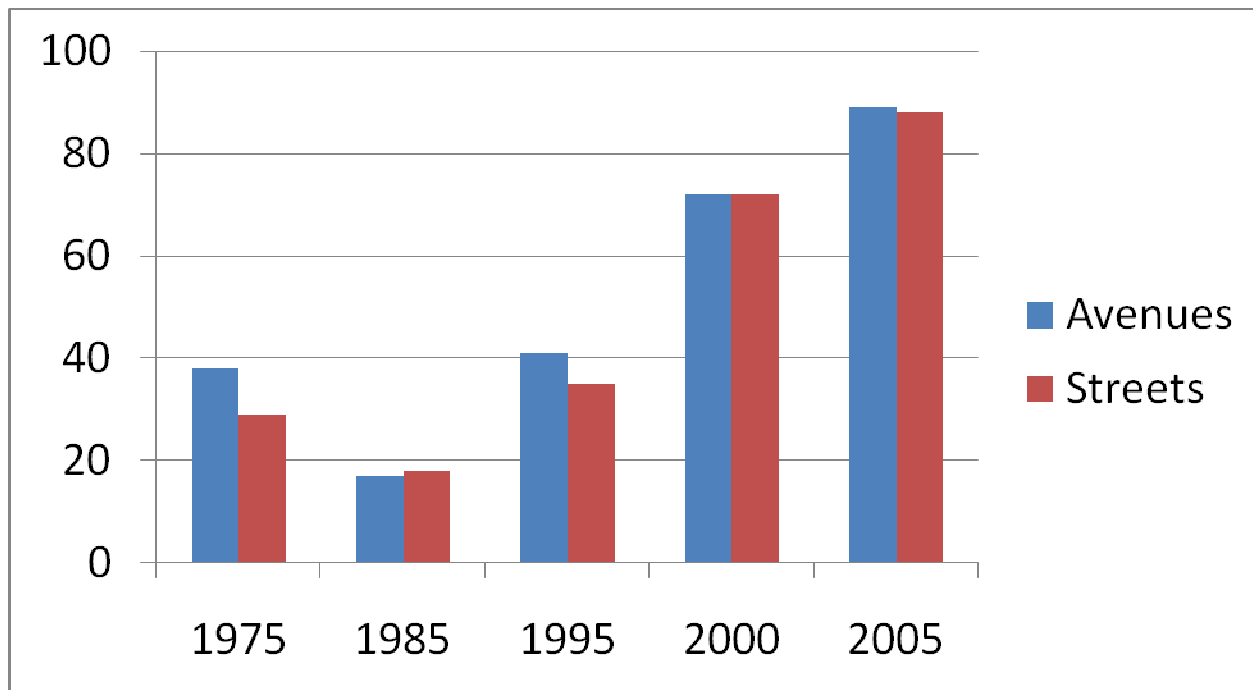
To give a broader picture of the nightscape's size and scale, as of 2008 there were 692 establishments with an on-premise liquor license—i.e. any place where an alcoholic beverage may be purchased and consumed—within the 1.8 square mile area of the Lower East Side, which

includes bars, restaurants, clubs, lounges, cafes, and hotels.¹⁹ The nightscape also features high density levels. According to City-Data, an online source for American city profiles, in 2005 the three main zip codes that comprise the Lower East Side had the second (10003), seventh (10009), and ninth (10002) most alcohol drinking places out of every county in the United States.²⁰ The zip code with the most, in Austin, Texas, is 1.7 square miles in area and has a population of 3,855, or 2,557 people per square mile. The second most, on the Lower East Side, is .6 square miles in area and has a population of 53,673, or 98,450 people per square mile. This shows the enormous density of the Lower East Side's nightscape and also reveals the importance of population density in examining nightlife's impacts on residential areas.

Ecologically, bars are widely distributed on the Lower East Side. Figure 2 breaks down the numbers from the years depicted in Figure 1 by location. As it shows, there is a more or less even distribution of bars on larger commercial avenues that already have regular vehicular and pedestrian traffic as there are on smaller residential streets that have little traffic and comparatively few businesses. There is at least one bar on the majority of streets and on most blocks north of Canal Street. Larger thoroughfares, particularly the western ones that are closer to subway lines, tend to have regular daytime activity and varied forms of shopping during the week. Some streets, however, are rather quiet during the day, either because they are mostly residential or because many of their bars are closed. Other than chic clothing boutiques, cafes, salons, and art galleries interspersed among inexpensive bodegas, many of these streets have few

¹⁹ This number was obtained from the State Liquor Authority on April 14, 2008. Most of these establishments have one of two types of liquor licenses—418 are OP, or “full on-premise” licenses, which allow the purchase and consumption of liquor, wine, and beer; and 218 are RW, or “restaurant wine” licenses, which allow the purchase and consumption of only beer and wine. The remaining liquor licenses break down as follows: 27 EB (“eating place beer”), 6 HL (“hotel liquor”), 13 TW (“tavern wine”), 7 RL (“restaurant liquor”), 3 TL (“tavern liquor”). The differences between the types of licenses are based on what type of alcohol they are allowed to serve and what type of business they are.

²⁰ <http://www.city-data.com/top2/z52.html>. Retrieved on March 9, 2009

Figure 2: Total Number of Bars on Lower East Side, by Streets and Avenues, 1975-2005

Data taken from Cole Directory, New York County, 1975, 1985, 1995, 2000, 2005

businesses and little foot traffic and even feel abandoned during the day. The steel security shutters protecting the bar storefronts and the afternoon delivery trucks from alcohol distributors add to the somewhat ominous look. On these streets it is only at night—during the week, but especially on weekends—that the sidewalks and streets are truly alive, highly populated, and bathed in light and action. In short, the neighborhood follows a rhythm of activity that increases as the day and week come to their ends.

In terms of where bars have opened over time, they have for the most part followed the gradually eastward-moving “frontier line” of gentrification—a development pattern that Smith’s (1996) rent-gap theory explains as a period of significant property abandonment and neighborhood devalorization that is followed by a period of real estate reinvestment and revalorization. The opening of new bars correlates with this latter period that began in the late 1970s and proceeded steadily throughout the 1980s in the East Village on the western major

thoroughfares of 3rd, 2nd, and 1st Avenues and on the western sections of small, popular streets such as St. Mark's Place. In the 1990s and 2000s new bars gradually joined or replaced the existing ethnic and artist bars that were already scattered in the eastern section of Alphabet City—Avenues A, B, and C.²¹ It was also during the 1990s that new bars began to open south of Houston Street, which serves as a key border for many residents. In short, the neighborhood nightscape has gradually expanded east and south. While bars are well-diffused throughout the Lower East Side, there are several areas—Ludlow and Orchard Streets between Houston and Delancey Streets, St Mark's Place, Avenue A between Houston and 11th Streets, Avenue B between Houston and 7th Streets—with especially dense concentrations. And even blocks with a small number of bars or no bars at all can have a noticeable amount of nightlife activity because of their use as pathways for revelers going from bar to bar.

Despite no longer serving as a destination for new immigrants, the Lower East Side as a district remains highly diverse. According to the 2000 Census, Manhattan Community District 3, which represents this area, has a population of 164,407, of whom 28.2% are white, 7.1% are African American, 35.2% are Asian, and 26.9% are Hispanic. However, tract-level data reveals high levels of housing segregation based on race. African-American residents mostly live in eastern areas, particularly the housing projects along Avenue D, and Asian residents mostly live in the southwest section of Chinatown. In terms of age, a vast majority of the population (82.9%) is 18 years and over, 9.2% is between 20 and 24-years-old, 36.3% are between 25 and 44-years-old, and 21.1% are between 45 and 64-years-old.

²¹ Avenue D is a clear boundary for the local nightscape because of the large public housing projects between its eastern side and the river. Avenue D and the housing projects south of Houston Street limit the progress of the “frontier line” and are also boundaries in Smith's (1996) analysis for this reason.

But there are two highly active groups in the nightscape whose demographics differ from the overall residential population. The first is that of nightlife revelers who are disproportionately white with an underrepresentation of minority groups compared to the residential population.²² They are also overwhelmingly young, with very few in their 40s, more than 9.2% between 20 and 24 years old, and most in their 20s and 30s. The second is that of residents who complain about nightlife in the neighborhood, are vocal at community meetings against bars, and organize to oppose liquor licenses. The vast majority of residents who have problems with the nightscape have been living in the neighborhood for at least ten years, but many have lived there for many decades or their entire lives. Therefore, they recall quite vividly the time when the neighborhood was not a thriving entertainment scene, but an impoverished and dangerous slum. Their concerns are with the quality of life problems and the forms of displacement that bars cause. Unlike the young nighttime revelers or new residents, very few of the longtime residents who complain about bars are under 40 years old. Racially, a vast majority of them are white; rarely do Hispanic or Asian residents attend meetings to voice their frustrations despite the fact that these groups comprise a combined 60% of the population. While most bars are not located in areas where the majority of Hispanic and Asian residents live—although the nightscape has gradually expanded east and south and penetrated deeper into these areas—this fact demonstrates the population shifts that have been occurring on the Lower East Side. More importantly, it reveals that the notions of “community” that are constructed and used by residents to counter the nightscape’s economic growth and consumption are from a very specific source. In short, most of the people consuming in the neighborhood and the people complaining about this consumption are very different from the greater local population, while

²² This varies somewhat by establishment. For instance, there are some bars and clubs that on some nights will have a DJ who specializes in hip hop or Latin American musical styles, thus attracting a different, fairly homogenous, and non-white clientele.

they differ from each other in terms of age and lifestyle, but are similar in terms of race and social class.

The Lower East Side has several different actors with a stake in the nightscape. They can be classified into three distinct groups, each with a set of interests that often places it in significant conflict with the others over the nightscape's and neighborhood's future development. These groups represent three discourses, each with different interpretations of space, culture, neighborhood, and community. The first group are members of local government—representatives of the State Liquor Authority and other state agencies, local elected officials of the City Council and State Legislature, and the Mayor's office—who represent a discourse of urban growth that promotes nightlife as a strategy for development. Second are members of the nightlife industry—individual entrepreneurs and their lobbying groups, the New York Nightlife Association (a part of the New York State Restaurant Association) and the Empire State Restaurant and Tavern Association—and the real estate industry who represent an economic discourse that highlights the positive financial and cultural impact of nightlife in the neighborhood and in the city. Third are residents—longtime residents, members of the community board and other local neighborhood groups, other business owners—who represent a community discourse that emphasizes their own unique definitions of the neighborhood and interpretations of its development into a destination for nightlife.

But within each group are examples of diverging interests that also lead to conflicts over issues pertaining to the nightscape. For instance, while the community board is an important representative for residents, there are many people in the neighborhood who disagree with its actions and decisions toward nightlife. Their conflicts with each other are often over the meanings behind “community” and “neighborhood.” There are similar rifts between actors

within the other two main groups. Furthermore, there are also examples of social actors who represent multiple discourses, which can cause considerable conflicts within groups. For example, longtime bar owners often have a stake in the neighborhood that differs from new bar owners. They see themselves as contributors to the neighborhood's sense of community as well as benefits to its economic and cultural well-being. In other words, this study differentiates both between and within social groups in order to understand their diverse interests in the nightscape and in the neighborhood.

Many actors have benefited from the development of bars and popular nightlife on the Lower East Side. First are the new entrepreneurs and investors who have successfully constructed and taken advantage of the neighborhood as a nightlife destination. Second, members of the real estate industry—landlords, real estate agents, and developers—benefit from the Lower East Side's escalating property values as it continues to be an attractive neighborhood for wealthy residents and visitors. Third are some residents of the neighborhood (who are often younger, more affluent, and appreciate living in a nightlife scene), the city, and the wider metropolitan area as well as visitors—all of whom are able to use the Lower East Side for varying forms of socializing, consumption, and entertainment. Finally, the city as a whole benefits from having an area that enhances its status as a fun and safe destination for the new middle class and for tourists. The Lower East Side's nightscape contributes to New York City's vibrant leisure and tourism industries and its image as a place for consumption. And, unlike large-scale urban entertainment destinations, it has done so without public spending or planning.

However, the neighborhood nightscape has also caused a degree of harm and produced a number of victims. First, because of its strong connections with gentrification processes, nightlife development contributes to the Lower East Side's transformation into a wealthy, high-

profile postindustrial neighborhood. This has serious implications for the displacement of poorer longtime residents and is a dramatic break from the neighborhood's strong history as an affordable and accepting place for low-income, immigrant, and marginal populations. Furthermore, it also compromises the social diversity historically found in Manhattan as a whole. Second, along with its connections to residential gentrification, the neighborhood nightscape is a form of commercial gentrification that alters the social and cultural character of the neighborhood and transforms it into a place for a unique form of consumption, namely public drinking and its accompanying nightlife activity. As a result, residents are forced to deal with the negative quality of life conditions that nightscapes produce—noise, crowds, disorderly behavior, litter, property defacement—while throngs of nightlife consumers and new bars cause them to experience degrees of social and cultural displacement. Related to this, residents also develop feelings of distrust and frustration towards the local state, to which they have repeatedly turned to legally protest the proliferation of bars and nightlife since the nightscape's early development, only to have their complaints ignored for the sake of a public policy agenda of economic growth. Last are bar owners—many of whom have been operating in the neighborhood for a long time—who either opened or wished to open establishments for their vision of a community and with concepts that would not necessarily generate significant revenue. The realities of the neighborhood—escalating rents, shifting cultural tastes, and consumer demand—force these owners to either close or transform their bars into different businesses that depart from their original intentions.

The Lower East Side and the night have both been compared to the American frontier. Like the Wild, Wild West, they have always evoked senses of mystery, wonder, and fascination; they have been viewed as both liberating realms as well as dangerous wildernesses that need to

be tamed for the sake of capital accumulation (Melbin, 1987; Smith, 1996). They are examples of underexplored spaces and times into which cities are expanding both socially and economically, which inevitably results in the transformation and displacement of what existed there before. New bars and nightlife in the Lower East Side's neighborhood nightscape are products of this exploration into new urban spaces and times. Determining why and how this has occurred is the subject of this study.

Research Methods

My research for this project began in February 2004 when I started ethnographically examining the social and cultural dynamics of Milano's, a former Skid Row bar on the Bowery on the western edge of the Lower East Side. At the time I was interested in understanding the sense of community found in urban bar cultures. For more than two years I conducted participant observation at Milano's and learned about the lives of its customers and bartenders. I spent my time in the bar observing the behavior of its habitués and talking with them about the meanings they attach to the place and its people. By June 2006 I had accumulated 400 pages of typed field notes; formally interviewed ten customers, six bartenders, and its two owners; and documented countless conversations with these and many more individuals at the bar.

During this time, I noticed three successive waves of customers who were occupying the bar space. First was older Bowery men who had been going to the bar for several decades. They are survivors from when the area was a Skid Row and the streets were lined with cheap "flophouse" hotels and bars like Milano's, which were filled with homeless men like them. The second wave of customers consisted of longtime regulars from the neighborhood who were

attracted to the area as students and artists because of its cheap rents and were attracted to Milano's because of its status as a local, neighborhood bar. Along with the bartenders, these two groups of regular patrons constructed a strong bar culture indicative of a community-oriented social gathering place. But there was also a third wave of customers who came to the bar. They mostly traveled from outside the neighborhood to either go solely to the bar or to several other bars in the area. They were attracted to Milano's because of its status as an old Bowery bar—an old place that represented a unique alternative to new urban bars. Alcohol consumption rather than communal interaction characterized their behavior; the bar became more of a nightspot than a social gathering place. While collecting data on this transformation, I began to realize that similar changes were also occurring on the neighborhood level, as the Lower East Side was being gentrified and developed into a large nightlife scene, and the city level, as New York City and many other postindustrial cities began directly encouraging the development of entertainment and leisure zones. I saw the opportunity to find the links between the internal social and cultural dynamics at work in nighttime consumption spaces and the external conditions of a gentrifying neighborhood and nightlife scene in a postindustrial city.

To understand these complex connections, the effects this development was having on the neighborhood and its existing nightlife cultures, and the meanings local actors such as residents and bar owners were attaching to these changes, I expanded my project in September 2006 to include a thorough exploration of the Lower East Side nightscape. I began attending the monthly meetings of the Lower East Side's full community board (Community Board 3) as well as its liquor licensing committee. Most of the important discussions and decisions over liquor licensing occur at the committee meeting while final decisions are made at the full board. Full board meetings last approximately four or five hours while liquor licensing committee meetings

start at 6:30 p.m. and run well past midnight, sometimes until 2 or 3 a.m. I attended a total of 48 of these meetings from September 2006 to December 2008.²³

Community boards are important public forums for residents and community groups to raise and discuss local issues.²⁴ They are also important for studying bars and nightlife because they serve a legal, albeit advisory, role in the liquor licensing process. The community board makes licensing recommendations that it sends to the State Liquor Authority—the government agency responsible for liquor licensing—that it then takes into account in its decisions. This role places residents in a conflictive position squarely in between bar owners and the local state. The purpose of attending these meetings was to learn about the community’s reaction to the local nightscape and from them I gained a deep understanding of its deleterious impacts in the neighborhood. In meeting after meeting I witnessed community board members scrutinize and residents confront bar owners over their establishments and nightlife conditions. Residents’ complaints about bars ranged from gentle concern over new establishments to outright rage over problem locations to fear over impending social, cultural, and residential displacement. I also learned how bar owners respond to these complaints, deal with neighbors, and operate their bars and saw how the community board mediates between the two parties. I had numerous conversations with residents and owners at community board meetings and conducted in-depth formal interviews with several of them as well as with community board members in order to learn more about their lives and feelings towards nightlife and the neighborhood. From observing the interactions between these groups and from my interviews I was able to discern the conflicting discourses that they use in their conceptions of the neighborhood. I also attended 17

²³ Community Board 3 does not meet in August. I did not attend the liquor licensing committee meetings in July and October 2008 and did not attend either meeting in January 2008.

²⁴ For other examples of research conducted at community boards see Sanjek (1998) and Zukin (1983)

other meetings on the Lower East Side, such as town halls, public forums, and local community groups meetings. I used an audio recorder at some meetings in order to accurately document dialogue. Otherwise, as in my research in the bars, I relied on written field notes that I typed up at a later time. My attendance and observations at these meetings resulted in a total of 395 typed pages of field notes.

Attending community board meetings also gave me an understanding of the liquor licensing process. I furthered this by going to the Harlem office of the New York State Liquor Authority to speak to some of its officials about licensing and attend its biweekly full board meetings and hearings where licensing matters are discussed. I attended six of these full board meetings and two hearings between October 2006 and January 2007. I supplemented this by formally interviewing the Chair of the Authority and four of its employees. I also interviewed nine representatives of local elected officials who either represent the Lower East Side in the New York City Council and New York State Legislature or represent other areas in the city and have been active participants in the politics of nightlife. These endeavors gave me a broad view of the local state's feelings towards nightlife and the role it plays in constructing and regulating nightscapes.

Community board meetings also exposed me to a wide array of cultural production strategies and nightlife establishment types. Based on this I conducted participant observation at ten Lower East Side bars in order to understand how contemporary nightlife is produced. These establishments ranged from old bars like Milano's to newly open, high-end cocktail bars. I also wanted to understand conditions of the nightscape's public spaces, which is the main source of quality of life complaints from residents. I conducted participant observation from April to August 2008 on streets throughout the Lower East Side, focusing specifically on three areas with

dense concentrations of bars. In these places I observed a considerable amount of nightlife behavior and police activity and spoke with numerous consumers and residents. I also spent much of my time on the streets observing and speaking with bouncers, particularly at two bars. This research gave me significant insight into the dynamics of private security strategies in nightlife regulation.

Along with this work on bouncers, I attended 38 of the monthly community council meetings of the 7th and 9th Precincts of the NYPD in order to understand how contemporary nightlife is enforced.²⁵ Like the community board, the community council meetings provide the public with a forum for expressing their concerns over neighborhood issues. Bar and nightlife problems constitute a majority of the complaints that both precincts receive. At these meetings police try to mediate between owners and residents, address resident concerns, and discuss some of their nightlife policing strategies. One of the precincts also permitted me to attend a special meeting that it holds periodically for bar owners as well as a nightlife security class that was held jointly by the NYPD and the New York Nightlife Association, a lobbying group for owners, to educate bouncers in police protocols.

I relied on oral histories from interviews with longtime residents as well as archival materials that I requested from the community board to construct a historical narrative on the neighborhood's transformation, the nightscape's development, and the meanings that people attach to both. I also used the Cole Directory, a business and phone listing that has been published annually since 1947, as a resource for tracing the development of the nightscape across time and space and for verifying statements and claims made by participants who relied on their

²⁵ These are the two main precincts that serve the Lower East Side. The 5th Precinct also covers a section of the area, but it is comparatively small and has fewer nightlife establishments. I chose to focus on the other two.

memories.²⁶ For example, when I asked residents when they recall nightlife proliferating and becoming problematic in the neighborhood I was able to compare their recollections against the information I obtained from the directory to test the former's validity. Such directories are excellent ethnographic tools for "triangulating"—i.e. validating by utilizing alternative methods—sources of data and providing an accurate account of an area's transformation.

In total, I conducted 113 formal interviews for this project: with 44 nightlife producers (20 owners, 20 bartenders, 2 real estate agents who work with nightlife establishments, an attorney who specializes in liquor licenses, and a representative from the New York Nightlife Association); 17 nightlife consumers; 24 residents (8 of whom are community leaders); 14 local government officials and representatives; and 14 enforcement actors (12 private security personnel and 2 police officers). I should note that this sample features some overlap across categories. This is especially the case for several bar owners who are also longtime residents. Such examples show the important variations that exist within groups and provide nuance to an analysis on local perspectives.

All interviews were audio recorded with participants' permission and transcribed later for accuracy except for four that were conducted via email (two resulted in further face to face conversations). They lasted between a half hour and over three hours and ranged from structured to semi-structured. Participants and I scheduled interviews in advance and at convenient public locations (bars, cafes, restaurants) as well as in private settings such as offices and apartments.²⁷ Some, such as those with bartenders and bouncers, took place in the field site. For the project in general, however, these in situ conversations with participants were common. Very often I

²⁶ For a discussion of the benefits of business directories for supplementing ethnographic research, see Schlichtman & Patch, 2008 and Zukin et al., 2009

²⁷ I had several phone conversations with participants, but only two were solely phone interviews and did not either result in or stem from a face to face interview.

would see residents and owners in streets and at meetings and bartenders, bouncers, and owners in their bars after interviewing them, which gave me the opportunity to talk with them more. This furthered my understanding of their lives, the neighborhood, and nightlife and allowed me to test the validity of their statements in interviews with their behavior in real settings.

All names of bars and individuals—residents, community board members, owners, bartenders, bouncers, patrons, police officers, and community leaders—are pseudonyms except for Milano’s Bar (but not its regular customers, bartenders, or owners), establishments referenced from media sources, and public figures such as politicians. Occasionally, I have altered certain details of establishments such as their precise location and some characteristics of individuals in order to protect their identity. Like other scholars who have conducted research at bars, I consumed alcohol—in small quantities—and used it to start conversations, blend into scenes, and further my relationships with patrons, bartenders, and owners.²⁸ In short, consuming alcohol is invaluable to the researcher gathering data in a bar setting.

Generalizing is a concern that both the neighborhood case study and qualitative analyses share. To what extent can we apply the data found by ethnographic methods conducted on a single case to other populations, neighborhoods, and cities? How can we transfer the knowledge of events, processes, and people to understand broader changes that are occurring to others in other places? I will take this up in this work’s conclusion, but I respond to this valid issue here by emphasizing my selection of the Lower East Side as a typical example of a gentrifying area that is developing new bars in a political environment that encourages leisure and entertainment. As I have demonstrated, this latter point has been raised by many scholars, and we can see the Lower East Side as a place that has been tremendously affected by this policy.

²⁸ See Anderson (1978), Kornblum (1973), and LeMasters (1975) for examples.

Chapter Outline

Each of the following chapters has both historical and contemporary dimensions to its analyses. In each chapter, I seek to first explain the origins of various aspects of the Lower East Side's nightscape, and then analyze their contemporary significance. In Chapter 2 I select a specific area on the Lower East Side to provide an in-depth account of how the neighborhood and its nightlife have changed. I have chosen the Bowery because of its especially storied and dramatic history and the tremendous amount of contemporary developments that are happening there. What began as a beacon of immigrant and ethnic working-class nightlife and entertainment became New York City's most notorious Skid Row with dozens of bars serving homeless men. Today it is rapidly transforming into a destination for postindustrial lifestyles and consumption that includes a wide array of nighttime establishments. In particular, I also look at the transformation of a single bar on the Bowery whose internal bar cultures reflect its new surroundings. I provide a glimpse into the social world of this bar by examining its patrons and bartenders and their feelings towards it and its changes. As mentioned earlier, selecting a single section and a single place in the nightscape offers significant detail on them, but their conditions may not entirely relate to other areas of the neighborhood. However, we can generalize from the Bowery and the Bowery bar because analyzing them brings us closer to understanding the changing dynamics between contemporary nightlife and gentrifying neighborhoods.

In Chapter 3 I look at the progressive influx of nightlife entrepreneurs in the neighborhood. Older bars on the Lower East Side were mainly for residents of the neighborhood, such as immigrant, ethnic, and working-class groups. The new bars that began opening in the 1970s into the early 1990s also attracted a local clientele, but these were for new

residents who participated in the developing arts and music scene. As gentrification processes intensified during the 1990s and 2000s, new nightlife entrepreneurs opened bars that accommodated the new non-artist residents and were also intended to attract consumers from outside the neighborhood. In this chapter, I examine the ways in which bar owners distinguish themselves and their bars from each other. In particular, I look at the strategies of cultural production that owners use to gain distinction for their establishments and compete in the nighttime economy. These strategies have led to the creation of new types of bars and strengthened the Lower East Side's status as a destination for innovative, chic, and trendy nightlife.

In Chapter 4 I look at the policies behind the nightscape's construction. In particular, I analyze how the nightscape developed despite considerable complaints and protests from local residents and community actors. While local nightscapes are not planned or coordinated projects, they are still part of the postindustrial city's growth agenda and could not have developed without help from the state, namely the State Liquor Authority. In granting a considerable number of liquor licenses in dense concentrations, I will show how the State Liquor Authority interpreted the law in a manner that favored economic development through nightlife at the expense and in spite of residents and communities and their organized resistance to this proliferation. This resulted in high levels of distrust and frustration towards the local state and the liquor licensing process on the part of residents.

In Chapter 5 I focus on the new regulatory framework that brings new forms of social control into the local nightscape. The Lower East Side at night is an environment of loud activity, crowded sidewalks and streets, and disorderly behavior and residents frequently complain to the police, the community board, and to the city about the damage that has been

done to their quality of life. Following several violent nightlife incidents, city leaders and state agencies reached a consensus that new nightscape regulation was needed to prevent such incidents from occurring and maintain the desired image of having a safe place for nighttime consumption. The period when nightlife proliferation on the Lower East Side was most intense was preceded by a major initiative by the police and city government to rid the neighborhood of its undesired qualities, such as homeless and drug activity (which disappeared from the streets and in many cases moved into the new bars), sometimes with extreme force. But this initiative, which is connected to the city's overall agenda of quality of life improvement, takes a different form in the neighborhood nightscape. I show how instead of targeting the actors responsible for such disorderly behavior, namely nightlife consumers, the local state and police have targeted individual bar owners, specifically "problem" owners or "bad operators," and given them greater responsibility in controlling the public spaces of the nightscape. This includes forming a strong relationship between the police, owners, and the state and implementing private security measures such as bouncers. Therefore, I also analyze the culture of bouncer work and the tactics that they use to control nightlife disorder.

In Chapter 6 I return to an examination of residents and focus on the effects that the local nightscape and the Lower East Side's status as a destination for nightlife has had on their feelings towards the neighborhood and their actions against bar owners. As bars proliferate and the neighborhood nightscape becomes more popular, residents feel that the social and cultural environments that they remember, such as residential and commercial diversity, public expression, creative pursuits, and a feeling of "ownership" over the neighborhood, are being displaced by strangers who come to the neighborhood as disruptive consumers engaging in homogenous nightlife activities.

In Chapter 7 I discuss the actions that residents take against bar owners and the reactions that bar owners have to the significant pressures they face from the new nightlife regulation and people in the community. Residents remain highly distrustful of owners, whom they see as symbols of the transformations that the neighborhood is undergoing. They often organize to fight liquor licenses and protest bars. Bar owners, meanwhile, also react very strongly to both the new nightlife regulation that places greater accountability on them to handle the nightscape's problems and to the activities and protests of residents. In response they try to shift blame away from themselves and towards other sources and actors. The result is that residents and owners reinforce their already contentious relationships in a manner that is detrimental to resolving the nightscape's issues. Finally, Chapter 8 concludes with a summary of the main points and a discussion of several topics related to urban nightlife and entertainment for future research.

Chapter 2: Destination Street: Bowery Bars and the Transformation of Nightlife on Skid

Row

*Oh! the night that I struck New York,
I went out for a quiet walk.
Folks who are on to the city say,
Better by far that I took Broadway.*

*But I was out to enjoy the sights,
There was the Bow'ry ablaze with lights;
I had one of the devil's own nights,
I'll never go there any more!*

*The Bow'ry, the Bow'ry!
They say such things,
And they do strange things
On the Bow'ry!
The Bow'ry!
I'll never go there any more!*

- Charles M. Hoyt¹

Go and sit in the lounges of the luxury hotels and on the doorsteps of the flophouses...

- Robert Park²

It's 3:30 p.m. on a chilly December weekday and after interviewing a community activist in an East Village café I hurry south in order to make the end of a memorial service for Little Georgie, an old Bowery man and Milano's regular who recently passed away. The service is

¹ Lyrics from the 1892 musical comedy, "A Trip to Chinatown."

² Kasinitz, 1995: 17, originally cited in McKinley, 1966: 7.

being held at the Andrews Hotel, the flophouse where he lived. It started at 3:00 p.m. and the interview ran later than I expected. I walk as quickly as possible through the Lower East Side streets and try to imagine them in the 1970s and 1980s, when most of the bars, restaurants, and boutique shops that I was passing would not be there. Back then these storefronts would have housed other businesses such as Leshko's, a Ukrainian diner (now a Latin fusion restaurant), and the 2nd Avenue Deli, a popular Jewish eatery (now a Chase Bank); been abandoned due to harsh economic conditions; or perhaps been used by some of the area's Puerto Rican residents as a social club, an arts group as a gallery or performance venue, or by squatters as a living space. The bars would also have been much different then, filled even at this time of day with men like Georgie. Now, they do not open until 4 p.m. at the earliest.

I eventually get to Houston Street and Bowery, near where the hotel is located, and take out the folded sheet of paper from my wallet that a Milano's bartender had given me with the address. I go a block south to the intersection of Bowery and Prince Street, passing Avalon Bowery, the new glass and steel, block-long luxury apartment complex that was built on the property of where McGurk's Suicide Hall used to be. McGurk's Suicide Hall was an infamous bar in the late nineteenth and early twentieth century where several prostitutes committed suicide, thus giving it its morbid name. It was the type of vice-filled establishment that gave the Bowery a sense of danger that the "respectable" classes found so appealing.³ The only people on the Bowery at this time are workers for the several restaurant supply stores, who leave their large samples of kitchen equipment resting on the sidewalk during the day. Ending at Bowery, Prince Street stops at the construction site for the New Museum's \$64m new building and I pause and wonder where the hotel is. I double check the location and walk up and down the

³ Sante, 1991

street. On the west side of Bowery I see R Bar (formerly called the Pioneer Bar), a bit south on the east side I see BLVD, a self-proclaimed “one-stop night spot” and “mega-club;” its downstairs space, Crash Mansion (a bar and rock club); and, down Prince Street, numerous restaurants, boutiques, and cafes.⁴ I don’t see the Andrews Hotel, but I do see the Bowery Mission, a charitable multi-service organization for people who are homeless and have substance abuse problems; it has been operating on the Bowery since 1878.

It is now almost 4 o’clock, too late for the memorial service. I shake my head while thinking that at one point in time I may have had difficulty telling the difference between the street’s many flophouses. Today I cannot locate one of the few that is left. New construction dwarfs, shadows, and hides the world Georgie knew, as well as his memorial service. But this world is still there, if you look hard enough.⁵

(Field notes, 12/6/2006)

The Lower East Side of Manhattan is an exemplar of numerous economic and social transformations that have occurred in urban downtowns since the mid-twentieth century. In the decades following World War II, this type of neighborhood suffered from a lack of capital investment in business and real estate, high crime rates, public drug activity, and homelessness. It was heavily pockmarked by vacant lots and abandoned shells of buildings and lacked basic

⁴ The Pioneer Bar was one of the bars that Imette St. Guillen went to before her abduction and murder from another nearby bar in 2006. Although the incident did not happen there, the bar’s owners changed the name to avoid any further bad publicity. This event and the highly significant repercussions it had for nightlife regulation will be discussed in a later chapter.

Prince Street is in Community District 2 and is therefore represented by Community Board 2, which is not the area under analysis in this study.

⁵ The reason I could not find the hotel is because the bartender gave me the wrong address. It was located further down the street and obscured by the construction of a new condominium building.

public services such as working street lights and fire hydrants. At the same time, it offered a significant amount of cheap residential and commercial spaces for an arts and music scene to develop and thrive. The area also attracted political progressives and radicals, social groups leading or in search of alternative lifestyles, and substance abusers, all of whom mixed with its settled ethnic and immigrant groups (Puerto Ricans, Chinese, Jews, and Ukrainians). From even before World War II the Lower East Side's western section of the Bowery had the dubious honor of being the city's and nation's preeminent Skid Row—an area of the industrial city with densely concentrated homelessness and poverty. The Bowery was a “city within a city,” a place unto itself where the homeless, disaffiliated, sporadically employed, and working class lived in its cheap flophouses and on its streets and drank excessively in its notorious bars. Overall, along with the Lower East Side the Bowery was a “landscape of devastation” with spaces, cultures, and social groups at the city's bottom and on its margins (Shields, 1991; Zukin, 1991).

But the Bowery today is an exemplar of conditions of the postindustrial city—a gentrifying neighborhood in a consumption-based urban economy generated by leisure and entertainment pursuits and featuring new affluent residents (Hannigan, 1998; Ley, 1996; Lloyd & Clark, 2001; Vitale, 2005; Zukin, 1995). Since World War II, the Bowery has transitioned from urban “nonplace” to nightlife destination. This marginalized, stigmatized, and “othered” region with nightlife cultures that were uninviting and unmarketable for major capital investment has been repositioned as a nighttime entertainment district for high-spending consumers, real estate actors, and business owners capitalizing on the area's strong appeal as a rejuvenated downtown (Chatterton & Hollands, 2003; Hannigan, 1998; O'Connor & Wynne, 1996; Talbot, 2007). Coexisting with the many new nightlife establishments, cultures, and groups on the Lower East Side are nightlife establishments, cultures, and groups that have been transformed as

the area has gentrified and the nightscape has developed. One of these establishments is Milano's, a neighborhood bar with a regular clientele, a long history on the Bowery, and a mix of changing bar cultures.

We can use both the Bowery and the Bowery bar of Milano's as microcosms for understanding the changes that have occurred on the Lower East Side. Both the Bowery and Milano's are "palimpsests," or historical artifacts, such as manuscripts, that have been written on, effaced, and written on again, leaving behind imprints of the past and allowing contemporary readers to see and decipher what came before. Urban spaces can be "read" in a similar manner: "We have come to read cities and buildings as palimpsests of space...transformable and transitory...[and] subject to the vicissitudes of time" (Huysen, 2003: 7).⁶ To examine urban spaces as palimpsests is to unweave the successive historical eras that are layered in the physical and social world of the city. We can understand the contemporary Bowery by analyzing the relationships that exist between the cultures of these historical eras in the spaces of the street and the bar, which in turn can help us understand the Lower East Side nightscape.

The Bowery and Milano's have always been destinations for different groups, although the identities of these groups and their motives for going to these places have changed in ways that are visible on the street and in the bar. Both feature signs of four successive historical eras: the industrial nineteenth and twentieth century, Skid Row, early gentrification, and the postindustrial present. Each era features distinct groups who have come to these places as residents, regulars, and visitors. These include immigrant and working-class groups who lived and worked on the Bowery and the upper classes who were fascinated with them and their

⁶ The concept of digging through the layers of sociohistorical phenomena resembles Buck-Morss's (1991) study of the classic *The Arcades Project* (1999) in which she examines the historical realities of Benjamin's text in order to understand his interpretive process and "[unlock] the meaning of his commentary" (x).

nightlife cultures; fluctuating populations of homeless men and itinerant workers getting “on” and “off” the Bowery; young artists and musicians in search of inexpensive residential and performance spaces amid working-class conditions and the admirers of the downtown arts and music scene; and, finally, members of the urban middle class occupying newly built luxury housing and, most importantly, visiting the area and consuming in new bars, restaurants, clubs, and hotels. Examining these phenomena on the Bowery provides an understanding of dynamic processes that are occurring on the Lower East Side and a starting point for analyzing the development of its nightscape and the transformation of the neighborhood.

Bowery Bars: A Brief History

Like “Broadway” and its many evocations, the name “Bowery” refers to a street, an area, and a state of mind. The Bowery (a name that derives from the Dutch word *bouwerij*, meaning farm) is a mile-long (approximately fifteen blocks), four-lane, two-way, and mostly treeless street that runs from Chatham Square in the south to Cooper Square in the north in Lower Manhattan.⁷ It is the western border of the Lower East Side and briefly runs parallel to Broadway. The concept of “the Bowery” has always represented the activities and cultures of its side streets and the immediate surrounding area.

During the mid- to late-nineteenth century the Bowery was the entertainment district for the dense collection of immigrants on the Lower East Side. It held dual parallel positions to

⁷ Technically, the Bowery ends at 4th St., where Cooper Square begins. Originally, the Bowery ran to Union Square at 14th Street. However, in 1849 wealthy residents of the Union Square area changed the name of their section of the Bowery from St. Mark’s Place to 14th St. to 4th Avenue, with Cooper Square (4th St. to St. Mark’s Place) serving as a buffer zone, in an effort to dissociate it from the lowlier working-class and immigrant reputation of the Bowery (Anbinder, 2001). Insofar as this section of the continuous street did not undergo the Skid Row transformation as its southern parts did the following century, the name change was successful.

Broadway that were geographical as well as cultural. Along with being a few blocks east it was also the lower-class entertainment and nightlife counterpart to Broadway's upper-class environs: "Broadway was rich (or looked it), highbrow (or affected it), and elegant (or tried to be). The Bowery, just to the east, was a world away in atmosphere—poor, but loud, free-spending, and lowbrow—a mob scene to defy Broadway's measured promenade" (Caldwell, 2005: 112).⁸ The two streets were polar opposites on the class spectrum. Unlike the aristocratic Anglo-Saxon Broadway with its upscale theatres and entertainment venues, the Bowery was the incarnation of the pleasures, vices, and cultures of New York's Irish and German (and later Jewish and Italian) immigrants. Its theatres, dancehalls, dime museums, brothels, and music saloons were the largest concentration of popular entertainment venues in New York City. The Bowery was where working-class identities were formed and openly expressed in the bars and theatres and on the stages and streets. Over time the movement north of Broadway's highbrow entertainment venues and upper-class residents broadened their geographical distance from the Bowery to match their already wide social distance.

Broadway and the Bowery during this period were entangled in a classic relationship of "uptown" and "downtown" that was less dichotomous and more mutually influential than the distinction suggests. Downtown cultural phenomena such as tap dancing, concert saloons, the variety show, and vaudeville developed into popular theatrical fare such as modern musicals for middle-class audiences in uptown theatre districts while downtown performers and entrepreneurs aspired to achieve upward mobility and widespread fame in these "respectable" theatres (Fields & Fields, 1993; Hannigan, 1998). The Bowery's reputation as a tough, dangerous area that teemed with the public cultures of the working class and immigrants had a broad appeal. New

⁸ Also see Anbinder, 2001; Sante, 1991.

York City's residents and visitors from the upper and middle classes often went "slumming" in the area—i.e., they lowered themselves socially to witness depravity at the bottom firsthand. Slumming reinforced the "respectable" class's own moral superiority over the working class, but they also went into these neighborhoods and establishments as curious observers and even as thrill-seekers (Chauncey, 1994; Dowling, 2007; Heap, 2009; Sante, 1991). Unlike in their own neighborhoods, on the Bowery uptown people could temporarily step out of their own social worlds by participating in downtown's public vice activities such as drunkenness, gambling, and sex, including homosexual activity (Chauncey, 1994: 33-45). They could anonymously use its nightlife spaces to suspend social status for the sake of play, pleasure, and amusement. And they did so with the knowledge that they could safely return to their familiar lives, statuses, and identities at the end of the evening without sanction or penalty from their peers. The Bowery was a place where it was understood that uncharacteristic behavior was acceptable.

Beginning in the late nineteenth century the Bowery also became a destination for the disconnected, disaffiliated, and transient. Modernist processes in the United States such as industrialization, urbanization, and westward expansion created the demand for itinerant workers in American cities. On the Bowery, inexpensive hotels (lodging houses or flophouses) and bars filled the street and area to service these populations. Many of these migratory workers were immigrants or the children of immigrants, but many were also hobos—rootless American-born workers who the public and media admired as folk heroes. With feelings of wanderlust hobos followed seasonal work and longed for experiences and encounters in new settings (Anderson, 1923).⁹ The life of the hobo reflected the pioneering American mindset of movement, ambition, and restlessness, and hobos "were transformed by journalists, novelists, illustrators, and

⁹ In his account, Anderson (1923), who was once a hobo himself, very much relied on his own experiences. This was the first examination of urban life to come out of the famed University of Chicago department of sociology.

filmmakers into cultural types, figures of fear and fun” (Lutz, 2006: 161). This general image matches portrayals of the early twentieth century “Bowery man”:

If among these men who filled the flophouses and the police stations there were some fleeing from life, they lost the race. For life on the Bowery caught up with them and was ever present in the crashing, blaring dance around them. Most of the Bowery Men in the first part of the twentieth century were men on the loose, men who needed a cheap place in which to rest, to drink, and to make love on the wing...He was the stuff of legends (Bendiner, 1961: 82-3).

Urban areas such as the Bowery and “Hobohemia” in Chicago had an infrastructure of flophouses and bars that could accommodate these activities, while Christian-run charitable missions (such as the Bowery Mission, which opened in 1878, and the Salvation Army, in 1891) opened as responses to the area’s reputation for vice. During this period, hobos, who stayed on the Bowery temporarily between travels, mixed with and gradually outnumbered local working-class residents.

The Great Depression caused the Bowery’s non-hobo homeless population to swell. The romantic image of the independent hobo with his natural inclination towards movement and freedom was replaced by that of the feared bum—the pathological embodiment of unemployment and alcoholism. A more permanent population of homeless men replaced the transient wanderers and working-class figures. The Bowery’s homeless population reached a peak during the Depression of 15,000 in 1930 and 20,000 in 1935, with other estimates ranging between 25,000 and 75,000 men sleeping on the Bowery each night in more than 100 lodging houses and on the streets.¹⁰ Many writers documented conditions and people on the Bowery during this period, such as Joseph Mitchell, in *The New Yorker*, and E.B. White, in his classic 1948 essay, *Here is New York*:

¹⁰ Estimates vary depending on data sources, such as the number of men officially registered in lodging houses and missions and whether or not locations near but not on the Bowery are counted (Bahr, 1973).

Walk the Bowery under the El at night, and all you feel is a sort of cold guilt.¹¹ Touched for a dime, you try to drop the coin and not touch the hand, because the hand is dirty; you try to avoid the glance, because the glance accuses. This is not so much personal menace as universal—the cold menace of unresolved human suffering and poverty and the advanced stages of the disease alcoholism. On a summer night the drunks sleep in the open. The sidewalk is a free bed, and there are no lice. Pedestrians step along and over and around the still forms as though walking on a battlefield among the dead. In doorways, on the steps of the savings bank, the bums lie sleeping it off. Standing sentinel at each sleeper’s head is the empty bottle from which he drained his release. Wedged in the crook of his arm is the paper bag containing his things. The glib barker on the sightseeing bus tells his passengers that this is the “street of lost souls,” but the Bowery does not think of itself as lost; it meets its peculiar problem in its own way—plenty of gin mills, plenty of flophouses, plenty of indifference, and always, at the end of the line, Bellevue (1948: 43-4).¹²

In this passage we see the city’s ongoing fascination with the Bowery. However, by mid-century “slumming” had ceased as the area transformed into an actual slum. Once admired, the hobo was now feared as a “cold menace.” Visitors experienced the “street of lost souls” as an open air exhibit from the safe confines of the tour bus rather than through direct interaction with its people and places; the distant gaze of the tourist replaced the licentious play of the slumming visitor, while moral superiority was a foregone conclusion.

The Bowery had been featured on the silver screen since film began, and visual representations often reinforced its image as an area that was tough but filled with activities for vice and pleasure. Documentary footage reveals a much different environment. In his 1957 film, *On the Bowery*, Lionel Rogosin uses real Bowery men (some of the characters read scripted lines) and actual Bowery places in order to explore their lives and conditions. The stark portrayal begins with a shot under the Third Avenue El, which cast a pall over Bowery for many

¹¹ “El” is short for “elevated subway train.” Here, White refers to the Third Avenue El that ran above the Bowery.

¹² Founded in 1736, Bellevue is the oldest public hospital in the United States. It has long been known for treating the poor and uninsured.

years, and then proceeds with a montage of the street: dozens of homeless men sleeping on or slowly ambling along the sidewalk, with the police waking men up in nearby Roosevelt Park and getting them to move. The only businesses are bars, flophouses, and restaurant supply stores.¹³ Ray, the film's central character, enters the Confidence Bar and Grill, takes a seat at the bar, and orders a beer.¹⁴ He is, however, noticeably different from the other men in the film, who are wearing their alcoholism on their pockmarked, creased, cracked, and craggy faces; in their slurred speech; and in their hunched-over gaits, creating a sad, untrustworthy world. Ray, on the other hand, is young, in his early 40s, dressed neatly and clean-shaven, in good shape and walking steadily, and carrying a proper, sturdy suitcase.

Over the course of the next three days, Ray rapidly descends into life on the Bowery. On his first night he drinks excessively in the bars, spends the little money he has, passes out drunk on the sidewalk, and has his suitcase stolen. The next day Ray manages to get a day job and decides he is going to stay at the Bowery Mission that night. When Gorman, an older man he met while drinking the night before, asks him if he will be out at the bars later, Ray insists that he is going to stay at the mission. "It'll keep me out of the gin mills," he says. He then pauses, shakes his head, and says in a pained and almost pleading manner, "I don't want to drink." Gorman doubts the benefits of the mission, but Ray says it is a place where he can get a shower, a shave, and a place to sleep.

We then see Ray at the mission's chapel, sitting in a pew along with dozens of other homeless men. They bear the same characteristics as the others that the film has portrayed on the

¹³ The film was mostly shot before the El was torn down in 1955.

¹⁴ Ray Salyer, the name of the character and actor, was an actual Bowery man who claimed to have had acting experience at the time of the film. These acting claims are dubious, however, since his name does not appear in any documented film before or after *On the Bowery*. Apparently, upon being offered a \$40,000 contract by a Hollywood producer after the film's release, he turned it down stating, "I just want to be left alone...There is nothing else in life but the booze."

streets and in the bars—dirty, unkempt, faces in varying states of disrepair, and undoubtedly smelling—however, instead of stumbling and mumbling about, the men are silent and either sitting still or swaying uncomfortably. Their faces stare a thousand yards in the distance, some fixated on the preacher, some off into space, and all with equal intensity. The preacher—a former Bowery man himself—condemns the evil street and earnestly tries to get at least one of the men to repent.¹⁵

While waiting for food (a thin sandwich and some kind of soup) and during the meal, Ray learns some of the mission's rules. The men have to be up and out by 6 a.m. and can return at 6 p.m. Since it is his first night he will have to sleep on the floor instead of on a cot. They cannot come into the mission drunk (someone at the door will smell their breath), nor can they bring in any alcohol. They must shower before lying on the bed sheets and their clothes must be sanitized. In the morning they have to leave their sheets for washing. As the newcomers who have been denied cots prepare for sleep by laying out newspaper, Ray just sits on the floor and observes the room. Shortly after the lights go out, with people still stirring, he gets up and leaves. We then see Gorman talking with another man at the bar. Ray greets them and they ask him what happened at the mission. Ray scoffs and says, "I couldn't take any more of that."

The film shows two contrasting social worlds on the Bowery, with Ray serving as a guide. The first is the world of the mission. Besides the brief encounter with the police and a scene when a bartender ejects an especially unruly patron, the mission with its rules and organized religion is the only structuring, organizing force on the Bowery. While the men are free and anonymous on the street and in the bars, in the mission they are ordered and labeled as

¹⁵ The film does not say it, but a common practice in missions is that the men would not get to eat until at least one of them repented his sins (see Bendiner, 1961). One man eventually does and they all get to eat.

homeless sinners. In order to enter this world they must sanitize themselves from any external impurities and adhere to certain conditions. Ray chooses to leave this structure and reenter the world of the Bowery bar. The bar is disorderly and nonjudgmental; it is filled with all manners of behavior and is a place where societal norms and codes (e.g. shaving, bathing, sobriety) are ignored. Ray's dismissal of the purified world of the mission and descent into the world of the bar demonstrates the perspective that Bowery men had of themselves—as pathologically “lost” and unsalvageable—and of the Bowery—as an entrapping, totalizing setting; a place that consumes individuals. “He’ll be back” utters a random Bowery man in the final line of the film after Ray leaves the bar. He does not just mean back at the bar, but back on the Bowery, back on Skid Row.

Like the Bowery, the concept of Skid Row has both physical and symbolic connotations.¹⁶ Skid Row is a physical area of the city with an extensive homeless population. It refers to this population's conditions of poverty and stark deprivation as well as the institutions that sustain them.¹⁷ The classic Skid Row of the industrial city functioned on three important social institutions: hotels and lodging houses (flophouses), missions, and bars (Bahr, 1973). The first two provided shelter (albeit in tiny cubicles) and food (albeit at the cost of being preached to), but for men on the Bowery, the bar was the central refuge. It was a private, but not exclusive or expensive, establishment where they were accepted: “The bars of the Bowery are its life—source of its nourishment, meeting ground, forum—miraculous with the power of creating a world without sharp edges, a rounded, hazy, ludicrous, unimportant world” (Bendiner, 1961: 39).

¹⁶ The name “Skid Row” is wordplay on Seattle’s “Skid Road,” which dates from the late nineteenth century and represent a slope where logs were rolled down to the docks that featured concentrations of working-class saloons and lodging houses for itinerant workers. See Bahr, 1973.

¹⁷ For discussions on the classical definition of Skid Row, see Bahr, 1973; Bogue, 1963; Blumberg et al, 1971; Wallace, 1965.

The Bowery was not the largest classic Skid Row in the United States, but it was the most prominent in the nation's consciousness.

The Bowery bar tests the limits of the concept of the neighborhood bar. The neighborhood or "home territory" bar consists of a group of "hardcore" regulars who treat the space as a "second home" (Cavan, 1961; Katovich & Reese, 1987; Oldenberg, 1989). The men on the Bowery were regulars of its bars; however, for them the bars were essentially "homes" rather than "second homes," and were the only private spaces the men could access. As such, they were more than public gathering places and drinking establishments. Bowery bars were multi-functional spaces where Bowery men established social networks to gain temporary employment, cashed their government checks, experienced human companionship, and were sometimes even fed (Bahr, 1973; Spradley, 1970). At an even more basic level of survival, Bowery bars were where the men used the bathroom, drank water, and slept.

On the other hand, the social nature of the Bowery bar did not resemble the group behavior typically associated with home territory bars (Bahr & Caplow, 1974). Although the Bowery bar was the primary establishment that Bowery men would regularly go to, they did not demonstrate the communality within it that regular patrons have historically shown in the working-class tavern (Duis, 1983; LeMasters, 1975; Powers, 1998; Rosenzweig, 1983). Bowery bars were not spaces for the inversion of societal norms and cultural codes, play, or expression. Bowery men gathered in Bowery bars as individuals in relatively isolated, self-absorbed consumption with only varying degrees of relationships. There were no expressions of community and the only public cultures were alcoholism and abject poverty, which were laid bare on the streets and on the bodies of the homeless. Men sleeping and stumbling in and out of the bars and flophouses—with their tiny, compartmentalized cubicles—dominated the Bowery's

landscape and made it an avoided, unsafe, “othered” region of the city and a destination for minimal survival for the down and out (Talbot, 2007; Zukin, 1991).

After World War II, relative economic prosperity, federal programs for returning veterans, welfare agency policy reform, and urban renewal programs decreased the number of homeless on the Bowery from 13,675 in 1949 to 5,406 in 1966, with evidence of a national trend in the Skid Rows of cities across the country (Bahr, 1967). Furthermore, a change in New York City’s housing code in 1955 prohibited the construction of new hotels with cubicle-size rooms, jeopardizing the expansion of inexpensive housing facilities (Isay, et al., 2000). But this reduction of Skid Row homeless populations and the decline of classic Skid Rows in the United States in general did not necessarily mean that there were fewer homeless or that the conditions for the homeless had improved. A more likely explanation is that the homeless population on the Bowery as well as on other Skid Rows dispersed to other city areas, while overall conditions on the Bowery remained stable as the homeless men aged (Bahr, 1967). When the section of the Third Avenue El train that ran above the Bowery was torn down in 1955, the street was exposed to sunlight for the first time since 1878. Although real estate actors saw tearing down elevated trains as boons for property values and investment and carried some hope that the area would improve, the cosmetic move had no effect (Grutzner, 1956). Restaurant and kitchen supply stores, located between Delancey and East 3rd Streets, and lighting stores, located south of and on Delancey Street, opened as the Bowery’s more or less only legitimate new businesses. They were able to survive in the economically depressed area because of the inexpensive, large

commercial spaces that were available and because their clienteles did not consist of window shoppers.¹⁸

Several factors during the 1970s and 1980s—the deinstitutionalization of the mentally ill, deindustrialization that threatened the economic stability of the working classes, the crack epidemic, and the lack of low-cost housing, best represented by the sharp decrease in inexpensive SRO (Single Room Occupancy) hotels—increased New York City’s homeless population (Cohen & Sokolovsky, 1989). While all lower-class populations were affected by these processes, they had the greatest impacts on African-American communities (especially the crack epidemic). Many of the new residents on the Bowery did not resemble the “old guard,” who were mostly white alcoholics. By the 1980s Bowery bars were segregated according to new and old residents, divided along lines of race and drug addiction (Basler, 1986). The new population along with the ongoing harsh economic climate furthered the Bowery’s status as an area at the bottom and on the margins.

Palimpsest Street: On the New Bowery

Shifting structural conditions in the city altered the social infrastructure of Skid Row and prepared the Bowery for its contemporary redevelopment. In 1964 there were twenty-nine bars in the Bowery area, twenty-seven of which catered to Bowery men.¹⁹ By 1975 there were only seventeen bars. This number decreased over the next two decades, to seven bars in 1985 and only

¹⁸ The Bowery also features a significant concentration of jewelry stores in its southern section near Canal and Grand Streets. These stores first opened in the early twentieth century and proliferated when Jewish diamond dealers came to New York after fleeing from the Nazis. Today they are located within an expanded Chinatown and run by Chinese merchants. See Lee, 2002.

¹⁹ This number is cited in Bahr (1973: 141) and comes from an unpublished memorandum by George Nash of Columbia University’s “Bowery Project” of the 1960s.

five in 1995.²⁰ Although new ones were not built, the number of existing lodging house hotels during this period remained steady. However, it was mainly Chinese immigrants who filled them instead of Bowery men and Chinese businesses gradually moved into the area, particularly in the street's southern sections, as Chinatown expanded. Charity missions, meanwhile, began drug and mental health programs in order to serve the new populations while scaling back their religious intent. In short, the three social institutions that sustained the Bowery's homeless population gradually disappeared or shifted their focus and goals. Al's, the last "Bowery bar" on Bowery (the street) that specifically catered to Bowery men, closed in 1993, and regulars and long-time local figures demonstrated a degree of nostalgia for this "end of an era" (Kaufman, 1993). There were also some hints of a new era on the Bowery.

