TOWARD A THEORY OF CONTESTATION IN PUBLIC SPACE

by

LYNN PAXSON

A dissertation submitted to the Graduate Faculty in Environmental Psychology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2007

UMI Number: 3249918

Copyright 2007 by
Paxson, Lynn

All rights reserved.

UMI Microform 3249918
Copyright 2007 by ProQuest Information and Learning Company.
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346

© 2007

LYNN PAXSON

All Rights Reserved

This manuscript has been read and accepted for the
Graduate Faculty in Psychology in satisfaction of the
dissertation requirement for the degree of Doctor of Philosophy.

Leanne G. Rivlin

_____ _____
Date Chair of Examining Committee

Joseph Glick

_____ _____
Date Executive Officer

David Chapin
Joseph B. Juhasz
Joseph Glick
Karen A. Franck
Ruben O. Martinez
Supervisory Committee

THE CITY UNIVERSITY OF NEW YORK

Abstract

TOWARD A THEORY OF CONTESTATION IN PUBLIC SPACE

by

Lynn Paxson

Adviser: Professor Leanne G. Rivlin

This study examines contestation and conflict in public space. The actual publicness of current public space is challenged. Culture and the world we inhabit are to a certain extent negotiated realities. Negotiation implies active dialogue, since reality is not static but rather constantly evolving, the act of negotiation is itself a constant. Contestation can be understood as one type of negotiation. The design and formal regulation of current public spaces explicitly or implicitly excludes classes of people and behaviors and sees contestation as a problem.

Instead of understanding contestation as negative this study contends that the presence of contestation between societal, cultural and inter-cultural entities is essential to establishing the possibility of the existence and the quality of a public space system. Where the contestation involves dominant versus oppressed or unrecognized groups, the beneficial effect of contestation is significantly increased. This work provides an understanding of contestation, similar to stress, there is an optimal level. More and more contestation is not better and better indefinitely, rather there is an optimal or tipping point -- up to that point more contestation is better but after reaching that point more contestation becomes negative - it is no longer civil.

This dissertation uses a narrative methodology combined with the use of case studies. Narratives or stories help us to understand contestation and its role in public space by illuminating how various people construct or think about the construction of their reality and their world, in relation to others who share their physical world if not their socially constructed world. Two case studies the Little Bighorn National Monument and Taos' Blue Lake are used to reveal the positive role of contestation. These sites are a major contrast with past public space research which has centered on the urban end of the *urban to rural or wilderness* scale with some researchers contending that public can only exist in urban areas. Both sites involve groups and voices which have historically been marginalized and been in contestation with the mainstream, empowered social construction of reality. Key issues that arise from this work concern control, discomfort, voice and identity.

Acknowledgments

I want to thank all of the people who, over the years of this work (numerous as they were), provided support and encouragement. There is not room to mention and thank everyone I should and I will likely inadvertently leave someone out. For this, I apologize in advance.

First, I owe a debt to those of you who spoke with me, formally or informally, and told me your stories and experiences about the case study and example sites. Although you have chosen to be anonymous, without your input important voices would be missing from this work. Alan Forrest and Jim Grecni are owed both a special debt and a small barb: A debt for the original and early work on this topic that we undertook together and a barb for taking themselves off to pursue other goals, rather than working on the collaborative dissertation this originally meant to be.

Thanks are due to my committee—Leann Rivlin, David Chapin, and Joseph Juhasz—for their patience as well as their incisive comments, direction, support, and necessary prodding. I also am indebted to Maxine Wolfe, who retired before I finished, but whose critique functioned in ways she never would have imagined, reinforcing the importance of contestation. Ruben Martinez is due thanks for his suggestions and insight and for his continuing collaboration regarding varying ethnic land use traditions. Karen Franck is owed an such an enormous debt that I cannot in this small space describe all the ways she helped make this completed work a reality... but I am especially grateful for her support, her identification of useful resources, her careful reading and constructive criticism, and for her provision (along with Tony!) of a continuing welcoming space to stay in NYC after I had moved on! Although several professional editors had a hand in this final product, beyond their efforts, Jill M. Wagner provided specialized content suggestions and Heidi Hohmann is due a huge debt for giving generously of her own time to provide help, advice and support in editing. Any remaining errors are entirely my own.

Over the course of this work, a number of students and colleagues provided ideas and critique, and support. Carisima Koenig, Danette Vigil, Nora Wendl, Amanda Sanders, and especially Corey Schnobrich provided more specific assistance along the way. Carlota Gutierrez helped in many ways but her assistance in library sourcing and dealing with the library bureaucracy is deeply appreciated—and thanks are alsodue to Inca Gutierrez for his support as a fellow sojourner in the protracted dissertation morass.