The Bowery changed as downtown changed. In the 1960s artists had begun moving into the large loft spaces of SoHo, the neighborhood to the west of the Bowery, converting the deindustrialized area into an artists' colony (Kostelanetz, 2003; Zukin, 1983). Similarly, new residents during this period also came to live on the Bowery in its inexpensive, industrial lofts and cheap tenements. The area became home for many musicians and artists, most notably feminist writer, activist, and filmmaker Kate Millett and Beat author William Burroughs, with brief stints from abstract expressionist Mark Rothko and pop artist Roy Lichtenstein and, in the 1980s, Keith Haring and Jean-Michel Basquiat (who lived in a loft in an Andy Warhol-owned

²⁰ These are only totals for Bowery the street, not the Bowery area, as George Nash and the Bowery Project's bar totals indicate. Additionally, from searching in the Cole Directory I am also not able to determine how many of these bars at the time had patrons who were exclusively Bowery men and were therefore "Bowery bars."

There were also two documented barber colleges open on the street in 1975. As Bahr (1973) demonstrates, places like barber colleges, as well as thrift shops, pawnshops, and restaurants, are secondary institutions for Skid Row inhabitants, providing them with free or cheap services and goods. Both of these colleges were closed by 1985.

building on Great Jones Street), both just off the Bowery.²¹ New residents appreciated the Bowery's gritty working-class character that contrasted with middle-class urban and suburban areas from which many of them originated. However, this did not necessarily mean there was any sustained interaction between the social worlds of Skid Row and the new arts scene. An author who lived on the Bowery for eight years describes the area before she enters a dilapidated loft:

In 1973, I answered an ad for a Bowery loft. It was a sweltering July day, as I remember. The moment I turned downtown from Houston Street, my steps began to drag. It wasn't so much the heat that slowed me as the need to pick my way over and through the men we used to call bums and winos, who littered the sidewalks of the street also known as Skid Row. One man, covered in vomit, stretched his hand out to me, asking not to be given money but to be helped to his feet. If I couldn't bring myself to touch him, how, I wondered, could I possibly live here? (Gallagher, 2006)

Despite this early anxiety she decides to live in the loft anyway and falls in love with the street's appeal:

I liked the fact that the Bowery was a working street, busy, noisy with trucks, with men loading and unloading restaurant supplies, display cases, pizza ovens, lamps. ...nothing bad ever happened to me on the Bowery. No break-ins, no muggings. From time to time, a drunk fell asleep in my doorway; when that happened, getting into and out of the building presented a problem. But, you know, those winos had an old-fashioned gallantry: Women were seldom panhandled, and when those men were momentarily upright, they always made me a little bow as they stepped out of my path.

Here, the author fetishizes the Bowery's conditions and homelessness (Lloyd, 2006: 77-8). She experienced the chaotic, working-class conditions of the Bowery safely, and her interactions with its homeless population were either minor inconveniences or pleasant encounters. The Bowery men were not suffering alcoholics, but "gallant," chivalrous characters. Their substandard living

²¹ The Lower East Side as a whole also had cheap rents, but east of the Bowery consists mostly of tenement buildings with fairly small apartments rather than large loft spaces, which altered the type of art that was produced in the area and could be displayed in galleries. See Taylor, 2006

conditions gave the new population opportunity to live, work, and play against a backdrop of urban reality.

Visitors also returned to the area, and once again it was for reasons related to entertainment and pleasure. As Herman, who grew up in the Bronx and frequently hung out on the Lower East Side in the 1960s and 1970s, remembers, “Bowery was a lot of fun when I was a kid. When I couldn’t afford to drink or take drugs I’d go to the Bowery and go to like the flophouse bars because they were cheap to drink there. I used to sit there and get drunk for a few bucks.”²² New residents and visitors crossed paths with the homeless population, occasionally, as we will see, in bars like Milano’s. But for the most part focused interaction was not the norm. Like with new residents, it was more often the case that patrons stepped over those who were sleeping or passed out on the sidewalks as they left the bars at night (Wenzel, 2003).

Instead of only going to the nighttime establishments of other groups for enjoyment and wonder, these newcomers constructed their own, with the most famous example being CBGB. Hilly Kristal, CBGB’s owner, was attracted to the Lower East Side because of its growing reputation as an arts scene and its cheap rents. In 1969 Kristal opened a bar in the storefront of a flophouse, which Bowery men quickly inhabited. In 1973, he built a stage and renamed it CBGB—Country Bluegrass Blues—for the type of music he wanted to present. In two years it had blossomed as a space for the area’s burgeoning subcultural music and arts scene. It was a new outlet for expression through musical performance that launched the punk rock movement and became home to such well-known acts as the Ramones, Patti Smith, Blondie, and Talking Heads and countless lesser-known groups. CBGB was representative of new cultural spaces that countered the symbols of devastation on the Bowery and the Lower East Side with symbols of

²² Unless otherwise stated, all quotes, such as this one, are from interviews with participants.

creativity (Hager, 1986; Taylor, 2006). These spaces attracted people from around the city, the country, and the world who wanted to be part of the scene as producers, consumers, and often as both. Something new developed on the Bowery alongside and separate from its homeless population.

The newcomers during this period were unlike those of the past. New residents were not poor immigrant groups, hobos passing through, or Bowery types—all of whom found themselves on the Bowery involuntarily through various social forces such as urban housing segregation and an unstable economy. Rather, they voluntarily *chose* to be on the Bowery and live among its conditions. Visitors who came to the area were also not “slumming it” in the Bowery bars, as important as these places were for upholding the working-class character of the area. They were neither using conditions on the Bowery to reinforce their own moral superiority nor were they curious about the public cultures of homelessness and alcoholism of Bowery men. Instead, the newcomers were constructing their own social world, displaying their own identities, forming their own neighborhood attachments, and developing a new version of “downtown.”

By the 1970s, the people and places of the Lower East Side such as those located on the Bowery fashioned a new aesthetic and sensibility of downtown urban cool that opposed the glitz and glamour of uptown nightlife in areas such as Midtown and in high-profile celebrity places such as Studio 54 (Haden-Guest, 1997; Hager, 1986; Musto, 1986; Taylor, 2006). Members of the new downtown scene converted the grit of downtown spaces and activities—substandard housing, substance abuse—into chic cultural spaces (including bars and clubs) and lifestyles. They consciously “played” with phenomena of the uptown mainstream in areas such as art, music, fashion, and attitude and expressed a new identity of downtown urban cool based on the possession of high levels of symbolic capital in these fields (Lloyd, 2004; 2006). They did so,

however, with a close eye on whether or not uptown and the mainstream were watching. As in previous eras, downtown and uptown coexist symbiotically, and many members of the downtown scene strived to achieve mainstream attention at the same time as they were criticizing it. They competed with each other for widespread fame or to monopolize control over the resources that constructed, regulated, and promoted the scene. As culture critic Michael Musto (1986) writes, “beneath all the creative innovations, downtown is just as plagued by snobbery, trend following, and one-upmanship as the middle-class world it takes from. It’s a hierarchical society in itself, with pretenders, hangers on, and bloodsuckers matching the true creative people every step of the way” (36).²³

An important part of the legacy of places like CBGB and the downtown scene was that they made the area attractive for capital investment based on underground art, music, and culture (Deutsch & Ryan, 1984; Mele, 2000; Zukin, 1995). Uptown infiltrated downtown through the appropriation and dissemination of the cultural content that it produced, which resulted in an influx of new non-artist residents and establishments. While this tremendously transformed the Lower East Side, as we will see, its impact on the Bowery was slower. As mentioned in the last chapter, Neil Smith (1996) analyzes patterns of real estate disinvestment and reinvestment in order to trace the moving “frontier line” of gentrification, or capital’s progression through the East Village. Despite an overall west-to-east pattern, from Greenwich Village and SoHo to the East Village and Lower East Side, the frontier line skipped over the Bowery. For example, there were only 5 bars (including CBGB) on the Bowery in 1995 and all but one of them had opened before 1985, as opposed to the 4 bars on the shorter 3rd Avenue to the north of the Bowery, all of which were new since 1985, and the 7 and 12 bars (6 and 11 new since 1985) on the comparable

²³ Also see Lloyd, 2006.

1st and 2nd Avenues, respectively, to the Bowery's east. The likely reason for this is the persistence of the street's strong homeless population and Skid Row legacy at a time when other parts of the Lower East Side began to change.

The Bowery's major redevelopment began in the 2000s, when several different actors added a new layer of postindustrial consumption to the street's fabric. A key example of the street's development is the former building at 295 Bowery. During the 1970s the city acquired a plethora of buildings and properties on the Lower East Side when abandonments, foreclosures, and arson-for-profit tactics were common. Although the city gradually sold off or developed many of these buildings and properties as the neighborhood improved, the renewal project for 295 Bowery—where McGurk's Suicide Hall, a flophouse for returning World War II veterans, and Kate Millett and several artists once resided—was not announced until 1999, when the street was on the verge of changing.²⁴ The building was razed in order to build Avalon Chrystie, a large housing complex containing expensive apartments and amenities such as bars, restaurants, fitness centers, lounges, and retail stores.²⁵

For the most part, the longtime businesses of restaurant supply of lighting stores remain, but many have closed or their owners sold their buildings for large sums to new real estate actors. Featured in Scott Elliott's 2002 documentary *Summing It: Myth and Culture on the Bowery* is Harold Mazer, a longtime owner of a restaurant supply store that opened on the Bowery in 1946. Comparing his early memories of the street to today, he says,

²⁴ Kate Millett and her fellow residents fought a battle to remain in the building and even applied to have that region of the Bowery granted historic landmark status. They, along with the tenants of three neighboring buildings, were eventually evicted. See Williams, 1999.

²⁵ Developer AvalonBay Communities, Inc. has built similar luxury communities across the United States. Avalon Chrystie Place, on Houston and Chrystie Street, is a block from Avalon Bowery Place and contains the largest Whole Foods chain on the east coast. Studio apartments in the two Avalon Bowery Place buildings have monthly rents starting at \$2,950.

Rents were cheap when I first came down here. That's why all these businesses that flourished on the Bowery—rents were cheap, labor was cheap. They're not cheap anymore. This store, if I wanted to rent it out I could get \$8,000 to \$10,000 a month! On the Bowery! It's unheard of.

A 2002 *New York Times* article also conveys this new era of development:

Say, kid, been down on the Bowery lately? You know, Skid Row, desolation street, the end of the road? It's a sad sight, what with all the designer bags, hipster cocktails and stylish, attractive young people. Look at them: on the corner of Bowery and East Second Street, luxury lofts with 11-foot ceilings and starting prices of \$1.295 million. How about across the street, where a 13-story New York University [NYU] dormitory has just opened, depositing hundreds of fresh-faced students on a strip where every parent once feared their kids would end up (McKinley, 2002).

NYU has had a major institutional impact on the Bowery and the Lower East Side. Mostly located west of the neighborhood in Greenwich Village, NYU was already a presence in the area after it built two dorms near Cooper Square, just to the north of the Bowery, in the late 1980s, that fit a combined total of 1,400 undergraduate students. NYU's eastward expansion concerned the Bowery and Lower East Side residents who feared the potential gentrification that such a powerful real estate actor as a major university and a proliferation of young middle-class new residents could cause.

New nightlife establishments have played an important role in repositioning the Bowery's status from the city's social and economic margins to the center through the reframing of its images and symbols. Since 1995 a dozen new bars opened on the Bowery, such as the popular, ironically-named Bowery Bar (it changed its name to B Bar) and Mission Bar, named after the Bowery Mission (which became a Moroccan fusion restaurant and cocktail lounge called Katra). There are currently nineteen nighttime establishments on the Bowery in the commercial storefronts of both new and old buildings. An example is DBGB, a restaurant by

world-renowned French chef and restaurateur Daniel Boulud, which opened in June 2009 in the new Avalon Bowery building. As Samantha, a representative, states prior to its opening, “It’s going to have class but not be too classy; French but not too French. He’s good at following changes and with all that is going on in the neighborhood and on the Bowery, with places opening and uptown people buying places downtown he wants to add that uptown vibe on the Lower East Side.” The interior design of the restaurant is a nod to the Bowery’s past. As its website states:

At DBGB Kitchen and Bar the interiors...take their cue from the Bowery’s history as New York City’s industrial restaurant supply neighborhood. The tone, at once modern and old school, is set by floor to ceiling shelving stocked with the restaurant’s own tools, tableware, and dry goods along with a partially open kitchen for all to see. Linking our restaurant to our culinary past is a collection of copper cookware. The braisers, roasting pans, stockpots, and countless other well worn pots and pans have a place of honor on the open shelving, with each piece in this veritable museum of copper cookware generously donated by a world renowned chef. Integrally colored concrete floors and custom furniture in dark stained cerused ash provide an utterly contemporary counterpoint.²⁶

While the restaurant’s theme selectively borrows from the area’s industrial history and mixes it with touches from haute cuisine, the name is blatant wordplay of CBGB, the legendary rock club formerly located one block north and latches onto the neighborhood’s creative past.

Such businesses cater to a middle- and upper-middle class clientele, many of whom come from other neighborhoods or visit from outside the city. For these individuals, the Bowery is a destination for nightlife pursuits. Unlike when artists moved into the area, new nightlife consumers have a large number of nighttime establishments on the street from which to choose. Although the remaining shelters and charitable organizations draw large homeless and substance-abusing populations, none of these new bars on the street cater to them and visiting

²⁶ Retrieved from http://www.danielnyc.com/dbgb.html#dbgb_private on August 7, 2009

nightlife consumers have even fewer interactions with the homeless than they once did. During the 2000s many of the older performance venues on the Lower East Side had closed and even the stalwart CBGB gradually became more tourist destination than creative space. The name became a global brand for countercultural rock music with its logo appearing on t shirts, hats, and other memorabilia. Its full transformation into a brand was complete when the actual club closed in 2006 as a result of rising rents and its own rent arrears.²⁷ A tribute store selling CBGB merchandise opened a few blocks away while rumors of the club opening in Las Vegas swirled.²⁸ In 2007, the commercial space that housed CBGB became a boutique store for world-renowned men's clothing designer, John Varvatos, whose style often evokes downtown rock 'n' roll cool.

Along with new bars are new buildings for luxury living. Unlike many streets on the Lower East Side the zoning code on the Bowery legally permits the construction of high-rise buildings as of right. These new structures are larger in scale and uncharacteristic of the street's existing building stock and are intended to attract people with considerable financial means from outside of the area. A prominent example is the Bowery Hotel, a luxurious, 17-story boutique hotel that opened in 2007. Its standard rooms cost \$450 per night (\$750 per suite), entrees are \$30 at Gemma, its downstairs restaurant, and cocktails are \$12 at its Lobby Bar. Several other tall glass and steel luxury condo and apartment buildings that bring new residents to the street are either finished or under construction. Owners (such as Boulud and Varvatos) and investors often refer to these developments as places of "downtown luxury" for a savvy, cosmopolitan urbanite

²⁷ DBGB stands for "Daniel Boulud Good Burger," and was originally written in the same font as the legendary rock club. At their first liquor license meeting at Manhattan Community Board 3, a legal representative for the club's owner, Hilly Kristal, declared their intention to sue Mr. Boulud for infringing on trademarks if he does not cease and desist. She added that Mr. Boulud was misusing the meaning behind CBGB and would be profiting off of the East Village image that CBGB helped to create.

²⁸ CBGB's landlord was the Bowery Residents Committee, a social service, housing, and drug treatment agency that has been open since 1971. The Bowery Residents Committee was one of the few new charitable missions to open on the Bowery during this period when its demographics were shifting. See Pareles, 2006.

rather than a vulgar tourist who visits staid “uptown” establishments. They have played a role in redefining the idea of “downtown cool.”

Another important actor is the New Museum, a museum for contemporary art from around the world, whose seven-story, state-of-the-art, \$64 million building designed by world-renowned, Tokyo-based architectural firm Sanaa (Sejima and Nishizawa and Associates) opened in 2007. In discussing their choice of the Bowery location, the museum’s director states, “It wasn’t till we saw the empty parking lot on the Lower East Side that we knew we’d found the spot...They [the museum’s board] saw right away how consistent it was with the museum’s mission. They loved the fact that the neighborhood was rough and the street was languishing...” (Vogel, 2007). Externally, the building’s design of six smooth metal boxes stacked askew like children’s blocks beg pedestrians’ attention by contrasting with surrounding low-rise brick tenements while evoking the urban industrialism and chaos that once characterized the area. Inside in a special exhibit, the museum acknowledges the artists who lived and worked on the Bowery and the Lower East Side and formed an arts scene, but as a whole the museum’s content mostly focuses on art whose global scope far exceeds the street’s history and boundaries. The New Museum has had the effect of making the Lower East Side a destination for the modern art world. Many new galleries have opened on the Bowery and in the area since the building project was announced to capitalize on the art consumers and appreciators that the museum attracts. Very few of the artists whose work is displayed in the museum or sold in the galleries, however, either make art or live on the Bowery or Lower East Side. Despite a significant presence of art spaces, then, the Bowery is not an arts “scene” in the productive or collaborative sense as SoHo and the Lower East Side (especially in the East Village) once were.

All of these new actors have added a layer to the Bowery that represents a new urban lifestyle of the postindustrial city. This layer features the reorganization of industrial spaces and symbols within a framework of consumption, the accommodation of new residents in luxury housing, and the attraction of urban youth such as professionals and students with amenities such as nighttime establishments. Along with nightlife and housing, the new “downtown luxury” also includes hotels and high-priced modern art. Downtown and uptown cultures have historically been divided by social class, race, and ethnicity while linked by a mutual fascination with the other by members of each. Today their differences are disappearing as downtown spaces such as those on the Bowery are unprecedentedly characterized exclusively by exorbitant spending on leisure activities such as nightlife by the well-educated and well-heeled middle and upper classes. This fusion of uptown and downtown represents a unique development in the postindustrial city.

But there is a tension on the Bowery between the postindustrial present and the Skid Row past. For example, the Bowery Hotel is located directly across the street from a drug treatment shelter and from the ironically-named Whitehouse Hotel, originally a flophouse that has been converted into a travelers’ youth hostel with a small common area on the ground floor and rooms costing \$30 per night. Although the Whitehouse advertises as a hostel to attract young visitors to the city, it, along with a few other active flophouses, still has Bowery men as residents. As these contrasting spaces face each other, revelers on their way to new bars, clubs, lounges, and restaurants walk past living signs of the street’s past such as the homeless men who still congregate outside of the Bowery Mission.

The development of the Bowery has given the street and area an appeal that both retains and challenges that of the nineteenth and early twentieth century, particularly from the

perspective of nightlife. Today the middle class visit the Bowery in tremendous numbers, but not for the excitement and wonder of its immigrant and working-class bars and entertainment venues as they did during the industrial era. Rather, they seek out the new “downtown” nightlife that connotes leisure and consumption. The contemporary nightscape contrasts sharply with the Skid Row era, whose bar spaces were numerous and highly active but blatantly exposed the alcoholism, homelessness, and unemployment that permeated the area and strongly repelled capital investment and middle-class visitors. These marginal and low cultures, actors, and establishments survive in the nightscape’s interstices and constantly interact with various elements of the postindustrial era in ways that highlight the complexity of the Bowery’s transformation. To understand this process as it plays out in actual spaces we can narrow the scope of the palimpsest concept from the level of the street to the individual bar.

The Transformation of a Bowery Bar

*Mr. Cunningham remembered a narrow bar called Milano’s on Houston Street. It is still there, but it has been transformed. “The college boys go there now,” Mr. Cunningham said. “The prices have gone up, and there’s not so many veterans any more.”*²⁹

When I began ethnographic research at Milano’s in early 2004, some of the regulars said that I was a few years too late. By this they meant that most of the bar’s numerous Bowery regulars had either passed away or disappeared, having moved on to other areas within or outside

²⁹ Kaufman, 1993

Milano’s is located just west of the Bowery, which is the boundary between Manhattan Community Boards 2 and 3. This means that Milano’s is not in the community district that this project examines. However, the recent history of Milano’s’ and its immediately surrounding area’s transformation is the same as that of other spaces on the Bowery that are within Community District and Community Board 3.

of the city as the neighborhood changed.³⁰ There are still a few Bowery men who are regulars at Milano's and a few who come in occasionally. Today the bar is the last of the Bowery bars with a sizeable clientele of local non-Bowery-type regulars who began coming to the bar during the area's gentrification and were attracted to it as a neighborhood hangout. But it is the presence of a young nighttime crowd that makes Milano's a microcosm for the changes on the Lower East Side and the development of its new nightscape.

The physical interior of Milano's demonstrates the gradual passage of time. Its old, long, wooden bar bears marks from decades of constant use; carvings, dents, chips, and burn marks have whittled it into its current condition. Countless elbows, forearms, hands, and foreheads have smoothed its edges and corners. The spilt alcohol absorbed by the porous wood contributes to the stale scent that fills the air. The walls are decorated with layers of history and stories from the past. There are framed pictures of the Bowery, classic New York baseball teams from the 1940s and 1950s, and—an interesting contrast—prints of Richard Avedon portraits; signs and plaques of cheap beers and alcoholic products that the bar used to sell; and countless photographs taken over the years of regulars and random customers. Trinkets and knickknacks—a toy soldier marionette, a bass drum with a Frank Sinatra poster on it, and a signed sailor's hat from Fleet Week some years back—collect dust resting on mantelpieces, hanging on the wall, or dangling from the ceiling. In many cases, the stories behind these items have been lost.

³⁰ I would later learn that a connection with the period when the bar had more Bowery men was an important source of identity for regulars, for their attachments to the place, and for their own personal feelings towards the bar. As we will see in Chapter 6, many Lower East Side residents often and fondly invoke the past—even its negative elements—as a means of identity formation. In regards to me as a researcher being “too late” to “really” understand the bar, their nostalgic sentiment resembles the idea that “You are a New Yorker when what was there before is more real and solid than what is here now” (Whitehead, 2003: 4) and says a significant amount about Milano's' regulars, and, as we will see later, about Lower East Side residents.

The physical design of Milano's also evokes its past. Its long and narrow shape restricts personal space and is conducive to face to face interaction between customers and bartenders. When people are sitting at the bar patrons must squeeze their way along the wall in order to reach the back, where it opens up slightly and where there are tables, a jukebox, and bathrooms with saloon-style swinging doors. The length and narrowness of the bar limit the amount of daylight that reaches the back. This feature along with the dim lighting combine to create a dark, cramped, and encompassing atmosphere. But the bar also has several elements typical of contemporary urban nightlife, such as imported beers on draught and an MP3 jukebox that plays thousands of downloadable songs.

The Milano family opened Milano's in 1923, a time when the neighborhood had a large Italian population.³¹ During the industrial era it was an essential public gathering place for an ethnic working-class population who lived in an area with overcrowded tenement buildings, tiny under-ventilated apartments, and little public space. Like Bowery, the social layering at the bar over time has become as complex as the physical layering. From the 1950s to the 1990s, the regular clientele at Milano's consisted mainly of Bowery men. Most of them were working class; some were war veterans; some had eventually "ended up" on the Bowery after ongoing employment issues and struggles with substance abuse; and some once had comfortable middle-class lives with families.³² Longtime regulars describe Tommy Milano, the bar's owner during

³¹ This, of course, was during national Prohibition. I have not been able to determine if Milano's was a "speakeasy" and sold alcohol illegally during this time. If it did not, it was likely a café and obtained a liquor license after Prohibition's repeal.

³² These varying answers are consistent with those documented by Bahr, 1973; Bahr and Caplow, 1973; Bendiner, 1961; Bogue, 1963; and Cohen & Sokolovsky, 1989; as well as many of the personal accounts documented in Isay et al, 2000. Incidentally, one of the men depicted in this latter account was a longtime regular at Milano's before his death.

As with all participants in this study, I made efforts to verify whether or not certain information was true by speaking with third parties and researching places, names, events, and incidents. See Duneier, 1999.

this period, as someone who was friendly with the Bowery men but was a cheap owner who did things like refill half-empty wine bottles with water.³³ Chris, a longtime regular, recalls,

Tommy Milano would give [the Bowery men] tabs and let them drink throughout the month, then they would pay him when they got their monthly checks...One time when [Tommy] was standing in the window and saw one of the old bums coming across the street with his monthly check in his hand, on his way to the bar to pay off his tab and start a new one. Suddenly, he died by the curb of a heart attack. Tommy went outside to grab the check from his hands, but a cop happened to be standing there and he couldn't get it. All he cared about was the check! The guy just died. But he was probably a good customer, considering.

Such a story reflects the lack of communality that characterized the Bowery bar. It also shows that the Bowery men used the bar as more than a drinking space; they used it to cash their checks as well as to receive mail and to sleep. "I had to step over two bodies on the way to the bathroom," says Sean, who purchased Milano's from Tommy Milano in 1986, about his first time visiting the bar.

As the Bowery changed during the 1980s and 1990s and Bowery bars closed, Milano's continued to cater to Bowery men and maintained its status as a social institution for Skid Row. Aware that the men had few alternatives, the bar embraced them. "We got a kick out of the old guys," says Mary, a former Milano's bartender, "but we also felt very sorry for them in a very human way. We wanted to take care of them and give them a place where they could feel welcome." Part of Bowery bar culture was an early start to the day for drinking alcohol. Stephanie, a Milano's bartender during the 1990s, recalling her arrival at the bar on her first Saturday morning at 8 a.m. in 1993, says, "I was shocked to see a line of old men waiting patiently outside for the bar to open. They all had different stages of broken noses." "They

³³ Tommy Milano passed away before the start of this project. I was also unable to locate any of his family.

were tremendous people those old guys,” says Sean. “They would never complain about anything...they wanted a drink and that was it.”

They did not just want *a* drink; the men were chronic alcoholics. Like the totalizing Bowery with its Skid Row infrastructure and rampant cases of addiction, Milano’s provided a place for the men to survive while it simultaneously supported their cyclical behaviors. Sean describes a pattern that many of the men repeated,

A lot of the guys, they had to stick it out. They’d get that check the first of the month, they’d be broke by the middle of the month, and then pack up and head to the “holy mountain,” they’d call it. There was a retreat up in the Catskills, run by these Brothers for alcoholics and all those. They’d go there, dry out, and at the end of the month, they’d come in the door with the suitcase. They’d throw it right near the back there where the jukebox is now, and suitcases would be piled up there, and the suitcase wouldn’t be touched until two weeks later when it’d be time to go up the mountain again. Just this continuous routine.³⁴

Each story about the men carries with it the dual message that they were both interesting personalities as well as unfortunate figures. Their chronic drinking and poor health saddened the bartenders and made conditions difficult for them. Stephanie describes the actions of a Bowery regular,

One time he was drinking screwdrivers [vodka and orange juice] and got quite drunk. So I stopped putting vodka in them and just gave him the orange juice, to sober him up. But after a while I noticed that it wasn’t working and he was getting drunker. I followed him into the bathroom and saw that he had a bottle of vodka hidden there.

³⁴ Sean is referring to Camp LaGuardia, a shelter for the homeless that the city government (not the church) owned in Orange County, approximately 70 miles north of New York City. In 2006 the Department of Homeless Services closed Camp LaGuardia, which was the city’s largest shelter for homeless adults and had been in operation since the Depression in order to free up its funding for new initiatives. The decision also came after many years of local complaints about the residents criminalizing their quiet town. See Bernstein, 1999; Rudman, 2007.

The emotional difficulty of dealing with the Bowery men—who combined up-close interaction with the weight of alcoholism—was a major reason why some bartenders stopped working at the bar.

As the neighborhood gradually changed the regular clientele at Milano's in the 1980s and 1990s became a mix of aging Bowery men and longtime working-class residents of the neighborhood, as well as new residents consisting of artists, musicians, and students. It was still a Skid Row, Bowery bar, but it also became associated with this new clientele who considered the bar to be a local place for everyday socializing amid the Bowery men. Nick, a young regular now in his mid-30s remembers first visiting Milano's with two of his friends (who also became regulars) when he was in college at NYU in the late 1980s. "There were all these old guys in there," he says, "but they didn't bother us when they saw we were just there to drink. We liked it; it was a diverse place." Regulars and bartenders often amorously refer to the bar as a "diverse place" with a "wide variety of people." New, non-Bowery regulars constructed a social world in the bar that included many of the Bowery men but represented more of a communal space than the Bowery bar did. Many developed strong attachments to the men despite their often cantankerous demeanors and mourned them both in life, as they witnessed their addictions play out firsthand, and in death, as the men passed away or disappeared from the area.³⁵

Milano's regulars describe it as a "neighborhood bar." As mentioned earlier, the neighborhood bar is a "home territory bar," a local place where regular customers treat the space as a "second home," and a "third place," an informal public gathering place separate from home and work (Cavan, 1966; Oldenberg, 1989). It is often referenced in literature, film, and popular

³⁵ Displayed behind the bar in the front of Milano's are framed photographs of many of the deceased Bowery men; See Duneier, 1992 for a similar portrayal of how social groups in public places deal with the deaths of members.

media and evokes feelings of warmth and companionship and images of familiar, comforting surroundings and expressive people. Like the people who moved to the Lower East Side in the 1970s and 1980s and considered the deprived yet undervalued neighborhood to be rich in resources of abandoned space that they could use for their own creative purposes, Milano's regulars emphasize the relative freedom to behave and converse in their own unique ways that the bar provides. As Wayne states, "[It's] fundamentally non-judgmental. Nobody cares how you smell or look or behave... It's safe in there. You can express yourself." For regulars, Milano's maintains the Bowery's and the urban working-class tavern's general historical legacy as a "safe" place for public cultural expression and separation from society's everyday structural conditions. It is a place where they can construct and reinforce their identities as regulars. Most often regulars arrive at the bar alone, understanding that at the very least they will know the bartender, but usually they also know several other patrons. Of course, the positive notions of community, freedom, and safety that regulars espouse belie some of the exclusionary processes that accompany self-described communities and downplay the harmful substance abuse that some regulars practice in the bar.

Bartenders also describe the bar and their relationship with patrons in these terms of friendliness and familiarity; however, they also express how dealing with regulars is as much a source of stress as dealing with Bowery men. Christina describes the daytime clientele,

Day people that come in there, and I'm not casting any judgments or aspersions on them...but they require a certain kind of attention that I'm not prepared to give at this point in my life. When I was younger I probably would've gotten sucked into their problems and their alcoholism, their addictions, and tried to take care of them the way that they need because they need a certain kind of attention. They have a lot of sadness about them, a lot of their issues are played out in the bar and you get sucked into their life, their energy, their drama and they can really suck the life out of you.

Bartenders who see the same customers on a daily basis in an intimate setting must engage in “emotional management” that forces them to balance their own feelings with their employment duties (Hochschild, 1983).³⁶ They must construct and regulate emotional and psychological boundaries between themselves and their regular customers in order to perform in their jobs and maintain their role as authority figures in control of the space. Gender is a central issue in this relationship since each of the six bartenders who were actively working at Milano’s during this study were women, and although there are many women regulars, a majority of the regulars are still men. This is an important shift away from the culture of Bowery and working-class bars, which were male-dominated environments.

The bar’s clientele transformed as the neighborhood transformed. During the 1990s the bar especially began to attract a crowd at night. As Sean states, “You had great business during the day from the old-timers from the Bowery, and then you had a younger crowd at nighttime. It was all day, you know. Whereas now [2000s] day business has gone down quite a bit but the night business has picked up a lot.” Scenes such as queues outside the bar at 8 a.m. became rare as the Bowery men disappeared, and bartenders often complain about being bored from the lack of patronage during the day. The typical after work, happy hour period of the formal economy is when the bar transitions from being a bar in a neighborhood that no longer sustains daytime drinking to being a nightspot. This transition from daytime communal use to nighttime consumption use parallels that which occurred on the Bowery and throughout the Lower East Side.

The nighttime clientele and culture at Milano’s differs from the daytime regulars in several ways. First, unlike daytime regulars who often come alone with the expectation that they

³⁶ Also see Grazian, 2008; Lloyd, 2006

will know people to talk to, nighttime customers go to the bar as couples or in groups. They are younger than regular customers and usually travel from other areas of the city to the Lower East Side. Although there are new nighttime regulars with whom bartenders have relationships (and the same problems of neediness and substance abuse), especially other workers in the nightlife industry such as bartenders, waitresses, and musicians, the nighttime clientele generally features a higher degree of anonymity. For bartenders, this means dealing with fewer needy patrons but greater unfamiliarity, which leads to a different set of issues. Christina explains,

I get on around 7 and [the regulars] are already all there. They've all been there since either between 4 and 5 o'clock, 6 o'clock. [Then] I guess the last of them start to trickle off at about 10:30, 11, sometimes 12, depending. And then you get the amateurs start coming in... You get the people that have been drinking for a while, and they only go out on Friday night, and they go 9 to 5 and they tend to drink fast, and they drink hard, and quickly, and they don't think that it catches up with them. And that's what I mean by amateurs. They don't pace themselves. They're not there for the enjoyment of being out there; they're there to get fucked up on their Friday night.

For bartenders, the main concern on weekend nights, the time of greatest anonymity, is dealing with a large number of random customers whose drinking habits and intoxicated behaviors vary and can be unpredictable. Peter explains the problem of "amateur drinkers" and how he distinguishes between them and regulars.³⁷

Now, oddly enough, your hardcore alcoholics don't tend to be as much problems as your weekend warriors. Guys in suits that don't drink all the time, that have kids, that knock back seven Budweisers. I could see it in them—after the 6th one, something clicks in their fucking head, and they're ready for a fight, or they're ready to abuse a woman, or they're ready to break something... Your hardcore alcoholic tends to be a problem when he's falling asleep at the bar and he doesn't quite know how to stand up. And he does it every time he drinks, but he hasn't bothered anybody in the entire intervening time. So the fact that he's put down a

³⁷ Peter bartends at a nearby bar that is similar to Milano's. His sentiments are similar to other bartenders I interviewed who make a distinction between regular and amateur customers.

bottle of Jameson's is less of an issue to me than somebody that puts back a six-pack of Bud and turns into a real problem.

Although they weigh on bartenders, familiarity and routine are also their assets in dealing with regular customers. Anonymous, unpredictable patrons present bars and bartenders with a new and complex set of conditions and issues. While emotional work is still important at night, there is a potential threat of violence and disorder that is not as strong during the day. Milano's bartenders must be highly versatile to deal with such a wide range of customers. They must be non-judgmental but decisive, friendly but authoritative, and socially adept at talking with different types of patrons. But it is the rise of anonymous and unfamiliar customers at night that has transformed the social dynamic of the bar.

Consuming Milano's

"Where else in this city can you get a drink at 8 in the morning?!" asks Chris in a loud voice with his arms raised and widely spread. We are sitting next to each other early on a Sunday morning in the back of the bar and have been talking a bit about its history. Mostly, though, he is telling me about his night out last night while his friend is passed out next to him with his head on the bar and his hand still wrapped around his drink. Although they are at the bar early in the morning, Chris and his friend exemplify the differences of use between the new nighttime clientele and daytime regulars. Milano's opens at 8 a.m. every day—the earliest a bar can legally open in New York County according to New York State's Alcoholic Beverage Control (ABC) Law—which is rare among New York City bars in a postindustrial era with limited daytime drinking. Milano's is even rarer in that it also opens at 8 a.m. on Sundays, which is illegal since alcohol cannot be sold until noon on Sundays according to the ABC Law.

Bartenders lock the door, shut the blinds, and keep the music off to prevent attracting attention from the police, any other government official, or a disgruntled neighbor. This gives the bar the feel of an inconspicuous, private social club.

There are a dozen customers this morning. Half of them are regulars, mostly from the neighborhood, who come every Sunday morning and often during the week and are sitting in the front of the bar, drinking, reading books and newspapers, watching *Three Stooges* and *Twilight Zone* reruns on the television, talking, and collaboratively working on the *New York Times* crossword puzzle. They are longtime regulars and the youngest is in his 30s. The bartender has an easy rapport with them and they occupy their own section in the front. These regulars enjoy the freedom of having the bar to themselves. They use it during an atypical time of day as a second home. It is quiet and controlled, and thereby presents an optimal environment for them to construct and express their own notions of community.

The other half of the customers are like Chris. Sitting in the back, they are younger than the regulars, in their 20s, come from different areas of the city, arrived at the bar already intoxicated, and are desirous of extending their weekend nighttime experience of alcohol and drug consumption. Chris, for example, is 29 and lives on the Upper West Side. Unlike the regulars in the front, Sarah, the young bartender, does not know them and mostly leaves them to themselves between drink orders and occasionally shushes them when they are being too loud. Often, though, Sarah, who also works at another nearby Lower East Side bar, attracts new young customers to Milano's on Sunday mornings after they have been out at other bars and clubs all night. Having worked at other bars in New York City, Milano's bartenders possess high levels of social capital and knowledge of the bar being open in the morning spreads through word of mouth. And knowing about an after-hours bar becomes a source of cultural capital for nightlife

revelers. Chris tells me that he heard that Milano's is open on Sunday mornings from a different friend of his who heard about it from a bartender at a nearby bar who is a friend of a Milano's bartender. The revelers who hear about the Milano's mornings are similar to the new nighttime customers who are in the bar on weekend nights during both its normal as well as its "after" hours. Like several other bars on the Lower East Side, on weekends Milano's remains "open" past the regular closing time of 4 a.m. Bartenders impose a "no re-entry" policy, and generally only allow entrance to known persons.

These practices of new nighttime customers—drinking early in the morning, drinking excessively late into the night, and even sleeping in the bar because of intoxication—represent an interesting continuity of Bowery bar behavior, but are more importantly a shift away from it. The actors in this case are members of the middle class, rather than homeless men. Nighttime customers use the bar for consumption purposes, particularly alcohol consumption for leisure and fun. They are interested in the pleasure of the night out and Milano's provides them with the freedom to pursue it. Regulars, on the other hand, use Milano's as a neighborhood bar for social gathering. They cannot separate their enjoyment of the bar from its people (i.e. other regular customers and bartenders). The consumption of alcohol also plays an integral role for regulars and some have substance abuse problems, but producing and consuming the *place* matters most.

Because of these new behaviors and social actors, Milano's is well-integrated into the contemporary postindustrial economy on the Lower East Side where nighttime revelry by the young middle class is the norm. But it holds a special place within the nightscape as a result of its transformation from a Bowery and neighborhood bar into a popular nightspot. Along with its opportunities for an entertaining night out, new customers are also interested in Milano's because of its unique status as a "surviving" piece of Lower East Side and New York City history. Its

evocation of the past is a way in which it gains competitive advantage in the nighttime economy. This includes, for example, its decor. Late on a Friday night, Lara, one of the evening's two bartenders, comes to the front of the bar during a slow period. She tells me a story about two customers she had recently on a Monday night. Two men who appeared to be in their early 50s and were visiting from out of town came in and sat down. There was no one else in the bar at the time and she noticed them looking around soaking in their surroundings, as new entrants tend to do at Milano's. After ordering their drinks one of them asked her, "So, what's the theme in this bar?"

This man touches on the important concept of theming in the nighttime economy. Décor such as random items on walls have become so common in contemporary nightlife that Milano's' interior is seen as deliberate marketing (Grazian, 2008). But Milano's is not the result of planning or design; it is a cumulative result from years of tiny actions (Suttles, 1984). Before saying what she said to them, Lara tells me, "Now, at this point I'm saying to myself, 'Be nice, be nice, be nice.' I told them, 'It's a bar. It's 100 years old. People come in, put things up, and they get left up there and forgotten about. It's chaos; this is chaos personified.'" Lara says that she acted nicely in explaining this to them since she and the other bartenders at Milano's often hear questions related to the bar's theme, décor, and age. The man then said, "Oh. I figured there was a theme, because other bars try to look like this place."³⁸

The development of popular nightscapes with new bars in postindustrial cities has elevated the status of residual nightlife consumption spaces, or those bars that are leftover from the industrial era, to a coveted height and has resulted in the creation of a new type of nighttime

³⁸ This represents the way in which many contemporary bars attempt to "stage dereliction" in order to appear like an old working-class bar (Grazian, 2008: 59-62)

establishment: the dive bar (Chatterton & Hollands, 2003: 5). Some of the “residue” from the industrial era includes inexpensive brands of beer and whiskey that conjure images of working-class drinking cultures; jukeboxes filled with artists and songs that are commonly associated with smoky, boozy environments; bathrooms that are in poor condition; and even actual old-timers (Grazian, 2008: 59-62). A neighborhood bar becomes a dive bar in the contemporary city if it “survives” this period, with survival referring to certain physical and social conditions that symbolize the warmth of the neighborhood bar as much as the cold realities of social class inequality and alcoholism, all of which become commodified and inserted into processes of capital accumulation in the nighttime economy. In New York City, local media sources—events, leisure, and entertainment magazines such as *Time Out New York*, *New York* magazine, and *The Village Voice* as well as numerous websites—regularly feature dive bars in articles and reviews and dive bars have even entered travel guides that encourage visitors to discover these places that lie off the nightscape’s beaten path. These sources measure the quality of dive bars by how many common standards of grit and criteria of heavy drinking they meet. They devise “rules” for what constitutes a dive bar, such as “If you’d be scared to take your parents there, it’s a dive,” “...if there’s a toothless old geezer talking about some guy he offed in the ‘50s, it’s a dive,” and “In a real dive, you don’t feel weird ordering a drink 10 minutes after you ordered the previous one” (Mitchell, 2003: 3). And dive bars decline in status if they adopt “non-dive-y” elements, such as hats and t shirts aimed at tourists and fancy drinks that are trendy and expensive (Biggs, 2005).

Unlike new customers, regular customers and bartenders do not consider Milano’s to be a “dive bar.” As Nick, the former NYU student, explains, “Dive bar smells like piss, nasty floors. It’s not [a dive bar]. It’s a comfortable spot, it doesn’t smell like piss, the people are very

friendly. Dive bars are usually just nasty.” Some regulars have problems with the actions of new nighttime patrons who treat the bar as a dive for disorderly behavior. As Wayne, a longtime regular, describes these people,

The nighttime people are very different. They get very drunk and they listen to music until they are unreasonable and dangerous. They’ll fall on you, or barf on you. And sometimes that’s painful because it takes them awhile to learn the culture of the place, but if they become regulars they will learn the culture if they don’t they won’t.

In his comment, Wayne omits that the “bar culture” that regular customers create also includes a considerable amount of alcohol consumption, community-enhancing rituals such as treating, round-buying, and buybacks, frequent intoxication, and expressive drunken behavior, such as singing and dancing. The key difference is that such consumption is woven into the social fabric of place within the bar. But people at Milano’s also attach a deeper meaning to the actions of the new nighttime customers. As Christina, the bartender, expresses,

I have this theory of these guys, they’ll walk in the door, and they’re kind of hipsters, they’re about 24-years-old, 25-years-old, and they got a little bit of an attitude, and they sit in the back, usually, or they might sit at the end of the bar, but they’re not really chatty. They order whiskey, and Bud, and they’ll say things like, [spoken with attitude] “Give me the cheapest shit beer you have,” and I say, “Whoooah, rock star middle-class boy! Ok, you slumming it?” And I’ll turn to the regular next to me and go, “They’re going to the jukebox, they’re going to play Tom Waits, Johnny Cash, Nina Simone, and Willie Nelson, amongst others. And they’re going to get this kind of nihilistic, barroom, country type feeling. And they’ll like get their little drink, their bourbon and their Budweiser because they’ll be bummed that we don’t have PBR [Pabst Blue Ribbon] in a can, so they’ll settle for Bud because it’s the worst beer we have.

Here Christina cites the cultural phenomena of cheap alcohol, a tough and brooding demeanor, and morose music that represent popular working-class images of industrial era bars. And her use of the term “slumming” refers to the middle class visiting a downtown nighttime

consumption space to experience and participate in working-class culture, but no longer does it have the same meaning for the Bowery as it did during the industrial era, since the neighborhood and bar have both transformed. But given the bar's new postindustrial surroundings and its continued status as a "Bowery bar" it is still rich in consumable cultural capital.

Along with consuming the physical décor of the bar, new customers also consume its social characteristics, which is a behavior and an attitude that bothers regulars and bartenders and leads to resentment. Christina continues:

Because it's just this idea of what a bar is and that's so boring and limited...But these guys are so into their Tom Waits and their bourbon, and...I want to say to them, "It's not romantic and cool to watch someone drink themselves to death. There's nothing sexy, there's nothing 'authentic' about it; it's just sad and boring and there's nothing glamorous about it." So, the glamorizing of that kind of alcoholism...I think [is] dangerous...They're looking for authenticity so they get angry when somebody plays The Cure on the jukebox, or if someone's too happy. I don't know, but they want to be depressed or something. It doesn't fit their image of what a bar should be.

Christina's comment demonstrates the complex emotional management that her job entails. She is all too familiar with the alcoholism that she constantly confronts, which she describes as something that is to her as much "sad"—emotionally draining—as it is "boring"—a routine working condition—and which she critically says some new customers dangerously glamorize. Her description also fits very smoothly with the notion of "searching for authenticity" among various cultural phenomena in contemporary postindustrial cities (Grazian, 2003). Urbanites hold old places like Milano's up to certain standards of authenticity. They bring preconceived notions of "dive bars" with them when they go to it and when they go out at night in search of other examples of "real" nightlife. Experiences that betray these notions, such as celebratory moods when the conditions call for depression, are problematic and can result in a downgrade in

the establishment's status as an authentic dive bar. Meanwhile, all of these consumption experiences by the middle class take place at a safe distance from the actual social conditions and people who produced these phenomena in the first place, namely the Bowery and its homeless population.

The problematic layering of social worlds at Milano's especially persists as Bowery men continue to go to the bar. This is evident in one episode on a Friday night. The bar is packed at around 9 o'clock with a mixed crowd of regulars who have been in the bar since getting off from work and young random customers whom I have never seen before—well-dressed, either still in their work clothes or in more casual outfits, ready for their night to begin. Most people are standing and the din from the crowd struggles against the rock music from the jukebox. The bar has a lot of life during this transitional period from the working week to the leisurely weekend, and the feeling is intense.

I take a seat that opens up in the middle of the bar. I look to my left and see a white-haired old man in his early 70s with deep, heavy eyes. He is staring at his bottle of Budweiser and mumbling to himself. There are several crumpled dollars in front of him on the bar. He looks over at me with his mouth slightly open and smiles with his head cocked at an angle so I can see his tongue resting on top of his toothless gums. He introduces himself in a raspy voice that only a lifetime of smoking and drinking can produce. This, his slurred speech, and the loud music do not make it easy for me to follow what he is saying. I make out that his name is Jerry and that he is drunk. Milano's continues to welcome people like Jerry by stocking inexpensive alcohol brands, maintaining low prices, and being non-judgmental. But there are some aspects of the Bowery bar that are disappearing as Milano's has transformed into a nightspot. Bar tabs for Bowery men and regular customers still exist, but they are becoming rare and sleeping is not

tolerated. There have even been cases when Bowery men and regulars, who had been going to the bar for many years and even decades, have been barred for behavior that may have once been permitted in the bar, but is no longer accepted. The place that once welcomed the discarded cannot fully support them in the postindustrial economy.

After a few minutes of talking Jerry hands me a dollar bill and asks, “Could you play The Drifters for me? Play ‘Under the Boardwalk’ and ‘Up on the Roof.’” I agree to do it and take his dollar, which gives me two credits on the jukebox. I find “The Drifters’ Greatest Hits” and play both songs for him. The mellow 1950s doo wop songs are a sudden break from the popular rock music that has been playing. There is a slight lull in the crowd as the other customers adjust to the new sound, but the mood quickly picks up again. Jerry seems happy that the songs are playing, and frequently repeats that he loves The Drifters. He is oblivious to the social activity going on around him, and the crowd ignores him in turn.

The songs end, new ones begin, and Jerry and I keep talking. After a half hour he waves another crumbled dollar at me and asks, “Could you play ‘Under the Boardwalk’ and ‘Up on the Roof’ by The Drifters?” I remind him that I already played that for him and that he heard those songs. He ignores me, does not hear me, or does not remember, and asks again. Instead of repeating myself I take the dollar and go over to the jukebox, wondering what the rest of the patrons will think, and hoping that Jerry enjoys them, that he is going to be ok, and that he does not ask me to play them again.

A New Destination

With its long and storied past, it is difficult to ever fully characterize the transformation of the Lower East Side from a poor, neglected downtown neighborhood to a popular destination for nightlife. An analysis of nearly every one of its streets would reveal a unique and complex history. But they are linked as parts of dynamic processes that are culminating in postindustrialism and the development of a neighborhood nightscape. The places of the Bowery and Milano's are specific examples of this trajectory. For immigrant and working-class groups, the Bowery was a destination of necessity; for the destitute, it was a destination of despair; for artists, it was a chosen destination for creativity and authenticity; and for new, young urban residents, it is a chosen destination for the pleasures of life in a vibrant downtown. The shadows from the Third Avenue El have been replaced by those from tall structures; sleeping in flophouses, lofts, tenements, and streets by luxury hotels, condos, and apartments; a local arts scene by large art institutions; Bowery bars by upscale nightlife establishments; and the public drinkers and substance abusing populations by well-heeled residents and visiting casual drinkers.

The issue of Skid Row's gradual demise is of course a complicated one. The Bowery exudes ambivalence regarding its very existence. While Bowery bars like Milano's helped sustain homeless men, they also sustained their harmful addictions. The awful reality of life on the Bowery was not pleasant nor should its passing be entirely lamented. From a different angle, places like Milano's are in fact living reminders of some of the positive and encouraging things to come out of the industrial era, namely the use of public space for social gathering and communal purposes. The presence of the new middle-class nighttime consumers may break from this and may not always be welcomed, but without them Milano's would not be able to pay its rent and would close.

But of course the benefits of the Bowery's transformation are unevenly distributed, as the outright closing rather than the protection and improvement of flophouses, and therefore the support of underprivileged and at-risk populations through low-cost housing, shows. And as old places like Milano's become part of the postindustrial city's nighttime economy and its destructive processes of commodification and capital accumulation, they become under threat to be either completely hollowed out of the social dynamics and groups that originally constructed them or totally lost. The realities of postindustrial nightlife—rising rents and costs and constantly shifting trends—frequently outpace nostalgia.

We have seen in this chapter how both a street and a single bar have changed while they have remained destinations for different groups. Being a destination is not just a characteristic of the Bowery, but of the entire Lower East Side and its large nightscape. Although there are many bars in the neighborhood that have undergone similar changes as Milano's, there has been much more to the Lower East Side than the transformation of old bar cultures; there has been the construction of an entirely new nightlife scene. In order to understand this we need to examine in greater detail how new nightlife consumption spaces are produced and who the actors are behind them.

Chapter 3: New Spaces of Nighttime Consumption

“I like change. The only interesting part of nightlife is the newness of it.”

- Haoui Montaug¹

I’m walking down Ludlow, a major commercial street, on a Thursday evening, a little late for my 9 p.m. reservation at Green Fairy. This is my first time visiting this cocktail bar and I have two friends waiting for me. Along with many other businesses Ludlow Street has numerous bars and restaurants and tonight the street is typically bustling. I arrive at Bucky Burger, a small fast food place that has been open for nearly twenty years and reflects the neighborhood’s gritty 1980s period. Before walking down the short staircase, I stand on the sidewalk and observe the black curtained windows and glass door of the sign-less neighboring storefront, which is part of the same tenement building. I go down the stairs into the well-lighted place and immediately smell burgers, hot dogs, and fries cooking. There are a few patrons eating at tables and some old arcade video games along the wall. On the opposite wall to my left is an old-fashioned phone booth. I open the door, enter the cramped, silent space, and see an unconventional plastic phone. I pick it up, press the only button, and hear a female voice telling me that someone will be with me shortly. After a few seconds the wall opens up, and I am greeted by darkness, jazz, a fruity scent, and a blonde hostess. I tell her my name and she walks me to my table by the bar, where my friends have already ordered their drinks. There are two male bartenders, both wearing shirts with ties, slacks, and vests, who are busy making cocktails.

¹ Downtown New York City nightlife doorman in the 1970s and 1980s, quoted in Musto, 1986: 21.

Before sitting I notice a small closed circuit television behind the bar, featuring a bird's eye view within the booth of incoming patrons on the phone—a camera I hadn't noticed.

(Field notes, 7/26/07)

Taxi-dance halls (Cressey, 1932); working-class (Kornblum, 1974; LeMasters, 1975; Lindquist, 2002) and African-American taverns (Anderson, 1978; Bell, 1983; and May, 2001); college (Spradley & Mann, 1975), gay (Reid et al., 2005), and hipster bars (Lloyd, 2006); and blues (Grazian, 2003) and dance clubs (Malbon, 1999). There is a long history in sociology of examining and classifying nightlife consumption spaces. But sociologists have only begun to leave the individual bar to look at the surrounding nighttime entertainment district (Chatterton & Hollands, 2003; Grazian, 2008). In his study of the Chicago neighborhood of Wicker Park, Richard Lloyd (2006) analyzes the important role nightlife spaces played in the development of its local arts scene in the 1980s and 1990s. He shows that bars, clubs, and cafes were part of a “milieu of innovation” that transformed a deindustrialized working-class neighborhood into a postindustrial “site of cultural production” (2006: 172).² Artists used these places for social networking, displaying and performing art, and employment. But, as is common pattern in gentrifying urban areas, Wicker Park's thriving arts scene attracted non-artist residents such as young professionals who were drawn to the neighborhood for its hip amenities and aestheticized working-class grit.³ As the neighborhood achieved widespread attention, or “celebrity status,” more nightlife establishments opened. However, instead of catering to local artists, who had been the scene's consumers as well as its producers by designing and decorating venues with

² Lloyd gets the concept of “milieu of innovation” (161) from Castells (1989 82-9).

³ For examinations of the role of artists in gentrification see Deutsche & Ryan, 1984; Zukin, 1983. And for a discussion of this pattern in gentrifying areas see Lees, 2000.

their art and performing and working at them, new establishments catered to the neighborhood's new residents and visitors—young professionals, college students, and “hip and well-heeled party people, rather than greasy slimy artists” (135).

The Lower East Side's development strongly parallels Wicker Park's. As it gentrified and its nightscape developed, new bars and restaurants opened that differed from the locales of longtime residents. Lloyd contends that even though these new bars and restaurants are mostly populated by “an affluent as well as stylish clientele” and offer a wide range of ethnic cuisines, they continue to produce the “neo-bohemian” arts scene through such strategies as hiring staff members who possess a significant amount of subcultural capital and fit the neighborhood's funky arts aesthetic (128).⁴ He interprets this as “continuity in strategies of scene production” that connects nightlife establishments to each other and the spirit of the neighborhood (130). But most of Wicker Park nightlife consumers are neither artists nor participants in the arts scene, and some of the establishments that played key roles in the scene's early development closed while non-artist bars and restaurants proliferated in the neighborhood. Meanwhile, artists working in the surviving bars as bartenders begrudgingly serve the new “yuppie” consumers, who they view pejoratively as uncreative and banal compared to themselves and their ilk.

But examining a gentrifying neighborhood's nighttime consumption spaces solely through the lens of artists and an arts scene does not provide a full understanding of what contemporary urban nightlife is like and its impacts on the surrounding community. Focusing on what continues to be “neo-bohemian” leaves out what is new and different about nightlife in postindustrial neighborhoods of cultural production. What types of nightlife consumption spaces are on the Lower East Side? Who are their producers? What are their interests and what

⁴ Also see Thornton, 1996

strategies do they use to distinguish themselves from each other in a competitive marketplace? The cultural development of the Lower East Side nightscape is marked not only by a dramatic increase in the sheer number of bars within a short period of time but also by new individual entrepreneurs who have opened new types of establishments. Early new owners on the Lower East Side opened bars that catered to a mostly local clientele and reflected the cultures of the neighborhood (Zukin et al., 2009). Today most clienteles visit the area for its nightlife and owners use several strategies of production and draw from a variety of resources—including, but not specific to, the area’s local history as an arts scene—to construct their spaces and attract consumers. These strategies include concept; physical design; and the selection of products, staff, services, and entertainment options. Rather than socially reproducing a hipster aesthetic, new Lower East Side bars produce distinct nightlife experiences that distinguish them from each other in the city’s new nighttime economy. The nightscape features several new bar types that are representative of new nightlife in the postindustrial city. They demonstrate how strategies of cultural production turn small bars into destinations. The larger result of a density of bars is the transformation of the neighborhood into a destination for nightlife consumption. Along with being a site of cultural production, the postindustrial neighborhood is also a site of cultural, material, and experiential consumption.

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Producing the Nightscape

Producing the Lower East Side’s nightscape presents a different picture from large-scale, corporately-driven urban entertainment destinations such as Times Square, Las Vegas, and Disneyland. As Lloyd (2006) states, “Disneyland generates its aesthetic ‘from above,’ imposing rigid standards of appearance and performance on its workforce” (125), but urban areas like

Wicker Park and the Lower East Side challenge the Disney model. The Lower East Side nightscape was not a coordinated plan, nor does it have large, corporately-owned themed and branded nightlife chains. It developed piecemeal over time by a wide array of individual entrepreneurs. Local bar actors produce consumption spaces with various symbols and images drawn from sources such as local history, classic nightlife forms, and ethnic cultures.

Unlike urban entertainment destinations, the Lower East Side nightscape is not family-oriented and does not have consumption options for children, underscored by the fact that its most important material product for sale is alcohol. The Lower East Side nightscape targets young urbanites and visitors who possess a certain amount of economic capital and varying levels of cultural and subcultural capital (Bourdieu, 1984; Thornton, 1996). It attracts a broad range of middle-class consumers—young professionals, students, artists, musicians, and tourists. For many revelers, the area’s sole function is as a setting for them to act out nightlife behavior.

The Lower East Side emphasizes nighttime over daytime amusements. Most bars and restaurants do not open until the evening or on weekends—typical leisure hours for working adults. The neighborhood has businesses for everyday needs as well as specialized boutiques and cafes for daytime shopping, but its streets are most active at night. As many residents point out, the Lower East Side is losing its appeal as the type of mixed-use neighborhood that Jane Jacobs (1961) celebrates. It is experiencing what she refers to as the “duplication of the most profitable use” (245) as bars take over commercial spaces, raise commercial rents, and threaten its commercial diversity. Work in the nightscape is also more nuanced than the routinized and managed service jobs of large-scale leisure zones, such as cashiers or scripted servers. The chief employee in bars is the bartender, whose duties and roles vary widely depending on the type of bar, how it structurally organizes work, and what type of clientele it attracts.

These distinctions—small-scale development over time by individual owners, alcohol-fueled nightlife activity geared towards members of the new young urban middle class, and a more autonomous workforce—indicate a different and differentiated urban entertainment district. An illuminating way to understand the construction of a local nightscape is through the concept of the social field of cultural production (Bourdieu, 1993). Under this theoretical frame, urban nightlife is akin to art, literature, or cuisine as a field of production in itself.⁵ The nightlife field consists of many “positions” that are represented by actual nighttime establishments and drinking cultures. These positions are related to each other as competitors in the nightlife field’s system of distributing cultural capital. In other words, like literary genres (i.e. novels, plays, poetry), nightlife establishments within the Lower East Side nightscape are grouped hierarchically, and some types of bars and bar cultures have more capital and greater prestige than others, which translates into greater media coverage (through legitimate and legitimizing “culture brokers”), popularity, and profit potential (Zukin, 2004). As the central agents in the nightlife field bar owners use strategies of cultural production such as bar concept, spatial design and motifs, and the selection of alcohol products, services, and staff. How these strategies actually play out in bars depends on the interests of their owners, the localities within which they are embedded, and the economic realities of the city, all of which change over time.

The purpose of these strategies of cultural production is for bars to attain distinction in the competitive nightlife field. Bars try to distinguish themselves from each other by appearing unique (Bourdieu, 1984). This becomes difficult in densely concentrated nightscapes with an array of nightlife establishments. An important way in which bars gain distinction is by using such strategies to provide consumers with unique nightlife experiences. As scholars have noted,

⁵ See Ferguson’s (1998) study on the development of French cuisine as a culinary field.

producing a “consumption experience” is a leading strategy of Disneyfied areas and selling “experience” along with material goods has become an important part of the postindustrial economy.⁶ In his examination of dance club patrons, Malbon (1999) shows how “experiential consumption” based on intangible experiences and memories rather than tangible material products has become integral to the identity formation and socialization of youth. Grazian (2008) also takes up this issue in his study of nightlife in Philadelphia. Nighttime establishments use “hustles,” or strategies of deception, such as well-designed decors, scripts for servers, and a number of public relations techniques to produce staged settings and create impressive and memorable experiences.

But we do not get a sense of how these establishments are related to each other, what differentiates them, or what roles their owners or their interests play. We can only understand new bars owners and how they develop their competitive strategies by looking at the historical conditions from when they opened their bars; the inspiration they draw from the surrounding neighborhood, aestheticizing and commodifying its cultural heritage, and from various national and global nightlife themes and cultures; and the types of experiences they are providing for the nightscape’s revelers.

New Nightlife Entrepreneurs: Changing Interests, Changing Contexts

Nightlife has an extensive history on the Lower East Side. In the 1950s the area cultivated avant-garde jazz, was popular among the Beats, and was a key location for the countercultural movements of the 1960s. There were also numerous bars used by local working-

⁶ Zukin, 1995: 70; Gregory and Pine (1999) first coined the term “experience economy” in reference to this phenomenon. Also see Hannigan, 1998; Sorkin, 1992.

class, ethnic, and Bowery populations. The first new bar owners on the Lower East Side were opening establishments as early as the mid-1970s—with CBGB serving as the most famous example—but most of them opened in the 1980s and early 1990s. The early new owners mainly came to live on the Lower East Side from other places either within or outside of the city and had bar experience from working and hanging out in local nighttime establishments. They were drawn to the “downtown” scene as art producers and consumers or as curious visitors. Unlike the celebrity-infused, glamorous, and trendy “uptown” nightlife, downtown nightlife at the time was obscure, gritty, and transgressive. It was synonymous with creativity and expression, and activities took place nightly in the Lower East Side’s nightlife establishments as well as on its streets and sidewalks and in its abandoned buildings and vacant lots. Members of and visitors to the downtown scene appropriated these spaces and within them constructed their own hierarchies based on shared meanings of artistic integrity and symbolic and cultural capital (Musto, 1986; Taylor, 2006). Many of the individuals who were drawn to the downtown scene became new bar owners.

An example is Herman, who grew up in a Jewish family in the Bronx and began hanging out on the Lower East Side in the late 1960s while still in his teens. Compared to the Bronx, the Lower East Side was significantly more exciting with greater opportunities for expression and entertainment. Herman recalls, “There was about six to eight famous, well-known, packed after-hours clubs [in the 1970s]. It wasn’t a little secret, like open the peephole. Like, hundreds of people in all of them, every night of the week!”⁷ Herman became a fixture in the local punk rock scene in the 1970s, moved to the neighborhood, and began bartending at one of the early new bars in the 1980s. As he describes its customers, “Neighborhood people, some older jazz guys,

⁷ See Hager, 1984; Musto, 1986; Taylor, 2006 for examples of these establishments.

and some rock ‘n’ roll visitors. At that time, there was maybe 80 bars in the neighborhood instead of 300, so there was still a packed bar during the week, neighborhood people.” Herman then opened his own bar in the 1990s as a place to maintain the Lower East Side’s rock music history. “If it was just about the alcohol and the bar and making money,” he says, “I wouldn’t be that interested. It makes me money, and it’s a business, and yes, that’s important to me. But the fact that I’m keeping something alive, it’s a little extra, a little extra to be inspired by the business rather than just being a business.”

Early owners were commercial pioneers who took a chance on opening a business in an economically depressed area to accommodate the new resident and visiting populations of artists, musicians, and subcultural groups. Their reasons for opening up a bar were social and cultural, or to provide new residents who had similar tastes and cultural affinities with places to socialize, rather than merely economic (Patch, 2008; Zukin et al., 2009). One of these businesses was Dema Lounge. Marta, the bar’s owner, was an artist who opened her business in 1989 to support herself and provide a space for both her own art and that of her friends. As she describes, “[At first the bar] was very neighborhood-oriented. It was basically all very eclectic, but there was, it was a lot of artists. It was just a different group of people living in our neighborhood because the rents were a lot different then than they are now...We would do what the neighborhood would call for.” Owners like Marta filled a social gap in the neighborhood. They also began the process of filling the neighborhood’s physical commercial spaces and temporal “frontier” of the night with uses that revolved around nightlife activities for new residents (Melbin, 1987). In doing so, they helped turn the neighborhood into a “24/7” destination.

By the late 1990s, the success of these establishments and the area's gentrification attracted new prospective bar owners. As Stephen, a real estate broker who began working on the Lower East Side in the mid-1980s, describes this period,

In the '90s you see the proliferation of more bars coming in. They're sort of hand in hand with the young, frontier-like young people coming into these buildings, reoccupying them more... Young people start moving in, somebody opens a bar to service them, more people start coming down to the area, they like the area, you have more people move in, more bars opening up.

There were several factors that made the Lower East Side appealing for new bar owners.

Commercial rents were increasing during this period, but were still affordable. Crime was declining and gentrification processes were bringing ideal nightlife consumers into the area, namely young adults with disposable income and a desire for urban amenities such as bars and restaurants. These processes were happening in several neighborhoods in Manhattan, but new bar owners were attracted to the character of the Lower East Side because it was a historic and diverse area. Isaac explains why he chose to open his bar in the neighborhood,

It's got a feel of authenticity to it. It's got a neighborhood's neighborhood feel. And without pretension, without a lot of bullshit... it sort of encompassed everything I liked, it has that authenticity; it still felt like New York. I mean, SoHo feels like SoHo, and I would get sort of a very mixed, Euro, model-y, sort of trendyish crowd, and you get sort of a mix of that in Chelsea and West Village. It just sort of made sense. Downtown was always what I wanted to do. I would never do anything Midtown-y... And the East Village sort of had the type of people that I liked and wanted to see in an establishment I was a part of.

Isaac contrasts the Lower East Side with SoHo, Chelsea, and the West Village—other New York City neighborhoods with well-known, expensive, and exclusive establishments. Many owners express the sentiment that unlike these areas the Lower East Side still “feels” like an authentic, mixed-use New York neighborhood.

The Lower East Side was also attractive for many new owners because its burgeoning nightscape was becoming a destination in itself. But the fact that owners wanted to open bars in an area that already contained a significant amount of nightlife challenges the economic model of dispersal, namely that businesses want to be apart from other similar businesses in order to avoid competition (Caves, 2000). Exceptions to this are when consumers may choose among product prices by making rounds to different locations or when these products are differentiated from each other by type. In either case, businesses that are ostensibly homogenous in fact present consumers with a wide array of options based on varying levels of price, quality, and substance. In this sense, an area with a dense concentration of the same establishment can survive and form a district or “scene” if it meets such criteria. The social and cultural values of a scene add cultural, and potentially economic, value to the neighborhood and to the city (Currid, 2008). Nightlife scenes are valuable because of their connections with cultural industries (e.g. fashion, music, art) and because they turn a neighborhood into a “24/7” destination

We can see how this has occurred on the Lower East Side, where the nightscape consists of diverse bar types with a plethora of activities and a wide range of prices. As more bars opened the neighborhood gained “collective symbolic capital” as a popular scene for varied forms of nightlife (Harvey, 2001: 404-9). New bars opened near pioneering bars and on gentrifying streets and provided an ever-expanding array of products and services. This dense scene appealed to new residents and enticed visiting consumers who lived outside the neighborhood but had similar demographics. But while the early bars on the Lower East Side were sustained by communities of mainly local populations, today’s new bars are sustained by a combination of new residents and a much larger population of exogenous consumers. For these actors, the nightscape offers the opportunity for a night out in a conveniently confined area. It is

because the neighborhood attracts so many visiting consumers seeking out a wide variety of products (i.e. experiences as well as alcohol, food, and entertainment) that such a large number of differentiated bars can exist and survive amid such density. Early bars had clienteles from the neighborhood who filled them every night of the week; today many establishments are mostly empty or do not open on nights such as Sunday and Monday when nightlife consumers who live in other areas of the city do not typically leave their neighborhoods to go to bars. The Lower East Side became a viable place for people interested in opening a bar for reasons other than appealing to local clienteles or sustaining a downtown scene.

New bars in the nightscape gain from the Lower East Side's collective distinction while they distinguish themselves from each other. Many new owners have themed their bars, which has led to a highly differentiated nightscape. A common theme is the area's history. For example, The Dressing Room, located on Orchard Street—the Lower East Side's center for immigrant Jewish tailors, dressmakers, and other clothing merchants in the late nineteenth and for much of the twentieth century—is a bar and clothing boutique where a cooperative of designers display their products. While drinking, patrons can shop or talk to the designers themselves. As the owner stated during her liquor license application meeting, "I want to have a place that reflects the history of Orchard Street, when Orchard was a designer place with [push]carts." Another example is the Whiskey Ward, a bar with quality whiskeys that is decorated with several posters and paintings depicting characters from Lower East Side lore. The owner explains the name, "Back at the turn of the century the city was broken up into

political wards. The Bowery and this area were the 4th and 6th wards and combined they called them the Whiskey Wards.”⁸

Both of these examples rely on an imagined past of the Lower East Side. Just as Bowery men did not go to expensive Bowery bars and drink cocktails, immigrants with pushcarts on Orchard Street plied their trade for survival, did not profit significantly from their work, and neither saw themselves nor were seen by the city as artists within the fashion industry. And while whiskey was certainly consumed on the Lower East Side, it was not of the high-end variety. Other sources from which owners draw for their bar’s theme include global cultures (Middle Eastern “souks,” belly dancing, and hookah smoking), ethnic and working-class drinking spaces (Irish pubs, dive bars, and even a bar themed on industrial Detroit, called Motor City), Americana (Welcome to the Johnsons, a bar themed on a suburban home, and Mason Dixon, a bar with a mechanical bull), and classic nightlife cultures (speakeasies). Owners base their business models and the aesthetic designs of their bars on these themes. They use their cultures and symbols to gain distinction in a competitive market.

As opposed to the more community-oriented motives of earlier owners, many new owners have a business-oriented approach in opening their establishments. Although many have experience working in bars, restaurants, or clubs, they did not always gain this experience from establishments located within the area, and many do not have any experience at all. As Sam, a young bar owner who had no prior experience upon opening his bar, says, “I used to make a lot of my spending cash by throwing parties in high school and college. So I was basically just trying to do the same thing but on a bar level.” A common nightlife business model for such owners is the nightclub. Nightclubs are designed to be destinations in themselves with multiple

⁸ There is also a bar on the Lower East Side called the Sixth Ward.

rooms and levels, staged environments, and airs of glamour and exclusivity. The Lower East Side has few large nightclubs but many owners have built out their relatively small spaces in a club style and operate their businesses in a similar manner. Sam continues,

We definitely attract a very young professional, 25 to 35, typically people that have good jobs. We're not a dive bar, we don't look like a dive bar, we don't feel like a dive bar. But we're also not a high-end club, so we're somewhere in between and that's how we've always catered to. It's like people who are sick of clubs but like the club atmosphere. They like the bottle service and we'll do bottle service downstairs, we'll do a guest list, it's the whole atmosphere. People dress up to come here. You don't have to, you can come in flip flops and a t shirt if you want, but I think people when they do come dressed up they don't feel like they're overdressed for the establishment.

Club elements such as bottle service and guest lists as well as DJs, party promoters, dress codes, dance floors, velvet ropes, and security teams have become prevalent in small Lower East Side bars; they speak a common language of nightlife culture that transcends localities and attracts outside visitors.

Another key example is The Willard, a boutique hotel on a busy street for nightlife whose first two floors house substantial nightlife spaces—two lounges, a bar, a restaurant, and a VIP area. Its owner, Harold, who had no prior hotel or nightlife experience, states, “When we opened the place, we wanted to make a statement that this was a place that catered to people who pay \$400 a night for a room...to send a message to everybody that this wasn't a Lower East Side budget destination, it was a destination on its own.” The size of The Willard's nightlife spaces, their club elements, and their location within a luxury hotel create a mixed nighttime crowd of young and wealthy travelers from North American and European postindustrial cities, their New York City counterparts, and other random revelers. Establishments like The Willard have intensified the Lower East Side's reputation as an area that people seek out for high-end nightlife

experiences. They add elements of nightclub formalness and exclusivity to the neighborhood nightscape.

Like longtime residents in gentrifying areas, older Lower East Side bar owners draw distinctions between themselves and newcomers. One thing they point out is how the character of the early nightlife scene has changed as a result of the influx of new establishments. As Rob, who has lived on the Lower East Side since the late 1980s and purchased the bar he had previously worked at in 1997, states,

There really isn't like an East Village bar community anymore because there's too many, there are a lot of people, again, I know a ton of people from different places in the neighborhood, but there's a lot of people I don't know...like the clubby spots. I don't know much about those places, I don't know anybody that goes there, I don't go there, I don't know anything.

They also notice differences in the new clientele at these bars and in the area. As Marta describes, "People [today] go out and party. They meet their friends... [Our clientele]'s pretty eclectic still, but I think people in general have more money than they ever did in New York. Now it's turning into this like rich people town." Marta's comment belies the large amount of partying and alcohol and drug consumption (sometimes with fatal results) that went on during the downtown scene's early days. But early owners feel that new bars lack creative expression and some of them are highly critical of the newcomers and the non-local consumers they bring. Herman, the aforementioned musician and Lower East Side stalwart, states,

Now we have all these little fucking pockets where people can go smoke a stupid hookah pipe and they could come into my bar and have a drink and they don't even notice the pictures! They don't know, they don't care, and that's what it's become. It's become a bunch of fucking vacuums in a bunch of bubbles... It used to feel like it was more like a melting pot, of a cultural melting pot in those days, and [now] it feels more like a bunch of different, fragmented, separate, we have

nothing to do with each other. We walk by each other, nothing to do with each other.

The increasing number of new bars, the types of establishments they are, and the character of their owners have all disrupted what owners like Herman saw as a nightlife culture that emanated from local spaces. These owners often express feelings of loss as the scene that they knew has changed.

Economic realities, especially escalating rents in a competitive environment, have tremendously pressured owners and influenced their methods of operation. Since they are cash-rich businesses with high markups on their products, bars and restaurants pay among the highest rents of any privately owned establishment in relatively small commercial spaces.⁹ As one real estate broker explains, in 2007, commercial rents on the Lower East Side for bars and restaurants were \$100 per square foot while for other retail they were \$80 per square foot, with these amounts varying depending on the particular street. For many businesses this has made obtaining a liquor license and selling alcohol an economic necessity. As the owner of The Dressing Room, the aforementioned clothing boutique, cooperative, and bar, states, “I have to [sell alcohol]. It’s so hard to survive in retail.” Having a liquor license and selling alcohol has also become a necessity for the survival of businesses besides bars. For example, several of the theatres on the Lower East Side—some of which have been in the area for many decades—have obtained liquor licenses in order to help pay their rents. While their owners acknowledged the social function alcohol serves for the attendees of their events, they also cite financial constraints as a reason for obtaining a liquor license.

⁹ Several real estate sources I interviewed and consulted indicate that this is the case. They add that the business that tends to pay the highest storefront rents are banks.

It is often in a landlord's best interest to get the most rent from their commercial storefront, especially when there may be rent stabilized apartments in their buildings that limit their property's profits. As Stephen, the real estate broker, explains,

At this point economically, most spaces, not all, will have an increase in rental value when they can sell liquor, as opposed to having any other use. That's not across the board, there may be a small corner that's better off just doing pizza, there're certain minimum square footages, there may be other spaces that just have particular reasons why it's better for other uses. But the real drive on liquor is, one, people are willing to pay more rent because they think they could generate more revenue, and you always have a flow of people coming into the business who feel they're the next best, coolest thing in the world.

The strong collective symbolic capital for nightlife has attracted a large number of interested owners on the Lower East Side who feel that their business ideas have greater profit potential than others; they feel that they can succeed where a previous business failed. Along with high rents, this has resulted in new bars taking over commercial spaces that had different prior uses and much establishment turnover.

As commercial rents have escalated older nightlife uses once indigenous to the downtown scene cannot generate sufficient revenue for bars to survive. But the new nightlife climate presents owners with opportunities to stay in business by changing their method of operation. An example of this is Continental, which opened as an underground rock club in 1991 and became an important place for members and bands of the local punk and hardcore scenes, several of which achieved a degree of mainstream success. Like CBGB, Continental was a product of the neighborhood at a particular time in its existence. But after fifteen years the club underwent a dramatic transformation. As the owner explains in a newspaper article,

The club is unworkable for any businessman. There's so much overhead—sound people and booking people, advertising, maintaining and repairing the PA and

other equipment. It's expensive, and for every great night there are 10 or 15 slow ones, because the arts scene, especially when it comes to rock 'n' roll, just isn't what it once was. There are still some bands doing it, but even then the crowds just aren't here to support them (Bienstock, 2006).

In 2006, Continental stopped doing live music and turned into a "dive bar" with fake wood paneling, random items on the wall, signs from cheap beer companies, and inexpensive drinks. Today it appeals to a young clientele from around the city, many of whom are unaware of its former status. It was the local conditions of the Lower East Side in the 1980s and 1990s that allowed Continental to exist just as it was the changing local conditions of the nightscape in the mid-2000s that allowed it to remain open in a different form.

Some new bar owners wanted to open communal spaces as their predecessors did. However, many of them are limited by the external conditions of the nightscape and the economic realities of contemporary nightlife. An example of this is Michelle, who opened her bar in 2000. Michelle's was the first bar to open in her immediate area (following the nightscape's development pattern of moving south) and she developed a loyal local following from her neighbors. By 2007, a bar had opened two doors down from her, several had opened around the corner, and her intersection had become highly trafficked by nightlife revelers. This affected her bar's clientele and culture. She explains the changes,

[The nightlife development]'s hurt my during the week business because there's not enough regulars that are bargoers whereas there were five years ago, but they can't afford the rents anymore. So they've all moved out to Brooklyn. So we've lost a lot of during the week regulars. But on the weekends it's a destination now. So my weekends are packed and virtually with nobody I know because they're all coming in from wherever and they're all bar hopping and whatnot... So during the week I pretty much know 90% of the people in here, but Thursday, Friday, Saturday, it ends up being more of a destination kind of thing.

Michelle's comment reinforces the important connection between the development of the Lower East Side's nightscape and its ongoing gentrification. Her regulars mostly use the bar during the week, when there are fewer non-local consumers and it can be "theirs." On weekends, however, they concede the bar to a different clientele from outside the neighborhood. As a result, Michelle had to change her method of operation. This included hiring a bouncer during the week to deal with issues that may result from having an anonymous crowd, such as underage drinkers and fights. Bars with significant regular clienteles are much less likely to have formal regulatory mechanisms such as bouncers; in most cases the combination of the bartender and clientele regulate the space (Cavan, 1966; Chatterton & Hollands, 2003). But Michelle hired a bouncer for the weekends and for several weekday nights to avoid any problems. "It's intimidating," she says, "I mean, I remember even when I got my professional door guy, a lot of my regulars were a little put off by [him]." A formal regulatory presence such as a bouncer signals to regulars that they are no longer in control of the bar space, and anonymous faces signal to them that the space is no longer theirs; the sense of familiarity that they enjoyed has faded.

There are also new bar owners who have had to compromise their methods of operation because of high rents and competition, with major implications for their relationships with their neighbors. An example of this is Liz, who is in her early 30s and opened her bar in an already nightlife-saturated area in late 2005. Liz is an artist and was drawn to the Lower East Side because of its legacy as an arts scene. But she noticed that the new bars in the neighborhood were not catering to artists or artistic endeavors. She wanted to open a place that resembled the Lower East Side arts scene that she had heard of and read about. Liz distinguishes her bar from the rest of the nightscape: "[When I opened] I didn't sort of typify...what was [going on]. I continued to do a lot of really artistically-aimed things. Lots of screenings, benefits for artists,

we use our office window as a gallery space.” In this sense, Liz’s bar is an example of the continuity of the Lower East Side’s arts scene like Lloyd (2006) finds in Wicker Park. However, Liz is quick to point out the difficulty from a business standpoint of running a bar that caters to a community of artists:

The nature of running a bar has actually changed from when I was bartending and working in bars. You didn’t have to book DJs all the time, you didn’t have to have somebody kind of come in and really bring along 20 people all the time. It’s like, you had a bar and that was it! People came because they had the space and the environment, they wanted to come in and have a drink...I [open] and I’m like, “Wow, there are things I have to do to pull people in. I need to have DJs.”...Because now they can go to all these other bars that compete, they’ll have an open bar, and they just follow the party.

Here Liz summarizes some of the competitive conditions of the nightscape. Today bars cannot survive with just a small community of regulars; they need the dynamic that includes random customers.

Many other bar owners express having to hire DJs and party promoters in order to lure consumers. This creates issues for those bar owners for whom this is not an intended method of operation. She continues,

Now, you need to do [DJs and themed parties], which is exhausting because that’s like running a club. I don’t want to run a club. I wasn’t trying to be the hottest party by any means, but I tried to do something rather casual. I want people to come in and drink and chill out and have dialogue. So you need to have an incentive for people to want to choose your place over someplace else.

These methods also produce conditions of noise and disorder in their buildings and on the surrounding streets and sidewalks by attracting streams of anonymous customers and emanating loud music. As a result, Liz has had ongoing issues with her upstairs neighbors, who eventually moved out of their apartment after she underwent significant soundproofing and negotiation, and with the residents on her street, who often make formal complaints to the police, community

board, and other city agencies about her bar because of the noise and crowds that it brings.

While opening a community-oriented bar for local artists and residents was once a possibility on the Lower East Side when rents were cheap, spaces were available, competition was low, and clienteles were local, the economic conditions of the contemporary nightscape have made it more difficult for those owners who desire to open such an establishment to do so. The methods of operation that many owners use to attract consumers and gain distinction, along with the dense clusters of nightlife establishments, have produced a vibrant but highly conflictive environment on the Lower East Side.

Creating Niches: Cocktail Bars

Among the new bar types on the Lower East Side are those that derive their uniqueness from specialized services and products as well as a staff knowledgeable about alcohol. These “boutique bars” occupy specific niches in the nighttime economy. A key example is the cocktail bar. The concept behind the contemporary cocktail bar is the revival of the consecrated cultural form of classical mixology—the art and practice of making cocktails that entails classic drink recipes and their innovative variations, an array of ingredients including fresh juices and various forms of ice, and precise shaking and stirring techniques. Once common in industrial cities, mixology largely faded from the United States after national Prohibition (1920-1933), but since the 1980s has returned and spread in postindustrial cities.

The chief antecedent to the contemporary cocktail bar’s physical design is the Prohibition era drinking institution of the speakeasy. Speakeasies were secretive by nature and visibly removed from city street life in order to avoid attention of the authorities. They required

“connections” and passwords to enter through unmarked doors. Today, speakeasies and their airs of secrecy and exclusivity are historically legitimated in the nightlife field. They confer status on the consumers who are “in the know” and can gain access to a restricted drinking space. Contemporary cocktail bars play on the idea of the speakeasy by creating totalizing, insular environments that shut off patrons from the external sights and sounds of the city and nightscape. Isaac, a cocktail bar owner, explains the intentions of his bar’s interior,

Here we offer sort of a surreal environment in that it’s like intensely removed. Like, we have no windows, it’s relatively quiet in here, it’s all old jazz, it’s got a great sort of old feel. You’re here and you’re just here. You don’t want to be reminded of your dogs and your kids and your cat or whatever. You want to be removed and be very much in the environment, in the element... You walk through that door, and just the experience of getting to that door is a very transporting thing.

Instead of passwords, however, cocktail bars have hidden or highly inconspicuous facades and reservation systems as barriers for entry. They also have rules that prohibit standing and loud talking and arrange tables to limit group sizes.¹⁰

In a competitive market such as the Lower East Side nightscape, it may seem counterintuitive for a bar to prevent random passersby from entering, limit the number of patrons, and restrict behavior. But these strategies help construct a specific social world. Baron explains his door policy,

Certainly a lot of people would think of [the hidden door] as a marketing thing, and it’s funny, people have done hidden doors as marketing. But it’s a filter; the idea is to get people to behave properly. The hidden entrance is to keep away people who won’t behave properly.

¹⁰ For a discussion of the rules and policies at new cocktail bars see Hallock, 2007.

Along with breaking from the nightlife norm, the speakeasy theme is also a strategy that gives owners greater control over their bars, such as who enters them and how they act. Thus they are able to influence the social worlds and interactions that take place within them and create a unique nightlife experience.

Cocktail bars also gain distinction by offering unique alcohol products. Like a restaurant's menu, a bar's alcohol stock and drink selection are fundamental aspects of its identity and a way in which they can distinguish themselves from other bars (Cecchini, 2003). Cocktail bars are stocked with high-quality ingredients not found in most Lower East Side establishments.¹¹ According to Jamie, rare products "give guests something to talk about. If the guests are talking about it, the word's out there. If I'm doing something that other bars aren't doing, then there's a reason for someone to come to my bar than Bar B."

Like with the concept of the speakeasy, the cocktail bar's source for new cocktails is the past, namely recipes from mixology's classical era. Recipes of classic drinks are consecrated cultural scripts. Cocktail bartenders "play" with these recipes and their ingredients to concoct "new" drinks for a discerning contemporary clientele. For example, one cocktail bar created a drink whose ingredients include bacon-infused bourbon (their own homemade product) and maple syrup. Daniel explains the drink,

You have bacon in the morning, you've gotta put maple syrup on it. I don't know if you do, but I do, so that's exactly what we were thinking when we created the cocktail. But that was on our winter menu. It's the only cocktail that actually got transferred over to the spring menu, because it's the one that everyone talks about because everyone wants more and more bacon.

¹¹ In fact, some of their ingredients are not even available on the market, since many cocktail bartenders, bar owners, and enthusiasts spend their time concocting products such as bitters, tinctures, and liquor infusions, which they use at the bar. See Willey, 2007

But as revealing as what cocktail bars offer is what they do not. Vodka is the most consumed spirit in the United States by volume. It is clear, odorless, and tasteless, and can therefore mix with everything (Grimes, 2001). Because of its popularity, most bars on the Lower East Side carry a wide selection of popular vodka brands in a wide variety of flavors. Vodka, however, was not part of consecrated classical mixology. Cocktail bartenders prefer other spirits over vodka, citing its limited potential for creativity and for making interesting new drinks. Because of this and because cocktail bars are trying to create an atypical, unique nightlife experience, cocktail bars carry very few vodka brands and their menus rarely have vodka-based drinks. Although they will make a vodka-based drink for a patron (“If that’s the experience they want,” as a shrugging cocktail bartender puts it), they will often educate consumers on mixology.

One evening after taking a seat at the bar at Red Church I notice a group of three men in their early 30s sitting in a booth next to me. They all order Rob Roys, a classic scotch-based cocktail, from Lleyton, the uniformed server and bartender. Each reacts positively to the drinks, and when Lleyton comes by to check on them, one of the men tells him, “I want to say, this is the best cocktail I’ve ever had.”

“Thank you,” says Lleyton, who like other cocktail bartenders hears such comments often. “Listen, I have to tell you, from now on everything will be a disappointment.”

“Yeah,” says another man at the table to his friend, “you’re going to go to another place and it’s not gonna be like this.”

“Would you like another,” Lleyton asks the first man, “or can I make you a different drink that I highly recommend?”

“Yeah, ok, but I want to know what you’re putting in it.”

“Oh, don’t worry, I’m going to walk you through it once I get back. I just want to make it and have a whole presentation. And if you don’t like it, I’ll make you another Rob Roy.”

A few minutes later Lleyton returns and says, “Ok, now this is the Penicillin. It’s scotch, ginger, honey, lemon, and a smoked scotch on top. Now we have the straw on top [lying across the glass] because you can use it if you want to. The smokiness may be too strong in your nostrils as you sip.”

The customer tries it and says that it is even better than the Rob Roy. His friends try it and also order one. Meanwhile, at the bar, two men in their mid-20s sit down next to me. One asks Sean, the bartender, for a Kettle One, a popular vodka brand, on the rocks. Sean politely says that they do not carry it and mentions the vodka brands that they have, of which the man selects one. His friend then orders a simple vodka-based mixed drink, and Sean says, “There’s a variation of that with gin that’s very good. May I make it for you, sir?” The man’s eyebrows rise into a curious pose and he says, “Sure.”

These interactions show the common cocktail bartender strategy of using a customer’s order as a “window” for teaching them about spirits and cocktails. Based on their order of a classic but rare scotch-based drink, Lleyton sees that the men have some knowledge about cocktails and a taste for scotch. He uses this and his rapport with them to inform them of a new, more complex scotch-based cocktail. He also turns the typically passive ordering process into an interactive experience for the customers. Sean, however, gambles that his customer is willing to experiment by recommending gin instead of vodka upon hearing his order. Both bartenders seek to expand mixology’s “taste community” by informing consumers of cocktails and spirits and exposing them to new things and new experiences (Ferguson, 1998).

A common stereotype of bartenders—and jobs within the food and beverage service industry in general—is that they are temporary positions. Cocktail bartenders, however, are specialized “cultural producers” who describe themselves in professional terms and express a desire to remain within the industry permanently as bartenders, owners, or consultants. They either come to their profession from other areas of the service industry (i.e., as bartenders at other bar types) or as lay cocktail enthusiasts. Cocktail bartending requires an extensive amount of training, study, and practice in order to master the craft of mixology, and the knowledge and skill of cocktail bartenders is an important aspect of the cocktail bar world. Cocktail bartenders are also focused on the importance of providing a particular experience for customers and see it as part of their job. Marcus states, “Even if you haven’t guaranteed a return visit [from a customer], if anyone asks them what they did over that weekend they’ll tell them about that experience. And that’s what we’re after all the time.”

Cocktail bars provide experiences that attract some consumers while they alienate others. Within the nightlife field cocktails bars occupy a position in the “field of restricted production,” or a subfield that limits who can define, produce, and consume its cultural products. They are based on the consecrated and esoteric cultural form of classical mixology and feature a network of “producers who produce for other producers” (Bourdieu, 1993: 39). Cocktail bar regulars are often cocktail and spirits enthusiasts or workers within the bar, restaurant, or liquor industries who are knowledgeable in mixology. The competitive basis among agents within fields of restricted production is largely symbolic, such as disagreements over proper drink recipes or techniques; however, as businesses cocktail bars do not take this concept to its extreme by ignoring economic gains for the sake of cultural purity. Practices such as completely restricting entry to all but the initiated and limiting the types of products available to only the most selective

varieties would be unfeasible for any business given the economic realities of the nightscape (this is generally a reason why cocktail bars stock vodka at all: “Vodka tonics pay the bills,” says one owner). There is, then, a degree of economic exclusion with cocktail prices ranging between \$13 and \$15, wine and sipping spirits ranging even higher in some cases, and a degree of cultural exclusion due to their secrecy, rules, and rarefied products. The clientele consists of well-educated young adults who have disposable income and range in age from 25 to 45. They are either curious about them and the experiences they provide or are interested in their novelty and the status they confer for those who are inside—i.e., “in the know.” Many already live on the gentrifying Lower East Side, but most travel from around the city and seek them out as they do other urban amenities (Lloyd & Clark, 2001).

Like other specialized bars based on niche products and with knowledgeable staff, such as wine and beer bars, cocktail bars and mixology have had cultural impacts on contemporary nightlife. Subfields of restricted production are sources for new cultural products with wide distribution beyond niche spaces. There are several examples of bars and restaurants on the Lower East Side hiring cocktail bartenders to design their cocktail menus and train their staff in mixology. On a more macro level, several Lower East Side bars have also adopted specialty drinks on their menus as cocktails have become symbols of status and lifestyle in postindustrial cities. This demonstrates how alcoholic products have become important points of competition and markers of distinction in the nighttime economy.

Volume Bars: Large-Scale Nightlife Production

Another important new bar type represents a “field of large-scale production,” or the subfield that opposes the field of restricted production and is separate from it by the dispositions of the cultural producers, the nature of the products, and the targeted consumers. This field “principally obeys the imperatives of competition for conquest of the market” (Bourdieu, 1993: 125). These bars produce a “popular,” “mass,” or “middle-brow” bar culture for the widest possible public rather than a specific niche market such as cocktail bars. The owners and bartenders of these establishments do not need to apply any specialized knowledge to their bar’s cultural production, they offer common products, and customers require little knowledge of their locations or products to experience them. They do, however, use the same strategies of cultural production as specialized bars, but with different results. These bars primarily follow business models and construct systems of social organization that facilitate profit accumulation. Overall these places seek to distinguish themselves from other bars by providing a nightlife experience that is based on popular contemporary conceptions of “the night out,” namely the excitement of crowds, loud music, dancing, and mass alcohol consumption.

The clienteles at volume bars are mostly in their 20s. Although they have some regular customers, they are not characterized by any community of regulars and mostly consist of high customer turnover and a significant amount of anonymity (Grazian, 2008: 13). Some consumers may seek out volume bars, but for the most part they seek out the neighborhood because of its status as a nightlife destination. They are conveniently located in the middle of dense nightlife clusters and like most bars on the Lower East Side they are “stops” on the experience of a night out within the nightscape.

An example of a volume bar is The Drifter, which is located by the corner of a busy intersection, near large college dorms, two subway stations, and many other bars. Its sidewalk is typically congested on weekend nights as a crowd of smokers, cell phone talkers, and potential patrons congregate in front as young people walking to and from other places and other pedestrians struggle to pass through. The Drifter caters to a flow of young consumers by having relatively easy access instead of elaborate entry rituals, a vibrant atmosphere from a jukebox featuring well-known rock, pop, and hip hop songs, and free range of motion throughout the bar. These attributes construct a nightlife environment that gives consumers the feeling of having greater freedom over their night out. The Drifter has very low drink prices as well as generous drink specials. This entices younger drinkers who are relatively low in economic capital but possess a degree of nocturnal cultural capital and seek out the vibrant nightscape, such as college students, recent graduates, and young professionals.¹² It also encourages behaviors such as excessive alcohol consumption. The Drifter clearly advertises these deals on signs on its façade and on the sidewalk. Standing on the sidewalk, it is very common to overhear passersby comment on the drink special from reading the sign and to see passersby read the sign, enter the bar, and come out only a few minutes later after quickly downing shots of hard liquor and go on to the next bar.

The alcohol products and drink selection at volume bars speak a familiar language to nightlife consumers. They have a common spectrum of beer draughts and bottles that range from inexpensive domestic brands to pricier but still affordable and well-known imports (Guinness, Stella Artois). The most noticeable aspect of their spirits is that their backbars are well-stocked

¹² Grazian (2003) defines “nocturnal cultural capital” as specific subset of Bourdieu’s (1984) concept of cultural capital that confers status on those young urbanites who are savvy in their knowledge of nighttime establishments, activities, demeanor, and comportment in the postindustrial city.

with multiple brands and flavors of vodka as well as other popular spirits. They also have basic ingredients and garnishes, such as common ice from ice machines, sodas from soda guns, and lemon and lime wedges, all of which are cost-efficient and can be used to quickly make relatively simple drinks. And bars that occupy a position in the subfield of large-scale production often borrow content from the subfield of restricted production, such as when bars construct a cocktail menu or offer rare craft beers (Bourdieu, 1993: 129).

Every bar has a social “bar world” that creates its material and cultural products. As with “art worlds,” varying social arrangements within bar worlds and the resources that are available to them alter what gets produced. This includes the primary staff of bartenders and servers as well as various support personnel (Becker, 1982; Grazian, 2008). Even expert cocktail bartenders would be unable to properly prepare drinks in the ways and at the rates that they would like—and would therefore be unable to provide customers with a desired nightlife experience—without owners, who supply the necessary ingredients and limit occupancy levels; cocktail waitresses, who take table orders and serve drinks (and are also knowledgeable in their products); or porters or “barbacks,” who retrieve and clean empty glasses and ensure the bar is well-stocked with fresh ingredients, which is a constant necessity at cocktail bars. Removing any of these elements alters the product, and therefore the consumption experience.

This is also the case for volume bars, which must be well-organized in order to efficiently handle large crowds and prepare drinks rapidly, especially on weekend nights. For example, during a single peak hour (11 p.m. – 12 a.m.) on a typical Saturday night the four bartenders at The Drifter make a total of 508 drinks, nearly 170 drinks per bartender.¹³ This is a high level of

¹³ This number breaks down to 29 bottles of beer, 20 draught beers, 34 mixed drinks, and 425 shots. The reason for the high number of shots is because of The Drifter’s highly generous drink special. The total does not include either the fourth bartender or the two waitresses. I counted similar numbers on 5 other Friday and Saturday nights. Counts

production that bartenders must constantly maintain. By contrast, during a peak hour on a Friday night the two cocktail bartenders at Warsaw, a cocktail bar that also employs two waitresses, two porters, and a door person, prepared 53 drinks for customers. Of course, by design Warsaw serves less than half the number of patrons as The Drifter does and has a slower customer turnover, but the emphasis at Warsaw is the quality of the drink through careful techniques, not how many drinks can be made in the quickest time.

There is a division of labor in place that allows a volume bar to produce this consumption experience. Every Friday and Saturday night The Drifter has four bartenders, two waitresses, a porter, and five bouncers on duty, with a manager and the owner on premises. Each of the bartenders has their own relatively autonomous station behind the bar for preparing drinks. The backbar has three points of sale, an area for washing glasses, and a service station mostly reserved for the drinks that waitresses carry to the tables. Since The Drifter has a generous special on shots, there are multiple shelves for shot glasses and serving trays. This arrangement, however, often becomes problematic when bartenders must enter into another's area for something they either do not have or ran out of. Collisions and delays sometimes occur, although many new bars provide significant space behind them for easier mobility.

The bartender is the central figure in this system and they must be quite adept at being able to handle a large number of drink orders, but each staff member also has different responsibilities to ensure that drinks get to customers efficiently. Bouncers at the front door organize systems to check patron IDs, which means that bartenders do not have to spend their time doing so; waitresses serve customers sitting at back tables to reduce the number of patrons

that I made during the week were smaller, but fewer bartenders on these nights sometimes meant a comparable number of drinks per bartender.

that interact with the bartender and also prepare drinks at the service station to cut down on the bartender's work; and porters who ensure that there are always enough glasses, products, and ingredients for bartenders and take care of the garbage and any spills. The Drifter also uses plastic cups for draught beers and mixed drinks on weekends, to cut down on the number of glasses that they would have to constantly clean. Molly contrasts working at a high-production bar with this system in place to a local neighborhood bar she previously worked at where she was often the sole bartender,

At Mimi's you had to work twice as hard for your money. Just the physical labor. Like, we didn't have barbacks, bouncers. I cleaned every inch of that place, stocked every beer in that place, and there was nobody else there to help me. I had to be the bartender and the bouncer and be in the middle of some emotional crisis with three other customers. I would come home just absolutely exhausted.

A well-coordinated division of labor enables bars to accommodate a large number of patrons. During "rushes," or sudden busy periods, staff members abandon their position in order to help others out, such as when bartenders cut limes or the owner washes glasses.¹⁴

The large-scale production system at volume bars resembles that of a nightclub. This entails a distinct form of bartending that some bartenders refer to as "robotic." With so many drink transactions and high customer turnover the interaction between bartenders and patrons at this bar type generally consists of little more than the drink exchange. Bartenders are not expected to educate consumers, pass on specialized knowledge, create a scene, or foster a community of regulars; their skill lies in their ability to churn out drinks quickly. Furthermore, their work conditions do not grant them the resources to do any of these things found in other bar

¹⁴ See Fine (1996) for an examination on the division of labor and the conditions of intensified time periods in restaurant kitchens.

types. Patrons at volume bars are not especially looking for interpersonal exchanges with bartenders beyond purchasing drinks. This presents a potentially intense situation for bartenders.

I walk into The Drifter one Saturday night and wait by the door as two cocktail waitresses—one with an empty tray who just came out of the thick crowd, and one with a tray full of drinks on her way in—pass each other. I get to the bar and greet two of the bartenders. To my left I notice two men who have ordered tequila shots but did not get limes with them. One lifts up his arm and calls out “Hey!” to the bartender, but she is preoccupied and it is too loud for her to hear. He reaches over the bar to the garnish container and takes out two wedges himself. Jenny, the bartender, notices this and scolds, “Look, don’t ever reach over the bar. Just ask me.” A couple to my right orders two mixed drinks. Heather quickly makes them, places them on the bar, and hands the man his change. He begins to put the money in his wallet while he talks with his girlfriend. Maria then forcefully slams her open-palmed hand on the stainless steel bar top in front of him as she walks by. They are both slightly startled, and the man realizes what she means. He sheepishly throws down a dollar, which she picks up on her way back and throws in the tip bucket.

Molly refers to this as “confrontational bartending.”

I think that just the environment while you’re there, you feel like you rarely can be just kind of relaxed and nice to people because you’re half bartender and half policewoman while you’re there. And there’s so much discipline that has to go on at that place because if you don’t then people will just start standing on bar stools and breaking shit, it’s like they’re wild animals and they have to be constantly kept in check.

Many of these behaviors are those of “amateur” drinkers. But the nightlife experience that the bar produces also encourages such behaviors. A large crowd impedes paths to the bar; a busy bartender in constant motion makes it difficult and frustrating for customers to get attention and

to place an order; loud music and talking weaken communication; and varying levels of intoxication make for a potentially chaotic environment. Molly describes how these common conditions combine to create a hectic and tense situation,

We feel that coming off of them, of course it's going to create some sort of constant fight between us all. And I think the bouncers at the door, you know, none of [the customers] like getting carded [ID'd], they all get all uptight at that, they come in and they're already slightly pissed off and they have to wait for like 10 minutes because it's a busy bar. So like they're already pissed, and we're already pissed because we've been dealing with it for 6 hours already. So it's rarely a pleasant interaction.

Since bartenders at volume bars mostly deal with anonymous customers through quick exchanges, they do not engage in as much emotional work as bartenders at local neighborhood bars who intimately deal with regular customers over long periods of time. On the other hand, volume bars put bartenders on display in a manner that highlights their physical looks. The style of the look varies by bar—e.g. funky and artsy, physically fit and well-toned, voluptuous—but a leading aspect of the volume bartender's performance is appearance. And such an emphasis has major implications for discomfiting customer ogling, especially for female bartenders (Grazian, 2008; Lloyd, 2006; Wenzel, 2003).

All bars seek to service their customers in an efficient manner. For volume bars, however, high customer turnover and quick drink production is a central part of their method of operation. Bars vary when it comes to how much they incorporate such systems for mass production. Owners can select any combination of strategies—staff size, music and product selection—to produce such a nightlife experience and generate sufficient revenue. Marta, owner of the old Dema Lounge, explains her bar,

I try to not do that. I wanted people to come here and be comfortable, get a different experience and not get drunk. So that's why you can set your place so that this won't happen. We don't have a wait staff, you have to come and get your drink. It's all how you set it up.

Without a waitstaff, not only are drinks prepared more slowly for customers, but it means that there are more direct interactions between bartenders and patrons. With high commercial rents and nightlife competition on the Lower East Side, owners face serious decisions in terms of what kind and how many customers they want to attract. Many engage in large-scale cultural production and create environments conducive to mass alcohol consumption.

New Entertainment

Another new bar type on the Lower East Side offers a variety of leisure and entertainment activities to construct a distinct nightlife experience, or, more accurately, these bars create several nightlife experiences. These places are not solely bars, restaurants, performance venues, cafes, lounges, art galleries, hookah rooms, or dance clubs, but some combination of these establishments. They maximize the use of their space with a mixture of leisure activities. Thusly, they appeal to a broad range of nightlife consumers who either seek them out as destinations for entertainment or go to them with the knowledge that they have several leisure and consumption opportunities available.

These “entertainment bars” employ a temporal division of leisure. As Frank, a bar owner, states, “You’ve got to maximize your hours. The days of having customers all day are gone.” While older bars (such as Milano’s) remain open during the day to accommodate their dwindling regular clienteles, most bars respond to the declining daytime drinking population on

the Lower East Side by not opening and saving on operating costs. Many entertainment bars, however, provide other forms of leisure in their spaces during the day besides only alcohol consumption. An example of this is GalleryBar, which functions as an art gallery space during the day and hosts exhibitions and private parties. At night, however, it turns into a popular nightspot with bars on two floors, one being the converted gallery space. Entertainment bars also operate differently during different days of the week. For instance, one entertainment bar hosts a karaoke night in one of its rooms on Mondays—a typically slow night for bars. As Brandon, the general manager, explains, “It gives people a reason to go out. And it gets the girls out.”

There is also a spatial dimension to the division of leisure. Entertainment bars are physically designed to accommodate multiple nightlife activities. They have several rooms that are divided to suit varying tastes and produce different experiences with gatekeepers in between the spaces. Each space has its distinct themes and design to fit its use. Brandon describes this division,

The idea was to have separate rooms where it's different feelings in each room. The original concept was for the main floor to be like a beach house kind of feeling, up here to be like a jungle kind of feeling, and the live room, visually, was supposed to be like nighttime, you know, it's a black room, from the beginning. That's kind of changed and progressed over time. But the concept has always been to have like separate, different rooms with different stuff going on.

Having divided and themed spaces allows entertainment bars to cater to a wide array of consumers, who may not be aware of the place's other uses. Brandon continues, “What's funny is that a lot of people that I run into have never been upstairs, or they've only come upstairs and they didn't know we had a live room.” It is common for entertainment bars to have several communities of regulars, such as a collection of bands in a music subgenre, who use the space at

different times, either during the day, at night, or on different nights during the week. While these groups may be fairly extensive, they often do not intersect. In this sense, although it brings diverse social groups together, the division of leisure in entertainment bars creates a fragmented environment.

The Rec Room is an example of an entertainment bar. On a slow Monday evening a reggae band is performing on a small stage in its dark basement. The ceiling is low and the floor is sloped on a slight angle. There are seats along the right wall and behind me is a small sound booth, with a man lazily operating its controls. There is a fully stocked bar with a young woman bartender standing behind it with her arms folded, staring blankly straight ahead. Along the walls behind the bar are many chalkboards displaying the drink menu and specials. There are five people sitting at the bar, drinking and talking to each other, and nine more standing near the stage, watching the performance. A few of them are dancing along. There is a stamp on my inner wrist of a coffee mug outline with the words "Welcome Little One" written in it that I received after showing my ID in order to come downstairs.

As I walk upstairs the basement's live music slowly grows fainter and I begin to hear indie rock music playing softly on the stereo. The space is well-lighted and the atmosphere is relaxed, with several small tables with chairs along the wall going towards the back and some couches. All of the furniture is secondhand, giving the room a grungy, retro feel. Posters and photographs of musicians and famous albums, most from rock genres, line one of the walls while another wall features framed art work. There is a music shop in the back with used and new CDs, records, and even cassette tapes for sale. There is a man behind the sales counter and two young men talking about some records they are holding. At the entrance there is a glass counter filled with baked goods and sweets and behind it are the coffee and espresso machines and an

assortment of teas. There is also a short bar for people to sit at, but they do not serve alcohol at it. There are a dozen patrons drinking coffee. Some are reading alone and some are talking in small groups. There is a group of four people in their early 20s. One has a guitar with him. His band is playing later tonight and his friends are here to see them. Some people enter and ask the barista where the bar is. He points them downstairs.

This episode from The Rec Room shows both the temporal and spatial division of leisure. A common use of a bar space during the day is as a café. The Rec Room adds to this by also selling music. It may still function during the evening as a café, but at night it also becomes a bar and a performance space. It clearly separates these spaces and stations a gatekeeper in between them.

Like at volume bars, entertainment bars function according to a well-coordinated division of labor. Staffing and coordinating a bar with so many leisure options can be highly complex and on weekends they can have as many as 25 to 30 people working. But because of the importance of constantly offering leisure activities and events, the staffs at these establishments also contribute to their creative output along with their everyday functioning. Brandon describes the importance of staff selection,

We lean on our staff for all kinds of creative help, whether it's art, design, helping with t shirts, helping with booking bands, if they have a good band that they know, a friend. [So] I don't go for the best-looking, most attractive person. I go for someone who, when you talk to them, there's substance. I like people that have life experiences and can bring something, not just, if I'm hiring someone to be a bartender, great, they need to know how to bartend, they need to have experience in New York, they have to have a certain look, that kind of thing, but beyond that it's great if they're an artist, it's great if they're a musician, it's great if they could add something to the total equation. Not just like, 'Gosh, she's a hot chick, she should bartend.' There's plenty of places like that, if you want to go stare at a hot chick and drink beer. So we try to look for other stuff more.

Consumers at entertainment bars are not as anonymous and random as volume bars. They can tailor their leisure offerings to best attract certain types of consumers. Brandon explains this strategy,

This is where the booking has a lot to do with it. We have regulars, we have local people, we have neighborhood people, and we have people that come in for the weekends. They come in to dance, they come in for whatever, they just come to the block and wander bar to bar. And then you have the people that the bands bring, and that's where the real key is. Because if you have 5 bands a night and they're all bringing their crowd, then you get, I mean, one of the main questions when we're booking bands is what kind of crowd do they bring? Not how many people, because that's a common thing that music venues will say: how many people can you bring? It's more than that, it's what kind of people do you bring? Who are you listeners? So we get the people that the bands bring. And the bumper crowd is the bridge and the tunnel, and the local people.

Here Brandon breaks down his clientele into several groups. Local residents tend to go to his bar during the week, usually during the after work hours for drinks or dinner. Events such as bands, DJs, and comedy shows attract different distinct crowds depending on the style of music or comedy. Weekends create the largest mix, because the bar attracts a very broad clientele when all conditions are present—live performances, DJs, food, crowds, dancing—and the nightscape is at its busiest. Sam also explains this in reference to hiring the “right” DJs,

I've had people send in CDs of their stuff, I've had people come in and do a trial run like on a Monday or a Tuesday night and then if I like them I'll bring them back on a weekend or a busier night. I've had promoters that bring their own DJs in. And what you end up doing is you end up finding a repertoire of DJs that you like and that fits your crowd and fits your style and you just stick with them...That's always a good thing, if you could generate a crowd, if you have a DJ that has a following, that's what we're always looking for.

As this quote suggests, there is a strong element of quality in terms of the nightlife experience that entertainment bars produce. DJs who play certain types of music and promoters who throw certain types of parties tend to attract particular types of consumers in search of distinct nightlife

experiences. Who and what kind of entertainment bars offer play important roles in the experiences that they produce.

Entertainment bars have been referred in scholarly literature as “chameleon” or “hybrid” bars because they frequently change identities and have multiple forms of sociability (Hadfield, 2006; Talbot, 2007). These bars have also been the source of significant criticism from residents. A reason for this is because when scheduled performances such as live music or comedy end audiences exit all at once, which floods sidewalks and causes bursts of excessive noise. And since their method of operation is multidimensional, they are also criticized for false representation when they apply for a liquor license.

Seeing and Being Seen

Like the larger nightclubs and exclusive lounges found in other areas of New York City, the Lower East Side nightscape boasts several nightlife establishments that garner wide media attention because of the nature of their events and the celebrity status of their owners and/or customers. Their exclusivity is marked by velvet ropes, large security groups, guest lists, and expensive attractions that range from the food of star chefs to burlesque-inspired stage shows. These places elevate the nighttime destination status of the Lower East Side and attract wealthier nightlife consumers to the area. However, there are relatively few establishments on the Lower East Side with such high profiles and few seek to obtain such celebrity status. Still, there are subtler and far more common ways in which owners can design their bars so that consumers can “see and be seen” in the nightscape and made to feel like they are entering an exclusive place.

These strategies not only construct particular nightlife experiences but also contribute to many of the quality of life problems that have developed in the neighborhood.

An important development of the contemporary nightscape has been the appropriation of public spaces for new nightlife uses. Bars accomplish this with sidewalk cafes and open facades. Being in a bar or restaurant's outdoor sidewalk section has become a popular trend in New York City. According to a 2007 *New York Times* article, the number of sidewalk cafes in the city grew by 25% over four years (Bruni, 2007). As of October, 2007 there were 556 sidewalk café licenses in Manhattan and 57 on the Lower East Side.¹⁵ Of these 57 sidewalk cafes, 16 were on smaller residential streets and the rest were on larger avenues with more commercial development and pedestrian and vehicular traffic. These latter sidewalk cafes tend to be clustered together. Owners frequently describe sidewalk cafes as being an "attraction" that adds to the "feel" and experience of their establishments. Several of them cite competition with surrounding bars and restaurants as an explanation for having a sidewalk cafe. As William, a bar owner, states, "I want to compete with Vin [a nearby wine bar]. Not having a sidewalk café makes our brunch more difficult."

The "feeling" of consuming brunch while being outside in a sidewalk café is an important marketing strategy for bars. Brunch is an opportunity to sell alcohol and food during the daytime, when they would normally have few patrons. Local business interests also see brunch as a potential contributor to the economic vitality of the area and a generator of economic development. The Executive Director of the Lower East Side Business Improvement District, whose mission is to market the Lower East Side, improve its quality of life, and promote

¹⁵ I obtained these numbers from the New York City Department of Consumer Affairs on October 15, 2007. Given the constant monthly applications for sidewalk cafes at community board meetings, this number is surely higher on the Lower East Side and is likely higher around the city.

economic development, says that since daytime foot traffic is weak in many parts of the district, it is important to encourage bars and restaurants to offer services during the day to lure customers to the area and attract other kinds of businesses. He states,

The nightlife is strong and to the extent that the Lower East Side has not recuperated as a daytime destination, one approach is for retailers to stay open later to take advantage of that foot traffic as the BID and the city figure out how to create a consistent daytime foot traffic. One of the issues that prevents a consistent day time foot traffic is the need for non-retail commercial or light manufacturing presence of day time workers—boutique offices of marketing and PR firms, graphics designs, jewelry makers—who will shop during lunch and after work at local retailers.