To the "knight in plastic and velcro" I owe a special debt, for without his original suggestion I would probably never have undertaken this journey. ! I am sure there were many times over the course of this work that he wished he had never suggested it and I appreciate all he has done. Without his continual support (and nagging) I would not have been able to do this particular work, and I would **never** have finished!

Finally, but most importantly, I thank my Mother for being both my staunchest ally and my most severe critic, and for reminding me that persistence is more important than most anything else—with the possible exception of family.

TABLE OF CONTENTS

INTRODUCTION ***1***

LITERATURE REVIEW ***9***

PUBLIC SPACE *9*
Definitions of Public and Public Space *9*
Public Life *11*
The Public Realm *14*
Public Behavior *18*
The Public as Groups or Subgroups of People *20*
Public Space *27*
Public and the Relation to Urban Theories and Research *32*
Public and Private *40*
Definition of Publicness and Why it is Important *46*
Issues of Publicness *48*
Values and Criteria for Evaluating Public Space. *49*
Publicness as Freedom and Choice *64*
Publicness as Control *65*
Found vs. Designed Public Spaces *72*
The Role Of Comfort and Order Related to Publicness and Contestation *74*
Safety and Comfort *76*
Publicness as Diversity of People & Tolerance and Support of Difference and Diversity *76*
Publicness as Codes and Signals or Codes and Negotiation(s) *101*
Maintenance, Control and Publicness *103*
Exclusion, Displacement, Control & Publicness *105*
Public Space as a System or Network and Publicness *106*
Characteristics of Public space- Classifying Framework *108*
Site Stories – Public Space as Discursive Space *113*
Spaces of Representation, Representational Space, and Representations of Space *115*
Stories & the Production of Space *118*
Identity Creation and Reinforcement *122*
Memory, Memorials, and Memorialization *123*
Language and Stories – Privileging Communication Forms *124*
Why is public space important? *132*
The Role of Public in a Democracy *135*
Summary *143*

CONTESTATION *146*
What is Contestation? *146*
Contestation as Civil vs. Contestation as Terrorism *150*
Contestation and Difference *152*

Deviance as Contestation *152*
Contestation as a Problem, as Disease [Dis-ease], as Dis-comfort *157*
Contestation Content *158*
The Carnivalesque as Contestation *159*
Contestation as Power & Resistance *161*
Contestation as a Right *162*
Contestation and Provision of Public Space *162*
Contested Stories *163*
Why is contestation important anyway? *164*
Contestation as Healthy *166*

CONCEPTUAL FRAMEWORK *169*
Constructed Reality *169*
Natural Law, Rational and Narrative Models *170*

METHODS REVIEW *174*
Historical Methods *174*
Narrative, Descriptive and Anecdotal Work *176*
Interpretation *178*
Critical Theory *179*

RESEARCH METHOD 183

CHOOSING NARRATIVE FOR MY METHOD *183*

TWO CASE STUDIES *186*
Little Bighorn Battlefield National Monument *187*
Blue Lake, New Mexico (near the Taos Pueblo) *188*

SOCIAL AND POLITICAL BACKGROUND OF CASE STUDIES *189*
American Indians and "Public" Lands in the U.S. *189*
Sovereignty *194*
Contested Sacred Spaces - American Indian Lands *195*

THE DATA AND DATA ANALYSIS *198*

RESULTS 203

CASE STUDY 1- LITTLE BIGHORN BATTLEFIELD NATIONAL MONUMENT *204*
The Contestation Surrounding the Little Bighorn *204*
Mainstream orthodox view versus alternative views *211*
Administrative control of the site *220*
Other Site Development and Issues to the Present *222*
Current Contestations *224*
Which stories are told on the site and who gets to decide? *224*
Associations and the National Parks *231*

Events Leading up to the Centennial and the Challenge to Orthodoxy *233*
Contestation: A Carefully Timed Radical Challenge of the Orthodox Interpretation *236*
Changes in the Site Interpretation Continue *242*
Naming and Contestation *247*
Contestation over Establishing an Indian Memorial *254*
Conclusion *265*

CASE STUDY 2- BLUE LAKE AND THE TIWAS: TAOS PUEBLO *266*
The Taos Indians and Blue Lake - Initiates as Public: the Role of Public View and Scrutiny *266*
Background and History *267*
Historical Ownership *274*
Development Pressure. *277*
Issues of Native "Religion" *287*
Different Cultural Understandings and Values of Nature *294*
Stories and Sovereignty *295*
Current Ownership and Access and Management *295*
Conclusion *297*

OTHER EXAMPLES *299*
Contestation and Sacred Land *300*
Bear Butte, near Sturgis, South Dakota 300
Rainbow Bridge (National Monument) 306
Devils Tower (National Monument) in Wyoming 322
Petroglyph Park in Albuquerque New Mexico 330
Art in Public and Public Art as it Contributes to a Theory of Contestation in Public Space *339*
Summary *360*

DISCUSSION: **361**

CONCLUSION…….. **389**

ENDNOTES **394**

BIBLIOGRAPHY…….. **430**

LIST OF FIGURES

Figure 1. Public space characteristics framework 112

Figure 2. Little Bighorn Battlefield National Monument location 206

Figure 3. Little Bighorn Battlefield National Monument location map 2 206

Figure 4. Little Bighorn Battlefield National Monument location map 3 207

Figure 5. Incidents that led up to the battle of the Little Bighorn 211

Figure 6. Reconstruction of possible troop movements during the battle (after Utley1969, and Fox 1993,1994) 215

Figure 7. National cemetery 217

Figure 8. National cemetery 217

Figure 9. National cemetery marker 218

Figure 10. Custer and the 7th Cavalry obelisk and mass grave site 219

Figure 11. Fallen cavalry site markers 220

Figure 12. Montana heroes fought against hostile Indians 221

Figure 13. Graffiti altering the story of who are the heroes and villains 221

Figure 14. Little Bighorn Battlefield National Monument major features 223

Figure 15. Black Elk quote added to the exterior of the visitors' center-museum 235

Figure 16. AIM Plaque (1988) 244

Figure 17. Former entry sign: Custer Battlefield National Monument 251

Figure18. Sign designating Indian memorial site 253

Figure 19. Circle where grasses are matted down indicates the actual site of the future Indian memorial 253

Figure 20. Model of winning entry 257

Figure 21. Looking over the completed Indian memorial 257

Figure 22. Looking from the Indian memorial towards the Custer-7th Cavalry memorial. Note the difference in the ground elevation of the two sites. 258

Figure 23. View of Custer-7th Cavalry memorial through "spirit hole" 259

Figure 24. View of Custer-7th Cavalry memorial through sculptural artwork and Indian memorial 260

Figure 25. Interpretive plaque display Indian memorial 261

Figure 26. Official dedication ceremony adjacent to visitors center-museum 262

Figure 27. Counter-Dedication held within the Indian Memorial 263

Figure 28. 1988 AIM plaque on display with traditional offerings in the Indian memorial at the counter-dedication ceremony 263

Figure 29. Taos Pueblo location 268

Figure 30. Taos Mountain and Taos Pueblo context 269

Figure 31. Taos Pueblo 269

Figure 32. Taos, Taos Pueblo, and Blue Lake context 270

Figure 33. Taos Pueblo 271

Figure 34. Taos Pueblo aerial view, North and South "houses" with Rio Pueblo 272

Figure 35. Rio Pueblo at Taos Pueblo 272

Figure 36. Taos Pueblo and Blue Lake Watershed 273

Figure 37. Blue Lake precinct contested land eventually returned to the Tiwa 281

Figure 38. Blue Lake precinct- various contested areas 285

Figure 39. Mato Paha – Bear Butte near Sturgis, South Dakota 301

Figure 40. Mato Paha – Bear Butte development protest 303

Figure 41. Rainbow Bridge adjacent to the Glen Canyon Recreation Area 308

Figure 42. Devils Tower in Wyoming 323

Figure 43. Detail of Devils Tower with "cracks" clearly visible or "claw marks" clearly visible 325

Figure 44. Example of petroglyph 332

Figures 45 and 46. Graffiti on corporate signage and on "official" city sign for a community garden. 342

Figure 46. Oñate statue on site 344

Figure 47. Oñate statue on site 345

Figure 48. Oñate statue on site. 345

Figure 49. Oñate statue minus a foot 347

Figure 50. Oñate statue with restored foot 348

Figure 51. Spoof metro station construction sign in Los Angeles 349

Figure 52. Marmol Radziner creates overnight access in to the gated site very visibly 350

Figures 53 and 54. Marmol Radziner creates access in to the gated site very visibly 351

Figure 55. Photos of graffiti in Rabin Square 1997
Courtesy of Mira Engler

Figure 56. The *Gal'ed* memorial created to honor Rabin
Photo courtesy of M. Engler 355

INTRODUCTION

I have always been interested in public space. When I first started looking into issues of public space, I was concerned about the privatization of public space and the resultant exclusion of certain kinds of people. "Public space" seemed like it was becoming increasingly exclusive, particularly towards certain people and behaviors. Excluded people were called undesirable, and the breadth of who and what was considered undesirable continued to increase. In addition, such exclusion was cloaked in rhetoric about inclusion, safety, and comfort. Rosalyn Deutsche, (1996), who has written about public space in terms of art and spatial politics, described it this way:

> ...the dominant paradigm … and the most influential radical critiques of that paradigm-- although they both mobilize a democratic rhetoric of "openness" and "accessibility" and rise to the defense of public space -- are structured by exclusions and moreover, by attempts to erase the traces of these exclusions. Exclusions are justified, naturalized, and hidden by representing social space as a substantial unity that must be protected from conflict, heterogeneity, and particularity. (pp. xii-xiii)