Offering daytime amenities such as brunch markets the Lower East Side as a place for daytime as well as nighttime leisure. Bar owners also cite economic vitality as a reason for having a sidewalk café. “I know the store owners [near my bar] and the boutiques are begging me to [get a sidewalk café],” says William. “It would help bring people there during the day for shopping.”

When a sidewalk café is physically impossible for an establishment due to factors like zoning restrictions, another way in which bars extend their activities into external spaces is through open facades. For many owners having an open façade—French doors, accordion glass doors, bay windows—is fundamental to their establishment. As Frank states, “Sitting at the bar, the open window, it’s a New York experience.” Albert expresses this in business terms, “Do you know how important fresh air is? A place in New York with fresh air that serves food is a goldmine.” Open facades oppose the subfield of restricted production, which relies on secrecy to produce experience. While establishments with open facades may be economically and culturally exclusive, they aim to attract a clientele that seeks the pleasure of the crowd and night out in an open setting.

We can see this from an episode at Einstein's. Named after the longtime women's clothing store that previously occupied the tenement storefront, Einstein's is located at the corner of one of the busiest nightlife intersections on the Lower East Side. I sit in the window on a weekday evening and take advantage of the nice weather and the bar's immediate attraction—wide open windows that wrap around the entire coveted corner space. There are currently only six other patrons, two couples who are talking to each other and two individuals who are both reading. All have gravitated towards seats by the window. This number will be in the dozens later tonight and in the scores this weekend. From my position I have a perfect view of the events on these two busy Lower East Side streets. Pedestrians walk by, some returning home from work in suits, some on their way to meet people at a bar or restaurant. Most people who walk past the bar cannot help but acknowledge the open windows that show what is going on inside. A couple walking by abruptly ends their conversation once they see me. They stare inside the bar, and then stare back at me before walking past. Two men walk by with a dog and do the same thing, resuming their conversation as they pass. Meanwhile, catty-corner is Vin, a restaurant and wine bar, which also has a sidewalk café and open façade. I take a sip of beer and stare at the people sitting outside, wondering if they are looking at me.

Here we see a bar culture that contrasts with those of neighborhood bars like Milano's, whose community of regulars create a stronger boundary between the inside of the bar and the outside of the street. Like sidewalk cafes, open facades such as at Einstein's are a means of directly linking a bar's internal activities to external spaces through both visual and auditory connections between social actors. As such both also serve as live advertisements for their establishments. They expose their internal activities to the sidewalk and sounds emanating from bars and streets mix with each other at these points. Both sidewalk cafes and open facades reveal

the distinction between the urban social types of the flaneur and the voyeur, and present the opportunity for actors within nightlife settings to embody both roles simultaneously. Both pedestrians on the sidewalk and customers in nightlife establishments gaze at one another and the activities in their settings as a form of visual consumption. But this position also subjects them to the intrusive gaze of others. Sidewalk cafes and open facades either eliminate or compromise the door as a threshold separating the external from the internal and mix activities of the sidewalk with those within the commercial nightlife space.

The Willard, the luxury hotel with multiple nightlife consumption spaces, is a key example. Not only does its first floor façade open, but its glass and steel structure makes all of its interior activities transparent. The Willard's internal nightlife activities are clearly visible from the street. Its owner, Harold, discusses the impetus behind wanting a sidewalk café,

Because of [my façade]—an elaborate entryway, this red carpet, and two doormen—for some neighborhood person that's sort of hanging, walking down the street, you'll see people kind of look twice to make sure that like, "Am I allowed in here? Is this ok?" It's a little foreboding; you don't just float in and have a beer. It's kind of a little formal looking. So the idea of opening it up was to create a little more accessibility, trying to make it a little more inviting. If you walk by Noir [a nearby wine bar], and it's just very easy to imagine, the inside sort of *floats out to the sidewalk*. People are having their cigarettes and it's just kind of like one *fluid* thing, whereas here there's this whole little entry process to get into, which is fine once you're in here, but as a business person you want to make it as inviting and easy for people to feel connected to it somehow [emphasis added].

While The Willard is already a destination with a "see and be seen" attraction at the levels of both celebrity and visual consumption, Harold feels that by having a sidewalk café he would attract more than just destination-seekers. By "neighborhood person," however, he refers more to nightlife revelers than actual longtime residents. His goal is to establish "fluidity" between the

nighttime consumption space and the sidewalk in order for people and activity to freely “float” back and forth. The extension of nightlife activity to public spaces through sidewalk cafes and open facades is the opposite of the clearly defined yet insular spaces of the local neighborhood bar and the cocktail bar. Instead, they appropriate external spaces and make nightscape boundaries highly porous.

Neighborhood as Nightlife Experience

What is new about contemporary nightlife on the Lower East Side is the focus on constructing experiences by cultural producers in small bars. Bar types within the structure of the nightlife field go beyond just staging their settings; they contain a form of social organization for creating these experiences. New entrepreneurs on the Lower East Side have done a significant amount to change its nightlife culture. Even when owners first began opening establishments to accommodate new residents and the local art and music scene in the 1970s and 1980s, and when more establishments opened on their heels in the 1990s, the development of the nightscape as it exists today, with quiet cocktail bars charging \$15 for drinks in the vicinity of raucous bars charging \$3 for shots, could not have been predicted. And there is significant variation within the nightlife field between its poles of restricted production (exclusive cocktail bars) and large-scale production (volume bars of mass consumption). For some places offering a specialized product and service quickly to a large number of people is a difficult balancing act that they constantly negotiate. Meanwhile, other places are always striving to discover the elements that, when added to the mix, will make their nightlife experience a success. This may be a new DJ, improved products, or faster service.

The nightscape on the Lower East Side has transformed it into a destination for a wide array of nighttime consumption and entertainment activities. The broad range of bars, not to mention restaurants, clubs, lounges, and cafes, whose actual social uses often render such designations meaningless (i.e. restaurants that become bars later in the night) give individuals numerous options for nightlife pursuits in a single, concentrated, and convenient area. In many sections of the Lower East Side, revelers can and regularly do walk from bar to bar during the course of a night, sampling their various offerings. This has collectively had the effect of turning the neighborhood into a destination for nightlife experiences.

But a recurring issue in this chapter has been the effects that the nightscape is having on residents in the neighborhood. Crowds of revelers walking from place to place or standing outside in line, smoking, or on the phone; sound systems for DJs and bands; open facades, sidewalk cafes, and backyards. These are all things that have very strong impacts on a neighborhood's quality of life. Furthermore, collective symbolic capital and escalating rents threaten the area with economic and cultural displacement as bars take over existing commercial storefronts and the nightscape and gentrification mutually reinforce each other. In order to understand the problems that new bars and a densely concentrated nightlife scene cause on the Lower East Side, we need to first take a look at the conditions that led to their production.

Chapter 4: In the Public Interest: Politics and Powerlessness in Nightscape Construction

It is a weekday in March 2007, and New York City Councilwoman Rosie Mendez, who represents half of the Lower East Side, is holding a Quality of Life Forum for her district in the auditorium of a local public school.¹ Present are numerous residents and community board members from both the Lower East Side and neighboring areas, all here to listen to a panel presentation. The speakers are representatives from the city's Department of Environmental Protection, to discuss the new noise code; the Department of Buildings, to discuss construction issues; and two local precincts of the New York Police Department (NYPD). But the biggest name on the panel and the person most of the audience is here to see is Joshua Toas, CEO of the New York State Liquor Authority (SLA).

Named the SLA's first CEO in many years in 2005, an important part of Toas's job is to travel around the state and speak to local groups about liquor and liquor license issues. For people on the Lower East Side, he is the first SLA representative they have been able to get to personally address their concerns to regarding the proliferation of bars in their neighborhood. After general introductions, Toas gets up from the dais, steps to the podium, and begins his presentation. Anticipating the hostile reactions he normally gets at his public appearances, he begins lightly. "Good evening. First, I'd like to thank all of you for not booing." He receives silence. "Tough crowd already," he says.

¹ Councilwoman Mendez's district extends outside of the Lower East Side and covers a wide swath of territory up to 35th St. There were representatives and residents present from this area at the forum, but most were from the Lower East Side.

In a calm but spirited tone, he starts by explaining that over the past year the SLA has undergone changes to its leadership and its policies. He preempts the audience's complaints and concedes that there have been issues in the past. "Over the course of years many of you and certainly your neighbors have complained about the way we treat the 500 foot rule and our attitude towards licensing and many people think we oversaturated certain places."

He is then abruptly interrupted by a man from the audience who says, "Two nightclubs right next to each other!" Although questions and comments are reserved for the end, after all presentations have been made, he acknowledges the complaint and says, "Right, we've saturated certain areas." A woman then says, "Or four bars in a row! How about that?" He acknowledges her with a nod, but continues his talk. "So I think if you look at the history, the recent history of the State Liquor Authority...", but he is interrupted again by several voices from the restless crowd who say that they cannot hear him. He adjusts his microphone and continues to press his point.

"So, if you look at the recent history of the State Liquor Authority you'll see that definitely our policies with regards to licensure have changed. And the reason for this is twofold. The first reason is, you all demanded it. You demanded that we pay close attention to what your interests are and the residents throughout the different communities throughout the state, and certainly New York City. And the second reason is we recognize that licensing decisions have a great impact on enforcement problems. If we put too many licensees in one area, or we license the wrong person without doing proper due diligence with that licensure, we very well may turn into situations which are going to cause enforcement problems for us and certainly enforcement problems for the NYPD. So we really changed the way we look at things."

A few people laugh incredulously in response. He continues his talk, emphasizing these changes and assuring the audience that today the SLA is taking their perspectives on what is in the “public interest” into account. “We’ve been working very closely with the community boards to try and determine what is and what isn’t in the public interest, and again, we’ve tried to balance that with the legitimate needs of the businesses and the neighborhoods.”

He finishes his talk and takes a seat. As the forum continues he sits patiently, awaiting the barrage of questions and complaints he knows he will receive.

(Field notes, 3/29/2007)

The New York State Liquor Authority (SLA) had a limited presence on the Lower East Side during the 1970s and 1980s. There were relatively few legal bars in operation with 67 in 1975 and 35 in 1985, and most of them were located on large commercial avenues with very few on small residential streets. Much more common were unregulated, illegal ethnic social clubs and after-hours bars, parties in galleries and performance spaces, and public drinking on the streets, in abandoned properties, and in vacant lots. Street life at night often meant criminal activity involving drugs, prostitution, and violence. Although there were some examples of residents complaining about particular nighttime establishments during this period, especially in cases of drugs and violence, formal nightlife did not present much of a concern for Lower East Side residents, many of whom went to the local bars.

This changed during the 1990s when the nightscape developed and large numbers of revelers began to visit the neighborhood every night, especially on weekends. Today many Lower East Side residents have problems with either the individual bar in their building or the

large number of them on their block; these bars damage their quality of life because of the excessive noise, crowds, and litter that they bring. This has especially occurred on smaller residential side streets without a recent history of nightlife.² But while the most common complaints by Lower East Side residents about nightlife is its impact on their quality of life, they also connect the nightscape's construction to a nexus of changes in their neighborhood that has displaced people and businesses, enticed wealthier newcomers to live and play, and spurred luxury real estate development. Both sets of problems have led residents to take political action.

Unlike some aspects of gentrification, such as wealthier newcomers or as of right construction projects, residents have a degree of direct political recourse to prevent bar proliferation. The New York State Alcoholic Beverage Control (ABC) Law requires the SLA to consider community input in liquor licensing decisions. Through their local community board, Lower East Side residents have protested bars and denied liquor license applications since the 1990s in order to prevent nightlife proliferation and control its negative impacts on quality of life. An important legal tool that they use is an anti-concentration rule in the ABC Law intended to prevent quality of life problems and disorderly conditions caused by dense clusters of nightlife establishments. Known as the "500 foot rule," it prohibits licensing a location that already has at least three licensed establishments within 500 feet of it, thus stopping further expansion.

However, the number of bars on the Lower East Side skyrocketed in the 1990s and early 2000s with 76 bars open in 1995, 144 in 2000, and 177 in 2005. In April 2008 there were 692 on-premises liquor licenses (this includes any type of establishment where alcohol may be sold and consumed on the premises) with nearly as many licenses on large commercial avenues as on

² We see the same complaints by residents against disorderly nightlife behavior occurring in other postindustrial cities developing nightscapes. See Hadfield, 2006; 2009; Hobbs et al, 2003; Roberts & Turner, 2005

small residential streets. Even though almost all blocks on the Lower East Side are less than 500 feet long—with avenues and streets only 100 and 60 feet wide, respectively—numerous bars violate the 500 foot rule. Given local opposition to bar proliferation and the obstacles in the ABC Law that prevent nightlife expansion, how did so many bars open in such dense clusters and how did they open on residential streets? What effect did this proliferation have on residents? What can we learn about the political and social implications of urban nightlife in neighborhoods from the state's role in the construction of local nightscapes?

This chapter looks at the political activities of key actors on the Lower East Side who have an important stake in the nightscape's construction. I specifically examine the conflict between the local state's urban growth discourse of economic development through nightlife proliferation and residents' discourse of neighborhood and community protection that has been playing out since the 1990s. The economically-driven actions of the SLA led to the development of the nightscape on the Lower East Side despite significant protest and disapproval of residents. Residents were powerless as the nightscape expanded and quality of life conditions worsened in spite of their efforts. As a result residents have developed strong feelings of distrust and frustration toward the SLA and the liquor licensing process that have weakened both civil bonds between them and the local state as well as communal bonds within the neighborhood.

Policies for Urban Growth

Land use policy on the Lower East Side permits a considerable amount of commercial development, such as the larger avenues that are zoned for retail establishments. However, the Lower East Side has two unique zoning codes that permit bars to open on smaller, residential

side streets, which has caused many problems for residents. The first is a residential zoning code that covers a large section of the Lower East Side and allows non-conforming uses in storefronts. Businesses are ordinarily not allowed on residentially-zoned streets, unless they have “grandfather” status from 1961, the year of New York City’s last zoning resolution. A space loses this status if there is a discontinuance of use of more than two years. The Lower East Side’s particular residential zoning code, however, permits non-conforming uses, such as bars, for anyone who can show that the storefront had non-conforming uses at any point in the building’s history.³

The second unique code covers another section of residential streets and oddly zones it for high-density commercial development. This was done purposefully by the city in the 1961 zoning resolution to accommodate the high-rise developments that were planned for the area in conjunction with an eight-lane expressway that would have bisected all of Lower Manhattan. Because of significant opposition by local activists in Lower Manhattan, including Jane Jacobs, the expressway was never built; the special zoning district, however, remained. This provided the legal right for both bars to open as well as high-rise towers to develop in a residential area—although neither occurred until the late 1990s and 2000s. Land use policies, then, provide a foundation for commercial establishments to exist on most of the Lower East Side; but the local nightscape required greater political activity to develop.

An important reason why so many bars opened on the Lower East Side in such dense concentrations relates to the local state’s ongoing urban growth initiative. David Harvey (2001)

³ Section 52-61 of the zoning resolution states that R5, R6, and R7 (during the nightscape’s development approximately half of the Lower East Side was R7-2) zoning districts as well as Historic Districts as designated by the Landmarks Preservation Commission are exempt from the two-year non-conforming use discontinuance provision.

demonstrates how city governments have undergone a transformation from managerialism, or a focus on the provision and maintenance of services for its residents such as welfare, infrastructure, and public amenities, to entrepreneurialism, or an active role in fostering economic development and capital investment in a global context of interurban competition: “urban governments [have] to be much more innovative and entrepreneurial, willing to explore all kinds of avenues through which to alleviate their distressed condition and thereby secure a better future for their populations” (346). “Urban entrepreneurialism” refers to the policies and actions that cities have used since the final decades of the twentieth century to directly encourage business interests and redevelop and repopulate their centers and downtowns. This includes both the scaling back of public service projects that characterized city government activity during the modern industrial era as well as a shifting of control over such services to private actors, as in the cases of Business Improvement Districts (BIDs) and their influence over public space (Zukin, 1995).

City governments have always been interested in developing and promoting their cities, with a focus on marketable areas. However, as Greenberg (2008) notes, after the “urban crisis” of the 1960s, American cities began to use new cultural strategies to create postindustrial images. Focusing on New York City in the late 1960s and 1970s, Greenberg shows how political, media, business, and real estate leaders devised and widely disseminated a new brand for the city that replaced its image of danger and chaos with one of safety, cleanliness, and order. City leaders focused on New York’s marketable areas and attributes for development and promotion and neglected those that did not fit their desired image. An important goal of such “urban branding” strategies is to promote the city as a fun place for leisure and consumption. As Harvey states,

Consumer attractions (sports stadia, convention and shopping centers, marinas, exotic eating places) and entertainment (the organization of urban spectacles on a temporary or permanent basis), have all become much more prominent facets of strategies of urban regeneration. Above all, the city has to appear as an innovative, exciting, creative, and safe place to live or to visit, to play and consume in (2001: 355).

Hannigan (1998) shows how urban entertainment destinations range widely from city to city in terms of scale and complexity, but still follow a similar model and with a similar set of actors: corporate lenders, real estate developers, gaming and entertainment companies, retail operators, and public agencies (105).⁴ These public-private partnerships exemplify the “entertainment machines” that have become a key component in postindustrial urban growth (Clark, 2004; Lloyd & Clark, 2001).⁵

Although neighborhood nightscapes are unlike the formal public-private partnerships that launch branding campaigns and develop large-scale urban entertainment destinations, they still exemplify urban entrepreneurialism in that the state prepares the ground for private actors—business owners, real estate developers, landlords—to work. This includes such policies as zoning; but in the case of the Lower East Side’s dense concentration of bars, the chief policy was liquor licensing. As we will see in the following sections, the SLA, following a discourse of urban growth, interpreted liquor licensing law in a manner that favored the proliferation of bars and development of dense concentrations of nightlife on the Lower East Side. Most importantly, this occurred despite significant resistance from residents, who became directly involved in the liquor licensing process.

Studies show that such growth strategies that change areas of the city and build them for visitors have important social and political implications for local populations (Hoffman et al.,

⁴ Also see Judd & Fainstein (1999) for a discussion of the relationships between these actors.

⁵ Also see Judd (2003) for a discussion of the importance of developing urban infrastructure for tourism.

2003). Eisinger (2000) speculates that two possible effects of entertainment projects in cities are a strain on the bonds of trust and accountability between citizens and leaders and a distortion of a civic agenda in the eyes of residents (e.g. a “clean streets” program that is only implemented in tourist neighborhoods). Since the construction of neighborhood nightscapes puts residents in close contact with the urban growth policy of liquor licensing, we can explore these impacts in great depth by looking at the SLA’s actions and the Lower East Side’s residents’ reactions to them.

Liquor Licensing as Economic Development

Ratified in 1933, the Twenty-First Amendment to the United States Constitution ended Prohibition and established the modern era of nightlife regulation. The Amendment gives each state the right to either continue prohibiting the manufacturing, distribution, and sale of alcohol, or to regulate it themselves. Each state became either a “control state,” in which alcohol is sold in government-run stores, making the state the wholesaler or retailer, or a “licensing state,” in which the state grants individuals the ability to sell alcohol.⁶ Most, like New York, became licensing states. In such states, the law allows a high degree of local regulatory autonomy and discretion, with core categories and policies (i.e., venue closing times, application processes) varying significantly, both between and within each licensing state. For example, many states chose to allow municipalities, counties, and towns to make certain decisions, even including whether to permit the sale of alcohol (creating “dry counties”).

⁶ Alcoholic beverages in the United States are broken down into three categories: beer, wine, and liquor (hard liquor or spirits). Some control states only directly control the sale of liquor, allowing licensed stores to sell wine and beer, and some control the sale of liquor and wine, allowing licensed stores to sell beer. Only one control state (Utah) directly controls the sale of all three.

The manufacture and wholesale and retail distribution of all alcoholic products in New York State are regulated by the SLA. Based in Albany with offices in New York City and Buffalo, the SLA is the administrative body responsible for enforcing the ABC Law, which was drafted after Prohibition ended. The SLA is led by three members—a chairperson and two commissioners—who are appointed by the governor, approved by the State Senate, and responsible for liquor license distribution and all other licensing matters under the ABC Law.⁷

In 1993, the State Legislature amended the ABC Law by placing restrictions on the geographic concentration of retail establishments for on-premises alcohol consumption—places such as bars, restaurants, and clubs. Known as the “500 foot rule,” it applies to all cities, towns, or villages with a population of 20,000 or more and prohibits the issuance of a full operating, on-premises liquor license in an area where there are already three or more full operating liquor licenses within 500 feet of the proposed establishment.⁸ Before this rule was made, any number of licensed establishments such as bars, restaurants, and clubs could open in commercial spaces anywhere in New York State where the local zoning allowed them, and the SLA could not deny a liquor license application unless it had a good cause (e.g. an applicants’ financial situation).

The 500 foot rule is also known as the “Padavan Law,” after State Senator Frank Padavan, who drafted it. Padavan’s senate district is in Bayside, Queens—a mostly residential and relatively remote area from Manhattan with a few major commercial avenues. In the late

⁷ At the start of this project the SLA consisted of three members; however, from late 2007 to mid-2008 the SLA only had two members after one retired. It continued making licensing decisions with two members until mid-2008 when the State Senate approved Governor James Paterson’s appointee, Jeanique Greene.

⁸ There are 173 different types of liquor licenses and permits under the ABC Law and many licenses fall under the category “on-premises retail,” which means that alcohol can be purchased and consumed on the premises. Most of the on-premises licenses on the Lower East Side are either OP licenses (On Premises, or Full liquor licenses), which permit the sale and consumption of liquor, wine, and beer, or RW licenses (Restaurant Wine), which permit the sale and consumption of only wine and beer. The 500 foot rule affects licenses that fall under Section 64, 64-a, 64-c, and 64-d of the ABC Law, which includes OP licenses (as well as full liquor licenses for hotels, taverns, and cabarets) but not RW licenses.

1980s and early 1990s several nighttime establishments opened on some of these avenues in the Senator's district. A few of them were poorly-run "problem locations" with reputations for crime and violence; but the concentration of many establishments and the conditions they created also raised quality of life issues for people in nearby communities. The problem of nightlife close to residential areas was not unique to Padavan's district. Other areas in the state also shared these concerns. As Joseph, a longtime legal counsel to Senator Padavan and writer of the 500 foot law, remembers,

Interestingly, it wasn't just a parochial kind of thing that the Senator said, "We're going to stop this." We had [State] Senators and Assembly people from Long Island that had the same issues [and] we were joined by people in the city who saw the same thing happening in Manhattan. [They] had the same exact issues, that the proliferation of bars close to neighborhoods, and it was a nuisance, plain and simple. You know, there were bars upon bars upon bars.

Residents in Manhattan neighborhoods such as Chelsea, SoHo, and the Upper East Side began to complain as new nightclubs and bars opened in or around their buildings during this period as these areas gentrified. Padavan acted after the shooting death of an off-duty police officer on one of the nightlife-saturated avenues in his district, which, as we will see in the following chapter, was the first of two examples of local government responding to nightlife conditions after a violent incident amid swirling quality of life complaints. Legislators felt that the proliferation and concentration of nightlife establishments in certain areas of their districts created criminogenic environments that interfered with residential life and were too much for the local police to handle.

The legislative response to these issues was to prohibit more bars from opening in locations where there were already at least three other bars already open. But this austere legal action raised a conflict with the SLA's authority to issue liquor licenses. The original version of

the law was therefore amended to include three exceptions. The first, a “grandfather” clause, excludes establishments that were licensed before November 1, 1993, the date the new rule took effect. The second excludes establishments that are renewing their license. These two exceptions maintain nightlife concentration levels in neighborhoods as they exist, provided licensees renew their licenses or transfer them to someone else, both of which often occur. The third exception allows for license proliferation under certain circumstances. It has been the most contentious aspect of the rule and has played a direct role in the nightscape’s development. As the law states:

The [State Liquor] Authority may issue a retail license for on-premises consumption for a premises which shall be within five hundred feet of three or more existing premises licensed and operating...if, after consultation with the municipality or community board, it determines that granting such license would be in the *public interest*. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board [emphasis added].

The subjective concept of “public interest” makes this clause highly elastic. When, exactly, is the sale of alcohol in the public’s “interest?” Who is the “public”—regular customers, visitors, the city, other businesses, or residents—whose “interest” it serves? Suppose a new population, such as an immigrant group, moves into an area that lacks an establishment that serves their own culturally-sanctioned drinks, but already has three or more licensed establishments. This may lead the SLA to determine that the criteria for the public interest exception have been met, but such cases are relatively rare. Most often the 500 foot rule takes effect when an applicant wishes to license an establishment that is near several others, which would expand nightlife in a relatively small and already fairly dense area. In these cases, the SLA relies on other criteria. The rule states:

The [State Liquor A]uthority may consider any or all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of licenses and permits for the sale of alcoholic beverages at a particular unlicensed location:

(a) The number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof.

(b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.

(c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location.

(d) The existing noise level at the location and any increase in noise level that would be generated by the proposed premises.

(e) The history of liquor violations and reported criminal activity at the proposed premises.

(f) Any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community.

Thus, the ABC Law guides the SLA to consider the character of the neighborhood's existing nightlife (b) and the potential impacts that a licensed establishment would have on a local area's quality of life (a, c, and d) and on criminal activity (e) in deciding if licensing a location is in the public interest.

The key to the 500 foot rule is that it shifts the burden of licensing from the applicant to the SLA. Prior to the rule's passing and in cases when it does not apply, the inference of the ABC Law—i.e. the legal implication—is that a license is granted for applicants who meet the legal criteria. The burden is on the applicant to meet these criteria since by law the SLA cannot deny a license without cause. In 500 foot cases, however, the inference is that the SLA members deny the license because of existing concentration levels. The burden is on *them* to determine whether or not adding another license is in the public interest.

Along with information provided by applicants on their liquor license applications and the background checks that it conducts, the SLA must base all its licensing decisions on several sources. An important one is local community boards, which are recognized by the ABC Law to represent areas in New York City and whose opinions the SLA is required to consider. Along with community board decisions, the 500 foot rule requires additional procedures. The SLA must conduct a hearing before an Administrative Law Judge of the SLA at one of their offices in order to help determine whether granting a license for an establishment would serve the public interest. At these hearings the judge asks applicants a series of questions about their establishments, their methods of operation, and the surrounding area. The hearing gives an opportunity to anyone to question or protest the granting of a liquor license, such as residents. In addition to community boards and the hearing, residents may also voice their concerns directly to the SLA in writing. The judge then passes this information on to the SLA members. However, community opposition—from community boards, other community groups, or individual residents—does not mean that the SLA will deny a license. Licensing decisions ultimately come at the discretion of SLA members.

The state's entrepreneurialism influenced how the SLA interpreted its role. In postindustrial cities, bars and nightlife have a qualitative effect of transforming the image of an area from one of avoidance to one of popularity by bringing new consumption spaces and crowds of revelers. They also have a significant quantitative effect in terms of their economic impact, and the SLA played a key role in preparing for their proliferation. From the time when the rule was first passed, the SLA made exceptions to it by determining that the public interest was being served because of the economic development that licensed establishments and nightlife provided for local areas. There is evidence that the SLA's entrepreneurial interpretation

was part of a larger state agenda. The SLA's 1996 Annual Report bluntly stated that one of the agency's goals was to "reduce regulatory burdens which hinder economic growth for the industry." Similarly, according to an introductory letter to the governor written by the SLA chairman that accompanied the agency's 2000 Annual Report (and copied word for word in each subsequent letter until 2005),

This Annual Report clearly portrays the State Liquor Authority as an agency dynamically involved in the resurging private sector economic development. Information, licensing activities, and support services are readily available to the full spectrum of the state's entrepreneurial interests...culminating in our vital retail trades.

In its licensing decisions the SLA cited such reasons as "increasing the tax base," "providing employment," and "improving the neighborhood"—all signifiers of economic development—as justifications for making the 500 foot exception and granting licenses in areas that already had a high concentration of licensed establishments.⁹

These reasons, of course, are not just applicable to bars, but any type of new business that occupies a previously empty commercial storefront in a blighted neighborhood, pays taxes, and hires employees. However, bars are licensed establishments and the SLA, with its annual fees for liquor licenses and civil penalties and fines from licensees who are found guilty of violations, is one of the biggest sources of revenue of any agency in New York State. Bars also support the lucrative wholesale liquor industry, namely beer, wine, and spirits wholesalers and distributors and their heavily taxed alcoholic products. Margarita Lopez, a long-time resident, community activist, and former City Council representative of the Lower East Side in the late 1990s and 2000s, explains this relationship,

⁹ City leaders often justify investment in entertainment projects to their populations by making such promises of high economic returns. See Eisinger, 2000; Hoffman et al, 2003; Judd & Fainstein, 1999; Judd, 2003.

Alcohol is a commodity that is a very particular commodity. It's very important for government...Government has chosen to get a lot of taxation out of alcohol and tobacco, and that taxation that the government gets is very important for services that governments pay for. And that's where the complexity of alcohol, bars is, right there. Government makes so much money with the taxation of alcohol, that if government would go to reduce the amount of liquor licenses that they issue, government will have a deficit of billions of dollars.

Ms. Lopez emphasizes how important the revenue raised by taxing alcohol and licensing bars is to the local state. She refers to the excise taxes on tobacco and alcohol, which are commonly referred to as “sin taxes” because they are levied on vices—a politically-safe policy because of the generally harmful nature of the products. Although states often use sin taxes to curtail unhealthy behavior by focusing on supply, as in the case of escalating cigarette prices, they also use them to balance budgets. And, as discussed in the last chapter, bars also pay among the highest rents of any small business and garner real estate interest in an area. Such economic options present local states with important decisions to make on how to handle urban growth and raise the question of what is in the “public interest.”

The legality of the SLA's decisions to license establishments in locations that violate the 500 foot rule to promote economic development despite significant community opposition has been questioned several times before the appellate New York State Supreme Court. These cases exemplify that the SLA's decisions formed a distinct pattern of urban growth. The first case of its kind, *SoHo Community Council v. New York State Liquor Authority*, in 1997, featured a community group in the wealthy Manhattan neighborhood SoHo, who had already opposed a liquor license before their community board, suing the SLA for its decision to approve it. The community group claimed that the SLA's one-sentence explanation for approving the license (because “liquor licenses are in the ‘public interest’ because they generate employment and tax revenues”) was “arbitrary and capricious and an abuse of discretion.” State Senator Frank

Padavan wrote a letter in opposition to the license, claiming that the SLA's determination "contravene[d] not only the intent but the very law itself as passed in 1993." The court ruled in their favor, the SLA's decision was overturned, and the location was not licensed.

In another case, *Waldman v. New York State Liquor Authority*, in 2001, the court ruling identified the licensing burden on the SLA in 500 foot cases: "due to the proximity of other licensed premises, the Authority was subject to a statutory mandate to deny appellant's application for a license...unless it found that granting the license would be in the public interest." It then stated the SLA's reason for declaring an establishment to be in the public interest: "The Authority has considered that the applicant will operate these premises as a bona fide restaurant featuring Cuban cuisine. Accordingly, the Authority find that approval will be in the public interest." Based on this explanation the court found that "this perfunctory recitation fails to comply with the requirement that the Authority state its reasons for concluding that it would be in the public interest. Obviously, something more is needed." In this case the court determined that the SLA did not lawfully meet its licensing burden.

Another case, *Flatiron Community Association v. New York State Liquor Authority*, in 2004, also dealt with whether the SLA's decision to grant a license was "arbitrary and capricious" or "rationally based" and also identified the SLA's mandate "to explain why overwhelming community opposition to proposed club was overbalanced by value or utility of a new nightclub." The court documented that at the required community board hearing, 13 people—including residents, elected officials, and a traffic expert—spoke and presented evidence in opposition to the granting of this license for a nightclub at a location with 21 licensed establishments within 500 feet of it. They cited "violence, fighting, crime, noise, litter, public urination, and vomiting" associated with the area's existing nightlife. In support of the

license, the proposed nightclub's applicant provided two affidavits assuring their low impact on quality of life. The SLA granted the license and justified that "the issuance of the within liquor license furthers public convenience and advantage and promotes public interest" by quoting directly one of the applicant's affidavits while ignoring the evidence produced by residents. The court ruled that,

The Authority made no evaluation of the merit, or lack of merit of the evidence introduced by petitioners and failed to indicate why it chose to accept, without reservation, all of the assertions made by respondents with respect to the club's impact on traffic flow, parking, noise, and the potential for criminal activities.

The ruling concluded that the SLA's decision was "arbitrary and capricious" because of how it did not satisfactorily meet its mandate to determine public interest in the face of local opposition.

These civil court cases demonstrate how the SLA acts to promote urban growth. They pit two competing discourses for the interpretation of the public interest against each other. The urban growth discourse, represented by the actions and justifications of the SLA, focuses on nightlife development as an economic benefit. The community discourse, represented by the protests, disapprovals, and lawsuits of residents, focuses on the prevention of quality of life disturbances through nightlife expansion. Although these cases of 500 foot abuse set legal precedents for local actors to fight the SLA's decisions, they are only brought before the appellate courts because of lawsuits initiated by residents and community groups.¹⁰ Such cases are costly and time consuming for residents, and are therefore few and far between. It is more often the case that such SLA decisions go unchallenged.

¹⁰ None of these cases occurred on the Lower East Side, but this does not matter since they established legal precedents whose decisions could be applied to other licensing cases.

The Lower East Side is a key example of a nightlife scene that benefited from the SLA's economically-driven 500 foot decisions. In 1993, when the 500 foot rule was passed, there were 64 bars on the Lower East Side. This was an 83% increase from 1985, when there were 35, and a 31% increase from 1990, when there were 49. In terms of concentration levels, in 1990 only 10 blocks on the Lower East Side had more than one bar on them and in 1993 there were 13. These increases are the result of the influx of new residents to the Lower East Side and the increasing economic investment and interest in the area. But they are relatively modest when compared to later figures as gentrification and investment in the neighborhood intensified. By 1995 there were 75 total bars on the Lower East Side, 142 in 2000, and 175 in 2005—a 17%, 122%, and 173% increase from 1993, respectively. Concentration levels also rose. In 1995 18 blocks on the Lower East Side had more than one bar on them, 42 in 2000, and 68 in 2005—a 38%, 223%, and 423% increase from the number of blocks with more than one bar in 1993 (13), respectively.

A specific and revealing example is a 3-block, 1,320-foot long section of Ludlow Street between Houston and Delancey Streets that has one of the highest concentrations of nightlife establishments and nightlife activity on the Lower East Side. Only 3 bars were open on these 3 blocks in 1993. In 2000 there were 9 and in 2005 there were 8. There are currently 17 licensed establishments (including restaurants) on these 3 blocks as well as 11 additional licensed establishments on the neighboring 4 blocks of Stanton and Rivington Streets between Essex and Orchard Streets.¹¹ In short, according to the ABC Law, it would have been impossible for this section of Ludlow Street and any other area on the Lower East Side to develop at these levels

¹¹ There are 21 total liquor licenses in this section of Ludlow Street—5 rw (beer and wine) and 16 op (full), which is the type of license that is subject to the 500 foot rule. Two establishments have three licenses each. According to the ABC Law, an establishment needs a license for every counter where alcohol is sold. The two establishments with multiple licenses are larger venues. There are 15 total liquor licenses on these blocks of Stanton and Rivington Streets—4 rw and 11 op. These numbers are accurate as of April 14, 2008.

unless the SLA decided it was in the public interest to do so. The key is that these decisions, based on a discourse of economic development, came despite opposition from the Lower East Side's community board and residents, with significant results for the political and social dynamics in the neighborhood.

Feeling Powerless: Residents and the Community Board

New York City is divided up into 59 community districts and each is represented by a community board. Community boards were written into the City Charter in 1975 as the most local unit of city government. They consist of 50 volunteer members, who are appointed by the borough president from an applicant pool, and are run by a paid District Manager, who serves as an administrator, coordinator, and advocate for the district, as well as a small staff.¹² Community board members are generally either longtime residents or newcomers who wish to establish roots in the community. They volunteer a significant amount of their time out of concern for the well-being and future of their neighborhoods. The boards are liaisons between local neighborhoods—for residents, businesses, and community groups—and government agencies and elected officials. They serve an advisory function in local government and have no real political power of their own, but they can still be highly influential actors and provide an important forum for local issues.

Each community board addresses the specific concerns of its district. They form different committees to deal with issues that can range from public safety, traffic, and planning for a large development, to liquor licensing. The ABC Law specifies that an applicant for a

¹² Half of the 50 community board members are selected from a list of nominees provided by the district's City Council member(s).

liquor license must first apply and appear before the local community board before applying to the SLA. The community board then makes a decision on the license and sends it to the SLA as a recommendation. The board may decide to deny a license or approve it with stipulations that represent an agreement between the owners and the community over how they will generally run their business (e.g. hours and methods of operation, backyard use, and private security requirements). The SLA then makes a licensing decision based on these recommendations and may incorporate the community board's stipulations into the terms of the license, thus making them legally binding. The community board, then, is the most immediate legal recourse for residents in dealing with a liquor license. However, the SLA has the ultimate decision and does not have to follow the recommendations of community boards, as the above civil court cases demonstrate.

The Lower East Side is represented by Manhattan Community Board 3 (CB3). CB3's many committees meet once a month to discuss and vote on pertinent issues. These meetings are all open to the public and often feature lively debates and commentary from diverse actors in the neighborhood. The full community board then meets at the end of each month (also a public meeting) to discuss and vote on their decisions. It is this final decision that gets sent to the appropriate government agency, such as the SLA. Although sometimes an item on the committee's agenda is discussed or contested during the full board meeting, usually the full board votes to approve of the committees' decisions.

CB3 formed a special committee for liquor licensing in 1992, when it created the "SLA Task Force." Before this, liquor licensing matters fell under the board's Economic Development

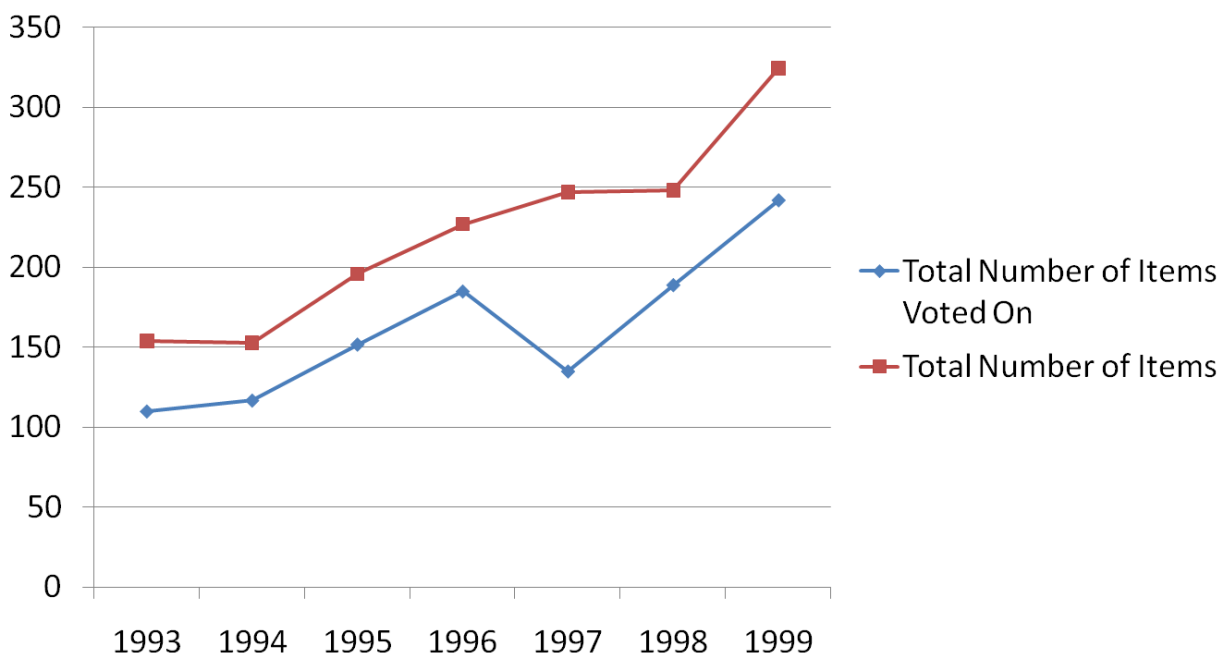
Committee.¹³ At this time nightlife was only emerging as an issue and was not a central priority for most residents or CB3. In the late 1980s and early 1990s, tensions between the city and residents resulted in riots, evictions, and the controlling of properties such as buildings, vacant lots, and public spaces (such as Tompkins Square Park) by the city and police (Abu-Lughod, 1994; Paterson, 2007; Smith, 1996). CB3's agenda reflected these events, and its main priorities dealt with issues of housing and land use—which always have and continue to be among its central concerns.¹⁴ Their struggles dovetailed with the area's gentrification and increasing popularity that were having transformative effects and threatening displacement. Meanwhile, crime, drugs, and conditions of blight were still major problems on the Lower East Side. However, the fact that they formed a liquor licensing “task force” demonstrates that nightlife was becoming an issue at this important time in the neighborhood's recent history. It represented residents' first attempt to control formal nightlife activity.

Liquor license applications fall under several categories. They can be new applications for licenses at unlicensed locations, renewals for current owners wishing to keep their establishments licensed, transfers for licenses at existing locations that are getting new owners, alterations for changes to existing establishments such as the expansion of a bar, and license upgrades such as when a bar with a license to sell beer and wine wants to also sell liquor. As Figures 3 and 4 both show, the amount of liquor license activity at CB3 increased gradually

¹³ I obtained data on CB3's structural and voting history from monthly meeting minutes and voting sheets available on its website and by requesting photocopies of older versions of such material from the CB3 office, which the District Manager graciously provided. I received records from only a few months in 1990, 1991, and 1992, and from every month of every year from 1993 to 2008, with some years missing between one and five months. I was told by the CB3 office that information from these months has been lost.

Due to ongoing nightlife issues, the “SLA Task Force” became the official SLA Committee in July 1998. The two committees—Economic Development and State Liquor Authority—merged into one in 2004; however, liquor licensing issues dominate the monthly agenda and make meetings last for a very long time. As a result, CB3 is unable to seriously discuss the actions they can take to devise an economic agenda for the neighborhood to counter the nightscape.

¹⁴ Because of the sensitivity of these issues, tensions frequently ran high at CB3 meetings during this period. See Jacobs, 1996a; 1996b.

Figure 3: Total CB3 Liquor License Application Activity, 1993-1999

Data taken from CB3 Voting Sheet, 1993-1999

throughout the 1990s. CB3 voted on 110 applications in 1993, 152 in 1995, and 135 in 1997.¹⁵

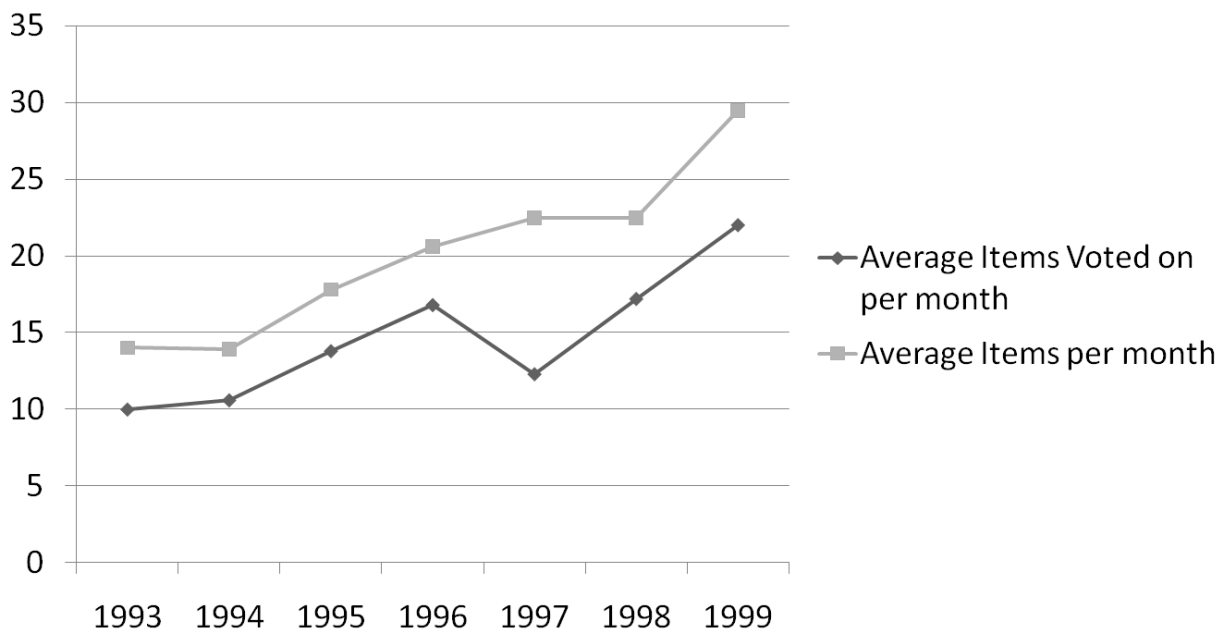
It then reached a peak of 242 at the end of the decade in 1999—more than double the number of applications in 1993, the year the 500 foot rule was passed.¹⁶ The average number of items that CB3 voted on per month also increased steadily during this period from 10 in 1993 to 22 in

¹⁵ Both graphs in Figures 3 and 4 show the statistics for items that CB3 voted on and the items that were listed on its monthly agendas. I make the distinction because not every item listed on the agenda is an application and receives a vote from CB3. These can include things like letters of complaint to the SLA, city agencies, and bar owners; budgetary discussions; items that applicants withdraw; and any other issue that CB3 discusses but does not vote on. The top line in each graph, then, reflects the general activity at CB3 and the bottom line reflects the items that CB3 directly voted on that had licensing consequences at the SLA.

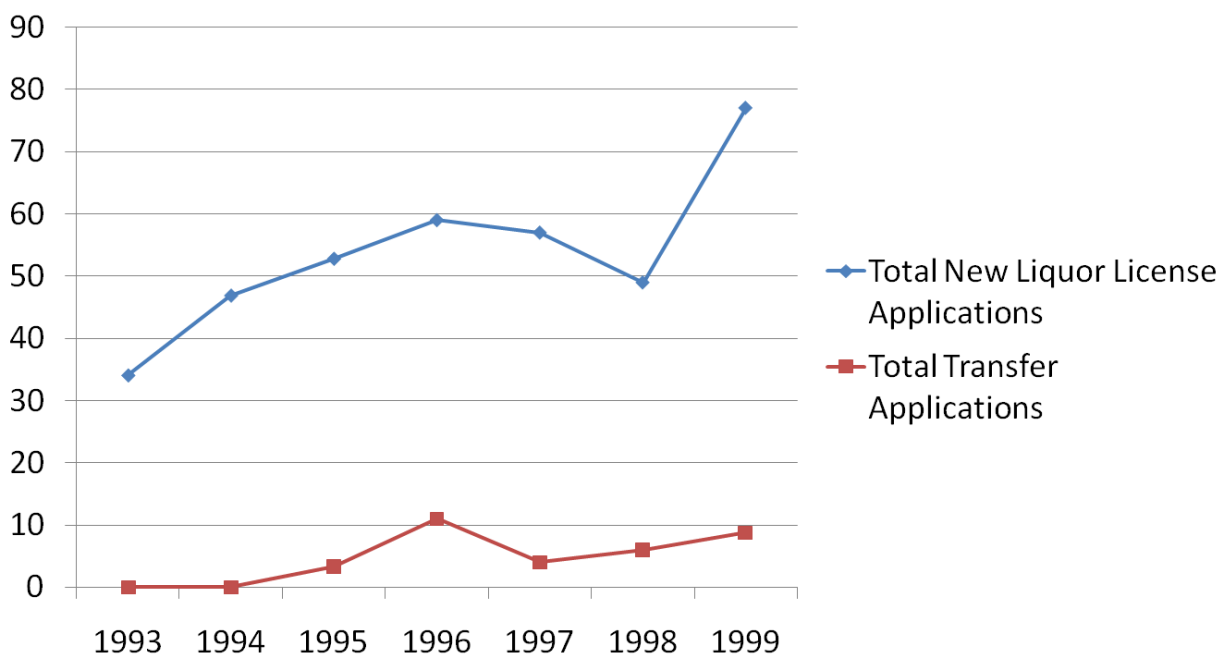
We can see how this works in 1997. The bottom line in each graph shows a dip in 1997—in the total and average monthly number of items voted on—while the top line shows an increase. This is because 1997 had a larger number of non-voting items on its agendas than other years, but just as much liquor license and nightlife-related activity.

¹⁶ Figure 4 shows the average number of items that CB3 voted on per month, which reflects an upward trend. There is a month missing from the CB3 records of 1993, 1995, and 1999 and 3 months missing from 1994. To compensate for the missing months in these years I added the monthly average for the year to the total for each missing month. I then used this number to graph CB3's voting activity.

When necessary, all decimals are rounded off. For 1995, the sum when the average was added to the total from the existing records to make up for the missing month came to 151.8.

Figure 4: Average Monthly CB3 Liquor License Application Activity, 1993-1999

Data taken from CB3 Voting Sheet, 1993-1999

Figure 5: Total New and Transfer Applications, 1993-1999

Data taken from CB3 Voting Sheet, 1993-1999

1999. Most importantly, as Figure 5 shows, applications for new licenses at unlicensed locations also went up during this period with 34 in 1993, 53 in 1995, 57 in 1997, and 77 in 1999—again, more than double the number of applications in 1993.¹⁷ The number of liquor license transfers—an indicator of owner turnover—was modest, but also increased during this period from zero in 1993 to 9 in 1999.¹⁸ These statistics on new and transfer applications indicate the influx of new nightlife entrepreneurs who were interested in opening bars in the neighborhood. Neither the SLA nor CB3 keeps records on the number of 500 foot cases that it has heard, approved, or denied. But we can infer from matching CB3 voting decisions with records on the nightscape’s expansion that the SLA approved 500 foot items despite community opposition and were unresponsive to community concerns.

Even before the 500 foot rule’s passing, CB3 had been complaining to the SLA about their diminished quality of life. It denied licenses for locations that had a “density of bars,” particularly on Ludlow Street and Avenue A—two streets whose zoning codes allow commercial establishments—as well as a few on smaller residential streets. In an early case in December 1993 for a new liquor license for a bar on a small residential street, CB3 “Recommended to disapprove because there are nine bars in area and there never was a bar at this site before.” It was important for residents that a bar did not open in a previously unlicensed location because of the precedent it set for the physical space and its rent. They knew that a commercial storefront that was built out as a bar would elevate its rent level and make it difficult for another type of business to open there. The SLA approved this liquor license for a place called The Boiler Room.

¹⁷ Again, I adjusted these numbers to account for the missing months in certain years. See previous footnote.

¹⁸ At this time, monthly agendas were not as detailed as they are today. It is possible there were more transfers that were not accurately labeled.

As CB3 received more applications and became more familiar with the 500 foot rule and the ABC Law it began to use more direct and elaborate language in denying licenses, referencing the law when it could. For instance, in April 1995, CB3 denied a new liquor license for a location on Ludlow Street because of the “500 foot restriction.” This opened later in the year as Luna Lounge, an entertainment bar with musical performances. CB3 often used terms such as “lack of community support,” “disruptive history,” and “oversaturation of this type of establishment in area” in their denials and often received support from the police who attested to the overwhelming amount of disorderly behavior that existed on certain streets and at certain intersections. It wanted to explicitly convey what it felt was the public interest and support this with as much evidence as possible. Elena, a former CB3 member who played an active role in liquor licensing during this period, recalls, “[It was] a learning process...We initiated lots of forms and requirements. Some CB members became Internet sleuths to uncover true business history of applicants, [and] some members became experts in SLA law.” Another example is an application in April 1999 for a new liquor license on Orchard Street, one block west of Ludlow. At the time there were 20 licenses within 500 feet of the proposed location. Several residents attended the committee’s meeting and “stated opposition...because too many licenses exist in area, applicant promises restaurant but advertises for a club, crime and noise from existing clubs are problems...[and the] precinct is already overwhelmed.” However, their efforts at well-informed disapproval were ineffective. The SLA approved the license and The Slipper Room, an entertainment bar with burlesque shows, soon opened.

In response to 500 foot violations, CB3 passed liquor license “moratoriums” on streets that were already “oversaturated” with nightlife. Moratoriums were a strict licensing policy against bar proliferation that CB3 originated. They made the statement that the addition of more

licenses on certain streets would be a violation of the 500 foot rule and not in the community's interest due to existing quality of life problems. Residents' groups such as block associations requested the moratoriums; they were the culmination of several years of protesting bars and denying liquor licenses for places that opened anyway. The first moratorium was proposed in June 1996 by the Save Avenue A Committee, a local group of residents that formed to combat nightlife problems:

CB3 asks the SLA to impose a one-year moratorium on all new, on-premises, liquor, tavern, or wine and beer licenses, on Avenue A between Houston Street and St. Mark's Place. Exceptions would be made for approved restaurants containing a constructed kitchen inspected by CB3 members. We ask that same location transfers be included in this moratorium and that new location transfers be severely scrutinized.¹⁹

With the moratoriums CB3 was telling the SLA that it had violated the 500 foot rule and that it was not going to approve anymore licenses in saturated areas. Note that the Save Avenue A Committee was willing to make exceptions for applicants who could demonstrate that they were legitimate restaurants, which they considered to have less of an impact on quality of life conditions than bars. This marks an attempt by residents to determine the type of establishment that could open in a legally zoned commercial storefront. Ludlow Street and St. Mark's Place joined Avenue A in having moratoriums in the mid-1990s and over time residents from around the Lower East Side formed block associations and passed their own.²⁰ Like the denials, the SLA did not take the moratorium on Avenue A or any other street into consideration in its licensing decisions. Still, they became CB3 policy in order to send a consistent message to the SLA. It also wanted to deter prospective owners from opening bars on certain streets as well as

¹⁹ As mentioned earlier, transfer applications are not subject to the 500 foot rule.

²⁰ There are currently 14 moratoriums, or "resolution areas," as CB3 refers to them today.

landlords from renting their commercial spaces to bars, instilling in both groups the fear that they would not obtain a license because of the community's disapproval and protests.

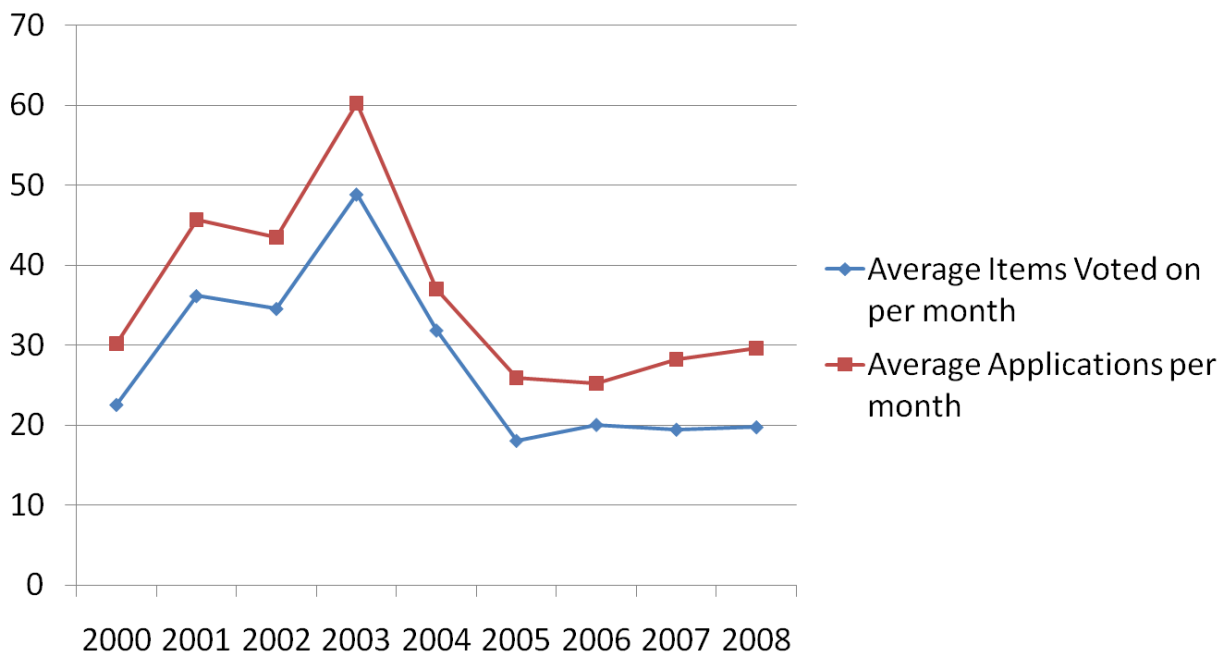
These motives were intended to strictly prevent further bar proliferation; but they did not have the desired effect as the first five years of the new decade continued the upward trend of liquor license activity that began in the 1990s. As Figure 6 shows, from 2000 to 2005, CB3 voted on an average of 32 liquor license applications per month with an average of 49 per month in 2003 alone.²¹ Figure 7 demonstrates this considerable voting activity in actual numbers with an all-time high of 538 applications voted on in 2003.²² And as Figure 8 shows, the number of new liquor license and transfer applications also increased tremendously during this period, with the former reaching an all-time high of 136 in 2002 and the latter 37 in 2003, the highest for a year at the time. This period marked a culmination in the neighborhood, when a large number of new entrepreneurs transformed old spaces into nighttime consumption spaces and solidified the Lower East Side's status as a nightlife destination.