In contrast, our early work in this area[1], including coining the term *publicness* and early attempts to define it, emphasized diversity, especially the co-presence of diverse groups in a public space. Our work did not view homogeneity as a positive quality of successful public space. Recently there has been some recognition of this perspective in other fields as well. Michel Foucault's (1986) essay on "Heterotopia" might serve as an early, if more radical, argument in favor of a diverse urbanity**.** This type of scholarship identified and contributed to the idea that diverse, and often unpredictable multiple publics exist. Such work is helping to supplant the naïve ambition of the United States as consisting of a single homogenous public. In other words, the metaphor of the *melting pot*, where different ingredients are cooked to a singularly consistent liquid, has been

challenged if not replaced by the concept of the *tossed salad* where elements are combined but still retain their intrinsic identities. This tossed salad approach to democracy and human values within the United States is based on normative values that respect and tolerate difference and ambiguity. Valuing, respecting or at least tolerating difference has also led to questions concerning the primacy of the majority above that of the minority. This dissertation takes the stance that minority groups and ideas have value and their presence is important to true public space.

Over the last two decades scholarship concerning public space has emerged with increasing degrees of sophistication and depth across a number of disciplines, particularly within the fields of social science research and architectural theory. Public space, public behavior, and public life are all subjects of study (Carr, Francis, Rivlin and Stone, 1992; Crawford, 1995; Giroux, 2001; Low, 2000; Low, Taplin, and Scheld, 2005; Low & Smith, 2006; D. Mitchell, 1995, 2003; Sorkin, 1992; Young, 2000) that have received close scrutiny and have provoked heated debate in the United States and abroad.

Public has been overused and applied as a descriptor to a wide range of issues and places by scholars often without any specific explanation or definition of their particular use. Such scholarship often made assumptions regarding shared definitions of public or assumed public to be defined simply or solely in contrast to private or about issues of ownership, access, or the level of knowledge that the people in any space have about each other, a key aspect of Lofland's (1973, 1998) definition. However, these are not the critical aspects. This is not to say that issues about access, ownership and so on do not figure into a critical definition of public, but that the definition of public has been

incredibly muddy in much of the past literature concerning public space. I define public space or truly public space, as places that support contestation and publicness. I argue that places that enable and provide for contestation and multiple voices or points of view are important for achieving publicness and ultimately public space and public life.

Obvious contestations in spaces might include activities such as protests, picket lines, and demonstrations. Public art could be seen as an act of contestation. I use public art here in a similar sense to Miles' (1997) discussion of it — not just art in a public place but art that is making a commentary or point. These kinds of activities are rather obvious as types of contestation, but another type might be people that are using spaces in ways that others consider inappropriate. For example, people, primarily teens, skateboarding anywhere not labeled a skatepark have consistently been defined by those in charge as inappropriate; however, those who skateboard outside of skateparks do so, in part, as an act of contestation. They also like to skate, but it does not bother them that they are being somewhat contentious when they do it. As I continued to study public space, I began to understand that the definitions of what or who was appropriate versus undesirable were always changing. For example, when we began this work, taking pictures in and of public spaces, even quite privatized ones, was a completely acceptable activity. People engaging in that behavior were often labeled as tourists or possibly urban designers. Today taking pictures in public space is an unacceptable activity and those engaging in that activity are considered undesirable, and labeled as potential terrorists. A number of other activities that have previously been labeled in other ways, such as deviancy and vandalism for example, perhaps should more appropriately be understood as types of contestation. An example of the latter might be graffiti. It has been postulated that graffiti artists more

frequently tag “corporate” or anonymous sites rather than individual targets or other graffiti pieces that they respect. One could list many other examples here but these are a few examples of contestation practiced in a variety of *public* spaces.

One of the issues that arises from this work is that contestation can not only be the result of discomfort in space but can also cause discomfort in space. This is important because traditionally one of the major measures of good quality public space has been labeled comfort. This has certainly included not having spikes on ledges where users might sit or lean but it is used much more broadly to indicate people’s overall sense of comfort in a space. This work on contestation indicates that discomfort can be important as well. For example, the discomfort of unpredictability, and the discomfort of otherness and difference are often key components of diversity and diverse public spaces. So actually, discomfort is not necessarily a negative thing, but can be a positive thing.

There are many spaces that may tolerate a variety of voices or contestations during very limited or prescribed moments in time. Public spaces often serve as stages where events become reified as cyclical or chronologically determined spaces for the reenactment of dramas that define and continually redefine the relationship of space, life, and behavior. Mikhail Bakhtin’s (1994) idea of the *carnivalezque* comes to mind when thinking about the fleeting performances within public space, but I am also referring to events in which the world is not necessarily turned upside down for a day, all those times when behavior is reconditioned through the intersection of event and site.

According to Deutsche (1996, 1999), the current model for discourse about public space has been a school of thought that believes homogenization and erasure of conflict are positive goals. As my work on public space has evolved, I have become more and

more interested in the issue of contestation. I have become convinced that contestation is central to the definition of public. In contrast to the model Deutsche describes, I argue that truly public space is defined by contestation between people — either individuals or, more importantly, between groups or intercultural entities — where the boundaries of what is acceptable and appropriate are tested and negotiated on a continual basis. In addition, I argue that when such contestation involves dominant groups in contestation with either oppressed or unrecognized groups, or where the status quo is questioned, then the beneficial effect of contestation is significantly increased.

Postulating contestation and conflict as something positive may be a radical contention in a number of ways. In part it is radical because past scholars and theories of public space have seen contestation and conflict in public space as negative. The dominant theory and practice holds that contestation is a problem, something that should be stopped, fixed or resolved. Dominant theory and practice believes we need to find a way to bring everyone into harmony or agreement and erase the difference or the conflict that is occurring. To clarify, I argue that contestation and conflict is something that occurs on a continuum. Some contestations are somewhat easily negotiated between people, such as when a person gathers up their belongings or changes their posture to create additional space for another to sit in, or when a person responds to a request to please turn their music down. Other contestations are more complex with the other end of the continuum falling just short of violence.

I propose that up to a certain point, contestation is a positive feature rather than a negative one. Contestation is like stress. It is not my position that more and more contestation is better and better indefinitely, but rather that there is an optimal or tipping

point -- up to that point more contestation is better but after reaching that point more contestation becomes negative (i.e. it is no longer civil, it is open warfare) – and this level of contestation is not what I am supporting. I am postulating that contestation is not just possibly more positive than negative, but that truly public space is inherently contested space. Contestation is essential to public space that is actually public. If one understands that there is not a single public but many publics, then one can understand that contestation ought to be the norm and not the exception. If it is understood that there are lots of different publics and different needs and interests, then it seems quite likely that contestation, rather than harmony or a single shared vision, would be the outcome. Looking at places that purport to be democracies, if one understands public space and the public realm as the location of public interaction, then these are also the places for negotiating boundaries. A certain level of contestation is not only an indicator that the system is working, but it is also the essential event or events where the structure or system is tested. Therefore contestation in and about public space is important.

This dissertation involves drawing out an understanding of contestation and public space with a view towards developing a theory about the role of contestation in public space. My understanding of contestation in public space is the result of critically analyzing available archival and additional primary materials from two in-depth case studies and other examples. The two studies are in the West and Southwest in places that are considered regional or national parks. Both are wilderness areas rather than urban ones. These sites were chosen in part because most of the scholarship on public spaces has focused on urban areas, and I believe it is important to understand that many issues concerning public space also exist at the other end of the wilderness to urban continuum,

and in large as well as small-scale spaces. In addition, these sites were chosen because in both places the contestation involved a non-dominant, non-majority group, that has not been part of many studies about public space. That is, both case studies involve First Nations [2] peoples. In addition, both of the case study sites have long histories of contestation.

Through an examination of the nature of contestation in space and time, and the places where contestation takes place, we can begin to understand and document public space that supports publicness. To do so, it is important to look at people and their behaviors, and at both the physical design and the design policies of public spaces. This includes looking at the provision and development, histories, design, maintenance, management, and modifications of public spaces. Studying contestation as it is manifested in all of these diverse aspects can help us more clearly or more deeply understand public space. My analysis uncovered preliminary seminal aspects and issues about public space and contestation.

Narrowly defined, contestation delineates existing boundary conditions, zones, and thresholds. In doing so, contestation destabilizes, if only for a moment, the established or accepted boundaries. Incidences of contestation are where the rules are questioned, tested, negotiated, and debated and are thereby remade or maintained. Such testing and negotiation have been inscribed or enacted in events in time and space[3].

From a social constructivist point of view, there are multiple perspectives that are negotiated for any social group at any particular time to construct their "reality". Contestation can be understood as part of such a negotiation. Contestation is about struggle, which often occurs within spaces. In this dissertation, I am, also concerned with

the less visible struggles that produce and maintain all spaces. The provision or production of space and its ongoing management and maintenance involve negotiation and contestation. These contestations and their outcomes greatly impact spaces, but the individuals and groups who are allowed to participate in the negotiations and contestations at these levels are often much more limited. Since the focus of this dissertation is on public life and public behavior that occurs under public scrutiny, it seems imperative to increase the visibility of these struggles. Struggles and contestation are couched in acts of division and disintegration. Paradoxically, such divisiveness allows the integration of insights and information from different, and often contentious, points of view.