The granting of liquor licenses at specific locations also reveals the limitations of the moratoriums. For example, in the last chapter we saw a new cocktail bar whose entrance is through a phone booth in a fast food restaurant. This enterprise began modestly when in May 2003 the owner, Tim, applied for a liquor license to sell beer along with burgers and fries. CB3 voted "To deny due to oversaturation, community opposition, the existing moratorium, as well as

²¹ As with Figures 3 and 4, I also added the averages for years with missing months for graphs 6 and 7.

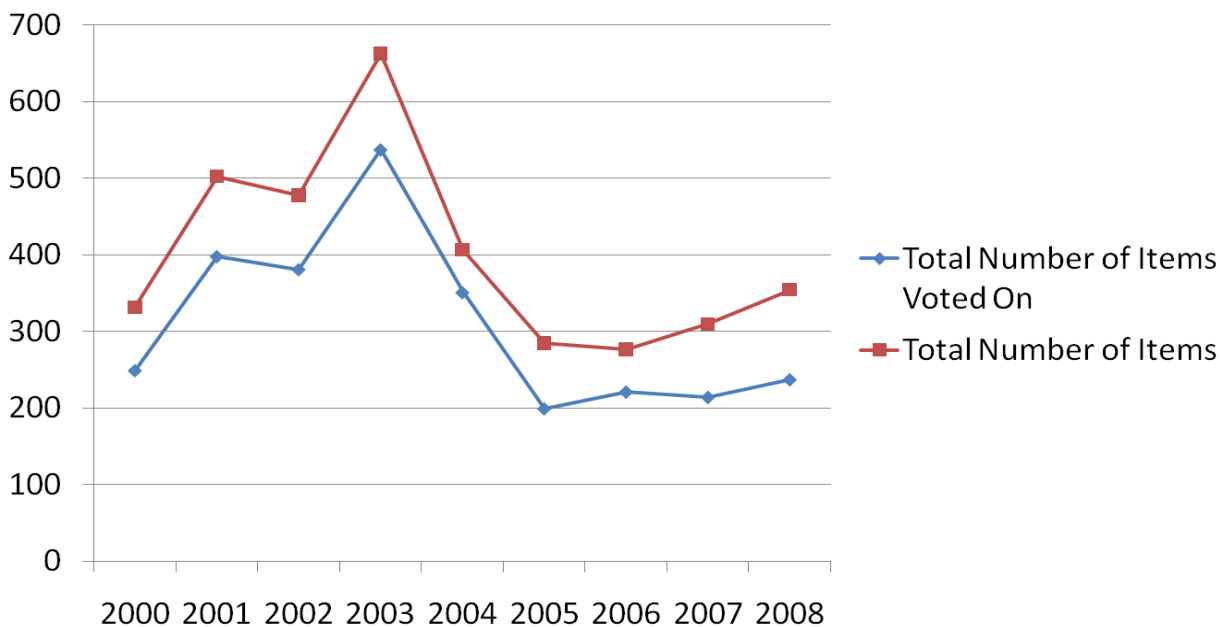
²² The reason for the sudden dip from 2003 to 2004 and 2004 to 2005 is mostly because of a new CB3 policy in dealing with renewal applications in September 2004. Prior to this date, CB3 required every licensee on the Lower East Side to appear before it to renew their license. The more that bars opened, the more owners had to renew their licenses and the longer the committee meetings lasted. Because of the excessive length of their agendas and their desire to not make every owner devote their time to sitting in meetings, they changed this policy in September 2004 so that only owners of establishments with complaints were required to appear before the committee, which is still their policy today. This tremendously reduced the number of items on the monthly agenda.

Figure 6: Average Monthly CB3 Liquor License Application Activity, 2000-2008

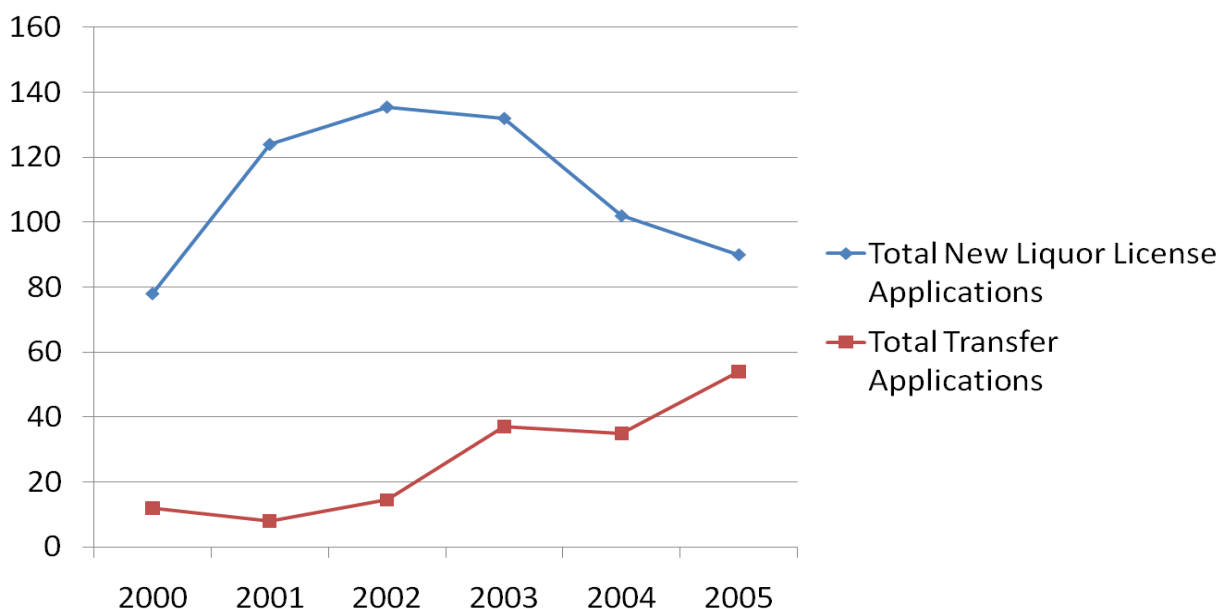


Data taken from CB3 Voting Sheet, 2000-2008

Figure 7: Total CB3 Liquor License Application Activity, 2000-2008



Data taken from CB3 Voting Sheet, 2000-2008

Figure 8: Total New and Transfer Applications, 2000-2005

Data taken from CB3 Voting Sheet, 2000-2005

[the applicant's] nonappearance.” In spite of all this, the SLA approved of the license. Then, less than a year later in February 2004, the owners again applied to CB3 for an upgrade of their license so that they could also serve liquor. Tim wanted to expand into the commercial space adjacent to the fast food restaurant where the cocktail bar is currently located. “We had the space, but we didn’t know what to do with it.”²³ But CB3’s decision did not change: “To deny because nothing has changed since this Community Board denied application for a beer/wine license at this location in [May] 2003, there are 14 existing liquor licenses on this one block and the community would not positively benefit from an upgrade in this license.” Still, the SLA also approved them for the upgrade. Emma, a lifelong Lower East Side resident and member of the block association, says, “I don’t know how they got that license. We kept denying it.” After

²³ I spoke with Tim and some members of his staff about this in formal and informal interviews, but this quote comes from Frizell, 2008.

considering a few options, Tim eventually hired a mixologist consultant and turned the space into a cocktail bar in 2007.

Over time smaller residential streets not only began to have more bars on them, but 500 foot cases. There were two examples of this in September 2003. The first was a new license for a rock club on Suffolk Street, which did not have any bars open at the time but was surrounded by licensed establishments on nearby Rivington, Stanton, Norfolk, and Houston Streets. There were many residents present to protest and CB3 voted:

To deny due to nonappearance and because the street is dominated by residential housing and anchored by two educational institutions, the Marta Valle High School and the Clemente Soto Velez Cultural Center, the proposed club is out of character with the existing residential and educational atmosphere of the immediate neighborhood, the area is already oversaturated with clubs, to wit Meow Mix, ABC No Rio, Belly, Noizguild, and Schillers, *there is no pressing social need or economic benefit for an additional bar or club* [emphasis added].

The SLA approved this license despite the denial and despite the fact that the applicant did not even show up at the meeting. The music club Rothko eventually opened. The second example is a bar that was opened by Sam, the new owner discussed in the last chapter. Sam submitted a transfer application to CB3 in order to take over an existing licensed location on 6th Street that was highly disliked by its neighbors. CB3 voted:

To deny because present applicant intends to operate as a lounge and there was an extensive history of past complaints because prior occupant was a lounge, because of applicant's failure to work out agreement with the block association regarding its operation and, further, because of existing moratorium on street as a result of said past complaints at this and adjacent locations.

CB3 and 6th Street residents felt that this was their opportunity to get rid of a problem location by denying a transfer application for what they felt was a similar type of establishment. There were

also several problem bars open on this block of 6th Street at this time and many more on the nearby avenues. Nevertheless, the SLA approved Sam's transfer.²⁴

Along with economically-driven 500 foot decisions, the SLA also acted in other ways that expanded the local nightscape and harmed quality of life for residents. For instance, CB3 identified several cases of the SLA granting a license before the board submitted its recommendation. In February 1993 it wrote a "strong" letter to the SLA stating that "Licenses should not be issued before applications are reviewed and presented to the full Community Board." Since this early letter CB3 has raised this issue with the SLA on several occasions, particularly in this November 2000 item:

Whereas the full liquor license has already been granted, and whereas the applicant asked to be tabled for one month at the October SLA meeting, a letter to be sent to the SLA noting the above, and noting that SLA once again granted on op license without hearing from CB3 or allowing for any community input.

In this example, the SLA hastily approved a license for an applicant who requested more time before going before the community board. Similarly, there were also cases of applicants completely bypassing CB3 and applying directly to the SLA. For example, CB3 wrote two identical letters in October 2000 to establishments whose owners never approached them. Each letter read: "To write to the owners of this *mystery establishment* asking them to appear in November and tell the committee how they got a license without community approval; to write to the SLA informing them of the same" [emphasis added]. There is no indication that either owner appeared or that any action by the SLA was taken (one of the bars eventually closed several years later and the location is currently unlicensed; another remained open and became another bar in 2004, which eventually closed). As we will see in a later chapter, both of these

²⁴ In total, Sam was denied three times by CB3—once for the transfer and twice for a renewal—and was approved by the SLA each time before he sold his business in 2008.

issues also have implications for the complicity of bar owners in avoiding CB3 regulations and straining their already fragile relationships with the community.

With the support of the police, CB3 constantly sent letters to the SLA complaining about specific establishments and requesting that they investigate the possibility of revoking their license because of misrepresentation, quality of life issues, criminal activity, and the endangerment of public safety associated with them. But the SLA did not use this information to conduct investigations on or penalize problematic locations. An example of this occurred in October 1999 when CB3 sent the following letter to the SLA:

Asking them to investigate Oasis [Lounge] for possible license revocation due to the following: 1) Never came before CB3 to get a license, nor have they come in front of us at renewal time; 2) Possible material misstatements on SLA application; misrepresentation as being a restaurant; 3) Arrest of owner on 2 felony forgery charges, also charged with resisting arrest; 4) Unlighted exist sign, no secondary means of egress, curtains hanging in front of door, door never closed when bar is operating; 5) Numerous noise complaints; 6) Failure to meet with CB3 and other neighborhood organizations despite repeated requests to do so; 7) lying to and failure to comply with requests from 9th Precinct; 8) Summonses for misdemeanor assault and underage drinking by patrons.

These concerns of “material misstatements” and “misrepresentation” refer to a “bait and switch” tactic that many bar owners used, or the practice of stating one method of operation on an application in order to obtain approval and then switching to another upon being granted the license. For instance, an owner would apply as a restaurant in order to appease residents, who looked more favorably upon restaurants, and to circumvent the community board’s moratorium on the street, and then become a bar. As we will see in a later chapter, this practice infuriated residents and have seriously compromised their current relationship with owners; but for many years they were frustrated with the SLA for not enforcing what they saw as a deceitful tactic.

And in this case, not only did the owners apply as a restaurant and then became a bar, they also never appeared before the community board.

The history of this particular location is also revealing. Before becoming problematic, the Oasis Lounge was a place called Zenu, which CB3 complained about in a letter to the SLA in September 1997. Within two years it became Oasis Lounge without appearing before CB3, which denied its renewal and requested license revocation in May 1999. It then denied a transfer of the license in September 2000. The SLA approved anyway and the space became Openair, a specialized bar for DJs, and then Morrissey Park, a bar with fake wood paneling, a lodge theme, cheap beer, and a cocktail menu (both bars provoked regular complaints from neighbors). It is now a wine bar with an open façade called Ten Degrees. Such locations are the reason that residents remain active in preventing the opening of bars in new locations. Residents are aware that once a space has been built out as a bar and reaches a bar's rent levels, it is unlikely to turn into something else. Residents risk being stuck with poor quality of life for a long time.

For many years CB3 has opposed the state cutting funding for SLA enforcement resources from its budget and favored increasing it. The SLA's enforcement bureau is very small. It has only seven investigators for the New York metropolitan area, who oversee approximately 35,000 liquor licenses, or 40% of the state's total.²⁵ It is therefore highly dependent on the investigative abilities of local actors such as community boards and residents, the police, and other state agencies with greater knowledge of neighborhood conditions in order to make informed decisions on licensing and to enforce problems. The SLA, however, made its decisions without taking the information supplied by these actors into account. Along with the

²⁵ The SLA divides the state into three "zones." Zone 1 consists of New York City's five boroughs as well as Westchester, Nassau, and Suffolk counties.

community board, this was especially the case with the NYPD. Both precincts on the Lower East Side were active with CB3. They attended meetings, informed it of any quality of life or criminal problems they were having with establishments, supported liquor license denials and revocations with letters and testimony, and advocated the passing of moratoriums to prevent the street traffic problems they were handling.

But in the end, none of these efforts resulted in fewer bars, improved quality of life, or even less application activity at CB3. There were 221 total liquor license applications heard by CB3 in 2006, 214 in 2007, and 237 in 2008. Applications for new licenses have remained high with 97 in 2006, 91 in 2007, and 103 in 2008—the most since 2003—and the number of renewals for places with complaints has increased (24 in 2006, 35 in both 2007 and 2008). While these numbers are lower than in the peak period of 1999 to 2004, they indicate that entrepreneurs still have a high interest in the neighborhood and that bars continue to open and cause problems. As a result, the SLA's entrepreneurialism has bred feelings of distrust and frustration in residents towards the actors and processes that they consider responsible for the nightscape's expansion. Residents also sometimes express these feelings towards other local actors, which create conflicts and tensions that damage local bonds of community.

Distrust and Conflict: The SLA and Liquor Licensing Process

The first target of residents' feelings of distrust and frustration is the SLA. Residents are very aware and critical of the SLA's policies and the reasons behind its actions. Elena, the former CB3 member, recalls,

[It was] very frustrating, but not just for CB3. All CBs hated the SLA...It often felt like a kangaroo court with [community] board members prevented from making an honest case. The [SLA] legal counsel was extremely bright and helpful [and] the inspectors were legitimate public servants, but they were overwhelmed and they worked for a board and state that wanted revenue from bars...The legal flood gates were opened and all hell broke loose with consequences that still prevail today, for example midblock bars and restaurants permanently disrupting residential life.

By “permanently” Elena refers to the precedent that building out a bar sets in a space. Residents specifically identify the SLA’s treatment of the 500 foot rule. Patti, a musician, activist, and 25-plus-year resident, complains, “[The 500 foot rule has been] on the books, but it’s never been observed except selectively... it’s kind of been exposed that the SLA has no protocol. They’re an unmonitored state agency that brings in something like \$60 million a year.”²⁶ Residents are frustrated and distrustful of the SLA because of their long history in dealing with their policies and the institutional silence that has consistently greeted their complaints.

Residents have had few opportunities to speak with officials from the SLA. The Quality of Life Forum from this chapter’s opening vignette was one of two occasions in 2007 when an SLA administrator came to the Lower East Side in order to address the public and field complaints and questions. I will discuss the reasons and implications behind why the SLA has opened up communication with local actors after fifteen years of being unresponsive in the following chapter. But at these meetings residents have had the chance to express themselves and receive answers, particularly on 500 foot matters. While the SLA provides them with a lot of information on their own policies and the liquor licensing process, they often only confirm what residents already know.

²⁶ This is an accurate number that reflects the total revenues generated by the SLA from licensing fees and civil penalties.

There are many examples of this from a special meeting at the 9th Precinct in December 2007. The SLA's CEO, Joshua Toas, is present as he was earlier in the year at the Quality of Life Forum. The precinct invited Toas to visit from Albany and speak with the community about licensing issues. The first speaker is a woman named Helen. She greets Toas and begins her question.

"Thank you so much for coming. I live on 5th Street, I'm a resident here, and I'm a member of the 5th Street Block Association and we are very concerned about the number of liquor licenses in our community."

She then asks a specific question about a new boutique hotel on her street that is applying for a liquor license. She is especially concerned about the outdoor drinking areas that the hotel is proposing, which will be located very close to a neighboring apartment building.

"I believe that there's nowhere in the city," she continues, "that you have an open bar on the second floor next to bedroom windows. Thirty inches—*thirty inches*, not feet—from people's bedroom windows. And I guess my question is when is too many bars too many bars?"

Toas begins his answer by summarizing the SLA's recent actions.

"Well, you know, that's a loaded question, but when is too much too much? I can tell you that over the course of history it's my opinion, for what it's worth, that too many licenses have been issued."

He then explains that the SLA members are taking a closer look at licenses today than they have in the past. He does his best to reassure residents and explain the task that the SLA has in dealing with 500 foot cases.

“What I can tell you is bad licensing decisions lead to enforcement problems. And even when they don’t lead to enforcement problems they lead to quality of life problems. You could have one bar that operates perfectly fine, you could have 2, 3, 4 bars that operate perfectly fine; you put them together, you get traffic problems, you get sanitation problems, you get noise, you get all sorts of things. We *understand* that, believe me, we understand that, and we’re *trying* to do a better job. I can’t give you a number as to how many bars on a block makes sense and doesn’t make sense. What I know is this, the 500 foot rule is fairly clear with regards to what the state legislature thought was *maybe* too many bars, depending on circumstances, and that was 3 within 500 feet. After that rule kicks in, the members have to make a determination as whether that establishment is within the public interest to issue the license.”

He then specifically refers to the hotel case.

“The reason why this public interest exception was put into the law really was for hotels. Having said that though it doesn’t mean that the members of the Authority still don’t have an obligation to make a determination that something is or isn’t in the public interest.”

He concludes his answer by explaining to Helen how she can make sure her concerns are heard by the SLA by submitting her letters to them and attending any upcoming hearings. The next speaker is a woman named Rachel. Rachel is a 38-year resident who also lives on 5th Street. She is pleased that he is here, especially because he could walk around the neighborhood and actually see the conditions of density and disorder for himself.

“I’m glad you’re here, Mr. Toas, I’m glad to see that interest, I’m glad to see people here who can really take a look at what it means to the residents of blocks like mine.”

She then tells Toas that she raised her children in the neighborhood and has along with her husband been a community activist for a long time. She talks about noisy conditions at 4 a.m. and the struggles that her block association has undergone to try to keep 5th Street a residential street.

“When you talk about what you called the consideration of ‘public interest,’ I’d like to know what are the foundations? What does that mean, ‘public interest,’ when the life we have here has changed so much that many people, like me, are thinking about moving away?”

She receives a round of applause and Toas begins to answer her question by repeating that SLA members today look closely at applications when making decisions. He then addresses her question.

“What is ‘public interest?’ Wow! I can’t give you the verbatim definition of the law, and I’m not going to... There’s some statutory items that are considered public interest. One of the things that I tell people is when you have the public come out who live in a community and say, ‘We live here, this is our community, it’s not in *our* interest,’ that’s a *very* strong sentiment as to whether or not something is or isn’t in the public interest.”

As Toas continues his answer oscillates between acknowledging that the SLA granted too many licenses in the past and reassuring residents that their perspective is one of many things that the members take into account when they make licensing decisions.

“What I can tell you is most licenses at the State Liquor Authority used to get approved and almost *anything* was considered public interest. If you were going to open a bar with 3 waitstaff and a bartender, that was public interest. *I* don’t think that’s public interest. I just don’t. The members have to come up with an independent analysis taking into a lot of different

factors...But it's subjective. I mean, it definitely is...a subjective analysis made by individual members of the Authority, and they may ultimately, like in the case of the hotel, determine that something's in the public interest...We *can't* handle the enforcement problems that too many bars has tossed at us, and we recognize that. So what we're dealing with now is licenses that were issued in the past that we're dealing with consequences of. We're trying to make the right decisions today, we're not going to always agree, we don't always agree internally whether something's in the public interest or not. We're trying to make better decisions now so that the future is brighter. We're living with the consequences of some bad decisions in the past. That's the reality."

Several more residents throughout the meeting raise the case of the hotel and many of them request an explanation of the 500 foot rule and the determination of "public interest" and receive similar replies. But as Rachel also does above, many residents use the opportunity to tell him about the current conditions of poor quality of life. An example is Laura, who has lived in the neighborhood since 1980. She describes a new bar near her building that regularly wakes her up in the middle of the night.

"I'm not asking so much of a question as I would like to sort of just give you a little bit of a view of how it's like for just one person on my block. The quality of life I think is what everybody here's concerned with."

She then proceeds to describe the bar near her apartment and the noise that both it, surrounding bars on a nearby avenue, and the crowds that walk down her street generate at night. He gives a long and careful answer that maintains the balance he struck at the meeting thus far

between admission of past wrongs at the SLA and reassurance that they are trying to do things differently moving forward.

“Again, I...[pauses]...I hate, sometimes, when I speak to new groups, I’m really troubled by what comes out of my mouth, because I don’t want to sound condescending. I actually have a lot of sympathy for your situation, and I really do think that I understand exactly what you’re talking about. More importantly, I know the members of the Authority understand exactly what you’re talking about, which is why I made a point of saying there’s no question, in Joshua Toas’s opinion, mistakes were made in the past where licenses were issued that may not have been in the public interest. And unfortunately they’ve been issued, and while I disagree with the courts on this, a license has become a property right. I think the courts are wrong, but courts, especially in downstate New York, have considered a liquor license a property right. So that license is issued, and without specific bad conduct by the licensee, which has been actually suffered and committed by the licensee, it’s difficult to take that license away. So me caring and me having sympathy really doesn’t change the facts, which are you still have quality of life concerns, you still have people congregating in front of your house, you have people urinating on the streets, you have all these things happening... Again, we’re trying to make the correct licensing decisions today, so over time the problem becomes minimal. In the meantime, yes, there’s been an impact on your quality of life, that if I could snap my fingers and make it go away, believe me, I would.”

But these answers do not provide residents with much comfort. They do not just want sympathy or reassurance of a better future with minimal problems. After so many years and significant effort they want the SLA to hear and understand their complaints and take direct steps toward correcting them. They are confronted, however, with disappointing realities.

Residents' feelings toward the SLA relate to their feelings toward the liquor licensing process in general. Patti, the aforementioned activist who helped form a community group in the mid-2000s to fight the further development of the nightscape, represents a typical case. A native New Yorker, Patti moved to the Lower East Side for its art and music scene, diversity, and affordability in the early 1980s. She gradually saw the neighborhood and her street transform and new people and new bars appeared. She recalls when a place that accommodated local musicians turned into a noisy bar that attracted a different clientele. "The Sofa Club used to be on my corner, and they were actually a really good neighbor," she says. "They weren't that loud and they had live music, but they kept their door closed." She then saw the new bar's different method of operation as symptomatic of the neighborhood's changes: "Now, not only is the [new bar's] front door open but the whole wall slides open. And it's almost like people go, 'This is an ok thing to do.'" She felt compelled to do something about it.

After many years of political action against nightlife, however, Patti came to see the liquor licensing process as a "stacked deck" against communities. She states,

The bar proliferation thing's been so frustrating because we put our faith in this community board process and didn't quite understand that "advisory" *really* meant advisory. Like, we thought, "Wow! That's six [applications] before the [community] board and they rejected these licenses and the SLA or somebody must take this in, it must account for something," and it never did, over and over...you'd spend hours of your life there, and the place would open anyway.

The fact that residents were doing what they were supposed to be doing by going to the community board and protesting licenses, only to see more bars open, disheartened them. Also, as Patti suggests, the logistics of organizing and attending meetings is difficult for residents since they are very time consuming activities. She is especially sensitive to the obstacles faced by the underprivileged residents in her building and neighborhood,

Not many poor people down here can do that. I certainly can't, and I make enough to survive and that's about it, so. It's hard enough to spend 6, 7 hours a night at these community board meetings. I started leaving them early just because I've gotta sleep... I can't get my Chinese neighbors, Bobo and her family, to go. Like she works, literally, I think about 14 hours a day.

While she still attends meetings for cases that specifically relate to her immediate block, Patti abandoned much of her work on the bar and nightlife issue due to frustration she felt that her efforts were having little impact.

The liquor licensing process is also difficult for residents because of its esoteric nature. Many community board members are well-versed in the ABC Law's statutes on liquor licensing, but they only learned them over the course of many years and regular residents are usually unfamiliar with the complex process. They as well as other experienced and knowledgeable residents often educate residents who are having problems with bars. John, for example, is a longtime resident who only became involved in his street's block association when the hotel under construction near his building announced that it was applying for multiple liquor licenses for its considerable proposed nightlife spaces. When he and his group started organizing to protest the license, CB3 and experienced residents were helpful in explaining the steps that they should take. "[I] consider us lucky to have had a fair amount of community board support," he says. "The world of the big city is full of bureaucracy, so it's a little hard to grasp how it all works if you're not an activist and don't school yourself in that sort of thing." When it came time for the hotel's 500 foot hearing, John reached out to Virgil, who had been very active in the liquor licensing process for many years:

I got in touch with Virgil, and asked him the question [about the hearing], and he answered it in a very detailed way... And then he said, "Who's leading your group?" And I was like, "Well, we don't really have a leader." And he kind of laughed, and I realized, it was then, that we kind of needed one for this effort

because of the nature of the 500 foot hearing which is like you can't repeat yourself, the testimony can't repeat itself. You have to really to cover categories and it has to be somewhat organized.

Although John's group benefited from local aid, the knowledge and time that is required for such efforts to be potentially effective and within the legal statutes are in general difficult resources for most residents to obtain.

For the most part, residents who organize to protest a bar or liquor license application are civil towards community board members. But sometimes residents take their frustrations out on CB3 members. CB3 members often feel slighted by residents who do not appreciate the work that they put in as volunteers. For example, while protesting a new license application for a location on her residential street in November 2006, a woman named Lorraine aggressively argues her case and accuses CB3 of not doing enough to improve current conditions. She says that she sometimes steps over vomit when she leaves for work at 6 a.m. and that the garbage trucks that come to pick up the bars on her block's garbage often wake her up along with their patrons. "My quality of life doesn't mean anything," she says.

She names a particular bar and says that people are still drinking in there at 6 a.m. She questions, "Why are people still drinking at Ocean Bar at 6 in the morning? I leave for work and I peak in the window and see them." Nicolette, a committee member, says that if this is going on at Ocean Bar then she should call the community board so they can have it on record and do something about it when they come up for renewal. Unsatisfied, Lorraine then asks, "Well, what *are* you doing to help with this?" This upsets Nicolette, and she defends the community board, the committee, and their members at length, saying that they volunteer their time, work hard, and do the best it can as an advisory committee without much staff. She says, "We don't have an investigative branch. The residents are our investigative branch. If you have a problem with a

place then you have to make a formal complaint.” Sounding tired and defeated, Lorraine concludes by saying, “I just wish that so many wouldn’t be granted.”

In sum, residents have found that the liquor licensing processes and decisions of the SLA as well as the community board are ineffective in resolving the problems of the nightscape, namely the issues that arise from its density and size as well as from especially problematic establishments. The SLA’s entrepreneurialism galvanized residents to attend CB3 meetings and fight liquor licenses, its continuous lack of communication and the ongoing expansion of the nightscape led local actors to severely distrust the agency and highly doubt the purpose of their efforts. This sometimes manifests in issues between residents and the community board, which they identify as part of the liquor licensing process that only results in furthering problems. Still, liquor licensing and attending community board meetings remain their greatest recourse in addressing nightlife issues; they remain places where residents struggle to shape their communities.

Expansion despite Protest

Large-scale urban entertainment destinations have become important examples of contemporary urban entrepreneurialism. Local governments often justify these projects by promising that they will generate revenue and attract tourists to the city. However, not only do they have dubious economic returns, but city leaders risk fraying civil bonds between them and their local populations when they develop cities for visitors rather than residents. Although neighborhood nightscape projects are not large-scale projects and do not feature a direct partnership between the state and bar owners, they are still part of the local state’s urban growth initiative of

consumption and entertainment. As piecemeal and gradual endeavors, they put residents in close contact with the political processes and actors behind their construction. And as developments that are connected to gentrification processes, they have a significant economic impact with effects that ripple throughout neighborhoods as they become more attractive for residents and visitors. But as we have seen, the SLA's entrepreneurialism helped construct the nightscape and put Lower East Side residents in a powerless position to affect change in their neighborhood. This had a negative influence on their feelings towards their right to participate in the liquor licensing process and towards the local state.

In short, neighborhood nightscapes are connected to an initiative of leisure development in postindustrial cities at the expense of communities. The two central discourses—growth and community—conflict over how to define “public interest,” with the former trumping the latter for the sake of urban growth. The result is that the state has played an important role in shifting the Lower East Side from a marginal, unprofitable, and unmarketable position in a foundering industrial economy to a central, lucrative, and attractive position in a new postindustrial economy by following an economic-driven liquor licensing policy. The role of the state does not end with development, however; it must also handle the nightscape's problems of social disorder and public safety that threaten its status as a profitable endeavor.

Chapter 5: Regulating the Nightscape

Night spots are today overwhelming the street, and are also overwhelming the very life of the area. Into a district excellent at handling and protecting strangers they have concentrated too many strangers, all in too irresponsible a mood, for any conceivable city society to handle naturally.

- Jane Jacobs¹

It's late on a Saturday night. I'm standing outside of Lemmy's near James, one of tonight's bouncers. A typical weekend night, the streets are crowded and the bar is packed. Several times he interrupts our conversation to clear people from the sidewalk who are standing or smoking in front of the bar and blocking pedestrians. All of a sudden we both notice a young Asian man yelling at the doorman who is checking IDs and not letting in him and his group of four male friends. He tells him that they are overcrowded and cannot allow anymore people inside. In reality, however, the bar is reluctant to admit groups of men at such a late hour because of the potential problems that it feels might occur (i.e., fights, aggressive behavior). The man, who seems a little intoxicated, is incredulous and very upset. Tommy, the other bouncer, walks over and gets in between them, asking the man to please leave. The man becomes even angrier, gets close to Tommy, scratches his arm, and spits in his face while talking. Tommy quickly takes a short step back and pushes him forcefully so that the man falls backward and onto the sidewalk. The crowd of smokers that had been standing nearby instantly disperses. The

¹ 1961: 245

man gets up with assistance from his friends, checks himself for injuries, takes out his phone, and calls 911, yelling at Tommy that he's pressing charges.

After five minutes two plainclothes police officers and four uniformed officers show up. They speak first with the man, who says he is from Pennsylvania. He tells them what happened and says that the bouncer used excessive force in handling him. The officers say that they weren't there to see it, but explain to him that if this is the case then what happened wasn't assault but harassment and that these situations usually occur when someone is too drunk. One officer in particular takes him to the side and tries to explain the bouncer's perspective to him. He eventually calms down.

Meanwhile, Tommy explains his side of the story to the police. When he finishes an officer quietly says to him, "Ok. Don't worry, we got you."

The bar's manager, who is active in the community and with the police, asks the officer if this is serious and if he is needed. When the officer says no, he goes back inside. The man and his group walk off and the officers stay for a few minutes and talk with the bouncers before leaving. Meanwhile, revelers keep on walking and shouting up and down the street.

(Field notes, 8/16/2008)

Neighborhood nightscapes and the conditions they produce have altered how urban nightlife is regulated. On the one hand, leisure development provides economic benefits and raises a city's profile as an entertainment destination for visitors and a fun place to live for new residents. Therefore, a goal of public policy is to grow vibrant nightlife scenes. On the other

hand, large nightlife scenes often produce conditions of disorder that require city government's attention and resources. Nighttime consumption spaces are notorious for their subversion of normal, everyday behavior. While in public nightlife consumers are intoxicated, cause disturbances, loiter, and even deface and damage property. Crowding, noise, and litter are commonplaces and criminal activity such as illegal drug use and violent incidents often accompanies the scene. This is normal behavior for much urban middle-class youth participating in the city's nightlife, but it threatens the image of safe nightlife scenes and motivates quality of life complaints from residents (Hannigan, 1998). Quality of life complaints about disorderly conditions in nightscapes present the city government with a problem.

Following New York City's success at reducing street crime and improving public spaces, cities around the world have adopted "zero tolerance" enforcement strategies that rely on the principles of the broken windows theory which requires that even minor infractions of the law be punished (Smith, 2001; Vitale, 2008). The theory claims that symbols of both physical disorder—graffiti, litter, damaged property—and social disorder—vagrancy, public drunkenness, rowdy behavior—lead to criminogenic environments and criminal activity (Kelling & Coles, 1996; Wilson & Kelling, 1982). As a result, such symbols and activities were criminalized by the city. Broken windows policing was fully implemented in the 1990s during the Giuliani mayoral administration and William Bratton's tenure as chief of police with the goal of making public places clean and safe for "decent" people and activities. Today New York City has a sizable enforcement infrastructure for addressing these issues. It uses such strategies as strengthening police authority and policing efficacy by criminalizing certain behaviors, increasing the presence of uniformed officers on streets, and improving their ability to monitor patterns of behavior with advanced technologies to target and remove these symbols of disorder

in order to improve public safety and reduce crime. The city also allows private entities such as Business Improvement Districts (BIDs) to regulate public spaces to the same effect through such strategies as the hiring of private security guards. In 1995 there were 69,162 security guard licenses in New York County with 578 authorized employers of security guards (i.e. security guard companies or registered companies who hire security guards). Both have increased significantly with 133,951 licenses and 723 authorized employers in 2005 and 144,820 licenses and 771 authorized employers in 2009.

Many scholars have critiqued the effectiveness and fairness of quality of life policing. They provide alternative explanations for New York City's crime reduction since its implementation and point out the police's disproportionate targeting of minority groups and the homeless (Duneier, 1999; Harcourt & Ludwig, 2007; Karman, 2006; McArdle & Erzen, 2001; Vitale, 2008; Zukin, 1995). Other scholars link quality of life policing with urban growth policies and urban entrepreneurialism. Since the nineteenth century, socially and ethnically diverse entertainment zones (e.g. Coney Island, the Bowery) have been seen as dangerous and unsuitable for members of the "decent" middle class and for capital investment (Hannigan, 1998). Today cities make direct efforts to rid their public spaces of certain behaviors (vagrancy), social groups (homeless), and physical conditions (graffiti) to present them as clean, safe zones and encourage private investment, development, and tourism (Belina & Helms, 2003; Smith, 2001).

Contemporary nightlife, however, presents cities with a unique dilemma. Cities must be both safe and fun. The nightscape benefits the city at the same time as it produces disorderly conditions that are the city's responsibility to handle. What happens when symbols of disorder are economic and cultural boons? How does the city react to and deal with disorderly conditions

in popular nightscapes? What relationships have the state formed with nightlife actors and how have they transformed local nightscapes? What strategies do the police use to control the streets of the nightscape and what effect do they have on urban nightlife?

This chapter examines the new nightlife regulation that has recently developed to deal with the disorderly conditions and potential problems in neighborhood nightscapes. Overall, the new nightlife regulation represents a form of postindustrial urban governance that brings together public and private actors to monitor and control nightlife spaces (Hobbs et al., 2003). Following several violent incidents that threatened New York City's image as a safe place for nightlife, local elected officials and state agencies such as the SLA and the NYPD have reached a consensus on the necessity of tighter regulation of nighttime consumption spaces and a shift of responsibility over nightlife regulation from the public to the private sector. As the city encourages nightlife and tourism the task of controlling disorderly behavior becomes the responsibility of a small number of police precincts, such as those on the Lower East Side. Breaking from typical quality of life policing, however, the new nightlife regulation does not focus on the people actually committing quality of life offenses. It instead holds individual bar owners more accountable for controlling conditions on the street and identifies those owners who do not comply as "problem" owners or "bad operators." The new regulatory strategy shares responsibility over quality of life problems between the public and the private sector through a partnering of the police and the nightlife industry and a reliance on bouncers to control the streets of neighborhood nightscapes. These reforms by the state and the police have begun a process of converting informal local nightscapes into more formal entertainment districts. They have not, however, diminished the volume of bars or moderated nightlife activity on the Lower East Side, which has been the biggest source of disorderly conditions in the neighborhood and of harm for

residents. In other words, the new nightlife regulation fails to address the primary causes of the nightscape's problems in the community.

Political Tightrope: Balancing Community and Economic Development

As mentioned in Chapter 4, the SLA is a state agency whose members are appointed by the governor. But the Lower East Side is represented by many local elected officials in the City Council and State Legislature who are primarily responsible for the well-being of their constituents and districts. As a result, local politicians have different political goals and operate differently from the SLA. This does not mean, however, that politicians do not also possess an entrepreneurial mindset.

The political discourse of local elected officials is a balancing act between serving their constituents and maintaining the communities in their districts, on the one hand, and promoting economic growth on the other. Politicians from the Lower East Side during the 1990s and 2000s were highly aware of the nightscape's proliferation, the community's problems with the nightscape, and its implications for the area's ongoing gentrification as CB3 and residents constantly approached them for help with their nightlife concerns. They recognized that the SLA was an important actor in the nightscape's expansion, particularly in its treatment of the 500 foot rule. Dan, a community aide to two consecutive City Council members, says,

The SLA, unfortunately, up until a year and a half ago, were still just rubber stamping everything. I mean, if you applied for a license, they approved, it didn't matter if it was contrary to the 200 foot rule, the 500 foot rule, they would always find some way to say that it was in the public interest. And it's pretty clear if you look around [the Lower East Side] that it's not in the public interest.

Politicians saw the economic motive in SLA decision-making. “They were much more responsive to the business’s needs than they were to the community’s needs,” says Dominic, the director of operations to a State Senator. “They were very concerned about businesses, economic growth, more about what businesses needed than what the community wanted.” Because they are elected officials, it was important for them to be attentive to the interests of their districts’ communities. Dominic continues,

The people who get appointed to the State Liquor Authority are political appointees... You know, it’s funny, there are some industries, like the real estate industry, obviously real estate’s a very important part of New York City, nightclubs and nightlife is a very important part of New York City, and tourism, and all that is very important, but let’s face it, elected officials get elected by the people that live in their communities... Tenants live in the neighborhoods and vote in the neighborhoods, elected officials are going to be more responsive to people who they represent, their constituents.

CB3 and residents got politicians involved in their protests against licenses and pleas to the SLA to change their policies. In response to their concerns, elected officials wrote letters to the agency, called them, and gave testimony at hearings and meetings in opposition to licenses.

A result of this political activity in the 1990s was the formation of the Nightlife Task Force by Manhattan Borough President C. Virginia Fields in 1998 to address the quality of life problems and disorderly behavior that had arisen in nightlife-saturated areas. The task force was comprised of community activists from around the borough, including a representative from each of its twelve community boards as well as from the nightlife industry (attorneys, owners, lobby groups), and was chaired by a State Senator. Of the ten community groups besides community boards that were represented on the task force, four were located on the Lower East Side. Despite its role in saturating neighborhoods with nighttime establishments, the SLA did not have a representative—another indication of its lack of communication with other state actors and

residents. After many meetings the task force released an official report in fall 2000. Like residents, politicians were frustrated that the SLA was not communicating with them over licensing decisions or in dealing with problem locations. Most of the report's recommendations, therefore, called upon the SLA to improve its transparency and communication with the public. Not among them, however, were suggestions to prohibit the nightscape's expansion, like the community board's moratoriums. In any event, the SLA did not implement the report's recommendations and continued its policy of nightlife proliferation during most of the 2000s.

Unlike residents politicians could try to improve nightlife conditions by changing the law. They took several legislative initiatives to shape the regulation of nightlife. In May 2006 State Assembly Speaker Sheldon Silver held a public hearing for a bill he had introduced that would eliminate exceptions to the 500 foot rule. This was similar to the original version of Padavan's in 1993, which also did not allow exceptions to the 500 foot rule. Silver, whose district includes much of the Lower East Side, stated his reasoning behind the legislative bill at the hearing,

People have a right to a good night's sleep free of excessive and overt disturbances. They have a right to neighborhoods that are not being continuously scarred by vandalism, mischief, and obscenity, and they have a right to walk down their neighborhood streets without being accosted every few feet by someone who is out of control... I don't want to inhibit any New Yorker's dream of owning and operating a nightclub, but among the competing interests in each and every community, a balance must be struck.

As this statement shows, quality of life concerns from residents were the legislators' central political concern. The hearing was attended by residents and community groups as well as by owners of nightlife establishments and lobby group leaders who felt justifiably threatened by the proposed limitations on their industry.

But austere bills such as Silver's that would prohibit nightlife proliferation have failed to get passed in the State Legislature. An important reason for this is that while community board decisions are local, laws passed by the City Council or State Legislature have broader effects and can limit the potential for growth for any district in the city or state. As Dan, the City Council member aide, explains how local legislation works,

The real problem is that, which is kind of annoying, to get anything passed through the City Council that has to do with nightlife stuff is that most of the nightlife that's really onerous and effects the community poorly happens in Manhattan. And a lot of, I think, outer boroughs would be ecstatic to get more bars, ecstatic to get more nightlife. So we kind of have competing interests. Even if we put together great legislation, I would be surprised at its chance of passing because you wouldn't be able to convince the outer borough legislators to pass it and then you would have the nightlife industry against it, you would have the real estate industry against it. So I think it would be very hard to get something passed, because Manhattan, obviously, is very unique.

Since Dan's City Council district comprises the nightlife-embattled Lower East Side, he expresses frustration with the difficulties in passing legislation to deal with it, namely intra-city competition and the ongoing lobbying efforts of private actors. Elected officials' offices are constantly bombarded with residents' complaints against bars, but such constraints weaken their ability to resolve those concerns with new legislation. The issue of "competing interests" also applies to state legislators, who in many cases represent districts in other cities and areas of the state that would welcome the economic benefits of nightlife development, such as in cases of gambling and casinos.

Without an ability to control nightlife proliferation, politicians personalized their effort against nightlife by going after individual owners. They identified those owners who were responsible for the most harm as "problems" and targeted them in order to solve these issues. As Courtney, the Manhattan Borough President's director of intergovernmental affairs, says,

I'd say that probably 90% of bars and clubs in this town are not offenders. Probably if you reviewed their file have very few infractions, if any. But those *bad operators* that exist and are there, that's what they are, they're *bad operators*. You need to weed them out, punish them [emphasis added].

For local elected officials, a “problem” owner or a “bad operator” is an owner who has complaints against their bar, does not communicate with their neighbors, and does not take steps to improve either condition. Politicians try to target these owners, and indeed, the only successful legislative initiatives that deal with nightlife have been those that place greater pressure on individual bar owners to regulate their own establishments. New legislation has enhanced owners’ responsibility and strengthened the severity and enforcement of infractions.

One such law, passed in 1996 and referred to as the “rowdy bar bill,” made it easier for the SLA to suspend or revoke liquor licenses for problem locations that demonstrated “a sustained and continuing pattern of noise, disturbance, misconduct, or disorder.” Prior to its passing the SLA did not have significant legal authority to punish bars for their quality of life infractions. The intention of the bill was to give the SLA greater legal power to target and close bars that were causing disorderly conditions in neighborhoods. Before being passed the bill went through a few revisions because of the lobbying efforts of the Empire State Restaurant and Tavern Association, which used its influence to get greater protections for individual, law-abiding owners who were not disturbing their neighbors. But as with the 500 foot rule, the SLA still has the ultimate decision over whether or not to suspend or revoke a license. And with limited investigative capabilities, it depended on information from other sources to make such

decisions, such as the police and community boards, with whom it was not communicating.² As a result, the law was not as effective as originally intended.

Other legislative examples are the “bouncer bill,” which requires nightclubs with cabaret licenses to hire licensed security guards; the “independent monitor bill,” which allows nightclubs with violations from city agencies to hire a court-approved independent monitor for a probationary period to ensure regulatory compliance in lieu of having their license revoked; and the surveillance cameras bill, which requires nightclubs to have security cameras at the entrances and exits of their establishments. Legislation also helped the police handle more serious nightlife problems. An expanded “nuisance abatement” law gave the police greater powers to shut down problem establishments. Although before this law the police were able to close places that endangered public health and safety by housing things such as drug sales, prostitution, and gambling, they may now close an establishment if three or more felony charges were made there in the previous 12-month period. These could be violent incidents or serving alcohol to minors. A nuisance abatement proceeding can lead to the revocation of a bar’s liquor license, or to the aforementioned court-appointed independent monitor being assigned to the establishment. Signed into law in 2007, each of these bills brought a financial burden on owners, but more importantly each identified and brought “bad operators” under the direct regulatory control of the state and addressed concerns over public safety. They did not, however, target the problems of concentrations of nighttime establishments in neighborhoods where nightlife was causing residents great distress.

² CB3 wrote numerous letters to the SLA asking them to revoke licenses on the basis of the rowdy bar bill. One such letter from May 1999 reads, “Due to the continued and unresolved neighbor complaints against the establishment, the unresolved police complaints, and the failure of the owners to comply with CB3 stipulations regarding soundproofing deadlines, the license of the establishment [should] be revoked pursuant to SLA rules and regulations.” As with 500 foot denials, however, the SLA was also unresponsive to these concerns. This letter, for example, was written in regards to a place called Korova Milk Bar, which remained open until 2006. It then became Rapture, whose owners applied as a bookstore and café and eventually became a dance club.

Assemblyman Silver's statement that "a balance must be struck" points to the problem that elected officials face in handling nightlife issues, namely the conflict between addressing community concerns and the economic growth of their districts and the city. Politicians consistently talk about finding this balance. Just as they are aware of nightlife's harmful community impacts they are also very aware of its importance for New York City's economy. As Louise, the chief of staff to a State Assembly member, says, "It's a very important industry, it brings people into the city, it's certainly a moneymaker, it generates taxes, so it *is* very important, there just has to be the proper balance of things." Courtney, the Manhattan Borough President's director of intergovernmental affairs, shares this perspective,

Nightlife is a \$9 billion a year industry—we can't shut it down. We shouldn't be going towards Prohibition. We can't *not* have nightclubs, we can't *not* have cabarets, and other types of entities for people to come and enjoy themselves, for tourists to come to their huge tourist attractions like some of these clubs, and then the local watering hole, which I think that most of us will say we enjoy, or a fine restaurant where you could have a bottle of wine or something else. But there's got to be a balance....We'd like to see the proliferation [on the Lower East Side] die down, kind of move around.

In these statements we can see the entrepreneurial mindset of local government. Courtney recognizes the importance of nightlife in the leisure and tourist economy, which echoes the sentiments of other elected officials. During the nightscape's development, local politicians supported changes to nightlife regulation that would control disorderly conditions and eliminate its harmful elements but still maintain its vibrancy and potential for growth. This continued until the mid-2000s.

Forming a Consensus

Changes in nightlife regulation occurred because of crises that threatened the city's desired image of having a safe and controlled space for entertainment consumption. The first change began at the SLA in late 2005 when the governor hired Joshua Toas as CEO—the first person to hold such a position at the SLA in more than a decade—to manage the general operations of the agency. Although residents on the Lower East Side and in other areas of the city had been complaining about nightlife for many years by this point, his hiring was not because of nightlife issues. Rather, it came amid a public scandal in the liquor industry involving the illegal practices of wholesalers. As Toas recalls, “There were some allegations in the press coming mostly from the western part of the state that the agency hadn’t been enforcing wholesale trade practice regulations... And one of the reasons I was appointed and I think Chairman [Daniel] Boyle was appointed was to make sure that these wholesale trade practice regulations were being enforced.” The scandal, whose investigation by the State Attorney General led to significant reforms in the wholesale liquor industry, also forced the SLA’s decade-long chairman to step down. He was replaced by Daniel Boyle, who was confirmed on February 12, 2006. With a strong background in law enforcement, Boyle’s appointment signified a shift towards a new culture of tighter regulation at the SLA. Moreover, elected officials saw his appointment as an opportunity to improve their relations with the agency. His understanding of the 500 foot rule and its harmful effects was one of their concerns. “When [Governor] Pataki proposed him,” remembers Harold, Padavan’s legal counsel discussed in the last chapter, “we asked him questions and we wanted to make sure that he was attuned to all this, 500 foot rule, and how come it’s not being applied, this, that, and everything else, and we were

satisfied.” However, in the coming months the SLA and city were confronted with new issues that went beyond quality of life and presented them with problems that needed to be addressed.

Just as the State Legislature’s vote on the 500 foot rule came after a shooting death in Padavan’s district, it took several violent crimes—some of which were homicides—in and around nightlife establishments in New York City in 2006 for the state to intervene again. The police in areas with dense concentrations of nightlife establishments—particularly those with larger nightclubs—were also reporting overall increases in violent nightlife-related crimes in their precincts.

There were two especially high-profile incidents. The first was the abduction and murder of Imette St. Guillen, a 24-year-old graduate student, on February 25, 2006 from a bar near the Lower East Side late in the night by an unlicensed bouncer with a criminal record. She was raped and murdered and her body left in a desolate area in Brooklyn. This gruesome event and its unfolding investigation made headlines in local papers for several weeks and focused attention on public safety in nightlife, especially on bouncers and private security licensing.³ The second incident was also the murder of a young woman. On July 24, 2006, Jennifer Moore, an 18-year-old New Jersey resident who was out on a Monday night in Manhattan with friends, was abducted while intoxicated from the side of a highway close to where she had been drinking, taken to a New Jersey hotel, raped, and murdered. Her body was found two days later. Along with the brutality of the incident, the local media highlighted the fact that she was underage but still able to consume alcohol publicly in a premiere nightlife district.⁴

³ One result was the passing of the aforementioned “bouncer bill.”

⁴ Moore and her friends were out in Chelsea, a former manufacturing district on Manhattan’s West Side that has been transformed into the city’s premiere area for large, exclusive nightclubs.

Both cases received significant media attention and pushed public safety in the nighttime economy onto the city's and state's political agenda. Louise, a State Assembly member's chief of staff, explains the effect they had,

Probably more than anything it probably was the press that [led to political changes], for these couple of outlying incidents, they're not everyday incidents, but that's what the media latches onto and that's what people are interested in. So I think it was just like they had to respond in a way.

And Heather, legal counsel to the City Council Speaker, confirms, "The thing that really sparked it in the [City] Council was Imette St. Guillen's murder...It really shifted the focus." These crises of violence and disorder compromised New York City's status as a place for safe nightlife.⁵ Politicians interpreted these incidents as a sign that nightscapes had become too volatile with too many bad operators, too little oversight, and ineffective enforcement of both establishments and the streets. In order to keep the city marketable as an entertainment destination, the state had to take steps to address these problems and make nightlife safe, or at least make it appear to be safe. While neither incident occurred on the Lower East Side, their high level of publicity, lending to political and community pressure, led to regulatory changes with widespread effects in New York City's popular nightlife districts. As mentioned, any legislation or policy changes will impact all areas of the city and possibly the state.

Changing Liquor Licensing

An important outcome of these incidents was stronger collaboration between the SLA and other groups, namely the police, elected officials, city agencies, and community boards, in

⁵ In a sense, we can see the problem with nightlife as a contemporary microcosm of the type of "image crisis" that Greenberg (2008) documents older industrial cities such as New York have faced since the late twentieth century and addressed through elaborate branding campaigns.

liquor licensing matters. These reforms built off the legislative initiatives that targeted individual “problem” owners. First, the SLA and its new personnel acknowledged that they needed to make changes in light of the recent violent incidents. As Toas, the CEO, states, “We definitely decided that licensing decisions have a great impact on enforcement problems. So we’re doing everything we can to make the proper licensing decisions. To make sure a neighborhood is not overrun with *bad bars*, and when they are, *we put those bars out of business*” [emphasis added]. Under new leadership and aligned with the perspective of politicians, the SLA recognized and invoked its authority to shut “bad” bars down. As evidence of these changes, the SLA initiated a moratorium from September 2006 until the end of the year on all full, on-premises liquor licenses in 500 foot cases. Praised by local residents and community boards who had seen their own 500 foot protests and local moratoriums on liquor licenses ignored by the SLA, and condemned by the nightlife industry, this state-wide moratorium was a dramatic halting of 13 years of SLA inaction and gave it time to evaluate its licensing policies.

During the moratorium, the SLA established a Taskforce for the Review of On-Premises Licensure. The SLA task force greatly expanded the previous Manhattan Borough President’s task force and brought together representatives from even more groups—community boards, local elected officials, the nightlife industry, and, most importantly, the SLA itself—to discuss licensing matters, policy reforms, and possible legislation. The task force was a significant endeavor in the sense that government agencies rarely open themselves up to the perspectives of external actors on their policies, particularly when those actors are on opposite sides of a highly contentious issue (i.e. community boards/NYPD and the nightlife industry). The group met three times during the fall of 2006 and released a report of their discussions with a list of ten recommendations at the end of that year. The report encouraged greater transparency at the

SLA; stronger communication and collaboration between it, the police, and other city agencies; and a more streamlined application process.

The new liquor licensing policies aimed to identify “bad” operators and prevent them from running problematic establishments. For instance, the SLA limited how owners could use their spaces when they initiated a new certificate system in order to prevent bait and switch tactics. The ABC Law requires licensed establishments to display their license certificates in a visible location. The old certificates were fairly generic and uninformative. They showed expiration dates and the licensing code—“OP” or “RW”—but these can refer to many different types of nightlife establishments. The SLA’s new certificates are color-coded to indicate the type of establishment that is licensed (e.g. “mixed use” is purple, “nightclub” is red). They also show the establishment’s hours of operation, whether or not dancing or live music is allowed, whether or not there is an outside area, and other pertinent information. Many of these restrictions are the legally binding stipulations that community boards recommend the SLA write into licenses. As Toas states,

So now when you attempt to do that bait and switch, you really won’t be able to anymore and it will be a lot easier for us to bring charges because we’re going to know just by looking at the face of the license, “Hey, wait a second. You told us you were going to be a restaurant. We walk in and you’re a nightclub,” you know. And it’ll be much easier for us to enforce the law and it’ll be much easier for everybody on the licensing end.

From its records the SLA already knows an establishment’s legal method of operation. The purpose of the new certificates is to make it easy for residents, community boards, the police, and city and state agencies to monitor a bar’s methods of operation and report them to the SLA. As mentioned in Chapter 4, the SLA is a small agency with few investigative resources. Most of its information on nightlife conditions comes from local actors. Therefore, the SLA needs

regular lines of communication with these actors to monitor owners and ensure they are following the law. Simplifying liquor license monitoring is a step in this direction. There is universal consensus from the Lower East Side's community board, local elected officials, and police precincts that the SLA has become more transparent, communicative, and open to their concerns.⁶

Like politicians, the SLA's chief concern is "bad" bar operators, particularly those whose bars are sites for criminal activity. It is these establishments that most probably threaten the public and damage the state's desired image of having safe nightlife scenes. The SLA has taken greater steps toward locating and punishing places that violate the law. For example, in 2003 the SLA made 88 license revocations (i.e. license terminations), 195 temporary license suspensions for a total of 2,879 days, and 1 summary suspension (i.e. emergency cases when public safety and health is endangered) throughout the state. In 2007, the SLA made 239 revocations, 286 suspensions for a total of 4,631 days, and 14 summary suspensions. The amount of civil penalties collected in these years was \$4,864,150 in 2003 and \$6,979,699 in 2007. In 2006, the SLA created a Rapid Enforcement Unit (REU) that streamlined its enforcement capacity and focused it on cases of high priority. It has also formed stronger relationships with other state agencies, politicians, and local police in order to obtain the information it needs to carry out these disciplinary actions.