Spaces that support and enable contestation are spaces that are democratic because they can give voice to marginalized or minority voices and points of view. This dissertation seeks to make visible the conflict inherent in contestation and show how it is a necessary part of democracy and is as an important opportunity afforded by public space. In this dissertation, I take a normative political stance that contestation is good, and is valuable because it can expand public space and the public sphere to include marginalized or excluded voices, activities, groups, and cultures.

THESIS STATEMENT:

> The presence of contestation between societal, cultural, and inter-cultural entities serves as the sine qua non which establishes the possibility of the existence and the quality of a public space system. A reconsideration of past scholarship in public space, critically examining labels and assumptions and focusing on contestation, will change our understanding of public space, both deepening and broadening the way we think about, provide, design, manage, maintain, and use public space. Where the contestation involves dominant versus oppressed or unrecognized groups, the beneficial effect of contestation is significantly increased.

LITERATURE REVIEW

Public Space

In order to understand the role contestation might play in public space it is important to look at the previous scholarship regarding public space. Initially that requires an examination of the various definitions of the term in the existing literature as well as an understanding of the importance and role of public space. In order to understand how contestation plays a role in public space it is also necessary to understand how public space has understood in relation to private space and in terms of it's relationship to urban theory, as well as what characteristics, values, and criteria have been used to categorize and evaluate the quality of public space by past researchers. Understanding and exploring issues regarding publicness will also be important to establishing an understanding of past public space scholarship as a basis of comparison for exploring the role of contestation. The role of identity, memory and representation in public space and how these topics have been addressed and understood by others as well as how scholars have understood language and stories to play a part in these aspects must also be addressed here because they are often the source of contestation. All of these topics will all be addressed in this section to establish an understanding of relevant issues in our understanding of public space.

Definitions of Public and Public Space

What is public? What is a public space? In much of the early research and writing about public space, *public* was often not defined. Researchers assumed a single, clear, and shared definition. However, scholars used public in a number of different ways, and still use similar terms to refer to different aspects of public and different terms to refer to similar

aspects of public. *Public* is used to describe people, their behavior, spaces, politics and realms or spheres of discourse, interaction and action in overlapping and complex ways. As a result, the literature about public space contains multiple definitions of the word public. This lack of clarity regarding definitions of public presents challenges when attempting to discuss, theorize, or understand public space.

The complex ways the term public is used highlights the fact that public is not a monolithic or homogenous concept. Although *the public* has often been used as though it were some homogenous mass of humanity, *the public* in all cases is really a heterogeneous group of publics. The *public* part of *public space* has been used in ways that collapse the distinctions between public life, the public realm, and public behavior. Its use as a catchall term for groups or subgroups of persons will be examined. Public space needs to be defined in relation to definitions of open and ownership, and should make explicit the fact that spaces are socially produced. Public also needs to be examined in light of scholarship about cities and urbanism, including the issue of separation of space through zoning and other socially constructed mechanisms. Finally, public should also be examined for its relationship to definitions of private and domestic.

Part of the contention over defining *public space* has come from not distinguishing between *public space* or *public environments*, *public life*, *public behavior*, and the *public realm* or *sphere* (Chidister, 1985, 1986b, 1988, 1989b). Separating these different aspects of public space presents a challenge, because they are interrelated. Public life and public behavior often occur in public space or public environments. The presence of public life, and public behavior is often used to define a particular space as public. Some writers have used the terms *common* (Cooper-Marcus & Francis, 1998), *shared*, or *open space* (Cooper-

Marcus & Francis, 1998; Francis, Cashdan, & Paxson, 1984; Heckcher & Robinson, 1977), *communal life* (Brill, 1989b) or *civic life* (Habermas, 1989) in an effort to make a distinction between these various uses of the term public. Other scholars have limited themselves to *urban spaces* or *accessible spaces* in an effort to avoid overlapping definitions of public.

What is the role of public life, the public realm, public behavior, and public space in human communities? Such questions can only be answered in a particular context. Therefore the question becomes, what role does public space currently play in the U.S., and what role should public space play in the U.S. in the future.

Public Life

Public life has been defined in part by its distinction from *private life* (Brill, 1989a; Chidister, 1989b). Public life can be defined as what public space or public environments are intended to support. Scholars have said it is, at some level, everyday *social life* (Carr et al., 1992; J. Jacobs, 1961; Lennard & Lennard, 1984; Sennett, 1990; Soja, 1980b; Whyte, 1980b) *communal life* (Carr et al., 1992; Cooper-Marcus, 1989, Cooper-Marcus & Francis, 1998; Francis, 1989; Gehl, 1987; Gehl & Gemoze, 1996; Project for Public Spaces, 1984; Sennett, 1970; Slater, 1976; Sommer, 1989), and what Lofland (1973, p. 3) has termed *a world of strangers* (Brill, 1989a; Forrest, Grecni, Mesnikoff, and Paxson, 1979, Forrest & Paxson 1979; Hoffman & Paxson, 1979; Korosec-Serfaty, 1982; Paxson, 1993b). Activities and qualities of public life have been said to include learning (Brill, 1989a; Carr & Lynch, 1968; Doxiadis, 1974; Lennard & Lennard 1984), work, commerce, markets and *commodification* (Alexander, 1972; Brill, 1989a; Lennard & Lennard, 1984; Plattner, 1978; Sorkin, 1992; Zukin, 1991, 1999,

2000), and play and pleasure (Boyer, 1994, 1996; Brill, 1989a; Drucker & Gumpert, 1996, 1997a; Gehl, 1987; Jacobs, 1961; Lennard & Lennard, 1984; Love, 1973; Sennett, 1970, 1977; Sorkin, 1992). Public life has also been used to describe activities taking place in public or in which the public takes part, as in new forms of public life – such as rollerblading or perhaps cyber cafés (Carr et al., 1992; Gehl, 1987). The term *public culture* is also used synonymously with *public life* by some scholars (Carr et al., 1992).

The most useful definition of public life, however, is people interacting and being involved in activities in which others can observe or actively participate. Public life has been used to describe those aspects of our life and cultures that go on in public space or the public realm and are open to public scrutiny (Brill, 1989a; Carr et al., 1992; Forrest et al., 1979, Forrest & Paxson 1979). Hannah Arendt's (1958) classic work *The Human Condition* noted that this aspect is a central part of public. For Arendt, to *be* public is to be seen and heard by others and to see and hear others.

Public life, or rather its absence, is often bemoaned in contemporary writing. Some researchers contend that there has been a loss of public life, or that a formerly robust public life has been driven inward or privatized (Arendt, 1958, 1987; Cooper-Marcus, 1989; Drucker & Gumpert, 1996, 1997c; Sorkin, 1992). They have also argued that public life is shifting, and changing in response to changing cultural needs and definitions. Others have argued that such positions reflect a nostalgia for an imaginary past that belongs to other cultures or times (Brill, 1989a). In fact, Brill referred to this phenomenon as "Euro-Urbanist", since the reference is usually limited to the streets, squares, cafés, parks and plazas of Europe's historic urban centers, which seem to be the only places where these critics have recognized the existence of public life. Although,

Brill falls short of labeling this as *Euro-Urbanist Envy*, others have labeled it as such (Chidister, 1989a; Cooper-Marcus, 1989; Rudofsky, 1969). Brill (1989a) has also argued that such critiques are a romanticization, Disneyfication, or sanitization of some medieval market place with its objectionable filth and squalor erased.

Other scholars have said that the loss or lack of public life has resulted from the uniquely American privileging of private ownership, individualism and privacy (Chidister, 1986a, 1989b; Jenson, 1979; Walzer, 1986). Brill (1989a) argued for a wider definition of public life, one that would include non-place-based public life. A number of scholars have argued for considering public life as a shifting and changing transformation of the dynamic interaction of social, political, cultural, and economic factors and values rather than as a loss (Brill, 1989a; Carr et al., 1992; Franck & Paxson, 1989; Sommer, 1989).

For many scholars there is either an implicit or explicit position that public life takes place solely or primarily in large urban centers (Brill, 1989a; Crouch, 1979; Lofland, 1998; Wirth, 1938), and that public life and urban life are nearly synonymous. I will explore this issue later in the dissertation. Brill also pointed out one characteristic of public life as commonwealth for the common good. He said that public life provides a forum, and common ground, and that public life is group action. Carr et al. (1992) discussed *symbolic public life*, some aspects of which were already covered, and the remaining ones I will discuss along with Brill's below as more related to definitions of the public sphere or realm.

The Public Realm

Although I have chosen to use the term public realm, I define the term in a similar way to what others may call the public sphere, civic realm or civic sphere, or the public domain (Sennett, 1970, 1977). Of all the aspects of the definition of public, this one, while related to actual space, is perhaps the least rooted in physical space. Thus public realm includes a part of public and public life that may not be physically located in space(s), such as TV, talk radio, and cyberpublics (Brill, 1989a; Drucker & Gumpert, 1997b; Garnham, 1993; Sorkin, 1992).

The public realm as one aspect of the definition of public is also most clearly related to the concept of civil space. The public realm can include, for example, courthouses and other government buildings, post offices, libraries, and schools. These places may not have been considered venues of public life in the way discussed above (Arendt, 1958; Brill, 1987; Glazer & Lilla, 1987; Goodsell, 1988; Virilio, 1986), but they are important aspects of our constructed public culture. Some of these venues are both publicly owned and publicly accessible. Some are sites that host public discursive activity such as schools, courthouses and some government buildings; as such they are a part of a ritualized landscape of contestation.