The SLA makes an important distinction between dealing with crime and quality of life. Toas states,

⁶ As I will show in Chapter 7, this improved communication has given residents and CB3 a degree of hope that their voices will be heard by the SLA in making liquor license decisions, which has played a major role in the continued organizing efforts of residents and helped shape the relationships between them and owners.

We definitely have to distinguish between the public health and safety and quality of life. I will admit up front that some quality of life issues can have an impact on public health, but when I talk about public health and safety, for the most part I'm talking about criminal activity, assaults, rapes, prostitution, drug activity, fights, murders, stabbing, all that type of stuff. They happen everywhere. There's no, I don't think, any area that's saturated that has a particular lock on criminal behavior.

However, for the Lower East Side the most important issues are quality of life and the gentrification processes that the nightscape represents. But the SLA has no control over gentrification issues. Who rents a commercial space from a landlord and for how much are determined by "market forces" and broad legal entitlements that are well beyond the SLA's jurisdiction. The SLA cannot make a licensing decision based on the identity of prospective owners who apply to it—i.e. whether or not they socially or culturally benefit a neighborhood—nor can they control where they wish to open establishments. The exception to this is 500 foot cases. But even though today the SLA takes the community board's recommendation into account when making 500 foot decisions, it still bears the burden of interpreting public interest. Like local elected officials, it "balances" economic development and community concerns. Toas explains this balance,

Certainly, I think economic development is still a part of [the public interest] depending on what we're talking about and the breadth of the economic development...[and] certainly the public's opinion. Does the public think it's in their interest? And if you have a community board which is saying, "It's not in our interest," they have a pretty good read on what's in their interest. And there's still a balance that has to be made and the members still have to make an independent judgment, and they look at all the facts, and I think we're making the right decisions.

The SLA also only has authority over individual license holders; it has no jurisdiction over the streets or over the nightscape as a whole to handle these problems. Even if SLA commissioners agree with the claim of the broken windows theory that negative quality of life conditions

stemming from nightlife saturation can lead to crimes, it cannot always enforce them. It is difficult for the SLA to distinguish between quality of life complaints that emerge from dense local nightscapes and activity that occurs within a specific establishment. To handle this, the state relies on both traditional and new sources of regulation: the police and bouncers.

Changing Enforcement: New Role of the Police

The actions of the police in the contemporary nightscape are starkly different from their efforts in the 1970s and 1980s. During this time the Lower East Side was a dangerous environment that presented them with serious challenges. With its abandoned properties, vacant lots, and nearly total lack of investment, the neighborhood was the perfect setting for what the police described as an “open air drug market.” A drug culture dominated daily street life and police were overwhelmed by the violence, crime, addiction, and prostitution that accompanied it. Their hands were largely tied by a departmental policy that targeted major drug traffickers and prevented officers from stopping street-level drug activity out of fear of exposing them to possible corruption (Curtis et al., 2002). With landlords abandoning and destroying buildings, the city acquired approximately 500 essentially worthless properties on the Lower East Side while dealing with a fiscal crisis. It either legally permitted residents to live in these buildings through homesteading programs or turned a blind eye to squatters who illegally occupied unused spaces (Paterson, 2007). Homelessness was widespread on streets and Tompkins Square Park became known as “tent city” because of its encampments (Paterson, 2007).

Renewed interest in the area by real estate developers and new residents ushered in a new era of law enforcement. Policing activities on the Lower East Side dovetail with New York

City's quality of life and zero tolerance enforcement strategies that emerged as a model for cities to improve public spaces and lower crime rates. In 1984, after pressure from real estate actors and local community groups, the police initiated Operation Pressure Point—a well-coordinated enforcement effort that put more than 200 additional officers on Lower East Side streets in an attempt to eliminate street drug activity and disrupt the local drug market. Scholars argue that while this as well as other follow-up strategies in the late 1980s and early 1990s such as the creation of neighborhood "Tactical Narcotics Teams" removed a significant amount of drug activity from streets, they often merely redistributed it to other areas in the neighborhood and city and caused drug organizations to adapt to the new enforcement, such as by adopting more secretive sales policies (Curtis et al., 2002; Mele, 2000). Like critiques that call the positive effects of broken windows policing into question, these scholars cite alternative factors such as stronger community involvement and an improved economy that played roles in reducing crime (Harcourt & Ludwig, 2007; Karmen, 2000; Vitale, 2008). In any case, many Lower East Side streets experienced reduced drug and criminal activity as a result of these policing initiatives.

Meanwhile, other efforts by the police were also having an effect on housing and public space in the neighborhood. With new residents and real estate actors expressing interest in the area, the city's previously worthless properties were gaining value. Key spaces such as Tompkins Square Park, which had been an epicenter for local activism and radical politics along with homelessness and drug activity, became contested sites for various groups vying for a stake in deciding the neighborhood's future. Enormous tensions built in the neighborhood when the police began evicting squatters from many city-owned buildings and removing homeless from the park and controlling it with more officers and a midnight curfew. This latter initiative sparked the infamous 1988 riot in the park that featured excessive police violence against

demonstrators and bystanders alike (Mele, 2000; Patterson, 2007; Smith 1996). In its aftermath and throughout the 1990s, the city continued these efforts of rehabilitating public spaces by removing symbols of disorder. Smith (1996) critically refers to all of these efforts by the police and city as a form of urban “revanchism”—a “taking back” or seizing of spaces from marginalized groups and preparing them for wealthier classes. Vitale (2008) sees them as efforts that follow from a punitive “quality of life” paradigm that reformulated homelessness into a problem of public disorder that required immediate removal without consideration for its structural causes. Overall, these concerted efforts by the state all contributed to reinvestment in the area and gentrification.

Disorder on the Lower East Side in the 1970s and 1980s, then, referred to criminal activities of drugs, violence, and prostitution; poverty-induced homelessness; and artistically- and politically-motivated forms of vandalism and squatting. Unless they were major sites or sources of criminal activity, the Bowery, ethnic, working-class, and artists’ bars and clubs on the Lower East Side posed few problems for the community or the police. Today, however, with gentrification and tourism increasing, the issue that police on the Lower East Side handle most often stems from postindustrial consumption activities of the middle class rather than from conditions of an impoverished slum. The relationship between quality of life policing and urban growth becomes more complex as local nightscapes emerge and new forms of disorder—which are perpetrated by the middle class and fueled by public alcohol consumption—become economic benefits for the city.

Two key policies that form important parts of the city’s quality of life enforcement infrastructure and obligate the police to deal with problems on a local scale are the 311 calling system and the Compstat program. The 311 system was implemented by the city in 2002 as a

resource for government information and for non-emergency services and issues. It consolidates all agencies and departments into one centralized operation. Residents call the number to obtain a wide array of information, request a service, or make a complaint about a local problem, such as a quality of life issue stemming from nightlife. The system records this information and forwards the complaint to the appropriate agency or department, which is then held accountable by the city for addressing it.

The 311 system is linked with the NYPD's Compstat ("Computer statistics") program. Compstat is a statistic-driven monitoring program that geographically tracks incidents throughout a precinct's command, and, like the 311 system, holds the precinct accountable for solving them. Commanding officers receive weekly reports on their precinct's crime and complaint statistics and central authorities in the NYPD and in city government expect them to address whatever issues they are having and account for the actions they have taken to do so. This puts significant pressure on police commanders. Tommy, a retired commanding officer, explains their importance,

A police commander can lose his command if his Compstat numbers are high, and if his assaults are up 20% *and they're club-related*, when he goes to headquarters to Compstat, he better be able to show what he did in relationship to that, and it's measured by tangible things, the police department's activity—summonses, arrests, nuisance abatements, whatever [emphasis added].

Residents complain about bars by phone to the community board, local elected officials, and police precincts, but most of their calls go through 311, where they end up on the desks of precinct leaders. If there are a high number of 311 complaints from residents about the bars on a particular street, a commanding officer must utilize the precinct's resources to address them, such as by putting more officers on the street. As Peter, a veteran detective, states, "Quality of life is a *major* Compstat issue. It is a commanding officer's priority, quality of life. It's

definitely the concern of the precinct commander. Without a doubt, it stops with him. There might be other city agencies involved, but the role of the precinct commander is paramount.”

Although police treat it very seriously when it occurs, violent crime in nightlife spaces is relatively rare on the Lower East Side.⁷ For one of the Lower East Side’s two main precincts, the most important crime related to nightlife is property theft, particularly stolen purses, wallets, bags, coats, laptops, and other things from people in bars. When the items are valuable, these incidents are characterized as grand larcenies, which increase crime statistics and reflect poorly on the precinct. As a result, the commanding officer at this precinct has made preventing and catching the perpetrators of these grand larcenies a priority. As one detective says, “It’s so important he treats a stolen bag like a non-lethal shooting.” Dennis, this precinct’s cabaret unit officer, who is in charge of nightlife enforcement, describes these crimes,

A big problem with our precinct is stolen bags. That’s really the biggest headache we have. As far as assaults in the precinct, we have 8 for the year that happened in a bar, and that’s, we have 111 licensed premises in the command and having 8 assaults is pretty good, and we’re in December already...One of the hardest things to do is walk around and try to find someone stealing a bag.

Preventing such thefts in dark and crowded bars, especially when there are so many in the neighborhood, is a big challenge for police. They use a strategy called “lucky bag” in which a plainclothes officer goes to bars, blends into the crowd, and tries to catch a thief in the act. But as its name suggests, this tactic requires luck and timing as well as patience and skill on the part

⁷ I should note that this only refers to reported crime. In my field work I witnessed several examples of violence or aggressive behavior that were not reported to the police, although none resulted in any visible serious injury. This also neglects the several episodes that I witnessed in which a bouncer deftly quelled a situation and undoubtedly prevented a violent incident from either occurring or escalating. Still, even though we cannot have an accurate number on the amount of actual violent incidents that occur in nightlife spaces, we can reasonably conclude from the relatively few that are reported or discussed by people in the Lower East Side’s nightlife industry, by residents and the community board, by politicians, or in the media that it is not a recurring or serious issue.

of the officer and the grand scale of nightlife in the neighborhood makes it unfeasible for the police to cover many establishments.

Other than theft and occasional violent incidents, one of the most frequent and time-consuming problems that the police handle on the Lower East Side—criminal or otherwise—is quality of life complaints about bars. These include complaints about noise generated by sound systems and customers as well as street noise from revelers and cars. In the seven-month period between July 1, 2007 and January 31, 2008, there were 1,872 complaints made to 311 about nightlife noise on the Lower East Side (CB3)—the most noise complaints in any community district in the city. This represents a quarter of the 7,157 complaints made against nightlife in all of Manhattan and is a third more than in the area with the second-most number of nightlife noise complaints, the West Village, which had 1,268. The police are obligated to address every quality of life complaint that comes through the 311 system. But police precincts have finite resources to handle all local problems and must allocate them efficiently. While the police take quality of life seriously and follow the NYPD’s protocol in addressing them, nightlife noise complaints are still not as “serious” to them as other crimes. As Dennis, the cabaret officer from the 7th Precinct, says,

The way I view this is that every time, now at least 180 times we’ve had to go and respond to noise complaints, those were 180 times within the past 28 days where my guys weren’t looking for people that are robbing somebody, that are drug dealing in the neighborhood, that we’re looking for people stealing bags.⁸ So to me, every time we go on one of these jobs, that takes us away from doing something more serious. Yes, noise is a problem, it’s a quality of life issue. The way my police career went, I’d rather be finding the people that are robbing people and those type of things.

⁸ These numbers refer to 180 311 complaints that the police had to respond to in the past month.

The large number of noise complaints about nightlife presents the Lower East Side's precincts with a regular dilemma in terms of how to best handle them and reduce the number of 311 complaints without expending too many resources.

The MARCH

A strategy the police use to handle “problem” bars is “strike forces” with other government agencies. These are based on a program that the city implemented in the 1970s to combat quality of life problems in Times Square and have since expanded throughout the city. Strike forces are an interagency enforcement program in which representatives from various government departments are sent to “bad bars” in the nightscape, which they usually identify by an excessive amount of 311 complaints; they also conduct such inspections at establishments selected at random. Seeing how these inspections work provides an understanding of how the police and state agencies pool their resources to target “problem” bars.

At a little past midnight on a midsummer Saturday night, I notice two police officers walking on Rivington Street toward a parked patrol car with its lights on blocking southbound traffic at a busy intersection. Surrounding it are several parked government vehicles and both plainclothes and uniformed service personnel standing around. A nightlife strike force initiative is commonly called a “MARCH”—Multi Agency Response to Community Hotspots—and one of the officers in the street has a folder under his arm that reads “March Op, 6/28/08.” It is a MARCH on Einstein's, a large, popular corner bar that has received many noise and sidewalk crowding complaints from the community.

Only the police and firemen are easily identifiable, but there are also representatives from the State Liquor Authority, Department of Environmental Protection, Department of Buildings, Office of Public Safety, and Department of Health who are here on this operation. While the State Liquor Authority is responsible for the bar's license, each agency has some regulatory authority over the establishment. For example, the Department of Environmental Protection is here to conduct a sound reading and determine if the bar is breaking the noise code, and the Department of Buildings is here to see if it has a public assembly permit, which is required for any establishment with occupancy of more than 74. Any violation will result in a summons and likely a fine. In this case, Einstein's does not have a public assembly permit, yet an interior sign that the bar has made and posted in the front reads "Maximum occupancy not to exceed 250" and there are clearly more than 74 people in the bar.

Although the service vehicles and personnel on the street cause many revelers to stop and see if anything serious is happening, the representatives who enter the bar to inspect it do so inconspicuously and the activity inside continues as normal. After nearly an hour, each representative writes their own summons for each violation of law that they have found, and the police officer in charge hands them all to tonight's manager. Everyone gets back in their vehicles and, single file with a police van in the lead, they slowly drive away to their next location.⁹

The police use nuisance abatement proceedings for more serious cases of "bad bars" and strike forces for those establishments with quality of life issues. But like the changes to liquor licensing, they both focus on individual "problem" owners and do not respond to the

⁹ MARCHes are not announced ahead of time; I was lucky to come across this one and was not told where they were going to next when I asked.

nightscene's disorderly external conditions. Under broken windows enforcement strategies, police respond to examples of disorder because, according to the theory, these are places that are susceptible to criminal activity. However, direct initiatives such as Operation Pressure Point and homeless exclusion practices that targeted the people committing violable offenses in public spaces do not exist as strategies to combat nightlife disorder. Although the Lower East Side has a very high number of quality of life complaints, the police in the neighborhood do not have a physical presence on nightscene streets as the broken windows policing strategy would suggest.

In fact, the police have been vocally and adamantly against increasing their involvement in policing noise complaints in the nightscene's public spaces. This is best evidenced by their opposition to "paid detail." Paid detail is a common police security service that serves as a form of overtime for officers. Private businesses such as sports stadiums and retail outlets pay to have uniformed off-duty police officers work at their locations and provide additional security. Both local elected officials and the nightlife industry support having a paid detail program for nightlife. The police, however, regularly speak out against it. They argue that it is illegal according to the ABC Law for police officers to work at or for places that serve alcohol (although the precise meaning of the law has been contested).¹⁰ The law originated out of the fear that direct police involvement in nightlife can potentially lead to corruption between them and owners. But there is also the increased chance of the police getting involved in violent

¹⁰ The legality of paid detail has been a major issue. The NYPD have cited sections of the ABC Law that state that police officers are not permitted to be connected with the sale of alcohol. The nightlife industry and local elected officials point out that paid detail units are used at sporting events where alcohol is sold; however, the NYPD counter by saying that alcohol sale at these venues is incidental to their primary activity.

In two opinions, the SLA has supported both sides of the issue. On the one hand, the SLA maintains that it is illegal for a police officer to have direct or indirect interest in the sale of alcohol. On the other hand, the SLA also acknowledges that paid detail for nightlife is possible as long as officers, "maintain their complete professional independence." In a 2006 Memo, the SLA counsel also states that although police officers cannot be hired as a bouncer by a licensee or through a third party, this prohibition "does not apply when the officer is working for, and being compensated by, his/her police department." In other words, the SLA upholds the integrity of the law while recognizing that such a program is possible under certain conditions. Paid detail for nightlife is still in legal limbo.

incidents with consumers. Heather, the counsel to the City Council Speaker, interprets the police's objections,

[The police] feel like it's ripe for corruption, especially if you have officers that are linked to certain clubs. In the past there have been issues with club owners saying, "If you look the other way at x, y, and z, I'll pay you off," or whatever it is. The other issue that we've heard actually [is] never to do patrol near nightlife, because it's so much more ripe for fights, and when you're dealing with drunk people, somebody hits you and you try to restrain them and then there's some kind of altercation *and you're in the newspaper the next day*, it just puts you in trouble's way [emphasis added].

Politicians and the nightlife industry feel that a paid detail program would help reduce the external problems in the nightscape. They think that the presence of uniformed police officers in problem locations would deter individuals from being loud and disorderly. As Edward, a representative of the New York Nightlife Association, says,

[The NYPD] doesn't want to do it. They say, "Well, you should deal with that with your own security people." Well, if there's a bunch of people outside a club and they're making a lot of noise and they're rowdy and a bouncer goes over or a doorman or a security guard or whatever you want to call them and says, "Hey guys, please, quiet down," you know what they're going to say to him, and it ain't nice. It's anatomically impossible, if you get my drift. Whereas a uniformed officer wouldn't even have to say anything; he'd just walk by and they'd shut up.¹¹

But uniformed, on-duty police officers on the Lower East Side mostly remain within their patrol cars at night and do not interfere with the nightscape's activities. Instead of targeting quality of life offenders, the police have redistributed their increased accountability to handle quality of life problems to private actors.

¹¹ NYNA does not release the names of its members, who pay annual fees, nor would it indicate how many of its members are bar owners on the Lower East Side when I made the request. However, I interviewed several owners who are or have been active members in NYNA.

Police and Owner Cooperation

Without being directly involved in regulating the nightscape and without overextending their own resources, the police have begun a new strategy to combat quality of life issues in the nightscape's public spaces as well as handle any criminal activity. Their solution is getting bar owners to take responsibility for controlling the streets as well as the interiors of their own establishments and, by extension, implementing private security mechanisms such as bouncers to help them do so. In the fall of 2006, at the same time as the SLA Taskforce was meeting, New York City Council held a Nightlife Safety Summit, which also brought together disparate nightlife stakeholders—including the SLA—and resulted in a report with a list of policy and legislative recommendations. Entitled “Safer Nights, Safer City,” this report focused on strengthening the regulation of nightlife establishments through legislation, private security, and closer working relationships between venue operators and the police. Along with the legislation I have already discussed (i.e. nuisance abatement, independent monitoring, licensed security), an important result of this summit was the formation of a working group of NYPD and the New York Nightlife Association as well as open communication between top officials at the NYPD and the SLA.

In the years prior to the summit, the nightlife industry and the NYPD had a hostile relationship. Some individual owners, officers, and precincts may have had informal local partnerships, but on the whole the two actors felt a conflict of interest. Since, for the most part, the nightlife industry did not want to attract attention, owners would not always alert the police when there was an incident at their establishment. They feared they would get fined, compromise their liquor license, and open themselves up to future monitoring if they called the police. The police resented this willful inattention that threatened investigations of rowdy bars

and unscrupulous bar owners. Since nighttime establishments were already sources of local problems for precincts, this caused them even more frustration.

But the murders in 2006 caused a tremendous shift in policy based on the consensus that if the city did not appear safe, no one could derive economic, social, or cultural benefits from the growth of nightlife. The collaboration between the nightlife industry and the NYPD after the murders is unprecedented because of the contentious history between them and because of the concessions that the police made to a non-governmental group. For example, breaking from their prior policy, the police said that they would not automatically issue a summons for a disorderly premise, which is accompanied by a fine and puts the liquor license at risk, if they are called to an establishment. Previously this reaction by the police had deterred owners from calling them when an incident occurred. This agreement not to issue a summons is one of the many that the NYPD and the New York Nightlife Association made in its “Best Practices for Nightlife Establishments” pamphlet published in September 2007 after a year of meetings and deliberations between the industry and high departmental police officials that followed from the Nightlife Safety Summit. These “best practices” are a behavioral guideline for owners to follow in operating their establishments. They cover private security, employee policies, and proper procedures to take when an incident occurs. Supplementing them have been nightlife security training classes conducted by police and other state officials and held at the police academy for owners and private security personnel.

On the Lower East Side, police expect owners to cooperate with them to prevent crime as well as reduce quality of life offenses. They encourage owners to attend their monthly community council meetings where they can confront their neighbors and work out solutions to quality of life problems. They hold special meetings solely for bar owners several times a year

to discuss the problems they are having. The police will also conduct a security analysis for owners who either request one or who have had prior violations. This entails officers walking through an establishment and making recommendations on how to improve security mechanisms, such as camera and staff placement. Dennis, the cabaret officer, explains the intention behind these initiatives and the consequences for noncompliance,

What we're looking for is cooperation. Every business owner should take a social responsibility in the neighborhood that they're in, and part of that social responsibility is the quality of life in the neighborhood and any criminality that's going on. There are some bars that haven't accepted what the police department has asked them to do. Some bars I've written off, from being cooperative and accepting any social responsibility, where I don't go there and be peaceful, well, peaceful is a bad word to say, but I don't go there with the mind of giving them a warning. I go there with the mind of doing enforcement.

This cooperation includes taking active steps to monitor patron behavior. An important aspect of this is that bar owners hire bouncers to control patrons' behavior both inside and outside of their establishments, alert owners to any criminal activity, and maintain open communication with the police.

Bouncers

Though not public employees, bouncers are important resources for the police. Because they are always present and actively observing people and behaviors on the street and in their establishments, they can be very helpful for police in criminal investigations. The police consider bouncers to be the "eyes and ears" of their bars and can provide them with useful information. As Peter, a police detective and trainer who also trains bouncers, states,

You're dealing with bouncers, you're dealing with sober, they're potential witnesses, they're watching, they are identified as a valid, valuable, credible source for an investigation. I mean they are *there*, they are watching, they're noticing, they're taking note of activity, so that would be a very, very, very fortunate source for us if we wanted to find out what's going on. You want to have the utmost cooperation between entities, the utmost care and respect and cooperation between these entities.

In order to rely on them for information and form a relationship for enforcement, the police need bouncers to be of a certain character. Peter continues,

They themselves can't be reckless or hooligans. They themselves have to be professional. [For a bouncer], you can't become your rabble. You don't become your client. That's why maybe things have derailed in the past—the good ole bad ole days.

In his final line Peter refers to a popular image of the bouncer as someone—generally a large man—who is prone to violence and may have criminal affiliations. Indeed, high-profile violent crimes such as Imette St. Guillen's murder as well as other nightlife incidents involving bouncers have only reinforced this image of the bouncer as a criminal and a thug (Bankoff, 2008). But the regulatory forces of the police and the state as well as the increasing reliance on private security in the city are slowly transforming bouncer work in popular nightlife scenes and putting more bouncers at the doors of nighttime establishments.¹² Bouncers were a key focus at the Nightlife Safety Summit because of their involvement in nightlife incidents and the profession's violent implications. Since they are considered to be important actors in nightscapes for their ability to both control disorder within and outside of establishments, reforms have sought to eliminate bouncers from nightlife's list of problems and make them active members of the new regulation.

¹² As mentioned earlier in this chapter, the number of security guard licenses and private security employers have been increasing in New York County. However, it is very difficult to obtain data on the number of bouncers working on the Lower East Side or anywhere else in the state. This is because the New York Department of State does not break down security guard licenses by profession.

There are several ways in which bouncer work has become more professionalized. One is in its organization. Historically, bouncers worked in small, informal teams and learned about job openings through networks and personal connections. While such organization remains and personal ties are still important, bouncers today are increasingly members of formal groups as well as large, multi-service private security agencies. Many of these agencies are owned and managed by former police officers, usually people who were in leadership positions such as sergeants and lieutenants, which benefits them in forming relationships and collaborating with local precincts.¹³ They also employ former officers to be “community liaisons” who work alongside bouncers as supervisors in bars and clubs and act as intermediaries between the establishment and the police. According to Tommy, a retired commanding officer and security company owner,

You have to build that relationship with the precinct, with the precinct cops that are working that night. Usually there's conditions, cabaret guys that are assigned to clubs where you can call them up directly on the cell phone. They like the fact that when I have somebody there because now they're dealing with a retired police officer, not just a bouncer. So when we call them there we tell them exactly what's happening and they know what they're walking into.

In short, bouncers are becoming professionalized and incorporated into the formal mechanisms of nightlife regulation.

A reason for the emergence of large private security agencies is the importance in the new nightlife regulation of licensing and insuring bouncers. Once again, we can attribute this to the St. Guillen case. The New York State Security Guard Act of 1992 required all security guards to be trained and licensed and all security guard training schools and trainers to be state certified. By law, the training consists of an 8-hour course in the classroom followed by a 16-

¹³ This is similar to Business Improvement Districts who also sometimes hire former police officers to head their security staffs. See Zukin, 2009

hour on the job course and an annual 8-hour in-service course. Applicants are fingerprinted and cannot have criminal records. This was an issue in the St. Guillen case because the bouncer had a violent criminal background. As Eric, an owner of a private security company, states,

With St. Guillen, with that guard up there at The Falls, he took this girl, and never should have even been a guard. He wasn't a licensed guard, he was a felon, and he's out there working security. That's what I mean about some of these clubs that don't, they just hire anybody off the streets. You gotta do your due diligence, you gotta be accountable for your guys, your actions.

As Eric suggests, bouncers and private security companies are quick to dissociate themselves from the conditions surrounding the St. Guillen incident, which damaged their already tarnished reputations in the eyes of the public and threatens their professional status. The police are also more diligent in making sure that bars have properly licensed security guards. Jeff, a former longtime bouncer and security company owner, recalls this change,

It was nonchalant for awhile, and then in the early 2000s [the police] started sniffing around again like, "Hey, hey, hey, you should be licensed." And then in little spurts it started, just a little bit here and there...As we got a little, with the smoking [ban], that was 2003, that's when they started picking up, "Hey where's your license?" again. And then it cooled down a little bit again, like, "Hey you're supposed to have your license," but it was more of a cool situation. And then once Littlejohn hit [St. Guillen's killer], that and the poor girl that was raped, she was brought over to Jersey [Jennifer Moore], that's when it started, when it turned into fire.¹⁴

Enforcement of the licensing law has changed the culture of bouncing as some veteran bouncers with criminal records have had to either leave the profession or go to places in the city that are under less scrutiny. As Vance, a longtime bouncer, states, "A lot of people I work with in the Bronx can't work down here [on the Lower East Side]. They have pasts and the owners

¹⁴ A suggestion that has traveled throughout political circles is that bouncers should have their own license, training, and certification process that is separate from other security guard licenses due to the unique nature of bouncer work and importance of bouncers in the nighttime economy. This would essentially lead to an even stronger partnership between the public and private sectors in controlling nightscapes.

won't do it.”¹⁵ It is in an owner's interest to hire bouncers from a private security company because they not only have properly licensed employees but also insure them in case an incident occurs and a bouncer is injured. This shifts the insurance liability away from owners while improving their relationship with the police.

Professional organization and more state monitoring have curtailed violence and aggression as primary strategies in bouncer work. As Jeff states, “Times have changed. Years ago, we're talking 15 years ago, if a bouncer asked you to go up the block and you didn't move, where do you think he got his name from? He bounced you up the block.” It was such behavior that garnered bouncers their unsavory reputation as brutes. Today bouncers have greater accountability to both the police and their employers, who are in turn more accountable to the state. They know the scrutiny they are under and therefore use different tactics when dealing with unruly patrons. For example, Seth, a bouncer in his mid-20s, explains how he treats intoxicated customers.

I like to handle it diplomatically. A lot of bouncers will just be like, “You're too drunk, get the fuck out.” First off, you're accusing the guy of being too drunk. Right there, you're wrong. The proper way is to say, “Look, bro, I think you're a little too intoxicated. Just finish up this round and we can't serve you anymore.” That's one way to do it. Another way is if you see a whole group and one guy is finished, talk to his friend and say, “Listen, your buddy is pretty hammered. He's stuttering and stuff. Look, I don't want to have to kick him out, I want you guys to have a good time.” And a lot of people understand that.

¹⁵ A very common sentiment among bouncers is that bouncing and the relationship between private security and the police in popular nightlife districts in Manhattan are different from more marginal districts and establishments in outer boroughs. From my interviews it seems that these lower-profile places are more likely to operate outside of the state's new regulatory framework and feature things like unlicensed bouncers and less formal relationships with local precincts. In other words, while new laws and policy changes are universal in theory, they do not always work equally in practice, such as in areas of the city that are generally left out of its larger agenda of tourism and entertainment.

Many veteran bouncers recall times when physical ejection for an intoxicated patron was the norm. The implied threat of physical force still influences hiring, for bouncing is still a male-dominated and highly gendered profession. A majority of bouncers are African American and are hired because of their large size and macho appearance. This correlation of gender, race, and body type reinforces the bouncer's fearful, intimidating status as a figure with the potential to behave violently (Monaghan, 2002a; 2002b). But bouncers on the Lower East Side today are more likely to use verbal tactics to control situations and use violence as a last resort.

Both the police and owners want bouncers for similar reasons. It is in both of their interests for bouncers to assist in criminal matters, either by preventing incidents or recognizing perpetrators and alerting the police. On the Lower East Side, they are especially wanted for handling quality of life conditions. This helps the police lower precinct statistics and helps owners to lower complaints about their establishments from residents, which demonstrates to the police and the state that they are in compliance with the new regulation.

Bouncers Bouncing on the Lower East Side

Bouncers serve as a filter between the public street and the private bar. They are located in an intermediate space that is physical as well as normative. In this sense also, bouncers operate within their own professional discourse that lies between an enforcement discourse of the police and state and a business discourse of owners.¹⁶ They balance these three in their work. But the Lower East Side nightscape is a new and unique environment for bouncer work. Small bars have not historically hired bouncers to regulate their establishments. Private security has

¹⁶ For a discussion of balancing of multiple discourses, see Hobbs et al, 2003

mostly been found in nightclubs, large restaurants, and establishments engaging in illegal activity while small bars are self-regulated by patrons (Cavan, 1966; Chatterton & Hollands, 2003).

The Lower East Side has a different nightlife environment from the one most bouncers are used to. Large nightclubs are major “destinations;” their expensive cover charges, purchase policies such as bottle service, encompassing environments, and multiple attractions all keep revelers within their walls and entertained. These conditions present bouncers with many problems, but small bars create a significantly different set of problems. Tommy explains some of them,

It’s actually harder to control rows of small places than it is the one. In-and-outs, whereas at a bigger club you have door control, you have people outside. Smaller places may have only 2 guards, so one will be at the door, one will be inside. But crowds of people are walking past each other, they know each other, they stop to talk, now your sidewalk’s blocked.

Tommy points to a number of obstacles for bouncers who work on the Lower East Side. First, an important part of the social dynamic of neighborhood nightscapes made up of small bars is that revelers visit several establishments during the course of a night instead of staying in one location. The large number of bars and their close proximity to each other allow for this and make the sidewalks and streets very crowded as people walk from place to place. Lower East Side bars have neither cover charges nor searches and many of their facades, such as places with French doors, open up to the street, all of which are policies that facilitate movement and entry. Furthermore, anonymous patrons are a reality of the nightscape, unlike in community-oriented neighborhood bars, which is a liability for underage patrons entering and for safety (Grazian, 2008). Therefore, bouncers deal with a fast and constant stream of unknown people, many of whom do not even enter their establishment but still cause quality of life problems by congregating and making noise on the sidewalk.

Related to this, another obstacle for bouncers on the Lower East Side is that the external environment of the neighborhood nightscape is difficult to control. Most of the activity of large nightclubs takes place inside, where conditions and patron behavior are highly controlled through design, lighting, the type of music and the volume at which it is played, and the temperature (Hadfield, 2006). Bouncers at nightclubs create a bottleneck at the door for entrants and a separate door for people to exit. Since nightclubs often occupy large properties on a block, they arrange barricades and ropes along the side of their buildings to neatly organize patrons—who can number several hundred—as they wait to enter. Bouncers in neighborhood nightscape made up of small bars cannot use these strategies. The facades of Lower East Side bars often take up most of a building's storefront and only have a single entrance.

Finally, since Lower East Side bars are fairly small they usually have only one or two bouncers or at most a small team working at one time. Large nightclubs can sometimes have capacities of several thousand people. In such places owners hire 30-member bouncer units for security that are well-managed and operate according to a well-coordinated division of labor. These units break down into teams that handle different aspects of the club (e.g. a street team that deals with outside crowds, a door team that searches bags and patrons, a floor team that monitors dancers, and a team for the bar, stairs, and bathrooms). Bouncers communicate through radios and go through timed rotations at posts to improve monitoring of the club's many spaces. Many of these security tactics are unfeasible at small bars. For instance, because of their comparatively low volume of patronage owners cannot afford to hire too many bouncers. A small number of bouncers make a complex division of labor and simultaneous internal and external monitoring impossible, and a single bouncer is considered dangerous because it means there is no backup. Jeff describes how bad these conditions can be,

One [bouncer] is a terrible thing to do. You should never send one guy, regardless of how good he can or can't handle himself. It should always be two. If there's two [unruly customers] it only takes one of them, one lucky punch to take you down. It only takes one guy to slip up behind you and choke you. But the problem is, if you have a really small place, affordability becomes an issue.

Bouncer work on the Lower East Side takes the large club model and fits it for use in small bars. This increases the importance of what is already the most important space for bouncers at any nightlife establishment, namely the door. As Tommy states, "With any club, big, small, door control is 75% of your battle. If you control the door, you control what comes in, what you let in, you'll control what happens inside for the rest of the night." Since they are often working alone or in pairs and are pressured by their employers and the police to control the sidewalks, bouncers stay at the door where they can filter who enters the bar and monitor external behavior. It is where they put their nonaggressive, diplomatic, and analytical tactics to use, reserving violent action as a last resort. However, in doing so, bouncers often reproduce some of the problems of quality of life policing that target people who are deemed "inappropriate" users of nightlife spaces.

While they are stationed at the door bouncers on the Lower East Side also control the public space of the sidewalk. First, they construct their own distinct territories to establish a prominent presence in front of their bars. They set up nylon or velvet ropes, a weather shelter, or even a few metal barricades to create a clear zone that is separate from the door and the street and signifies the bouncer's presence and control over the establishment. This zone is similar to the queuing strategies at larger nightclubs that put patrons in order and give bouncers the ability to control their flow. As Vance, a Lower East Side bouncer and veteran bouncer of twenty-five years, says, "You want to be able to funnel [customers] in, so this way they have to come right to you when they come in, not go around you. You're kind of playing goalie here, like in a hockey

game, trying to catch people. You try to keep them from coming in areas that are open.” Of course, unlike large nightclubs bouncers on the Lower East Side have much less space to work with and deal with more random activity on the street that is not related to their establishment but is still their responsibility. The police and owners want bouncers to minimize quality of life complaints. Queuing and designating areas for smoking concentrate patrons and attempt to maintain sidewalk flows.

But Lower East Side bouncers also use their territories to observe and analyze patrons and their behavior. They do this to evaluate potential quality of life problems as well as to prevent any violent incidents from occurring. Bouncers are highly alert to the activities on the sidewalk. Like the police, they occupationally develop a forward-thinking mindset and act according to future narratives that they construct based on isolated events that they have either personally experienced or heard about from other bouncers. They then use these narratives to justify their actions.

One night while standing by the door I ask James, a veteran bouncer, why he always stands with his back against a parked car when he is positioned on the sidewalk. He says that this gives him a good view of the door and sidewalk and prevents anyone from sneaking up behind him. “Let’s say I have to get people to move,” he says. “I’m not paying attention to what’s going on behind me. Anyone could do anything. I know someone who was working and had to go to the hospital because he wasn’t paying attention and someone hit him from behind.”

It is common for bouncers to begin a sentence describing their strategies with “let’s say.” They present scenarios of what might occur if they do not take certain measures that are based on actual events that may or may not have happened, or be relevant, to them. For bouncers, this is

being “proactive” by anticipating incidents. And like the police who operate under quality of life enforcement policies, bouncers look for many symbols of disorder that they associate with potential problems. While in front of their bars, bouncers scan patrons who are on the sidewalk, waiting in line, or in a smoking area and rely on a number of visual cues to minimize the probability of disorder. They are constantly looking for undesired customers and are very quick in their determinations. An example of this is dealing with intoxicated patrons.

One evening, a group of four young men walks up to The Drifter, a popular high-volume bar with a young clientele. One of them goes over to the ATM while the other three wait on the sidewalk by the curb. While waiting, one of them, who looks like the youngest of the four, stumbles a bit while standing in place. The three eventually grow impatient because their friend is taking a long time. As they walk up to Ryan, the bouncer, and begin to take out their IDs, he stops them and says, “I can’t do it for you tonight, guys, you’re too intoxicated. I can’t let you in.”

They stop in place, stunned, and the man who stumbled says, “What? Too intoxicated?”

“Yes,” says Ryan. “Try another establishment and maybe they’ll let you in. Have a good night.”

After they leave, I ask Ryan if he didn’t let them in because he saw the one young man stumble a bit. He says yes, and adds that they also all looked young and the one who stumbled looked the youngest (“He doesn’t even shave”). He then adds, “And after he stumbled, his upper body was swaying as he stood in place,” which I hadn’t noticed but is something that signaled to Ryan that he was too intoxicated. “The other two were on the cusp,” he says, “but he was drunk.”

Ryan uses his position to scan the sidewalk and notice visual cues. When he picks up on one, he calmly but firmly removes it. He acts according to the new standards of the “professional” bouncer by using verbal tactics and in his mind has successfully reduced the chances of a problem occurring in the bar or on the street. Intoxicated patrons are a liability issue for bouncers and bars because they can cause injury to themselves and start a fight with other patrons, both of which can lead to lawsuits. With their forward-thinking mindset bouncers do not want to let in a visibly intoxicated customer who may cause problems for them later in the night.

While drunkenness is a common behavior that bouncers use to predict future problems, they also use prevailing images of gender and race to make decisions about patrons. For example, bouncers associate straight men with violence and are very aware of men in groups. As Tommy puts it,

You have to watch your percentages of guys to girls, and the younger the party the more you have to watch. You have 4 younger guys [at the door] and there's only 20% girls and the rest are guys, you're going to have more fights. If there's like a 50-50 ratio, girls to guys, less likelihood of fights. You try to avoid groups of guys. You got a group of 20 guys coming in, and they're all a little rowdy, they're going to feed off each other and gonna fight. They're also more apt to fight because they think they got backing.

Like with intoxicated patrons, bouncers base their actions towards men and groups of men on past experiences and their own conceptions of gender. There is evidence that supports their preconceptions about men and nightlife violence. Several studies show that it is usually men who are involved in violent incidents in nightlife spaces and that men in groups in nightlife establishments often engage in activities that display and prove their masculinity in front of other

men (Grazian, 2008: 134-60). Therefore, bouncers try to keep an even ratio of men to women and avoid letting in groups of men.

One Saturday night I am standing inside Baker's and talking with Brandon, the bar's manager. The bar is packed and at one point he looks over the crowd and says to me, "Do you think there are too many guys in here?"

We then go outside to the two bouncers on the street. He goes up to one of them and whispers not to let in any more men who are not accompanied by women. The bouncer then tells this to the person checking IDs. There is a line waiting to get in behind a nylon rope. In the front are two men and James, the bouncer, tells them that there are already too many men inside. Behind them are three women, and James motions them to move forward and come in. After a few minutes three friends of the two men arrive—two women and a man—and James lets them in. Meanwhile, a group of five men who have been waiting on line for a while finally get to the front. "Wait, there's too many guys," says James.

One of the men says, "What is this, a lesbian bar?"

James replies facetiously, "Yeah, it's a lesbian bar. Keep walking. Let's go."

Frustrated, the group exits the line and walks up the street cursing at James. James and Tommy, the other bouncer, start yelling back. When one of the men threatens to return later in the night, presumably to fight, Tommy says to me, "You see? People want to start fights."

Such episodes reinforce bouncers' perceptions that groups of men and disproportionate ratios of men and women can lead to disorder later in the night. They can act on such

perceptions by not allowing entry, but altercations with potential patrons do not improve quality of life conditions. In fact, they worsen them.

Along with intoxicated patrons and men, bouncers also filter customers based on race, focusing on racial symbols. This takes the form of a dress code.¹⁷ In these instances, bouncers often replicate the much-criticized profiling tactics used by the police that target certain groups based on appearance (McArdle & Erzen, 2001). Specifically, they view hip hop attire commonly worn by inner city African Americans and Hispanics—baggy jeans, work boots, bandanas, do-rags—as signs that someone will be a potential problem. They associate such clothing with media images that depict African Americans as violent gangsters. This makes them wary of the individuals wearing such attire. As BJ says, “Sometimes people who dress a certain way behave a certain way.”

For some African-American bouncers, who come from and live in disadvantaged neighborhoods far from the Lower East Side, such symbols have real connections to their own personal experiences of violence and crime. Many also either have worked or still work at nightclubs in these neighborhoods where gang activity takes place. They see the Lower East Side and most of Manhattan as different environments where minorities should know their clothing and behavior will not be accepted by bars, the police, or even by them, even though they come from similar backgrounds. As Vance says,

If ethnics are gonna act up and not behave right then they can’t come in. They have to act differently when they are in Manhattan because things are stricter. They know that they can’t act like a thug because the police are less likely to tolerate it and if something happens around them they’ll get blamed for looking

¹⁷ A dress code may be either the official policy of the bar or the professional policy of the bouncer. Sometimes a bouncer’s own perception of clothing and appearance—again, based on past experiences—conflicts with those of an owner.

thuggish. Manhattan nightlife is more serious. It's like whites going to Harlem and walking around trying to buy some weed. It's just not something that is wise to do.

Bouncers feel that black and Hispanic patrons should respect the establishments by dressing appropriately. To them, customers who do not are not only wearing disorderly symbols but are also acting insubordinately and disrespectfully, which reinforces their preconceived notion that such individuals are potential problems.

On a Friday evening a group of four young black men—all dressed casually, two in shorts and two in jeans—slowly walk up to the bar. Vance, tonight's bouncer, instructs them to form a line and take out their IDs. This allows him some time to look them over and observe their behavior. He decides that two of the men are not dressed appropriately and tells them that he can't let them in because of the bar's dress code, which does not permit baggy clothes.

One of them pleadingly asks, "Is it the shorts? I mean, I know the names of the bartenders."

Vance nods and says that they're too baggy. When they leave he turns to me and says, "They had the thug look on'em." I ask him if it is the clothes that he looks for or the identity of the person wearing them. He says both. He then points out two young white men who are using the nearby ATM and wearing a hip hop style of dress—baggy jeans and football jerseys. They walk away when they are done and do not come into the bar, but Vance says when they leave, "If they were black they wouldn't've been able to get in," implying that he would have let them in had they tried.

Bouncers rely on similar symbols and patterns of behavior to prevent people who they think may be criminals to enter. For example, I'm standing outside next to James when Tommy

comes up to him and alerts him to a Hispanic man in a white baseball hat worn sideways and baggy jeans, smoking a cigarette, and talking to an Asian woman near the corner. Tommy asks him if he has ever seen him before and James says no. It is common for two bouncers to confer like this or signal to each other when they see someone who does not look like they “should” be on the sidewalk. And bouncers from nearby establishments who know each other will also share information on problem patrons who they have had, such as someone who they suspect steals bags or someone who is underage and has a fake ID. They both think that he looks like a drug dealer and keep their eyes on him.

Tommy says that he always sees people trying to sell drugs and can pick out the people who do it. “If there’s alcohol and young people, there’s drugs,” he says. Drug consumption is not as much of a concern in the nightscape as drug selling. Although drug use is not permitted, Lower East Side bars do not search patrons and generally do not have bouncers monitoring bathroom behavior, where much drug consumption takes place. Drug selling, on the other hand, threatens their relationship with the police and can lead to a nuisance abatement proceeding (i.e., immediately shutting down the establishment) and the loss of a liquor license.

I ask Tommy how he could tell if someone is selling drugs on the street and he says that they have a certain demeanor and attitude about them. I inquire further and he says that one way is when you see someone go up to a group of 3 or 4 people who they don’t know on the sidewalk and start talking to them. He said that this is especially the case when they are black or Hispanic guys with a “ghetto look” and the group is white. He says that this is the case in this situation. The Hispanic man has that “look” and seems to be starting conversations with people he does not know.

A group of 3 stylishly dressed young white women come up to the bar and greet the doorman, whom they know. James then asks one of them to go over to the Hispanic man and find out if he is selling drugs. She agrees, lights a cigarette, and does so. They start talking and laughing as the bouncers watch and after a few minutes she comes back over and whispers that he intimated that he had drugs to sell her when she brought it up.

A few minutes later he gets on line to get in and is denied by the doorman with Tommy and James watching him and standing very close by. The man says that his friends are inside and that he can't reach them on his phone. The doorman asks him to describe them and tell him where they are located inside so that one of the bouncers could go in and get them, but the man only gives a vague description of them (a white man with a black girl) and doesn't know where they are. James escorts him inside to find them. They all eventually come out and leave together.

I ask Tommy about him having friends inside. "That's how they do it," he says. "I haven't seen him before, but they send people in to find out if anyone is interested in any drugs and then the dealer comes in to sell them."

Although bouncers are quite adept at ensuring the social makeup of their bar's clientele, they still have considerable difficulty reducing quality of life complaints. They may be mostly successful at controlling both the public and private spaces of one bar, but they cannot control the entire, densely concentrated local nightscape with its anonymous and constant flow of nightlife revelers.

Controlling for Pleasure

As the social context for public disorder, the examples of disorderly behavior, and the social actors behind these behaviors have changed on the Lower East Side with the development of the neighborhood nightscape, there has been a shift in the physical control of the street from the state serving as the chief regulatory actor to a regulatory regime featuring several local actors as part of a larger urban growth agenda. Instead of targeting examples of public disorder, such as rowdy intoxicated behavior, or the people who engage in them, namely the middle class, this new governance targets individual bar owners and holds them more accountable for their own establishments as well as conditions in the street.

The key result of this regulatory shift is that neighborhood nightscapes are moving under the purview of and into partnership with the local state. Nightlife on the Lower East Side was developed gradually by independent entrepreneurs who operated with little governmental oversight. The SLA did not listen to local concerns and allowed owners to do what they wanted. Owners did not cooperate with police and did not necessarily hire bouncers who were legally allowed to work in private security. All of this changed once problems occurred within nightlife scenes that could not be ignored. After elected officials got involved and passed new legislation, the new nightlife regulation has been based on the notion that “bad operators” who run problematic establishments and make poor management decisions (such as hiring illegal bouncers) were to blame for nightlife’s ills.

However, despite all this action, quality of life problems continue on the Lower East Side. This is because the main source of quality of life problems in dense nightlife scenes is their size and density. Because of the challenges they face, bouncers are ineffective in

preventing disorderly behavior; they can only cut down on some of the issues of an individual establishment while their actions have major implications for reproducing the harmful of quality of life policing strategies of targeting unwanted users of nighttime spaces. The Lower East Side is a destination for a wide variety of nightlife activities. Revelers are free to use its streets for personal enjoyment and wander in and out of establishments with ease. By not addressing the nightscape's density, eliminating the chance of further expansion, or mobilizing police capabilities against the actual quality of life violators, the state does not solve the problems; rather, it transforms the Lower East Side's streets into an open air entertainment center for nightlife consumption. While this benefits the city, it draws the ire of residents whose feelings towards the nightscape demonstrate a significant consequence of this urban policy.

Chapter 6: Gentrification by Nightlife: Social and Cultural Displacement

I am aware that it is childish, but sometimes, leaning against the spick-and-span new bar, I am overcome by nostalgia for the gutter...

- Joseph Mitchell¹

Virgil is a longtime resident in his early 50s who first came to the Lower East Side in the mid-1970s, when the neighborhood was in utter disrepair. He initially came to live there from another part of New York City because of its low rents, diversity, and social and cultural activity. Virgil has been a political activist in the neighborhood for many years and along with things like housing and zoning, bars and nightlife have been among the issues affecting the Lower East Side that he has tackled. In 2006 he helped organize a town hall meeting that brought together hundreds of residents, local politicians, and representatives from the NYPD. He also regularly attends community board and liquor license committee meetings and provides advice to residents and local groups on the ABC Law—which he now knows very well—and how to protest a liquor license. Along with his activism, Virgil is also an amateur historian of the Lower East Side and gives regular walking tours around the neighborhood. We meet one day at a café near Tompkins Square Park to talk.

Virgil has strong convictions about what bars and the popularity of the nightlife scene have done to the neighborhood. However, unlike other residents, he does not have any bars on his block and does not have to directly deal with the quality of life issues that nightlife produces.

¹ 1993: 246

Still, it is the very presence of bars, the consumers they bring, and the implications that both have for the transformation of the neighborhood that inspires his activism.

“I sympathize with these people who are troubled by the noise. I fully sympathize with them. And you’ve mentioned all the issues; noise and traffic are probably the most important ones. But for me it’s not the issue at all. There are several things that are going on and it’s complex. The rising commercial rents pushing out all of the mom and pops, all of the old stores that were here, all the local services. They aren’t all gone, yet, and the process is itself a complex process because the rising commercial rents and the upscale residents are actually bringing in some local services, but I think we’re on a track which is going to lead to a net loss in local services.”

Virgil has very fond memories of his early days in the neighborhood. He remembers a time when it was highly diverse with a vibrant public life. While he acknowledges that it was a disorderly and dangerous place with high crime and drug rates, he does not recall being afraid and these problems are not the first things he points out when discussing the Lower East Side; instead he focuses on the neighborhood’s long multicultural history and how the conditions of the 1970s and 1980s gave a wide variety of people a chance to do creative and artistic things.

“People love this neighborhood for being a mixed neighborhood. Even when it was a ghetto it was unlike other ghettos. It was unlike the South Bronx, it was unlike parts of Brooklyn, Bushwick, wherever, and it was unlike Harlem, because it had, my block, was about one-third black, one-third white, one-third Latino. At the time there weren’t any East Asians on the block, but in other parts of the neighborhood there were...But a lot of this culture, I mean, all aspects of the culture of the East Village have disappeared. All the interesting people are disappearing.”

He then tells me about a local character whom he remembers.

“There was this guy, Marty, who would play basketball in the morning and then he would, he actually taught a lot of the people basketball, because he came here to be in this kind of environment. Then he would hold court in the park. He had students, they would come to him and he’d teach literature, he’d teach art, history, philosophy, even though he didn’t know anything about philosophy. He would hold court, and then he would go back to his place with his ‘patients,’ whom he could psychoanalyze. This is such a characteristic thing, that this guy would just do this kind of stuff, and he would take money for it too. You’d have to pay him something. And he was highly respected here. People all over knew Marty, ‘Oh yeah, Marty!’”

“He was like the ‘mayor?’” I ask.

“Yeah, they called him the philosopher, he was the philosopher, but he was also the basketball player, and the psychoanalyst, and just a very prominent, important person.”

“What happened to him?”

“He jumped off the Williamsburg Bridge.”

(Field notes, 10/28/2007)

There is much about the nightscape that Lower East Side residents hate. Even more than they dislike the SLA, development-oriented politicians, and liquor licensing and other policies that favor nightlife and economic growth, residents are bothered by the conditions of the nightscape that they experience on the street every day, particularly its main social actors: bar owners and their customers. While the SLA can be seen as a faceless government agency,

politicians as filled with rhetoric, and policies as vague, unclear, and in flux, the negative sensory impact that bars have on residents, their lives, and the neighborhood is immediate and constant. Residents *see* and *hear* bars and the nightlife revelers they attract all the time. They are awakened at all hours of the night by the noise—from crowds, taxi horns, car and bar stereos, and even individuals leaning against apartment building buzzers—and find the remains from this revelry—all manner of detritus, streaks and puddles of vomit and urine, and damaged property such as broken car mirrors—outside their buildings the next morning. Although problematic on their own, these quality of life issues are also intertwined with deeper concerns that residents have about changes in their neighborhood, changes connected with gentrification.

The most frequently-discussed harm of gentrification is residential displacement, or the process of lower-income residents being forced to move out of their apartments or neighborhoods due to the influx of new higher-income residents and rising property values and rents. Questioning the validity of this notion, some recent studies have attempted to measure gentrification's real impacts on neighborhood residents. Through statistical analyses they show that wealthier residents moving into a neighborhood is not a significant cause of the displacement of existing residents and that other factors such as broader economic shifts are more accurate explanations for local demographic changes (Freeman, 2005; Freeman & Braconi, 2004; Vigdor, 2002). They also speculate that gentrification's rising property values and new residents with higher socioeconomic status can have a number of positive benefits for a neighborhood's existing residents, such as deconcentrating poverty by expanding the tax base, improving public services, and ushering in new businesses that provide employment and raise wages. Other studies have provided greater nuance to these claims. For instance, instead of only looking at its direct impacts on residential displacement, Newman and Wyly (2006) demonstrate

how gentrification indirectly impacts neighborhoods by diminishing the pool of low-rent housing for future low-income populations. Meanwhile, public interventions (rent regulation and public housing), individual strategies (accepting poor housing, sharing apartments), and collective efforts (community organizing) all limit residential displacement; however, while somewhat effective, these measures are fragile. And in examining the direct impacts of gentrification on residential displacement their analyses also overcome the statistical flaws of other studies by focusing on a wider timeframe (acknowledging that gentrification is an ongoing process), using a more reliable control group, and narrowing the scope of study areas to the neighborhood, rather than the broader “sub-borough,” level.

Examining the local nightscape as a form of commercial gentrification with a mutually reinforcing relationship with residential gentrification reveals other harms and questions the benefits it brings to residents. By applying the concept of displacement to other phenomena, namely the transformation of social and cultural activity in changing neighborhoods, we can understand the impacts that new nightlife has on residents’ everyday lives, their conceptions of self in regards to their status in the community, and their future expectations in the neighborhood (Zukin et al., 2009). Milligan (1998) demonstrates how the strong personal attachments that a community of college student workers had to a unique, beloved coffee shop were suddenly disrupted when it moved to a new site on campus. She describes “place attachment” as an emotional bond to a physical site that is socially constructed through interaction. It consists of two interconnected components: the interactional past, or the experiences that people have with a space (“memories”); and the interactional potential, or the perceptions people have of their future in the space (“expectations”). The coffee shop was where students wove meaningful interactions into personal attachments and identities that were bound with the physical and social

environments of the place.² Involuntary displacement from the physical site disrupted these attachments and identities and compromised the students' expectations of their future at the new place.

We can see similar processes happening to residents on the Lower East Side with the nightscape's development. Lower East Side residents construct a strong attachment to the neighborhood that is based on their past experiences in it as a unique, irreplaceable space. Displacement and discontinuity, however, has not necessarily meant residential eviction. Expanding Milligan's formulation, we can see how disruption to identity and place attachment on the Lower East Side has occurred through the development of the nightscape, which transforms the built environment and displaces the social and cultural interactions of everyday life that are bound up with it (Zukin et al., 2009). Attachments are weakened and familiar forms of social behavior and cultural activity are replaced by strange revelers engaged in new forms of socializing that revolve around nightlife consumption. Quality of life damage from the nightscape, then, reflects social and cultural displacement. An important aspect of residents' reactions to these forms of displacement, or these discontinuities in their attachment to the place, is the use of nostalgia for their interactional experiences in the neighborhood as a means of repairing a damaged and threatened identity and constructing a new identity that includes selective elements of the past that remain in the present (Kasinitz & Hillyard, 1995; Milligan, 2003). By identifying strongly with their interactional past in the neighborhood, however, residents distance themselves from the new symbols, cultures, and activities of the contemporary nightscape.

² Also see Duneier, 1992

“Owning” a Neighborhood

There is a strong feeling among Lower East Side residents that the nightscape has played an integral role in displacing the social life that they remember from their early days in the neighborhood. This is tightly connected to its past physical conditions. Compared to today, residents recall a distinctly different built environment. A common description is of the neighborhood's severe devastation from abandonment, neglect, and arson. For example, Sophie is a photographer from Germany who came to the United States in the 1960s and moved to the Lower East Side in the 1970s. “The whole neighborhood reminded me of Berlin after the war,” she says. “It looked like it had been bombed. It was a war zone, it was a bloody war zone. Every night there were shotguns, shots heard, and weird shootouts, and single bangs, these sharp sounds, and I’ll never forget it.” This was the period when the neighborhood was neglected by the city, abandoned and purposefully destroyed by landlords, and not attractive to many new residents or high-profile businesses. It was also, as Sophie suggests, dangerous. For residents during this time, a physical environment of damage and destruction was the main setting for everyday life. This mobilized them to organize the neighborhood and improve its conditions. Residents were in a unique situation together; in a sense, they felt connected as citizens of the Lower East Side.

Many people became politically active and took to community organizing. Often physical conditions necessitated such activism. Madeline, a longtime resident and community activist, explains the work they had to do,

Every other building was empty, or the ones that were occupied were abandoned by the owner of the building. And the tenants that were there stayed behind, lived with this mess, and it was a moment in which a lot of community organizing occurred in order for people to survive, basically.

Before dealing with bar and nightlife issues, residents formed tenant, block, and community associations in order to address the problems caused by neglect. Without landlords, residents were left to handle their own basic services such as heat, water, and electricity. The city acquired hundreds of properties in the 1970s after tax arrears and foreclosures, but the buildings had little resale value and the neighborhood had little hope for redevelopment. On top of this, the city's fiscal crisis prevented it from funding any measures of rehabilitation or upkeep. Instead, it formed legal arrangements with tenants to maintain the properties. Known as "homesteading," the city allowed residents to remain in buildings rent-free provided they worked for its maintenance (this program allowed for residents to contribute "sweat equity"). There were also various squatter groups who moved into abandoned buildings without any formal agreements with the city and in fact risked eviction at any time. But these squatters occupied and rehabilitated buildings that would have likely remained in states of disrepair.

Another movement of local activism was the development of community gardens in the rubble-strewn lots where buildings formerly stood (Schmelzkopf, 1995). The impetus for these gardens included radical politics in the form of early urban environmentalism as well as more mundane desires to improve vacant, blighted lots and beautify the neighborhood. They were created to contrast with the neighborhood's devastation and regulated by residents themselves to block drug and criminal activity. Overall, residents feel that without their community activism and efforts in maintaining even the most basic of services, infrastructure, and amenities during this period the neighborhood would not have been habitable; still less would it have been able to attract new residents and investors during the 1980s. But they also feel that their efforts prevented wholesale gentrification. Sophie states,

Because of this kind of pioneering work we did, any of this can exist. Because if the city had had their way, this would have been a, this was slated to be basically connected via the East River Park to Wall Street and it would be a residential area for Wall Street brokers. None of us would be here.

Here Sophie refers to the plans that city, business, and real estate leaders had from the 1920s to the 1960s to redevelop the slum of the Lower East side into a residential area for the middle class (Mele, 2000; Wasserman, 1994). Residents like Sophie are considered to be urban “pioneers” in the gentrification process, or a group that usually consists of white artists who do not mind the harsh conditions of impoverished neighborhoods (and in fact even seek them out) and who indicate to real estate and business interests that a neighborhood is suitable for redevelopment (Lloyd, 2006; Smith, 1996). But residents understand their role and use the concept of “pioneering” in a different manner. Rather than merely serving as useful speculators for capitalist interests, residents see themselves as pioneers in the sense that they cultivated and cared for spaces that most people did not.³ Although many other factors played a role in the Lower East Side’s gentrification, such as police activity, the allure of an art and music scene, and the middle class’s return to downtown areas, residents credit their own resilience as a key contributor that improved the neighborhood and prevented large-scale, city-led developments.

Along with community and political activism, these conditions of neglect also developed strong feelings in residents of personal ownership of the neighborhood and its spaces. Many express this in a manner that goes beyond the feelings of residential tenants. Virgil, the longtime resident and political activist from this chapter’s opening vignette, explains this sentiment,

It used to be that this was an abandoned part of the city. The landlords, they were absent landlords, developers did not look at this neighborhood, the city did not care about the neighborhood, it was left to the people that lived here. The people

³ For more on this perspective of “pioneering,” see Cornwell, 2002; 2007

that lived here appropriated it to themselves. They treated it as if it belonged to them.

These conditions fostered a feeling of proprietorship of unwanted spaces—apartments, buildings, and sidewalks—despite a lack of actual ownership. Daniel, a lifelong Lower East Side resident (until spring 2008 when he could no longer afford the rent and moved to Brooklyn), says, “It was always like we owned the area, that the neighborhood actually policed itself, took care of itself, and they never paid any attention if something was happening. And now all of a sudden the city starts taking it back.” Like regular customers and bartenders at small neighborhood bars, residents felt that the Lower East Side was “theirs.” And as Daniel suggests, it was not until the city government and the police started “taking it back” and establishing a presence in the neighborhood that residents recognized and understood their attachments and responsibilities. Although legally dissimilar, we can see how the sense of entitlement to spaces that Lower East Side residents felt is akin to land owners whose personal properties and neighborhood facilities are seized by the state through eminent domain.

Accompanying these personal feelings towards space were the everyday experiences of life in the neighborhood. Recalling earlier days, residents remember a significant amount of outdoor activity, which they associate with notions of “neighborhood” and “community.” “It was adventurous, you know, adventuresome,” says John. “It was more crime, smaller businesses, more neighborhooey. Less people had air conditioners so it was more stoop life on hot summer nights, kids played in the fire hydrants.” In areas with significant criminal and public drug activity, residents noticed the effects that police activity had on street life. Guy recalls the influence of Operation Pressure Point,

The police got it together and cleaned up the crime, but they really owed that to the people that lived here. There were two years or so where the place was

cleaned up a little bit, and people came back out on the street. The mothers sat with their children on the sidewalks and the guys played dominos at the bodegas and drank beer again, and the streets weren't overrun by all kinds of drug dealers. And then the developers came and took over.

As John and Guy both suggest, families, children, and public life were very much a part of the social fabric of the neighborhood. This fact is often overlooked in discussions of the Lower East Side during this period, which tend to focus on its artistic and countercultural elements. But family life was common and children were often an impetus behind the community's rehabilitative efforts and activism.

In terms of demographics, longtime residents frequently describe the Lower East Side's population during this period as diverse. Along with its highly varied ethnic composition, they also point to the number of "characters" who resided in or regularly visited the neighborhood. Many of these figures were homeless (by circumstance or personal choice), mentally ill, artists, eccentrics, or members of various marginal groups. Given its social isolation, the Lower East Side was a place where such individuals were accepted and where public spaces were accessible to a wide array of groups for their own uses. Like the Bowery men at Milano's, the Lower East Side's public characters may have had substance abuse problems and personal issues, and residents may not have socialized with them, but their presence in the neighborhood became a means of sociability, a source of place attachment, and an identifiable feature of everyday life. For example, Marty, from this chapter's opening vignette, represents such a character. Denis, a longtime resident and bar owner who came to the Lower East Side in the mid-1980s, says,

When I came to this neighborhood, it was like you were going to look around and find Colonel Kurtz somewhere. I mean, you were up the river. This was the most singular place in the United States of America. It felt like you were at the edge of the earth. As a bit of an action junkie, I can't tell you how exciting it was. [I

thought], I'm in this place where anything in the world can happen to me tomorrow.

Residents saw the spaces and people of the Lower East Side as unique and irreplaceable.

Although they originated from destructive processes of deindustrialization and a reduction of public services, the built environment and characters were familiar and normal to residents, who turned their interactions with them into meaningful social identities.

There is a strong feeling among longtime residents that the nightscape has played a key role in displacing much of the area's distinctive local culture. While less diversity in tenancy, on the streets, and in the types of businesses in the neighborhood all contribute to the perception of increasing homogeneity, the perception also refers to changes in the cultural activities for which the Lower East Side was well-known. These include the neighborhood's well-documented art, music, and nightlife scenes that were more creative than commercial (Hagan, 1986; Maffi, 1995; Musto, 1986; Patterson, 2007; Taylor 2006). Like the physical spaces and social dynamic in the streets, the local character that residents recall was countercultural. As Daniel recalls, it was

very diverse; it was pretty incredible. Those artists actually lived in the neighborhood and participated in the communities here and got together and had meetings in the coffee shops and played at night and all went out together after and lived here and worked here and all that kind of stuff here.

Most important, the Lower East Side was a place where artists both lived and worked.⁴ Inexpensive rents provided affordable living spaces for artists and musicians. Apartments were also in close proximity to affordable commercial storefronts for galleries and performance spaces, and some artists also used their apartments as work spaces (Cornwell, 2002; 2007; Kapralov, 1974; Patterson, 2007). The abandoned built environment and the sense of "ownership" that residents felt also contribute to the type of art that people made. Daniel states,

⁴ See Kostelanetz (2003), Lloyd (2006), and Zukin (1983) for discussions of the dynamics of artists' neighborhoods.

“There used to be just abandoned buildings and like we’d have a party at 27 East 6th Street, you know, be there at 7. Or it would be an impromptu art gallery for the evening, and then a party in the evening.” The lack of regulation by the city and police and the overall neglect of public spaces gave residents a sense of freedom in their artistic pursuits. For example, Virgil describes a man named Jim “Mosaic Man” Power, a Vietnam veteran who has been making art on the Lower East Side since the 1970s. “Anywhere you look you’ll see mosaics...He puts it on municipal hardware, like lampposts. [People] treated [the neighborhood] as if it belonged to them, and Mosaic Man would take a lamppost as if it belonged to him, and he’d cover it with his mosaics. That was the spirit of the Lower East Side.”⁵ Public art—mosaics along with murals depicting harsh local conditions, graffiti of political statements, and theatrical and musical performances—thrived in spaces that residents appropriated as their own. Walls were used as canvases and vacant lots as stages, and the neighborhood fostered unique forms of creative expression. While highly varied, the artists and artistic works from this period share in common their origins in the urban detritus of a neglected downtown.

Residents also describe how the nightlife culture in bars was very different from today’s. They remember that local bars attracted a broad local clientele. As Denis states,

Back then in the young people scene there was so much less, and it was way more diverse and it was a more exciting scene, but there was only like 10 bars that anybody went into...So back then if you were young, you hung out at all, or were involved in the arts or anything like that, you were with everybody else, because there were only a few bars.

With relatively few options, residents of different backgrounds and with varying interests gathered at many of the same places. There were also the bars and clubs—like CBGB and Continental discussed in previous chapters—that were cultural hubs for the local music scene.

⁵ Also see Moynihan, 2007.

Along with bars residents also recall the many ethnic social clubs—mainly Puerto Rican and Ukrainian—in commercial storefronts. As Sophie describes, “When I first came [to this street], there were only social clubs here. Landlords had to be kind of in with it; they had to allow it to be there. And they were totally illegal, I mean they had no license to serve liquor, but cops just walked by there like nothing. But they had a valid place.” For landlords with few other business options for their storefronts, ethnic social clubs were a means of generating a modicum of revenue. Unlike many of the bars, social clubs were for the most part based on ethnicity and exclusive in membership. There were also several bars that catered to specific social groups, such as the floating Bowery population. Despite their seedy exclusivity, residents recall these establishments as part of a nightlife culture that was active, socially and ethnically diverse, and mostly local.

In short, longtime Lower East Side residents’ attachment to the neighborhood reflects their experiences with its physical and sociocultural constructions. Based on these they developed their own rhythms of everyday life in the neighborhood. While the Lower East Side seemed dangerous to outsiders, their daily practices provided residents with a sense of safety and security. This included daily and nightly routines of seeing the same people, visiting the same places, and hearing the same sounds. The eccentric spaces and times of the Lower East Side granted degrees of freedom and creativity because of their neglect by external authorities. Today’s nightscape has disrupted many of these rhythms.

Impacts of Nightlife

Strangeness: New People, New Places

Residents claim that the nightscape has displaced much of the physical and social environment that they remember. This includes new bars that have changed the commercial landscape, new people visiting them, and new forms of socializing. The most common description they give of the new people on the Lower East Side is that they are a transient population. Although many of the people whom longtime residents fondly recall as public characters and social fixtures had tenuous connections to the neighborhood, such as the squatters and homeless whose fate rested with state authorities, they still consider contemporary nightlife populations, in contrast, to be rootless and averse to the communities they are invading. This is despite the fact that nightlife revelers may be residents themselves or regular visitors with social ties to the neighborhood.

Residents' notion of "transience" must be contrasted with their own "permanence," which dovetails with their sense of "ownership" of the neighborhood, derives from their interactional past, and demonstrates their own nostalgia. This has had a tremendous effect on how residents understand the social character of the new population who may be similar to many of them in terms of ethnicity and social class—white, college educated—but occupy different status groups, do not share their memories, and threaten their potential for future social interactions.

More so than new residents, longtime residents see nightlife revelers as a transient group who regularly disrupt their everyday social lives. They are quick to label them as college students, and a frequent target of their hostility is New York University (NYU). Although

mainly located in Greenwich Village, the neighborhood west of the Lower East Side, NYU has gradually established an institutional presence in the neighborhood since the 1990s by buying buildings and building several new dormitories. Historically cheaper rents than in Greenwich Village made the Lower East Side a place where NYU students lived and hung out for many decades prior to this expansion. But residents feel that new dormitories, gentrification processes, and the development of the nightscape have greatly increased the number of students in Lower East Side buildings and on its streets.⁶ As Madeline says,

And where students are from the universities, guess what else is in there? Bars. That population that is brought by them is the population then that will become the customers of those areas because wherever you see universities you will have around like bohemian kind of communities. These bars tend to be bohemian-looking and attracting students of the university.

In fact, most bars on the LES are not “bohemian” and college students represent only a small percentage of the nightlife population. It is because of their youth, the university’s institutional and residential presence, the nature of college students as a population that is always in flux, and the perception of college students as a rowdy group prone to wanton amusement and consumption that NYU and its students are often used as proxies, first, for the entire population of nightlife customers, and then, for agents of gentrification. Many of these students may come from the same social backgrounds as longtime residents; many may have a strong appreciation for the neighborhood and its past and diversity; and many may remain in the neighborhood and establish roots in the community after graduating. Still, when residents categorize the nightlife

⁶ In fact, several longtime Lower East Side residents who complain about the nightscape were NYU students themselves and are highly critical of the university’s institutional encroachment into the neighborhood. They differentiate their own movement into the neighborhood from that of contemporary students by pointing out that NYU did not have an institutional presence in the neighborhood when they came and that their own impact was minimal. Besides, they feel that they deserve credit because they are the ones who stayed and established roots in the neighborhood.

population as a whole, their most frequently-cited group is college students, who they feel fully embody the negative attributes of transience and rambunctious behavior.

The most common complaint concerns quality of life issues that have disrupted nightly rhythms. Residents are especially angry about nightlife noise, which comes from a number of sources. For many, it is a bar in their building's commercial storefront. As discussed, contemporary nightlife culture dictates that many bars have sophisticated sound systems and hire DJs. This can cause significant problems for both their immediate upstairs neighbors on the second floor as well as tenants throughout the building. Tenements are only four to six stories and were built cheaply in the late nineteenth and early twentieth century. They are made of old brick and were never meant to handle the level of electronic sound that contemporary technology produces.⁷ Furthermore, music can also emanate through a bar's open façade or when its door is open. There are cases of bar owners who either live in or rent out the apartments immediately above their bars to avoid such problems, but even residents on higher floors complain of loud volumes and bass vibrations that snake their way up through their old building or reach their windows after exiting the bar interior.

In addition to this are the nightlife revelers themselves, who congregate outside of bars to smoke, wait for their friends, and talk on their phones. Residents cite all manner of conversations and sounds that come from people on the streets, as well as from those who are sitting in sidewalk cafes and backyard areas. They also blame alcohol consumption and intoxication for the sound level of these conversations, which get progressively louder as the hour gets later. While many residents acknowledge that the passing of the city- and later

⁷ Although many bar owners try, soundproofing is often an inadequate noise prevention measure. As a sound engineer who specializes in soundproofing nightlife establishments says, it is nearly impossible to completely soundproof old tenement buildings such as those on the Lower East Side. Their age, thin walls, and porous brick construction make it very difficult to prevent sound from traveling throughout the apartments.

statewide ban on smoking in bars in 2003 has played a major role in causing people to congregate on sidewalks at night, they are much less likely to blame the politicians who passed the law than the bar owners who they feel should be responsible for controlling their customers when they are outside.

Sometimes residents attribute noise from nightlife revelers to a particular establishment, such as one that is in their building's commercial storefront or that uses a backyard that abuts that of their own building.⁸ But very often it is difficult for residents to determine the source of reveler noise, because there are multiple bars near their building. These residents live in areas with dense concentrations of bars, revelers standing and walking about, and horn-honking cars and taxis. For them, the nightscape is greater than the sum of bars and consumers. It is an environment that naturally produces an incessant stream of quality of life problems. As Daniel states, "All the stuff that you do, that you just *do*, it's part of your neighborhood and part of your life, your culture...they overwhelmingly make it, forget about like financial things and everything else increasing from milk and bread to everything else, the quality of life is just really decreased." The faces of the revelers always change, but their disturbances to daily life are constant. In short, the nightscape penetrates residents' everyday lives and disrupts their everyday rhythms.

Luke, for example, lives with his wife on a small residential side street. Both are in their early 40s, are 20-plus-year residents, and are public high school teachers. Five bars have opened in the time that they have lived in their apartment. The nightlife noise that was always a problem for them grew gradually worse.

⁸ Backyard uses are especially problematic because of the rowhouse construction of Lower East Side buildings and the close proximity of buildings on different streets that share back space creates somewhat of a tunnel within which noise from a single establishment's backyard can bounce off other buildings and carry into apartments that may be located several doors down or even on a different street.

The last four or five years has gotten just almost completely unbearable. In particular, this bar across the street, it's actually a bar downstairs and a club upstairs, and there was a time up until very recently when *every* night it was just a war zone of noise. And even in the back court, if we had the windows open or even if we had the windows closed, you would hear all the noise wafting all the way back there. That used to always be very much a quiet zone.⁹

As teachers, Luke and his wife wake up early in the morning, so they are especially sensitive to the nightlife noise. “We have to have a fan on all night to drown out the sound,” he says. Like many residents, this constant problem was physically damaging to Luke and his wife, whose nightly lives were severely disrupted by the nightscape.

For other residents, the activities of nightlife revelers go beyond harm from lost sleep. Their presence symbolizes that the neighborhood, which once only drew a small and self-selected array of visitors, has been opened up to a wide swath of outsiders. For example, Virgil complains,

Gentrification has done a lot of this work, but the nightlife scene, is a subset of gentrification, but it's a special one, like gentrification on steroids. It's just wild and uncontrolled and it's faster than any other kind of gentrification. And it doesn't just bring in upscale people to reside here. It brings in all these non-local folks.

Rather than disrupting their regular daily rhythms, the problem that residents like Virgil have with so many non-local revelers coming into the neighborhood at night is that they have displaced their social interactions in public spaces.

This plays out on the corner of 7th Street and Avenue B, across the street from Tompkins Square Park, where a rotating cast of longtime residents and visitors congregates most nights during the week and on weekends. One Friday night I'm standing with Guy, who is in his late

⁹ Luke showed me this back court, which his bedroom window faces instead of the street. While this would normally be expected to shield him from some noise, the court serves as an echo chamber that ricochets sound—even sound from across the street—against surrounding walls.

50s and has been on the Lower East Side since the early 1970s. Guy is a photographer and writes a blog on the neighborhood. Like many longtime residents, Guy feels proprietary about the area. He says, “The idea of ownership, the concept of ownership, when you talk about neighborhoods, there’s ownership, there’s a sense of ownership, even though you don’t own the bricks, maybe, you do have something there that you own that our mayor won’t consider.” As he has for several decades, Guy stands on the corner where dozens of people—homeless, longtime residents, artists, drug addicts, veterans, and radicals—know he will be. He spends the evening observing the sidewalk’s nightlife action, listening to a police scanner for any criminal activity, talking with whoever comes by whom he knows, and snapping photographs of people and activities he finds interesting. He is sometimes there until the early hours of the morning and then documents these people and events on the Internet, where his posts often lament and take a critical stance on the changes that have occurred in recent years.

This section of Avenue B has a large number of new bars and is among the densest and busiest in the nightscape. The crowds on the sidewalk here and especially in front of bars are quite thick and filled with individuals who match the profile of those whom Guy and other residents identify as transient and harmful to the social environment they knew. I wonder why he continues to come here. Guy explains to me the importance of the corner and why he always stands at this spot. In the second storefront on Avenue B is Phil’s Sweet Shop, a very small and narrow take-out food shop that has been selling inexpensive snacks such as fries and hot dogs since the early 1970s.

“I used to stand here in the old days and Phil had 40 oz. Budweiser, illegal. And I’d smoke cigarettes, drink beer, talk to the hookers, because the hookers would come from the school over on 11th and 12th between 3rd Avenue and 2nd Avenue. That block was a big hooker

block; that was the main school. And they'd all do a job, come over here, and they'd always walk diagonally through the intersection, because it was a direct route. And they owned the street anyway. And you always knew it was a hooker because she'd walk diagonally across there [he points to the opposite corner, where revelers are standing outside of a new bar]. And they'd go down and buy their drugs, down at the Laundromat, and then they'd come back here for a chocolate shake or something, get the taste out of their mouth.¹⁰ And I'd talk to them, you know, they'd ask for a cigarette, and I could find out what was going on over there, I could find out from the squatters that came through here what's going on over there, the cops come in here, the junkies would be in there, the narcotics cops would be in there, the drug dealer would be in there, the hookers would all be in there, and they'd all be right in there [pointing at Phil's]. And it was neutral territory. That was Switzerland. And they could all go in there and I'd stand out here and watch and talk to them.

“This is the way news was gathered. And I don't pretend to be a journalist and I don't really have any desire to be a journalist or a newspaper person, though I have worked for them at different times, but this is the way you get stories, and knowing your subject. It was all here. And then when they started cleaning crime up, that disappeared, and I had to go to this [Phil's] to find out what was going on, and then this quieted down maybe early 2000s, this really, really dropped off.”

In the 1970s and 1980s, Phil's was a late-night fast food place for a low-income and criminal population. But as Guy says, it was also a social gathering place for the diversity of people who were in the area. Along with Phil's, Guy describes the use of the street and sidewalk in terms that express possession. Not mentioned but not insignificant is the fact that during the

¹⁰ The Laundromat was a well-known place to buy drugs on the Lower East Side. See Curtis et al, 2002

period Guy is describing Tompkins Square Park, which is immediately across the street, had numerous homeless and various other groups living and hanging out in it—contributing to their feeling of ownership.¹¹ Today Phil’s is in the same place and still serves the same snacks, but it is mostly to nightlife revelers, who do not stay around for conversation and do not know anyone on the corner, in the park, and maybe not in the neighborhood. Guy fears that Phil’s will close and often says he will soon stop documenting the neighborhood. “There just isn’t a whole lot going on anymore,” he says. Although the surrounding social environment is teeming with activity, for Guy they are not the interesting interactions that he remembers.

“You know, this used to have a lot more nightlife. You could come out here any fucking night of the week, and the bars were packed, people were doing stuff. Today, people come home, they watch their flat panel TV, they don’t go to the bars. The bars are empty during the week. You have the weekend crowds, and of course that’s why the bars encourage crowds, they encourage underage drinking, because they have to make their money on the weekend.”

Here Guy points out new rhythms that the nightscape has brought to the neighborhood. It has broken up a nightly round of activity that featured people “doing stuff,” which he interprets as the bohemian life of the underworld, creative pursuits, and conversation instead of what he sees as unbridled, conformist consumption. Despite its location in the heart of a dense area, the corner is still a place where Guy not only sees friends, but also elements from the neighborhood’s past, and he is quick to point out the sharp contrast between the old and new. He

¹¹ It is important to note that many residents on the Lower East Side during this period resented the presence of homeless, squatters, prostitutes, and drug dealers in Tompkins Square Park and on the streets and felt that these figures drove them out of the neighborhood’s public spaces. This sentiment partially led to the election of Antonio Pagan—a relatively conservative political figure by the historically radical standards of many on the Lower East Side—to represent part of the district in the City Council. Pagan’s tenure was highly divisive in the neighborhood, and he played a key role in cleaning up the park and the streets of these undesired persons and activities. See Lambert, 1994.

The fact that many longtime residents held these feelings about the neighborhood’s negative conditions but still express a fondness for the past demonstrates the differentiation in their nostalgia.

is alert to photograph anything he sees that either reminds him of what the Lower East Side was or that reflects what it has become. Often he tries to capture both in a single photo.

While standing on the corner one evening, Guy and I notice a fire truck with its lights on pull up to the corner at 6th Street, one block away. We walk over to see what is happening and see a homeless man lying on his back on the ground. He has passed out, but occasionally stirs. The fire department is the first to arrive on the scene and four firefighters are standing around him, and Guy hears through his police scanner that an ambulance and the police are on their way. He also notices that almost immediately above the man are several diners in the bar/restaurant on the corner. It has both a sidewalk café and sliding windows that are wide open, giving patrons a clear view of the street's action. "They seem to be enjoying themselves," he says, and then positions himself to take a picture of the entire scene—the man on the ground, the emergency service workers around him, and the oblivious diners—to put on his blog the next day.¹²

Along with transient revelers who displace the public life that residents knew, the new nightscape also alters the commercial landscape and employment options in the neighborhood. This transforms the relationship that they have with the commercial character of their neighborhood, which undergirds social interactions and feelings of attachment. For a long time, residents were used to small, local businesses that served local needs. Many of these were specialty ethnic shops remaining from the neighborhood's immigrant past as well as stores for general everyday needs. Residents developed strong attachments to these places and their social

¹² This scene bears strong resemblance to the action depicted in Baudelaire's prose poem, "The Eyes of the Poor," that Berman (1982: 148-155) analyzes. The narrator recalls a time when he and his lover are in a new, gaudy café that overlooks a gritty boulevard. The lovers' attention becomes fixated on a poor family in rags—a father, young son, and baby—who are gazing in at the bright, clean interior of the café ("How beautiful it is!" is the narrator's rapt reading of their expressions). He is then dismayed and heartbroken by his lover's reaction ("Can't you go tell the manager to get them away from here?"). The narrator here, of course, is Guy, not one of the diners; but their reactions make them kindred spirits.

worlds, like Guy's attachment to Phil's, attachments that are difficult to replicate in general and especially difficult for them to replicate in new bars. Virgil describes a used book store he knew,

There was on 7th St., *great* little place, you'd hang out there, they had the best chairs in the city, these old leather stuffed chairs and you'd hang out there for hours and while you'd be sitting there reading something interesting people would come in and talk to the book dealer and you'd overhear these fascinating conversations on all kinds of odd topics ranging from intellectual things to politics to local neighborhood stuff. *These* were the interesting places in the neighborhood. And now it's gone. Now they're selling t-shirts; it's a boutique, and that's what's coming up here are bars and boutiques.

Dan, a local resident and a member of CB3's liquor licensing committee, blames bars for raising rents too high for local stores. He says,

The way land speculation works is let's say you have properties, residential properties, with a business, the problem is all of those have turned into bars in the neighborhood. So what that has done is that it's increased the rent, people have used that rent speculation to get bigger mortgages and buy more buildings. The problem is, if you keep allowing these, what happens is we lose like our hardware stores or other stores, and landlords keep those empty so they can get in a bar or a restaurant at higher rent.

John has owned a vintage clothing store on a residential side street since the mid-1990s. Like many independent owners of non-nightlife oriented businesses he fears that he will not be able to keep his store open.

My business is at risk for the same reason that every business is at risk, because eventually you just can't pay a nut that big. I mean, my business is a middling business. I buy and sell used things, and a lot of the way we make money is sweat equity, being here [ourselves to work in the store] rather than paying the worker, not mollifying it as far as aspiring to have the fanciest, ritziest, best vintage clothing store and moving up to a big higher risk, higher rent store. That is not something that I want to do. [This] is not a business that makes me a *lot* of money, but it makes me enough, and when my rent doubles or triples I will have a hard time sustaining the business.

Instead of increasing local employment as some studies suggest, the nightscape limits employment opportunities that are available for low-income and minority residents.¹³ It does so by replacing local businesses with nighttime establishments that cater to a largely non-local population and, as we have seen, hire bartenders for reasons such as personal style, looks, youth, and the amount of cultural and social capital that they can contribute to the bar's cultural production. These desirable characteristics exclude many longtime residents from potential jobs in the Lower East Side's new small independent bars. For example, Hector is a lifelong resident on the Lower East Side. As a Puerto Rican community activist with his own block association in a nightlife-heavy area, he knows many people who have been affected by the nightscape and has had many discussions with bar owners. Over time, he noticed that while a justification for "public interest" in 500 foot cases was economic development because of the employment that nightlife created, it was not the people of color he grew up with in the neighborhood who were getting the new jobs. He says,

In the '80s, '90s, and early 2000s this community was comprised of mostly Latinos and African Americans and they had been here for many decades. But there was a huge number of illiterate families that came from the Caribbean and other parts of the world and never had the opportunity to pick up the English language, so they were just working-class people, working in factories, sweat shops, bodegas, what have you. So we started seeing a great number of those employments diminish throughout the community because the majority of employment were coming out of bars and restaurants and not necessarily were those employments being offered to local residents.

In other words, while local nightscapes do create jobs, they do not necessarily create equal job opportunities. The specific culture of the nightscape guides bar owners towards making certain hiring decisions, and there are no enforceable requirements for owners to use any other hiring

¹³ See Freeman, 2005; Freeman & Braconi, 2004; Vigdor, 2002 for discussions on gentrification's benefits, such as providing employment.

practices other than general anti-discrimination laws, although no investigations have been made on nightlife in the neighborhood. Furthermore, by raising rent levels, bars also diminish the capacity for other types of businesses that may hire low-income and minority candidates to open and succeed. In this sense, just as rising residential rents prevent future low-income groups from moving into a neighborhood by reducing the amount of affordable housing on the market, so do rising commercial rents prevent future businesses that would hire longtime residents from opening. Commercial gentrification through nightlife, then, results in both direct and indirect social displacement (Newman & Wyly, 2006; Zukin et al, 2009).

These examples of social displacement as a result of the nightscape—quality of life issues, social interaction, use of public spaces, and commercial character—have led residents to doubt that they have a future in the neighborhood. They have weakened their expectations not just for remaining there as residents (although the fear of residential displacement is oft-expressed), but also for interacting with others in the neighborhood in a manner that matches their memories and strengthens the identities they have formed. Many feel like they do not “own” the spaces of the Lower East Side as they once did and that they are no longer a part of the community. For example, one evening I ask Guy if he still feels like the space is his, as he suggests it once was.

You know, not like I used to. I feel like an alien in my neighborhood, yes. I don't feel like this is my neighborhood anymore. I stand here and do this, I talk to people, but, actually, I feel more at home on say 72nd Street. When I walk down the street uptown, it hasn't changed in years; you still have mom and pop stores, because they've had the wealth to prevent what is happening here—the wholesale disassembly of the neighborhood. Today I feel that at times that there's no part of this I belong to.

Here, Guy attributes feeling like an “alien” to the decline of “mom and pop,” or independently-owned stores for local consumption. For him, these commercial places were integral in constructing a sense of local community. Daniel also expresses this sentiment and connects it to the new people and their constant turnover,

I feel more of a stranger here in my own community. I don’t know anybody, really. I could walk around for two days and not run into anybody I know, whereas ten years ago you couldn’t walk two blocks and see, “Hey, how’s it going? How are you doing today?” It’s totally different, it’s weird. And again, I think that’s part of that transient population,

The more residents encounter the nightscape, its bars, and its revelers, the more they feel that their past social interactions that construct their conception of the neighborhood and their own social identities have been displaced. And the more the nightscape expands, the less potential residents see for meaningful social interaction.

The Lower East Side Playground

In terms of cultural activities, residents feel that the edginess and countercultural aesthetic of the Lower East Side has been displaced by a transient group of revelers who focus more on consumption than creativity. Daniel describes what he thinks the nightlife scene has become,

Now, the entertainment is mostly geared towards outsiders coming to enjoy it. It’s sort of a derogatory term these days, but “bridge and tunnel,” whatever it’s called. That seems to be more where it is. I guess the main thing behind that is the artists can’t afford to live here anymore. That’s one of the main reasons. So it’s become more of an attraction.

Here Daniel points out several commonly held views that residents have of the nightlife culture of the nightscape. First, he mentions the impact that increasing rents have had on artists being able to afford to live in the neighborhood. What this means for residents like Daniel is that nightlife culture is not something that will be produced by local actors for local consumption. Second, he mentions that the entertainment has become “an attraction,” which underscores his previous point about nightlife’s shift away from local cultural producers. Finally, he uses a common term that residents apply to visitors from other areas in and near the city. “Bridge and tunnel” simply refers to people who take bridges and tunnels (in cars as well as on buses and trains) to get to the island of Manhattan. It is derogatory in the sense that residents view people outside the center—i.e. the outer boroughs, New Jersey, Long Island, or Westchester and Rockland counties—as culturally inferior because of their suburban status, even though many of these areas are quite urban and many users of the term are in fact originally from similar suburban contexts (Hummon, 1990). It reinforces the idea that nightlife revelers are a transient population without any permanent stake in the neighborhood. Although the term loses some of its overall stigma as the Lower East Side has been transformed into a place that is characterized more by its outsiders and destination bars than its residents or local nightlife culture, it still holds great meaning for residents who use it to dissociate themselves from revelers.

Residents feel that the nightscape has displaced the venues that helped sustain cultural activities. Patti, the longtime resident and musician, says, “We lost like six avant-garde, little theatres from below Houston, which most of them became bars,” she says. “One, the whole building was wrecked, where Collective Unconscious was, so we don’t know if a bar [will] end

up there.”¹⁴ We have already seen how several establishments on the Lower East Side either closed or changed their method of operation from a place that fostered a local music scene to bars that would attract new nightlife revelers. This loss led CB3 to form an Arts and Cultural Affairs Task Force, whose goal is to find ways to promote cultural venues such as theatres and performance spaces. Although there are many new establishments on the Lower East Side that have live music, residents do not see them as places for them. One criticism is that they attract extra-local artists. As Bartholomew, a longtime resident, artist, and activist, says, “It’s hard to find venues where you can actually make money presenting in Manhattan anymore. Even though there’s venues, musicians have trouble.”¹⁵ Another complaint is that new venues are not intended for serious performers and merely provide entertainment as part of their overall consumption experience. Stephen, a musician, comments, “Music in a lot of bar situations where it’s essentially sometimes added value, well, they think it’s an added value, but they just kind of throw up a stage and put some crap in and they’re like, ‘Yeah, we have a performance space’ ... I don’t consider it a venue. I consider it a place putting in some speakers and trying to take advantage of their real estate in a way that’s not actually music purposeful.” In other words, they are wary of new entertainment establishments that have music in order to maximize space. Just as new bars do not provide jobs for local residents, neither do residents feel that they provide adequate space and resources for local musicians.

The feeling that nightlife culture has changed is also expressed by longtime bar owners. For example, after living in the neighborhood for several years, Denis opened his first bar in the

¹⁴ Collective Unconscious is an artist collective that moved to another neighborhood. Condominiums were built on its former site without a commercial storefront.

¹⁵ One venue that local artists and musicians cite as a place that was supportive to performers was Tonic, a club that catered to avant-garde music. Tonic closed in 2007 due to rent increases. See Chinen, 2007

early 1990s. Like Daniel, he also expresses the problem of rising rents as a detriment to new artists and other low-income populations coming to the neighborhood.

Somebody like me could never come here again. I would probably have, even then, because I knew I had to hustle to make money and stuff, a better chance than an artist. You're going to have artists come here again when they're 19 or 20 or 25 or 30? Where the hell are they going to live? And more than that, nobody's going to have that sensation I did that they're at the end of the earth.

And like other longtime bar owners, Denis is also bothered by the cultural transformation that has occurred in new bars: the lack of traditional sociability. He says,

I don't think there's a bar culture anymore with young people. I think it's changed. We all knew each other, and it was a real meeting place for young people. I mean, these were real watering holes, you know. People went there and ideas were exchanged... I see young people in bars [today], they don't know each other. And now, there's so much of a, it's not neighborhood people drinking in these bars that much.

As discussed in Chapter 3, the type of new nighttime establishments on the Lower East Side and their methods of operation are often influenced by economic realities of the neighborhood's commercial real estate. Like with the arts and music scene, low rents and a sense of proprietorship shaped the types of bars that opened and instilled in owners the belief that they were making a creative contribution to the neighborhood. Because of lower rents and less competition, bar owners had a degree of freedom with what they could do with their establishments. Denis continues,

It's far less singular now in my opinion. There's a lot more money. When I came down here, nobody wanted to invest in this neighborhood. There were crack dealers everywhere, hookers everywhere. And we opened Mercury for like \$65,000. I opened Halle's, even with all the delays, I opened Halle's for like 80 grand. I mean, we would open bars for nickels and that includes like the deposit, the liquor license, I'm not just talking about construction. Soup to nuts. So I think that kind of hustle made places really singular, because it was stuff that was wrong with them but there was so much heart in them, you know?... And now,

even the non-corporate bars, and by corporate I mean these kids they're paying \$19,000 [a month] in rent and they just dropped \$450,000 and they hired an interior designer and I'm like, what the fuck is wrong with you? It doesn't make any sense to me.

Denis contrasts his early humble nightlife undertakings with those of new owners who putatively only spend an exorbitant amount of money on their bars and leave its construction to others. By "corporate" he refers to bars that have a corporate "feel" rather than corporate ownership. In other words, older owners feel that new bars, such as those with clublike atmospheres and anonymous, provide types of generic and banal consumption that they associate with corporate chain venues.

Similarly, residents feel that the diversity and creativity that they knew has been replaced by a nightlife environment based on alcohol consumption by an indistinguishable mass of revelers in a superfluous number of indistinguishable bars. This relates to idea that the neighborhood's entertainment has come to feel like an "attraction," as Daniel mentioned earlier, for people from outside the neighborhood. Based on the nightscape's overall "feel," they criticize its homogeneity. "It still feels somewhat like Disneyland," Patti says. "Like, it's not really about different cultures." She specifies a bar and restaurant near her apartment that is themed after a French bistro.

I can't patronize that place and can't afford to eat there, and even if I could it's just not a very neighborhood-like place to me. It's kind of fake neighborhood. It's a fake French street. It's very Disneyesque. It's like creating, this wealthy restaurant opens on a street where still the majority of people live are still poor.

John draws another comparison. "Second Avenue on Friday and Saturday night looks like Bourbon Street. I mean it really is packed to the gills and people are out reveling and it looks

very affected to me.” And Tim states, “St. Mark’s Place on Friday night is like the Las Vegas strip.”

It is common for residents to liken the Lower East Side to an “adult playground.” To them, familiar places for leisure and entertainment, such as Disney theme parks, Bourbon Street and Mardi Gras in New Orleans, and the city of Las Vegas are accurate representations of what their neighborhood has become. Residents feel that nightlife revelers “use” the neighborhood as they would use any commercial entertainment district. Robert says, “They treat it like an amusement park with rides, and it is especially so because it isn’t their neighborhood so they feel they can just go out and party. It’s New York, after all! But they don’t realize that fifty feet from them might be somebody with their head on a pillow, trying to sleep.” “Disneyland” has replaced the forms of public play—children in the street, people on street corners and stoops, Puerto Rican residents playing dominos, Ukrainians playing chess, impromptu performances and parties—that comprised their interactional past in the neighborhood.

This does not mean that the contemporary nightlife culture on the Lower East Side lacks creativity and expression, or that establishments are not places for meaningful interaction and emotional attachment for new nightlife revelers. However, longtime residents are not aware of it. Even with all their criticism of contemporary nightlife culture, longtime residents admit that they do not go to new bars and are not familiar with the new forms of nightlife. Their experience with the new nightlife is based on social and cultural displacement and quality of life issues. As Patti says,

I don’t go to all these places. I mean, I have to live with them. I walk by them and I see a lot of the negatives, because that’s what goes on in the street. But it’s interesting, I often feel like if I hung out in them I’d probably see more, some of the positives that must exist in them, but mostly I’m contending with the vomit on

my doorstep when I come out and the guy under my windows, or the group of people, very, usually, upscale-looking people standing on the street at 3, 4 a.m. drunk and yelling at the top of their lungs.

Residents like Patti do not know about what is replacing the local arts scene or community-oriented nightlife cultures that they remember. They are unaware that there are still communities and high levels of creativity in the nightscape, such as the mixology that is practiced in its cocktail bars, DJ culture, and the new music communities consisting of people from around the city that have formed in its new entertainment establishments. But they are correct in asserting that these bars are not geared towards local clientele, that many of the members of these communities and their consumers do not live in the neighborhood, and that they are often culturally and economically distant from longtime residents.

Like social displacement, cultural displacement has weakened the interactional potential for residents in the neighborhood. Addressing these forms of displacement as well as the lingering fear of residential displacement, Marcy summarizes the widespread sentiment among residents,

You lose your housing, your housing starts to disappear, your services start to disappear, your cultural centers disappear, and your employment opportunities disappear. You have nothing left; there's no way you can stay in your community. You can't shop there, you can't eat there, you can't work there, you can't live there. You feel isolated because you walk past every bar, all the menu items are \$20 and above, or they're all yuppies. How are you going to bring your family in to eat there? How are you going to shop there? Are you going to buy \$300 jeans on Clinton Street? You are displaced; you're displaced mentally, economically, culturally, completely, and this is what's happening with our neighborhood.

Here Marcy expresses the “isolation” in their own neighborhood that residents feel as a result of the nightscape's commercial gentrification. Intertwined with dangers of residential displacement are the real feelings of damaged social and cultural environments.

The Harms of Commercial Gentrification

This chapter has shown how displacement can take other forms besides residential eviction. Social and cultural displacement by nightscape development transforms how people see themselves and their future in their neighborhood. Local nightscapes create incongruence between the past and the present that is sharply felt through physical contact with nightlife activities, places, and revelers. As they feel their neighborhoods are turned into adult playgrounds for outsiders that provide few attractions and offer few opportunities for them residents feel more like strangers in their own homes.

As this chapter has also shown, most longtime residents recall their history in the neighborhood very fondly despite the severe problems that existed. Although they acknowledge the time when it was crime-ridden, drug-filled, and neglected, they are more apt to see such negative conditions as a backdrop for their own social and cultural interactions and experiences. These residents are, of course, the people who stayed (or survived) in the neighborhood through this troubling period and have been among the most active in praising its past and salvaging its, and by implication their own, future. But these slum-like conditions are often cited by actors in city government, real estate, and entrepreneurs (including bar owners) as reasons for neighborhood improvement. The combination of these competing discourses results in a deep conflict without a clear resolution.

Chapter 7: Persistent Conflict: Residents' Actions and Owners' Reactions

Walking along 5th Street towards Cooper Square I can hear people chanting. I have already passed several posters advertising the gathering:

RALLY

THE COOPER SQUARE HOTEL is attempting to destroy the neighborhood
A RALLY/DEMONSTRATION to protest the Cooper Square Hotel's intransigent bullying of
the residents of Fifth Street is scheduled for:

5:45 PM on/Monday, November 19th

200 East Fifth Street

Two paragraphs at the bottom of the poster read:

This alliance of regular New Yorkers is saying **NO!** to the hotel's plan for late night, outdoor eating/drinking and to the impact of the garden "entrance" that is really an exit onto Fifth Street.

We also say **NO!** to the approval of the hotel's liquor license application that Community Board Three's State Liquor Authority Committee will be considering at their meeting at 200 East Fifth Street following the rally. Come and join your neighbors!
Speak Out!

The 5th Street Block Association has been locked in heated negotiations with the owners of the Cooper Square Hotel, a boutique hotel whose 21-story, glass and steel structure towers

over the adjacent tenement buildings, for the past year. The two sides did not come to an agreement, but the owners are still appearing before CB3's liquor licensing committee tonight to obtain their approval for a liquor license. Along with room rates of \$400 per night, the hotel features abundant space for nightlife—an interior restaurant and bar on the first two floors, an outside garden on the ground floor, an exterior dining and lounge area on the second floor, and a basement lounge and club—that combine to accommodate a total capacity of 731 people. With only 145 rooms, the owners intentionally designed their nightlife spaces to be a destination for revelers and not just amenities for their guests. The enormity of the nightlife spaces, the vast crowds they will bring, and the fact that many of them are outside (the second floor terrace is thirty inches from the windows of the adjacent apartment building) have alarmed residents and caused them to organize and fight the license. For them, the hotel will tremendously exacerbate the neighborhood's transformation and the already unbearable disruptions to their quality of life that the nightscape causes. Conveniently, it happens to be located directly across the street from where the monthly liquor license meeting is taking place.

As I approach the site I see three dozen people walking in a circle, holding up and wearing signs, and chanting. There are approximately fifteen people standing outside of the circle and many passersby stop to ask about the purpose of the demonstration. There are also several reporters from local newspapers and a camera crew filming for a documentary on the changing of New York City neighborhoods. Most of the demonstrators live on 5th Street, but I recognize many faces from community board and other local community group meetings. They rhythmically chant, “No more bars,” “Shut it down,” “This street is not a driveway,” “5th Street is not for sale,” and rhyme, “Peace and qui-et, not a ri-ot,” “Hey hey, ho ho, the hotel bar has got to go” and “We don't need another bar, this is going way too far.” One sign reads, “Peck

Mo\$\$ Puts Big Profits Ahead of 5th St. Peace and Security” (Peck and Moss are the owners’ last names) and some show the scale of the project, contrasting the 21-story hotel against the adjacent 5-story tenement building. Another reads “Respect Your Neighbors” with the word “Greed” crossed out, while children, hand-in-hand and on the shoulders of parents, wear a sign that says, “I am a Resident of East 5th Street.” Several people standing to the side are talking about the hotel in relation to the changes that have been occurring in the neighborhood. They turn and face the large site across the street that is still under construction, point out its vast size, and shake their heads.

I speak with Emma, a nearby resident, who mentions that the owners are lying about the occupancy of one of the spaces. “They say there will be seating for 60 people,” she says, “but it has a 200-person occupancy.” She also says that they are also lying about putting in soundproof windows for residents in the adjacent building, because the landlord has already said that he will not allow it. I ask her why, and she suspects that he wants the rent control tenants to move out so he can raise the rents.

The Lower East Side has historically been a “valley” in the New York City skyline; its short buildings lying low between Manhattan’s considerable midtown and downtown skyscrapers. A decade-long period of construction has changed this somewhat, and today there are several tall structures—other hotels, condominiums, and dormitories—that the Cooper Square Hotel is joining. These buildings are spread throughout the neighborhood, and its otherwise midrise character means that most of them are clearly visible from many street-level angles. Like the bars and their nightly activity, for residents these buildings are constant physical reminders of the changes that the neighborhood is undergoing; they are symbolic of its social and cultural transformation. They were all built “as of right” or through the purchase of

“air rights” from neighboring community facilities, which means that residents were powerless to prevent their construction, just as they were powerless in preventing new bars from opening. They continue, however, to attend liquor license meetings with the hope that their voices will be heard by the reformed SLA. Unfortunately, the owners have withdrawn their application from tonight’s agenda. The residents will have to come back next month.

(Field notes, 11/19/2007)

Nightlife revelers may be the social actors whom residents regularly hear and see on the streets around their homes, but they are anonymous, come from other areas of the city, and are constantly in flux. These factors make it impossible for residents of the Lower East Side to target them directly for causing quality of life problems and social and cultural displacement. Instead, residents follow the strategy of the new nightlife regulation and target individual bar owners, who are bound to their stationary storefronts. They use the 311 calling system and complain to the community board, police, and other government agencies, but most importantly they target owners by organizing and attending CB3 liquor license committee meetings. Of course, it has not historically been the case that the SLA listened to the community board’s recommendations. But residents and CB3 members feel that the regulatory changes discussed in Chapter 5 that occurred at the SLA benefit them. These reforms have shown residents that owners are being held accountable for their businesses and given them hope that the community board’s recommendations will effect liquor licensing decisions. They also think that today the agency is more transparent and communicative and that because it now takes external

perspectives into account, they have an opportunity for their licensing recommendations to be heard.

As discussed in the last chapter, the nightscape has damaged residents' expectations in the neighborhood, but it has also led them to organize for collective action, as presented in the above vignette. The CB3 liquor license committee meeting gives them a regular opportunity to address nightlife issues by confronting existing owners and new applicants. Overall it is a rare chance for residents of a changing neighborhood to meet with some of the forces behind its transformation in a controlled setting and participate in a legal process with certain ramifications for future development. This unique situation puts upset residents in the same room with existing owners and prospective entrepreneurs. However, as demonstrated in the previous chapter, residents' identity is largely constructed by their interactional past in the neighborhood and their own sense of nostalgia for how it has changed, which distances them from the nightscape's contemporary cultures. Clear in residents' memories are the ways in which owners have eluded and deceived them in the past during the nightscape's proliferation. These factors shape the interactions between residents and owners and lead the former to distrust new entrepreneurs who threaten to cause greater harm to their quality of life and further their social and cultural displacement.

As a result of the regulatory changes, the degree of hope that they have injected into residents, and residents' newly constructed identities that cause them to distrust owners, the conflicting parties regularly have heated interactions at CB3's meetings. Owners feel threatened by the regulatory reforms at the SLA and NYPD and by the efforts of residents and the community board—all of whom they feel unfairly target them as “problems.” Owners react by emphasizing the value they bring to the neighborhood and city; by deflecting blame for nightlife

problems that is directed at them to other sources and actors, including residents and other owners; and by criticizing the new nightlife regulation as unfair in its treatment of them and ineffective in its proposed solutions. This helps to keep owners fragmented and often drives a deeper wedge between them and the community. As a result, the two groups do not come closer to solving the conflicts that exist between them and that they discuss on a monthly basis at CB3 meetings.

Distrust and Confrontation

The CB3 liquor license committee meets monthly and consists of approximately ten members, most of whom are longtime residents.¹ Their agendas address several licensing issues: license renewal applications for owners who have had complaints about their establishments within the last two years; license transfers, upgrades, and alterations; sidewalk café licenses; and new license applications.² The committee intentionally places applications for new licenses at the end of the agenda so that prospective applicants who may be new to the neighborhood and unaware of residents' feelings towards nightlife can witness how they handle existing problems during meetings. For each item on the agenda, owners are given the opportunity to discuss their business plan or to explain the problems that they have been having and the steps they have taken to address them. The committee asks questions about their statements and then opens up the floor to residents who have requested to speak. As a result of many years of handling

¹ This number fluctuated during this research, as did the number of members who attended the monthly meetings. This is because the liquor license committee meetings are by far the longest of any other CB3 committee, members are only volunteers, and the meetings take place on a weeknight. On some nights there were as few as three members present, but on others there were as many as nine.

CB3 does not meet in August.

² Although the committee handles their applications, the licensing authority for sidewalk cafes is the city's Department of Consumer Affairs (DCA). Like the SLA, the DCA is regularly criticized by CB3 and residents for granting a large number of sidewalk café licenses despite their protests.

nightlife issues today CB3's liquor licensing committee is New York City's most strict, active, and organized.³ The committee members are knowledgeable about the liquor licensing process and the ABC Law as well as the conditions of the nightscape and of many specific establishments. As Edward, a liquor license attorney who meets with community boards all over the city, states,

Absolutely! This is the strictest community board. Everybody's [other CBs] got their own preferences, their own differences. Every community board tends to focus on different problems, but this is certainly the strictest, most organized in their preparation, in their forms, in their homework.

The result is often a highly tense confrontation between owners and the community.

Residents feel that owners are dishonest. This stems from their long history dealing with liquor license applications. For instance, we have seen cases of owners circumventing the community board and applying directly to the SLA (Chapter 4). There is also the frequent discrepancy in owners' proposed and actual methods of operation. Recall that an initial goal of the liquor license moratoriums was to prevent more bars from opening on certain streets and to encourage potential owners to construct full kitchens. Residents believed that if a location was going to be licensed it was better for it to be a proper restaurant rather than a bar because of the former's weaker quality of life impact. As mentioned in Chapters 4 and 5, there are many examples of owners putatively following the community's recommendation and presenting their potential establishments as a restaurant, but then converting them into something else, such as a

³ Several different actors—owners with bars in other parts of the city, liquor license attorneys, representatives from the SLA—expressed this sentiment about CB3's liquor license committee. I also attended the liquor license committee meetings of three other community boards in Manhattan and one in Brooklyn, and while these displayed a high level of organization, were well-attended, and featured a large number of license items, they did not match the CB3 committee's size, engagement, or intensity. I should also note that not every community board has a liquor licensing committee because nightlife is not a priority in every district. In such districts where it is not, liquor licensing is handled on a case by case basis.

bar or club, once they obtained the license (the “bait and switch” tactic). By misrepresenting themselves in this manner bar owners engendered residents’ distrust. Patti recalls the strategy,

We saw the lies. The neighborhood went through a phase where places were lying and saying they were restaurants but they’d install a kitchen for 50 grand or even 100 grand but they’d never use it. It would be empty, but they would just do it to get the liquor license because it’s so lucrative. And all this kind of wiliness that was so incredible.

This misrepresentation was especially damaging because one of CB3’s key goals has always been to get residents and community groups to meet with owners, negotiate an understanding on method of operation that both parties can agree to, and have them maintain communication after they obtain the license. CB3 would of course prefer that the SLA made such community agreements legally binding as stipulations of the liquor license, but at the very least they hope that owners abide by them in good faith and openly communicate with their neighbors. Yet the trust that served as this strategy’s foundation was severely damaged and CB3 became very wary of new owners who appear before them. In these cases, CB3 liquor licensing committee members look for clues that alert them to potential problems. Michael, a committee member, explains how they interpret applications,

You get a sense of what the potential problem areas are. If somebody comes to you and they have a 40 foot bar in their place, and they have 3 tables, and no kitchen facilities, then you tend to come into it with a bit more skepticism than you would for the 4 table little restaurant that serves vegan food with a full menu.

They also rely on how owners present themselves and communicate with their establishment’s neighbors. This turns the committee meeting into an important event, an ongoing struggle, and an opportunity to improve the neighborhood. An application serves as an introduction to an applicant, but the meeting is where scrutiny and confrontation occur.

We see an example of a close examination of a new applicant that demonstrates residents' distrust based on their experiences with other owners and their frustrations with the neighborhood's transformation at a meeting in October 2007. The applicants—two men and a married couple—are applying for a sports bar and grill. It is an application to transfer the license of an existing Spanish (as in Spain) restaurant that has not had a significant quality of life impact. The husband, a large man in his 40s, is the principal owner and does most of the talking. He says that they already own a bar in the Manhattan neighborhood Clinton and this place will be similar with 10 televisions and a sidewalk café. The owner takes pride in his relationship with the Clinton community and describes how he contributes to it by through local charity (he hosts homeless people at the bar for Thanksgiving) and deters crime by being an open establishment that provides eyes on the street. Following CB3 policy, he has a petition with the signatures of 150 residents in support of his application (he says he stood outside the potential bar's location for 10 hours to collect them).

A CB3 member comments that the Lower East Side is a different area from Clinton and that violent crime is not an issue here. In fact, she says, the crime that does occur mostly takes place within places like this and that police mostly handle quality of life issues. The owner repeats his involvement in the community and how well they manage the sidewalk café at his other bar. Another CB3 member then comments on their closing hour of 4 a.m., which differs considerably from the low-key Spanish restaurant, and incredulously asks, "Don't you realize people live in this neighborhood?" The first member then says, "We are overrun with sports bars and most have French doors...I can hear them from blocks away." She repeats that the main issue on the Lower East Side is noise and that telling her that he will deter crime and is involved

in the community, “Is like telling me you’re a nice guy.” The point is the noise and how he is going to control it.

There are 13 residents present to oppose the license. Most are from the 11th Street Block Association. The block association’s representative points out that although the front door of the establishment is on a larger avenue, it is a corner location and will therefore affect the residential 11th Street. She mentions the deteriorating quality of life, how Landry’s (another loud bar) is near there, and that when she met with the owner before this community board meeting he never said that he was going to open as a sports bar. In other words, the owner attempted to establish trust with the community by reaching out to the block association to obtain their approval. They may not have approved of a sports bar had he told them anyway, but his deception indicates to them that he is untrustworthy.

Another block association member then says that there are already 9 bars in their immediate area and that they are saturated (“*Saturated!*” emphasizes another) with nightlife. When the owner says that this place will be different from what has been there before, a resident says that he has been to their place in Clinton and that people go there for beer, the French doors are open, and the sound bounces off surrounding buildings. Another resident says that the owner did not reach out to the tenant association in the proposed location. He mentions the decline in their quality of life and questions the public benefit that a sports bar would bring. Another resident then says, “This is going to be insane. We’re at a saturation point. This is going to be madness. *The whole area’s changed in the last 7 years.*”

Visibly frustrated, the owner snaps at the committee while holding up a copy of his application, “You shouldn’t waste people’s time by handing these things out if this is how

they're going to get treated." He says that he was told that he was going to get a fair treatment and that most transfers are approved. Two CB3 members agree that most transfers go through but that he should not have been told that it was going to be guaranteed. Based on this heated exchange and the fact that he did not contact the tenants association and misled the block association, a CB3 member makes the point that the owner's stated desire to work with the community does not seem genuine. The application is denied and the applicants storm out of the room.

Residents also constantly confront existing owners who have misrepresented themselves to the community and have burdened the neighborhood. They do this when owners appear before the committee to renew their license. We see an example of this in an October 2006 meeting. The item is a bar named Grace on the busy Ludlow Street, at a location with a history of problems. There are two male owners in their early 30s present to address the problems they have had. Again, we see how residents target individual "problem owners." Like the new nightlife regulation, CB3 looks for owners who do not cooperate or communicate with their neighbors and are causing harm in the neighborhood. Past violations are major signs. The committee asks Grace's owners about a \$3,000 fine that they paid. One of the owners says that it was for serving alcohol to a minor. A committee member also asks them about the noise and crowd complaints from their neighbors. They respond by saying that they have been keeping their doors closed after a certain time.

Then Caroline, a longtime resident and the president of the block association, reads her group's complaints from a prepared sheet. Both she and one of the committee members testify that they went by this establishment late on a recent Saturday night with a police escort and saw that their French doors were open past the time that they agreed to close them when they

obtained their license and that there was a crowd outside on the sidewalk. The two owners remain silent, stare at the floor, and shake their heads. Caroline then continues to read, outlining their complaints with this place. She concludes, “*This premise is not community-friendly*. Grace is a disturbing influence on Ludlow Street.” The committee member then says to them, “When you bring a business into a community you have to assess the community you’re going in and conform to what that community is about.” Another member then comments that it is like they have a bar on their sidewalk. The committee votes:

To ask that the SLA investigate for revocation the full on-premise license at Grace...because there have been two (2) violations for sales to minors within the last several months, as well as violations for noise and failure to control crowds, and given that this particular block between Houston Street and Delancey Street currently has more than eighteen (18) licenses, and because of this volume, this community cannot tolerate the inappropriate operation of a licensed business.

Cases like this reinforce residents’ pre-established tendency to distrust owners and causes them to continue to hold new owners to task for what they may become—a source of disorder.

However, it is usually the case that the bar retains its liquor license and remains open; this is what happened with Grace. Unless there are incidents of violence or drugs, the SLA renews the license after the licensee pays its fines. It is a common cycle that maintains the size and negative conditions of the nightscape and continuously puts offending owners in conflict with distrusting and frustrated residents.

As described in the last chapter, longtime residents are not familiar with the new social interactions and nightlife cultures in the nightscape. This often leads them to consider all new bars and their patrons as social and cultural interlopers who will damage their quality of life. We can see this play out at a February 2007 CB3 meeting. Baron, owner of Red Church, a well-known, speakeasy-style, specialized cocktail bar, is here to apply for a beer and wine license for

a new place on a highly residential block of 7th Street. Baron is in his mid-30s and is well-dressed with slacks, suspenders, and polished shoes. Along with Red Church, he also owns a bar in a nearby neighborhood, and at neither does he spare any expense for products, ingredients, and decor. However, unlike other cocktail and niche bar owners, it is not high spending for mass consumption in an anonymous corporate environment, as residents suggest. Rather it is to create a particular aesthetic for the consumption of a specialized product. Furthermore, his bar's rules that limit the number of patrons and maintain a quiet atmosphere as well as its inconspicuous facade reduce the impacts he has in the neighborhood.

Baron is here at this meeting because he wants to open a café and serve specialty coffees and pastries during the day and wine and cheese at night. However, there are 15 people here from 7th Street and its block association to protest the license. Over the past ten years, the number of liquor licenses on 7th Street has gone from one to five, with many more on nearby 2nd Avenue, and more to come with the impending construction of the Cooper Square Hotel near them. These changes have brought a significant amount of nightlife activity to the street and the hotel promises to bring considerably more. Aware of their quality of life concerns, Baron begins by introducing himself as an owner who has never had noise complaints and will ensure that this place does not cause any harm to the community. He describes his bar and his new café as places that are not like regular bars where people are drunk and loud. He purposefully makes rules that prevent such behavior and does not design his bars to attract a rowdy clientele. Also, he will be living upstairs from the two-floor café and because the building is only three stories high, he will be the only neighbor who could be directly affected by noise. He concludes by reiterating, “[Red Church] is known as the quietest bar in New York. We go to *extremes* to get

along with our neighbors. No one works with neighbors the way I do. I implore you to give me a shot.”

The community board’s committee members have his file in front of them, and they know from experience that he has never had a noise complaint and is a model bar owner in terms of dealing with neighbors. They also know that it is often best to work with owners on stipulations that would be written into the license and legally recognized by the SLA. Otherwise, they risk that he may apply to the SLA anyway in spite of their denial. And given their history, the SLA may approve him, which leaves them without legal protection on their own terms.⁴ Since Baron has a good track record and sounds honest and sincere, they feel that it is best for the community to work with him and hope he will be an unproblematic, longtime neighbor. “You’re not getting a problem and you’re not getting someone that will be a problem,” says a committee member to the group who came to the meeting to oppose the license application.

They do not agree. A chorus from 7th Street quickly replies to this point, “We’re getting another bar!” “We don’t want another bar!” “It’s still drunk people!”

A resident named Damon then speaks about a place on the street that is now closed.

“They set a precedent on this block for being little, elegant, and lovely, but it still operated as a big place, with the same deliveries, the same people outside, and the same booze. This neighborhood is like Bourbon Street and with your steep rent in the building you’re going to have to sell stuff, and that means alcohol.”

“But my impact will be so incredibly small,” replies Baron.

⁴ The 500 foot rule does not apply to the type of license for which Baron is applying. Still, the SLA must take the community’s recommendation into account when making licensing decisions.

“A lot of booze needs to be poured and people are going to be drunk,” continues Damon. “I’ve heard people say, and not just people in this room, that if you’re going to have a bar on your street, he’s your guy. But you have to see it from our perspective. It’s only bars and restaurants in this neighborhood. We’re losing our small variety shops. I own a small business on a side street and I’ll probably be gone. Landlords know, when a bar owner comes around, that the stakes go up. This has become a shell of a neighborhood.”

Here we see Damon use issues of social and cultural displacement to confront Baron and argue against the license application. His emphasis on the negative effects that any new bar would have on the neighborhood represents the overall perspective of the 7th Street Block Association and for a large number of Lower East Side residents. Damon cites Bourbon Street to describe the neighborhood. He points out examples of social and cultural displacement and expresses fear for the future survival of businesses in the neighborhood, including his own. Even though Damon and other residents acknowledge Baron’s good reputation as a bar owner in another area of the neighborhood, they are fearful and distrusting that he will maintain this for them. But regardless of his background or sincerity, he first and foremost to residents represents another bar on the street, which means one more new place that will bring more anonymous revelers. Despite disagreeing with residents, the community board accepts their perspective and denies the license. Baron thanks the committee, urges everyone to at least come by the café for coffee, and exits the room. He does not apply to the SLA for a license.⁵

⁵ A few months later Baron opens the café without a liquor license. More than a year later he and his business partner apply to CB3 again. They are met with the same resistance from the block association.

Owners Respond

Lower East Side bar owners react strongly to the considerable amount of political activity, accusations, and pressure from various social actors. They are aware of the new nightlife regulatory efforts from politicians in the City Council and State Legislature as well as figures in the Mayor's office and at the SLA who have enacted new laws, shifted policies, and prioritized quality of life and nightlife safety. They know that these actors and local police are targeting them to handle nightlife problems, holding them more accountable for their bars, and pressuring them to comply with the new regulatory agenda. And they must deal with their neighbors, the community board, and other community groups who complain about their bars, bring them under the attention of the police and other state authorities, and potentially compromise their liquor licenses. In short, owners are highly sensitive to the "problem" owner designation that underpins the new nightlife regulation.

As a result, owners often consider themselves to be victims of unfair treatment. "The only people that are actually being blamed for anything *ever* are the bar owners that are in the hospitality industry," says Sarah, who opened her bar with a club-like atmosphere in 2004. "It's not really a level playing field. We're not being respected, we're not being appreciated. We're being undervalued, criminalized, we're being pushed out, our business lives are becoming a living hell." This especially bothers bar owners because of how they conceive their own self-worth. Instead of "problems," they see themselves as solutions. Bar owners on the LES often point out the role that nightlife has played in improving the neighborhood. Marta opened her bar in the late 1980s on a street that did not have any bars and had very few businesses, let alone businesses that were open at night. In a manner that reflects Jacobs' notion of "eyes on the

street,” she describes her bar as a place that brought safety and protection to the neighborhood.⁶ “I know when we first moved here the neighbors were happy because of the security mechanism,” she says. “There was nothing at night. You’d walk home and there was just nothing here. It was a challenge. So when we opened there was light, there were people, there was a place to walk into if there was trouble.”⁷ Like longtime residents, some bar owners see themselves as commercial “pioneers” in the sense that they were among the first businesses to take a chance in an economically depressed neighborhood. As Stephen, a real estate agent with an extensive background in opening bars on the Lower East Side, states, “These were people that were willing to stick out what were tough conditions, to be around drug dealers or prostitution or whatever else, garbage and crime. And these businesses were sort of a vanguard, were the earliest pioneer people that came back into this neighborhood.” In other words, many bar owners see themselves as key actors in transforming the Lower East Side from a dangerous slum into a safe and coveted neighborhood.

Older bar owners often assert their status as pioneers and proclaim their longevity in the neighborhood as a defense against residents. But even new owners hold the perspective that they contribute to the neighborhood’s improvement and success, which conflicts with residents’ perspective that bars are the source of the neighborhood’s problems. For example, Brian opened his bar in 2006 and believes that bars are instrumental to the neighborhood’s vitality. This leads him to question the attitude of residents who he feels long for the time when it was unsafe and depressed. He says,

⁶ Jacobs (1961) praises her local bar for providing uses and a sense of safety in the neighborhood at night.

⁷ Building off of Jacobs, Patch (2008) refers to new stores opened by women entrepreneurs in a gentrifying neighborhood as providing “faces on the street,” or bringing communal and personable spaces to desolate areas.

You're looking around at all these people that have been here for ten years and you're like, "Listen, remember ten years ago, and look at it now. You know why it's better? Because the fucking restaurants and the bars came in here! No one was going to come in here. [Bars are] going to open up, that's what's going to slowly make it better." What makes people comfortable to come here, venture here, and eventually start moving in here is going to make it a safe place, and it is now.

Because he sees himself as positive part of the Lower East Side's development, an obviously frustrated Brian does not understand why residents have a problem with bars like his and the neighborhood's nightlife. He continues,

[Residents] see it as completely opposite. Like, no matter what you do they're not happy. The drugs and violence is here, they want the cops to come in. The cops come in because the restaurants and business owners and taxes are getting paid here, finally, and then they're not happy because it's too gentrified. It's like, you can't have it both ways. You're going to win with a sketchy neighborhood in a really dangerous area, or you're going to win with a semi-gentrified area. Either services are provided or they're not provided; either there's like, drugs and violence, or there's actual sustainability going on. People just don't give a shit, it seems like. The people who live here that are throwing such a fucking tantrum about it, I don't know what their justification is or how they justify any of it to themselves. It's completely beyond me.

As Brian demonstrates, owners do not see the significance of the place attachments that residents formed with the neighborhood or the social and cultural environments that residents created. This largely stems from the perspective that they are contributors to the neighborhood's safety and revitalization. In this sense owners often consider residents' nostalgia to be misguided for its omission of the negative conditions that characterized the neighborhood in their arguments.

Related to this, owners believe they have created valuable assets for the entire city's economic and cultural well-being. Like politicians, bar owners are highly aware of the importance of nightlife in the contemporary urban economy. They attach themselves to New York City's larger agenda of tourism and entertainment. As Edward, a New York Nightlife

Association (NYNA) representative, states, “New York is known as a nightlife place. We modestly refer to ourselves as the nightlife capital of the world. People come here, many times, just to go to the restaurants or just to go to the clubs, and it contributes.” Liz, a bar owner, concurs,

I mean, my God, part of travel and tourism is like: Where are you going to eat? Where are you going to hang out? How do you hang out with people? It’s part of what you do. In my life, going to Barcelona, London, and Dublin, it’s all sort of revolved around that. You go to neighborhoods that have that. That’s what gives it character, and charm.

Owners also see themselves as part of a long tradition of nightlife in New York City that they take pride in maintaining. Sarah describes New York City’s important nightlife history,

There are cities in general, and then there’s Manhattan. I mean, I’m totally New York-centric. It’s all about us. We reverberate and ripple to the rest of the world and they can learn from us. And we are sort of the standard on how things can and should be. It’s like a real historical exploration from the beginnings of New York itself because there’s always been a very vibrant and raucous nightlife.

Furthermore, owners also nobly see themselves as members of the hospitality industry, in the business of providing services for the pleasure of other people. These feelings of self-worth and importance contrast with the stigma of being considered a “problem” owner. Personal complaints by community residents, fines imposed by the SLA, police and state monitoring, and continual licensing difficulties cause owners to see the new nightlife regulation as an attack against them and even as a contradiction for a city that supposedly wants to encourage entertainment such as nightlife. As Sarah says, “They are biting the hand that feeds them. Shooting themselves in the foot. Putting up a ‘Not Welcome’ sign at the doorstep of Manhattan. And ultimately, they’re going to lose power, if their city sucks.”

Like longtime residents, bar owners interpret the SLA's reforms as allowing more community influence on liquor licensing. They acknowledge that the community board's recommendations can weigh on the SLA's decisions and therefore often take their relationships with neighbors seriously. In addition, there are some bar owners who are genuinely concerned about the impact they have in the neighborhood and do not want to disrupt the lives of residents. But bar owners are not organized to defend their interests against residents, the police, and the local state; they act as individuals instead of collectively. Although NYNA is an influential lobbying group, it often focuses on the interests of large nightclubs and restaurants and state-level concerns rather than small bars and local community issues. And even though Lower East Side bar owners are cordial, supportive, and friendly towards each other at meetings and around the neighborhood, a number of things prevent them from forming local groups such as block or tenant associations to defend their interests. Neither have they integrated themselves into existing community organizations, such as the Lower East Side Business Improvement District. And despite their considerable presence in the neighborhood, only one out of CB3's fifty members is a bar owner.

There are a number of obstacles in the way for owners to organize. First, they do not always live in the neighborhood, which means they do not represent a solid local political base. Second, while bar owners appreciate the existence of a large nightlife scene because it attracts customers to the neighborhood, they know they are in competition with each other; their focus is mostly on the well-being of their own establishments. Third, since the new nightlife regulation is fairly recent, bar owners have not yet needed to organize to defend their interests as a group. And finally, they recognize that despite the nightscape's larger issues, they are still the individual targets for regulation.

Bar owners respond to the “problem” owner attack by deflecting blame away from themselves and towards several other sources. They frame their arguments in a manner that provides alternative explanations for why the nightscape’s problems exist, downplays the complaints and accusations made about them, and criticizes the effectiveness of regulatory solutions. Some examples of alternative explanations are public policies that affect nightlife. Their main criticism is that these policies are beyond their control, create problems where they did not exist before, and magnify those that already did.

Owners take issue with the implementation of the 311 system that monitors complaints and dispatches the police and other government agencies to their bars. For local state officials the 311 system has efficiently organized a quality of life agenda that, among other things, allows them to target specific problem bars. But owners feel that such a simple and direct recourse for complaining about nightlife encourages all sorts of unjustified complaints. As Sarah explains,

What the 311 call system did was basically open up the floodgates for all of New Yorkers to have somebody to complain to. And what wound up happening was just like 18,000 calls, I think, were logged in in less than a year just for nightlife alone. So then you start getting politicized in the sense where you have City Council people and borough presidents and [state] senators looking to address the needs of their constituency and heed their call.

Owners often comment on the potential for 311 system abuse. They feel that a handful of residents can make repeated calls throughout the night, which makes the problem seem greater than it is. Owners also feel that by providing residents with a simple and direct way to complain, 311 limits their potential to open up communication. As Paul, a longtime owner, states, “I’d rather they come talk to me if they’re having problems with noise. That’s why I give all the people in my building my cell phone number. If I’m not [at the bar] they could still call me and I’ll take care of it. I tell them, ‘Look, don’t call 311; call me anytime and we’ll talk about it.’”

Owners claim that this would be more effective in solving the neighborhood's quality of life issues than a system that bypasses direct communication.⁸ Furthermore, dealing directly with residents would also help shield them from the regulatory spotlight.

Another policy is the 2003 law that banned smoking in bars and restaurants. A public health initiative promoted by the Bloomberg administration, the smoking ban forces bars to send nightlife revelers outside onto the sidewalks to smoke. In support of their business interests NYNA campaigned vigorously against the law's passing, but the feared negative economic impacts against bars and nightlife did not occur. However, the smoking ban has had a significant impact on quality of life in the nightscape. Many owners point to this law that forces revelers to congregate on sidewalks as a central cause of noise problems. As Brandon states,

I'm sure I'm not the first person saying this, but with the cigarette laws changing, it's a no-win situation. It's impossible to fix the situation. The only way that it could get fixed is if they allowed smoking in bars again, which I think they should...But seeing as how that probably won't happen, we're all stuck together.

Politicians concede that elevated noise levels at night were an indirect consequence of this public health measure, and even residents acknowledge that quality of life worsened after the ban went into effect. However, individual bar owners are caught in a dilemma. On the one hand, they risk incurring fines if they allow smoking in their bars; on the other hand, they are held responsible for the noise that their customers create when they are smoking and talking on the sidewalk. The law puts them in an impossible situation. As Rob, a longtime resident and bar owner, states,

I can't tell a customer to shut up. There's no law against talking on the sidewalk. There's a law against us allowing stuff, but we don't have the ability to stop it. I

⁸ Many owners have given their phone numbers to their neighbors; however, many residents complain that they are still unresponsive to their concerns and that such a tactic is a façade meant solely to appease them and the community board rather than a sincere attempt at a resolution. These sentiments also reinforce their view that owners are untrustworthy.

can't touch somebody. I can't make them move. I can't do anything, really. I've no enforceability. I can't arrest somebody for disturbing the peace, public intoxication, I can't do any of that. So really, we're responsible for it, but we can't do anything to affect it.

A final example is the political conditions that helped construct the nightscape. The first of these are the zoning laws that determine which areas of the city can legally accommodate different types of commercial establishments. As Sarah explains, "We are being unfairly criminalized for what's happening or what has happened as far as the 'proliferation' of bars in the East Village or in Chelsea. I mean, these things happen because of the zoning laws as far as where liquor licenses were approved." Chelsea is another Manhattan neighborhood that has developed a large nightscape, but with mostly large nightclubs rather than small bars. A former industrial district, Chelsea's empty warehouses and manufacturing zoning make it one of the few places in Manhattan that can legally accommodate large nightclubs, which require a cabaret license that is only allowed in manufacturing zones.⁹ Sarah compares the Lower East Side to Chelsea to demonstrate that because of the city's land use policies bar owners are more or less forced to open in certain neighborhoods. Of course, this does not explain why some zoning districts that permit commercial nightlife establishments developed nightscapes while others did not. Still, owners cite zoning laws as a source of nightlife problems.

Second, owners also blame the nightscape's problems on the SLA's entrepreneurialism. They argue that if the SLA had listened to the concerns of the community board during the nightscape's development and properly followed the 500 foot rule then there would not be such

⁹ A lack of large spaces such as warehouses and different zoning designations explains why the Lower East Side does not have many large nightclubs. However, a space may obtain a cabaret license in a non-manufacturing zoning district if the applicant obtains a variance from the city or if the space is grandfathered to have one. There are examples of both on the Lower East Side. See Chevigny (1991) for a discussion on the history of cabaret laws in New York City.

dense concentrations of bars as there are today. Rob recalls when the Lower East Side had only a few bars and connects their proliferation to the SLA's policies,

The fact is that the State Liquor Authority just looked the other way as more and more and more licenses were being issued. There's a real gripe about the way the Liquor Authority allowed the quantity of licenses in this neighborhood to really, really mushroom. I think it's completely valid. It's a totally valid issue, it's a totally valid complaint.

Owners claim that if the SLA had not granted so many licenses then there would not be the problems that stem from dense concentrations of bars in the neighborhood. Ironically, this argument undercuts the very existence of many bars on the Lower East Side. Had the SLA listened to community boards and followed the law many owners would not have been able to open their bars in the first place and nightlife would not have proliferated. But this logic does not prevent owners from making such an argument in their defense.

Along with these criticisms of public policies, owners cite problematic conditions of contemporary nightlife culture. This argument echoes residents' complaints and even demonstrates a degree of nostalgia that owners feel. As Michelle says,

The people that come into this neighborhood on the weekends, that's why I loved it when we had a lot of regulars that lived in the neighborhood: It's their neighborhood too; they respect it. [But] you get a lot of these kids that come in on the weekends, they're pissing in somebody's doorwell, they're throwing up, they're leaning against their buzzers, they're screaming at their friends, they're honking their horns...They're from wherever, Idaho, they've never realized that there are cities where people live above where you're hanging out downstairs.

Owners recognize that nightlife revelers treat the neighborhood as if it were for their own amusement and they are aware of the forms of public disorder that they cause without regard for who lives there, but they also know that this is the nighttime population on the Lower East Side and is the clientele that they must attract to survive as businesses. Owners also blame landlords

for raising commercial rents. This argument also aligns with that of residents. Michelle continues,

You can't blame bar owners for wanting to open a place. You have to sort of put blame on the landlords. They're the ones asking these astronomical prices for commercial spaces. The only people that can afford them are people that sell liquor, because there's such a high mark-up on liquor. A dress shop is not going to be able to afford the kind of rent that a bar can afford.

For owners, then, rowdy customers and greedy landlords are beyond their control and help to explain why problems persist.

A final source that owners claim is an important cause of nightlife problems is their fellow nightscape producers, namely other owners. This explanation illustrates the fragmented nature of the bar industry. Since owners respond to accusations against nightlife as individuals, they are quick to call out their peers when they feel they are causing problems. In doing so, they seek to distinguish themselves from true “problem” owners. This often takes the form of old owners criticizing new owners. While older bar owners recognize their role in changing the area, they do not isolate themselves from its past with which they have strong historical connections. This contrasts with their conceptions of new owners, as Rob explains,

Gentrification in this neighborhood, nightlife played a large role in starting it. The only people who use that “we made this neighborhood what it is” [argument] are the people that showed up after. I'm not going to go to a community board meeting and say “if it wasn't for my bar this neighborhood wouldn't have [improved].” I would never; it just doesn't make any sense. The carpetbaggers say that, not the people who were here.

This distinction not only helps older owners distinguish themselves from new owners, but it also helps them to distinguish their bars from problem locations, which has larger implications for their businesses in terms of liquor licensing, relationships with the police, and relations in the

community. While they still may have occasional problems with their neighbors, longtime owners assert their legitimate standing in the neighborhood by proclaiming their tenure and track record as good operators.

Old owners also separate themselves from new nightlife cultures. Denis, a longtime owner, provides such a perspective,

The problem is unlicensed cabarets. You have guys come down here that want to open up nightclubs in storefronts and you can't take a place like this with neighbors upstairs and make it a nightclub. And most of the guys when they do it they do it on side streets so there will be less police scrutiny. And that just makes it worse! Because people move to the side street to be quiet. If you look at what happened on 6th Street between [Avenues] A and B, I understand completely why those people are pissed. I'd be furious. They went from a street with one little tiny gin mill on it, it's been there forever, and they probably loved having there, to a street with five nightclubs and a gin mill. And now they hate everybody and I understand. Some of them hate me and I'm on their side, and I understand.

Here, Denis not only points to the practices of new owners as a source of nightlife problems, but also places himself on the residents' side. Rob makes a similar argument,

I don't use [my backyard]. A lot of people are like, 'Why don't you use it?' Because I don't need the complaints from people upstairs...What you have in this neighborhood is a combination of ignorance of owners, lack of planning, and a lack of understanding of what they're getting into. They've got a backyard, and they don't think three minutes ahead of themselves to think, 'I'm going to start having large parties out here until 2 o'clock in the morning on a weeknight and even on Friday and Saturday night.' The idea that it's not going to cause issues is a lack of planning on your part. If you're somebody who is in the nightlife industry, if you're in the business, then you know that you're operating in residential neighborhoods and you have to take those things into account. You can't just expect to steamroller over residents.

He also expresses a desire to limit bar proliferation because of the attention it attracts. "I don't think there should be any more liquor licenses, I don't want any more liquor licenses. It doesn't help me, it hurts, because it's too much competition. And you have too many sort of places that

don't police themselves the way we do so they're probably more attractive to young drunk people." This perspective that other owners are capable of being "problems" reinforces their individualistic mindset and limits their ability to organize as a group.

Owners also deflect blame for the nightscape's problems by downplaying the complaints and accusations that are made about them. This includes characterizing their most vocal opposition, namely residents and the community board, in a manner that discredits the validity of their concerns. They do this in a number of ways. A common sentiment is that as longtime residents have aged they have generally stopped participating in nightlife activities and have settled into a different way of life. Peter explains this generational phenomenon,

When you go to community board meetings, it's clear that there's a transition, and people who are maybe older who have lived here for 20 years, they're in a different mode in their life, and it's difficult because some of these, the new destinations, don't necessarily serve the needs of people that have been here 25 years.

Unlike when they were younger, the nightlife culture of the contemporary nightscape does not offer much for them, and today they are in a different stage in their lives. As Stephen states, "Now they're in their 30s or 40s and they have kids, and it's a problem. It's a quality of life issue and that affects them more because they're not utilizing the bars the way they did when they first came down here." Similarly, owners consider community board members to be older longtime residents who have autocratic control in their neighborhoods but do not accurately represent the its demographics or the full range of its opinions. As Edward describes, "You know, community boards aren't elected, they're appointed. And as a result of that it really isn't a democratic process necessarily. Some of these people have been on the community boards for years and they're like their own little fiat."

Owners also claim that residents who complain about nightlife noise are not “city” people and do not have a high tolerance for urban life. This follows from the assumption that residents are originally from quiet suburban environments and are unaccustomed to city conditions such as noise. As Rob says, “Isn’t noise a part of living in a place like this? I’m not saying all noise should be accepted, but isn’t there a tradeoff when you live so bunched together that you’re going to hear shit from next door people?” Some owners feel that since noise is a natural part of living in a city then perhaps residents who complain about the nightscape because of its noise are not cut out for living on the Lower East Side. But they are cautious not to make such a claim directly to residents’ faces. As Sarah states,

I mean if [residents] are looking for silence [pauses] But you see, the thing is, if I or any [other owner] goes into any community board or any of these gatherings and use[s] the first argument that comes to mind: “Why do you live in Manhattan? You should just move to Brooklyn,” or something like that, they’ll flip! That’s *the* most taboo thing you could say, is, “Why do you live in New York?”

Like other owners, Sarah is aware that such an argument challenges residents’ right to feel proprietary about and exert control over the neighborhood. Furthermore, owners are not always correct in their assessment of longtime residents as former suburbanites who originate from quiet environments.

Owners understand that some of their neighbors are bothered by their bars, but they also feel that too often residents do not make reasonable complaints. For example, some owners question residents’ claims that the neighborhood was quiet in the period before many bars opened. As Marta says, “This street? This street was never quiet and tree-lined. Never. The people who lived here, the drug dealers, they used to be so loud. Twenty-four hours, cars, radio, car radios, really loud, fights, cops and robbers. This was never a quiet neighborhood. I don’t know where these people come from.” This perspective criticizes residents for their overly

nostalgic view of the Lower East Side. Other owners feel that many residents are impossible to deal with because of their strong anti-bar stance. This perspective goes so far as to question how reasonable residents can be. Sarah describes, “You get those who are really probably the more eccentric, more vocal, angry people. It’s pretty much like their focus in life. A lot of these people have gotten to the point of such irrational anger that it’s almost impossible to communicate with them without major mediation involved.”

Owners make a distinction between the small number of residents who complain about a bar in their building’s commercial storefront and a more specific group of residents who comprise what they call the “anti-bar movement.” This latter group consists of residents who may or may not be significantly affected by bars in terms of their quality of life, but in any case make strong extra efforts to combat bars by organizing community groups, attending meetings, and petitioning politicians. As Rob describes these residents,

It’s very clear to a lot of us in the bar industry... that there are people who, for a lack of a better way to describe their motives, have nothing else to do, and they see this scourge of young people in the neighborhood and it just bothers them. They just hate it. They don’t want them here, so they go overboard in how they log their complaints. They become zealots.

Owners feel that these residents are inspired to act because of larger political motivations. This often leads them to dismiss their complaints out of hand. Owners also accuse these residents of favoring certain nighttime establishments over others, such as those that represent the neighborhood’s artistic past. For example, while not a place for artists, Denis’s bar has been open since the early 1990s, has low prices, and often attracts longtime residents and even a working-class clientele, such as construction workers from nearby sites. He is especially bothered when residents consider his bar to be a problem while other places representing the neighborhood’s cultural past are not,

[They] think it's because they have art, their license is ok, but I should give up mine because there's too many bars. Fuck you. Who assigned you the cultural commissar? You don't get to decide what has value. Working people think this has value. That guy right there, those two union guys right there [points to two construction workers], they think this has value. Just because you and your art friends think that, which I do too, I agree with them, but I don't think it has *more* value than this. You don't all have talent, you're not all blessed, and working people have a bad enough time in New York, they should have a place to go.

In sum, while owners acknowledge that residents are justified in their complaints, empathize with their situation, and take steps to improve any problems that exist, they often do not consider their concerns to be credible and use such arguments as a means of defending themselves.

Owners also deflect blame by criticizing the effectiveness of new regulatory solutions, particularly their overemphasis and unreasonable demands on them as individuals to address nightscape concerns. An important part of this is their relationship with the police, which has drawn a degree of criticism. For example, Kevin opened a bar on the Upper West Side of Manhattan with his brother in 1998. In 2006 they decided to open a similar establishment on the Lower East Side. He was taken aback by their treatment by the police.

The real difference, however, has been the local police precinct, which has attacked the downtown location almost from the start...For some reason, [the precinct's commanding officer] seems to want to shut our business down and we have experienced numerous raids by the MARCH program...This problem has been so costly that we haven't profited from the downtown location. Not only is it costly, but it is very distracting. Our focus of hospitality and improving the business has been replaced with the problem of protecting the establishment from the police.

Here Kevin brings up the MARCH program that targets bars based on 311 complaints. But a common complaint by owners is that too often they are targeted randomly and are cited for minor issues. As Denis states,

The police now are raiding people on a random basis. The whole MARCH raid was supposed to be based for unlicensed cabarets, if you were causing problems, or you were running a nightclub, you know, and now they just raid everybody. I think that's horseshit. I'm not doing anything wrong here. What the fuck I gotta have a guy coming in on Friday night and telling me I've got a fruit fly? That's just bullshit.

Although they acknowledge that something like having fruit flies is a punishable offense, owners feel that they should not warrant police inspections, as Denis implies.

While owners complain that fines are costly and time-consuming, they see the implications behind such policies as the larger, more important issue; namely that such raids implicate all owners as "problems." This relates to the feeling that they are mistreated and unfairly targeted for the nightscape's problems. For example, Rob takes issue with police officers coming to bars to check for violations on weekend nights when the bars have the most traffic,

If they were to go to Tavern on the Green in the middle of a Friday business lunch time or whenever their big rush is, let's say Saturday day when there's tourists and go in and make everybody stop eating and inspect every dish in the place and do whatever, how do you think that would be received? Would it portray the Tavern on the Green as being a law-abiding place? Would it tarnish the reputation of the place if the cops were constantly going in there?

Here Rob also makes a distinction between different types of establishments, saying that the police treat his small bar differently from the way they treat a popular, upscale restaurant uptown. Rob continues,

What it basically does is it doesn't give anybody like me a reason to want to work with the cops. It doesn't give me a reason to want to feel as if I am welcomed in my community, where I've lived for 20 years. I don't do it because I'm afraid of the cops, because if I'm good or bad they're still going to fuck with me. They've made that abundantly clear. In their minds they're not fucking with me. They're doing their job, which is what they're doing, but there's ways they could do it.

For owners, the new nightlife regulation casts a wide net over the nightscape and many feel that they are regarded as problematic simply by existing. But there are many cases of owners who make great efforts to cooperate with the police by communicating with them, attending their community meetings, and complying with their regulatory needs. As Brandon recalls,

When we first opened, whenever there was a problem with the police we'd go down [to the precinct] and say, "All right, so listen, what can we do to fix this? Do you want us to put up the velvet rope thing? Let's do that. Do you want us to keep people away from the front? Let's do that. Do you want us to keep people moving on the sidewalk? Ok, let's make all this stuff happen." It's the best way to do it. Because what are you going to do? Are you going to fight the police? It doesn't make sense. You've got to pick your fights. Don't fight the police.

Similar to their feelings towards each others, these owners try to distinguish themselves as models in the eyes of the police; they try to stand out amid an environment that is hostile to nightlife and in front of actors who are quick to label owners as "problems." Still, such efforts do not seem to diminish complaints against bar owners.

Another aspect of the new nightlife regulation with which owners take issue is the security measures that they are pressured to implement. Owners believe these measures are ineffective in solving the quality of life problems for which they are blamed. For example, owners are wary of a bouncer's impact. Michelle states, "I have my doorman out there if [customers] are blocking the sidewalk, 'Come on guys, don't be in a circle, stand single file or whatever.' But come on, people are out to have a good time. They don't want to be told how to stand outside."¹⁰ As we have seen, even with individual bars hiring bouncers, problems persist because most quality of life issues are a result of nightscape's size and density. Hiring a bouncer is an important indicator of owners' compliance with the new nightlife regulation, but does not

¹⁰ The futility of bouncers in preventing noise and sidewalk congestion as opposed to uniformed police officers is a key argument made in support of paid detail discussed in Chapter 5.

prevent owners from being labeled as a “problem.” As Frank puts it, “You’re damned if you do and you’re damned if you don’t.”

The Conflict Continues

Encouraged by shifts in nightlife regulation, the ongoing disruptions of the nightscape mobilizes residents to organize and act against bar owners, who they see as its source and legitimate targets for preventing further proliferation and minimizing harm. But the response of bar owners to residents’ activity and the new nightlife regulation demonstrates the deep conflicts that divide social actors in the nightscape. Resentful of their treatment, especially considering how they see themselves as positive contributors to the Lower East Side’s and New York City’s economic and cultural vitality, owners attempt to deflect blame for the nightscape’s problems away from themselves and towards other sources. They are critical of public policies, residents, the police and the new nightlife regulation, and even themselves. They feel that each of these sources bears a certain amount of responsibility for either causing or not adequately solving nightlife problems, or, as in the case of residents, their complaints are not always valid.

Residents, then, approach owners from a nostalgic perspective that is shaped by their interactional past, the social and cultural displacement of the present, and their experiences with owners as distrustful. Owners approach residents and the community board as individuals who feel threatened by the attacks and significant attention they have received. They bring their feelings of self-worth as positive figures in the neighborhood and city, a list of alternative explanations for the neighborhood’s problems, a criticism of new regulatory policies, and a perspective that residents are overly nostalgic and make unreasonable complaints with them

when they interact with the community board and police. This creates further tension between residents and owners, between owners and the police, and among owners, who continue to operate as individuals under attack from multiple sources. Since they are the main targets of nightlife regulation, this conflict-ridden environment makes it difficult for any solutions to the nightscape's problems to be worked out. Still, nightlife on the Lower East Side remains a significant force and the nightscape continues to transform the neighborhood.

Chapter 8: Conclusion: The New Bars, Nightlife, and Neighborhoods

Broad changes in the contemporary economy have had tremendous impacts on urban areas. Instead of manufacturing and production industries, consumption-based industries of entertainment and tourism have become keys to the economic development of cities and important public policies for urban growth. For the future of traditional urban communities, this transformation to a postindustrial economy has not been an easy process as new uses are being found for old spaces, particularly those that were previously neglected by local governments and capitalist interests with the onset of deindustrialization, with important implications for urban residents and cultures. A common policy that is having a significant effect on the politics, social relations, and physical makeup of the contemporary city is the redevelopment of these areas, such as downtowns and city centers, with large-scale urban entertainment destination projects. It has become imperative that cities encourage the growth of such leisure zones in order to be competitive in a global market for future business and real estate investments, new residents, and visitors. But along with these massive projects and endeavors, we can also see this shift to a postindustrial economy and the phenomenon of entertainment as a strategy for urban growth transforming the contemporary city in other new and complex ways, with major implications for the future of neighborhoods.

In this study I have examined these changes from the perspective of a downtown neighborhood that has gone from a disinvested, low-income slum to a desired, high-priced nightlife scene. The Lower East Side of Manhattan is a key example of how the twin urban development patterns of gentrification and entertainment intertwine at the neighborhood level;

this radically realign its position in the postindustrial urban economy from the margins to the center. I have used the construction of Lower East Side's "neighborhood nightscape," or its dense concentration of bars and nightlife activities that have transformed it into destination for nighttime consumption, as an analytical lens for understanding the intricacies and implications of this reconfiguration. This study has focused on changes to bars, nightlife, and neighborhoods to show the impacts leisure development have on residents and local cultures, the role the local state plays in facilitating such changes, and the forms of social control that have arisen to handle problems of disorder in public spaces. This study has addressed these and many other issues, but there are three general urban phenomena whose transformations have undergirded this examination of change in postindustrial cities. These are bars, nightlife, and neighborhoods. Some final comments on them will highlight this study's chief findings and serve as a starting point for future inquiry.

The New Neighborhood Bars

Often referenced in literature, film, and popular media, the neighborhood bar evokes romantic feelings of warmth and companionship and conjures images of familiar, comforting surroundings and of people laughing and conversing. Like pub culture of the British Isles or the historic American taverns and working-class saloons, the neighborhood bar is rich with stories, legends, and myths of characters and events. It is a local institution that is sustained by regular customers largely drawn from the neighborhood's population, who, along with gregarious bartenders, construct and regulate its social world. Of course, these sentimental notions of familiarity often belie exclusionary practices among regular clienteles along racial, ethnic,

gender, and social class lines; however, the neighborhood bar is still held as a desired symbol of community and informal gathering for local groups.

The actual urban neighborhood bar is changing as the contemporary city and its neighborhoods are changing. Like other immigrant and working-class neighborhoods of the industrial city, the Lower East Side always featured a large number of public drinking establishments for local clienteles. Even as the neighborhood went into severe decline, bars remained for its ethnic, homeless, and artist populations. Today new bars in the neighborhood open to accommodate well-educated, middle-class consumers who are largely nonlocal. Although new residents, who are demographically similar to these new consumers, also go to some local bars, owners must rely on the neighborhood's popularity as a nightlife scene to remain in business. Due to high rents and intense competition, it is now nearly impossible for bars to survive on local patronage drawn from the neighborhood. And even those bars with significant local clienteles must regularly share them with visitors.

As a result of these changes, places that continue to evoke the traditional image of the neighborhood bar of the industrial city, such as Milano's, are ascribed a high status in the nightlife world. They are desired "dive" bars, coveted by nighttime revelers for their references to the city's gritty past, for their connections to the neighborhood, and for their evocations of community. Old neighborhood bars for local clienteles change into unique places to be visited, experienced, and consumed. In contrast to the glitz and glamour of many new nighttime establishments, the old grungy look of neighborhood bars has become a popular style. There are many new bars on the Lower East Side and throughout Manhattan that have adopted a "dive" bar aesthetic. The Rusty Knot, for example, a bar in the exclusive neighborhood of the West Village, has fake wood paneling and offers cans of beer. But these throwbacks are deliberately

paired with pricey oysters and specialty cocktails to create what its owner calls “a down-and-dirty, simple neighborhood bar” (Morgan, 2008). Bars like the Rusty Knot regularly get attention in the same media sources—*Time Out New York*, *New York* magazine, *The Village Voice*, and several online blogs—that laud old bars and lament their demise. It is ironic, then, that the new bars in neighborhood nightscapes that these sources and their consumers flock to and praise represent a dramatic change in the city with consequences that threaten old neighborhood bars. With nightlife occupying a more significant position in the city’s broad agenda for growth, bars have become more intensely subject to economic conditions of competition, marketing and branding strategies, and escalating costs. These realities as well as fluctuating consumer trends create instability in the nightscape and lead to frequent business turnover and pressure on old bars. Places like neighborhood bars, then, represent permanence in a hostile environment; not just remnants of lost eras, but also beloved survivors amid a storm of change.

The new bars on the Lower East Side collectively demonstrate enormous variety in terms of their themes, product, and entertainment offerings. Each, however, produces its own version of a nightlife experience for a clientele that is marked by anonymity, varied tastes, and capricious desires. Bartending requirements in these bars range from expert knowledge of alcohol to rapid drink-making skills, from alternative looks and high levels of subcultural capital to conventional appearances and demeanors. Control over these bars has shifted from the regular clientele and bartender dynamic to that of the bouncer. While still essential parts of urban neighborhoods, their identity as neighborhood bars has faded.

Settling into the Night

Throughout the history of industrial societies the daytime was seen as the period of work and production. The activities of the day were fundamental to the growth and vitality of the city, and social orders existed to ensure the maintenance of daytime production. Meanwhile the nighttime was the period of leisure and consumption, when people were free from the demands of formal economic structures and could pursue their own forms of pleasure, expression, and entertainment. This meant that the social orders of the day were loosened at night, allowing such behaviors to commence. It also meant that the nighttime was feared because of this slackening and even absence of control; this, combined with the night's physical darkness, reinforced its general image as a mysterious and chaotic time. If the daytime was familiar, ordered, and safe, the nighttime was random, disorderly, and dangerous; neither a time of work or production nor a time that was integral to the actual growth of the industrial city. In fact, the city at night was seen by local governments and the middle class as a time for vice, immorality, and the evils of society—all threats to the city's moral order and potential detriments to production and growth. The nighttime and its seedy pleasures were phenomena to be tamed. The national prohibition of alcohol exemplifies the lengths to which members of "respectable" classes went to curtail such evils through the elimination of a strong symbol and important component of the leisured, uncontrolled night.

But the night and its entertainment offerings have undergone a shift in urban politics. We can understand this by invoking common conceptions of territorial expansion. Murray Melbin (1987) considers time to be like space, specifically a frontier—a region which people explore, inhabit, develop, and use for their own benefit. From this we can see how the night is a region that is just as susceptible to being shaped by capitalist practices as the day: "A land frontier is

turned to for what can be extracted from it, nighttime for what can be produced in it. The underlying motive is the same, an incentive to exploit the region for economic gain” (1987: 15). Like spaces, times are capable of being settled and socially controlled, and the nighttime environment of the Lower East Side exemplifies both of these developments. Complementing the replacement of production with consumption in the contemporary city is the shift of the night from its marginal position to the day to a place alongside it as a significant part of the urban economy. The night, via policies promoting the “24/7” city, is being colonized for capitalist production, i.e., the production of consumption; it is no longer a time to escape the market.

As we have seen, it has become an important priority for cities to “tame” their nighttime spaces (streets, sidewalks, storefronts), or free them of symbols of disorder and make them appear safe, to foster postindustrial consumption activities and businesses. Such is the intention of broken windows policing and its removal of the homeless from public spaces, Operation Pressure Point and its removal of drug activity from streets, and the SLA’s entrepreneurialism—all of which combined to encourage the proliferation of “legitimate” nightlife activity and gentrification. But the disorderly conditions that neighborhood nightscapes generate, namely quality of life issues caused by nightlife revelers, are not repressed by the state or the police. Rather, they handle them by targeting problem bar owners and getting them to comply with the nightlife regulation, which includes the hiring of bouncers to control the spaces of the street. Nightlife production, then, comes under stricter supervision by the public sector, which shares regulatory responsibility with private actors. In the end, however, nighttime consumption activities dominate public spaces in neighborhood nightscapes.

The cover article for the May 2-8, 2007 *New York Press*—a local alternative weekly—is entitled, “Lower Least Side: Where, oh where, has all the good intoxication gone?” (Bernstein,

2007). Featured on the front is a picture of the bare, tattooed, and pierced chest of a man that is meant to symbolize the neighborhood's gritty past. The article then points out several aspects of the Lower East Side's new nightlife—or the “bar-pocalypse,” as the author calls it, lamentably—such as exclusive velvet ropes and expensive cocktails that have changed the seediness and diversity of its nighttime environment and turned it into a homogenous, trendy scene. This article's argument relates to a general critique that many make of contemporary New York City, which also dovetails with the Disneyfication thesis (Berman & Berger, 2007; Hammett & Hammett, 2007; Sorkin, 1992). Like the city itself, these arguments claim, the night and nightlife have become subjected to the forces of rationalization, homogenization, and securitization that have advantageously prepared them for postindustrial consumption for the middle and upper middle class. The consequence of having forms of sanitized and tightly controlled pleasure is that the city has lost its “edge,” particularly at those times (the night) and in those places (downtown nightlife scenes) that were once characterized by their dangerous and gritty reputations.

Largely absent from these critiques, or hidden by their nostalgic discourse, are the economic and social realities of the deindustrialized neighborhood such as the Lower East Side, where creative and expressive nightlife took place among impoverished conditions and alongside homelessness, violent crime, drug activity, and prostitution. While the city of the 1970s is often romantically invoked for its “realness” from the perspective of the twenty-first century, such harsh conditions are usually ignored, downplayed, or framed as merely the setting for the creativity of the period. Furthermore, these realities have hardly disappeared in the postindustrial city; they have become concentrated in certain areas, specifically those peripheral to the city's agenda of growth through consumption and leisure rather than those that are at its

center. Times Square and the Lower East Side are no longer seen as hotbeds of seedy urban life, but there are still areas that remain largely ignored by the city, capital interests, and the public. (Although this does not mean that these areas are not susceptible to future investments and developments.)

But taming the night by eliminating danger and seediness and developing neighborhood nightscapes like the Lower East Side has made New York City a success story among cities adapting to a postindustrial economy. Since the late twentieth century New York City has attracted an unprecedented number of tourists and considerable investment in entertainment projects, including a vastly expanding amount of nightlife establishments and activities. (In an ironic twist, some vocal city residents who lament the passing of its grittier days may in fact be either members of or willful participants in its postindustrial economic sectors or even people who were lured to the city for such amenities as its new nightlife and safe, trendy neighborhoods.) A safe night and fun nightlife scene have become important components to the contemporary city's desired image and future. These symbols and activities of consumption have risen to complement the activities of the day.

Neighborhood as Consumption Site

Urban sociology has always acknowledged the importance of the city neighborhood. Robert Park's 1925 formulation of the modern city as a "mosaic of little worlds which touch but do not interpenetrate" characterized neighborhoods as "natural" areas that are shaped by the sentiments and interests of their inhabitants.¹ Stemming from this, several generations of

¹ Cited in Sennett, 1969: 126

sociologists from the Chicago School have used the neighborhood as a field site for understanding a wide array of urban phenomena (Hunter, 1974; Kornblum, 1974; Lloyd, 2006; Suttles, 1968; Zorbaugh, 1929). But Park's classic interpretation has been criticized for not considering how larger political and economic forces external to both the neighborhood and city play crucial roles in shaping local neighborhoods (Grazian, 2003; Lloyd, 2006; Logan & Molotch, 1987). In other words, neighborhoods do not develop "naturally" as a result of the social relations of their inhabitants; rather, these groups experience dramatic changes as complex shifts in the political economy of cities often come into contact and conflict with local cultures.

The broad economic changes that fall under the concept of "postindustrialism"—consumption- rather than production-based activities; flexible rather than rigid forms of capital accumulation and labor relations; and highly aestheticized and symbolic rather than conformist and rational spaces, material products, and experiences—are key examples of such external forces (Featherstone, 1991; Harvey, 1989; Sennett, 1998; Zukin, 1995). Along with the decentralized patterns of urban development that follow from a postindustrial economy and characterize new cities that have proliferated since World War II has been the return of both residents and capital to the central areas of older industrial cities since the latter decades of the twentieth century. Reversing a trend perpetrated by deindustrialization and suburbanization, this process has revitalized old city neighborhoods and brought them within the new urban economy.

Richard Lloyd (2006) uses the case of Wicker Park in Chicago to demonstrate how neighborhoods in postindustrial cities become nodes in a web of flexible cultural production. His example is what he calls a "neo-bohemia," or a neighborhood that has been repopulated by artists and people in creative industries who find new uses for old warehouses, lofts, and tenements. Rather than being an obsolete pattern of development, the built environment of the

old industrial neighborhood allows artists to concentrate in unique urban spaces and form communities marked by a highly flexible “bohemian work ethic” that is especially beneficial for “promoting interactions and nurturing collaborations” (2006: 162). Along with being spaces for social gathering, performing, and presenting art works, the bars, clubs, and cafes of neo-bohemia also provide employment for artists to explore their creative pursuits. Some of them will be among the lucky few to have their work or their own human capital enter into the global web of cultural production that relies on local resources to provide useful (and profitable) content for the arts, music, and media industries. The unfortunate majority will remain unacknowledged for their talents and contribute to the neo-bohemian neighborhood’s burgeoning nightlife and entertainment scene and ongoing real estate development.

But as we have seen with the case of the Lower East Side, new urban nightlife scenes are more than just sites of cultural production and support structures for the employment of artists. Driving the cultural activities and multiple levels of exchange that characterize certain postindustrial neighborhoods is a considerable amount of material, cultural, and experiential consumption in the forms of alcohol and drugs, diverse nightlife themes, and the social worlds of the nightscape’s spaces. There are bars on the Lower East Side that fit Lloyd’s conception of the neighborhood as site of cultural production, but collectively, as part of a scene and neighborhood nightscape, these bars transform the neighborhood into a destination for a wide array of visitors for nighttime consumption. The development of neighborhood nightscapes, from their early days as crucial sites for artists, is intertwined with gentrification processes, and their expansion maintains lucrative real estate investments and residential interest. And rather than being constructed solely by artists and creative types espousing a bohemian ethic, neighborhood nightscapes are also formulated by wealthy entrepreneurs and are facilitated by the local state,

which encourages such developments as part of a larger urban growth agenda that emphasizes consumption activities.

By making them places of consumption, nightscapes uproot old neighborhoods from their former positions of obscurity and popularize them as destinations. Their impacts on local identities and social relations are severe. Neighborhood nightscapes represent commercial gentrification at the same time as they encourage residential gentrification. They attract a considerable number of anonymous revelers and feature demonstrably disruptive activities that dramatically alter social and cultural conditions in neighborhoods.

Like all sectors of the economy, new neighborhood bars have also been affected by the economic crisis that began in 2008. Along with real estate actors, bar owners on the Lower East Side have had to make adjustments to survive. In order to cope with the downturn, many nighttime establishments are moving away from the luxurious exclusivity of the large dance club and adopting more low-key environments, generous drink specials, and modest themes, including the dive bar (Salkin, 2009). These places are attempting to dissociate from the excessive spending that characterized much of the decade and has come under public scrutiny while not serving as a wise business strategy since 2008. But even as they alter their offerings and adjust their methods of operation, neighborhood bars are still using strategies of cultural production that are intended to create unique nightlife experiences for consumers and serve as destinations, and at a better price. It will be only after the dust has settled that we will see how much of an impact the economic crisis had on Lower East Side bars; but it is likely that bars and nightlife will continue to make the neighborhood a destination for nighttime consumption experience.

Paths for Future Inquiry

The Lower East Side is an illustrative case for understanding typical processes and developments that are occurring in postindustrial cities around the world (Campo & Ryan, 2008; Hadfield, 2009). Both nightlife and downtown neighborhood living have become indelible parts of the urban experiences of the well-educated middle and upper middle class residents and visitors. The construction of nightlife scenes and the revitalization of downtowns are mutually reinforcing processes. We can see neighborhood nightlife as a key example of commercial gentrification processes that accompany residential gentrification and shifting urban lifestyles based on various forms of consumption (Lloyd, 2006; Patch 2008; Zukin & Kosta, 2004; Zukin et al., 2009).

But there is still much about urban nightlife that has yet to be explored. While the Lower East Side is an illustrative case, the particularity of its situation begs further inquiry in order to understand the development of nightlife in contemporary cities more fully. One issue concerns the political, spatial, and social contexts of nightlife scenes. As mentioned, every state has its own laws and procedures for liquor licensing and every city has its own zoning codes and other regulations that influence how and where nightlife scenes will develop and who has a voice in their development. Entertainment development as a form of urban entrepreneurialism differs from place to place in terms of its implementation while the very notion of urban growth through public-private initiatives remains consistent (Harvey, 2001). We therefore need to examine a wide array of neighborhood nightscapes in order to gain a better understanding of how political processes influence their development.

The Lower East Side is an example of a residential neighborhood that transformed into a destination for nightlife revelers and a coveted place for new residents. New bars, people, and uses occupy the once neglected spaces of tenements, storefronts, and streets and displace the social and cultural patterns of a low-income population. But along with developing in other urban neighborhoods with perhaps different histories and patterns, nightscapes are also developing in other devalorized areas of the city besides old residential neighborhoods. For example, mentioned in Chapter 7, the formerly industrial area of Chelsea became New York City's premiere destination for large nightclubs around the same time that the Lower East Side became a destination for bars. But much of Chelsea was used mostly for manufacturing with residential buildings located nearby. Its large factory buildings and warehouses were gradually emptied as the twentieth century ended. These empty spaces, combined with a manufacturing zoning code (a necessity for a cabaret license), a shift in the urban political economy towards consumption and entertainment, and new urban lifestyles that included nightlife pursuits (with the latter two discussed in this study), made Chelsea an ideal location for large nightclubs. Along with former industrial districts, there are also examples of cities "reclaiming" their waterfront properties that were going unused since structural shifts altered commercial shipping and turning them into entertainment destinations and places with a considerable amount of nightlife.² Since they are in mostly non-residential areas, these nightscapes in industrial and waterfront districts do not "bother" residents per se (i.e., their effect on quality of life may be minimal or even nonexistent); but this does not mean that they are not causes of conflict in cities. The same frustrations that Lower East Side residents expressed over policies that transformed

² Campo and Ryan (2008: 293-95) identify four distinct types of "entertainment zones," or nightscapes: industrial districts (such as Chelsea), old downtowns or commercial districts (such as Old City in Philadelphia; see Grazian, 2008), constellations of strip malls and freestanding commercial buildings (mostly found in newer cities in the Sunbelt), and residential neighborhoods (such as the Lower East Side).

their neighborhood into a place for outsiders could also be felt by city residents in reaction to the redevelopment of an industrial or waterfront district with new amenities for tourists rather than locals (Eisinger, 2000). Because nightscapes are developing in many different areas of cities, as well as in both “new” and “old” cities, it is important take their urban contexts into account to understand their specific impacts.

This study focused on the construction of neighborhood nightscapes by analyzing such phenomena as strategies of cultural production, political activities, and forms of social control. But the nightlife cultures within new nighttime establishments (as discussed in Chapter 3) as well as the consumption habits and identities of revelers demand deeper inquiry of their own. Phenomena such as mixology, craft beers, indie rock, modern art, and DJs, not to mention the cuisines and celebrity chefs that are important to neighborhood nightscapes, are parts of larger cultural networks that extend far outside of their locales. As such nightlife-related cultures continue to expand and play important roles in postindustrial transformation and for urban lifestyles, it will be necessary to understand the dynamics of these new niches and their meanings in contemporary urban life. And while there have been several studies that have examined nightlife identities of consumers, the importance of nightlife reveling in the everyday lives of young urbanites remains an underexamined and highly important topic (Malbon, 1999; Thornton, 1996).

The “neighborhood nightscape” is neither a reified nor a reifying concept but a collection of symbols and social practices that are attached to physical spaces and are in constant flux. It does more than help us understand the transformation of a single neighborhood; it allows us to see the interrelationships between and impacts of sets of political, economic, social, and cultural processes occurring in the postindustrial city within actual neighborhoods and to actual residents

and cultures. By focusing on specific places, the neighborhood nightscape concept also explains how the once insignificant small bars, the marginal industry of nightlife, and neglected neighborhoods combine to radically change spaces and alter social relations in the contemporary city. If the growth of the industrial city was fueled by steam and coal, it could be argued that the growth of the postindustrial city is partially fueled by alcohol.

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