In part the definition of the public realm or public sphere grows out of the work of political and economic critical theorists (Calhoun, 1993; J. Cohen, 1990; Forester, 1987a; Fraser, 1989, 1992; Habermas, 1971, 1989; Walzer, 1983; Warner, 1990; Young, 1989, 1997a,b). Habermas' (1971, 1989, 1993) concept of the public sphere in modern societies was as a container or theater where public participation was enacted primarily through the medium of speech. That is, private individuals came together to discuss matters of

common interest or good. In early modern Europe these "bourgeois public spheres" served as counterpoints to absolutist states by mediating or holding the state accountable to society through publicity. Initially this meant providing access to information about the way the state functioned so that state activities would be subject to critical scrutiny and the force of "public opinion". Later, the publicity of the "bourgeois public spheres", offered legally guaranteed free speech, free press, and free assembly. For Habermas, as well as many other political theorists such as Nancy Frazer, especially in *Justice Interruptus* (1997), Calhoun (1993) and Young (1989, 1990, 1997a,b), this sphere or space of discursive interaction was limited to a small portion of the society or citizenry and was conceptualized as limited to a particular type or form of discourse -- rational discussion. Such rational discussion required or was intended to be open to all, regardless of status and power; therefore, participants could deliberate as peers, and private interests were disavowed. Such dialogue was intended to result in rational consensus regarding the common good. Critics of this perspective, such as Fraser and Young have questioned the possibility of achieving this intent on many levels. These issues will be reconsidered at a later point when I discuss the importance of including multiple voices and the issue of marginalization.

In conceptualizing the public sphere, political theorists have pointed out that it was Habermas' intention to distinguish between the government or state and public arenas of discourse and association. However, many scholars today have used public sphere loosely, conflating distinct concepts. Fraser argued that although many feminists use the public sphere to refer to everything outside of the domestic or family sphere, most other scholars have used it in a way that conflates three distinct concepts. Fraser's interpretation of

Habermas' intention was that the public sphere should be segregated as a place of discursive interaction, for the deliberation of common affairs and democratic associations. Habermas' envisioned that this segregation of the public sphere would keep it distinct from, and therefore able to be critical of, the state and government. He also envisioned that the public sphere would also be distinct from the market economy, therefore the public sphere would not be a market place for buying or selling. The relationships of public space and democracy are important to this work. I will return to them again in a later section.

Lyn Lofland (1998) used *public realm* in a slightly different way. She compared her use of the term with those of other scholars:

> The term "public realm" (and the related terms "public order," "public sphere," "public world," and "public life") are sometimes used in the restrictive sense I am employing here, but more frequently their usage carries implications of political and economic activities that I do not intend. (Lofland, 1998, p. 22)

She believed that it is sufficient to begin to think of the *public realm* as being equivalent to the term *urban public space*. Then refined her definition based on the level of relationship or interaction between people: "The public realm is constituted *of those areas of urban settlements in which individuals in copresence tend to be personally unknown or only categorically known to one another"* [emphasis in original]. (Lofland, 1998, p. 9). I will return to this definition when I examine publicness. Here it is important to note that Lofland argued that the public realm is not a discrete or fixed *categorization*; rather it exists along a continuum. For Lofland (1998) the same spaces' use (which is equivalent to its location along the private to public continuum) also varies across the dimension of time. I agree that a space, its use, its definition along the continuum of private to public, and along a host of other dimensions, varies across the dimension of time.

Lofland continued her argument by stating that although she sees place as geographically rooted or fixed, she does not view realms in this way:

> [*R]ealms are not geographically or physically rooted pieces of space*. They are social, not physical territories. Whether any actual physical space contains a realm at all and, if it does, whether that realm is private, is parochial, or is public is *not* the consequence of some immutable culturally or legally given designation (claiming, for example, this street *is* public space, this yard *is* private space). It *is*, rather, the consequence *of the proportions and densities of relationship types present and these proportions and densities are themselves fluid* [emphasis in original]. (1998, p. 11)

This fluid definition of public realms based on proportions of relationship types in any situation causes confusion among researchers and users of places, because what an outside observer might reasonably understand to be public space, such as a street or a park, may actually be a parochial space, because of the relationship types. Lofland (1998) also argued that realms and their spaces are essentially independent. She is arguing quite reasonably that spaces which may be legally and perhaps even culturally designated as public, may in fact – sociologically speaking – be parochial. Although I agree that many spaces that are legally and culturally thought to be public are not, and that *realms* at some level are not necessarily bound to specific *place(s)*, as an environmental social scientist I think Lofland has tended to overstate the case. Her arguments once again have relegated the environment to the background – having no impact on the behavior, perceptions, or conceptions of the users at all.

Nevertheless her definition for *realm* is very useful, precisely because it makes a distinction between physical place based aspects and more conceptual aspects of the definition of public which I can use to achieve more clarity in the use of the term. Additionally, her definition of realms specifically called out the inclusion of "a

geography, … a history, a culture (behavioral norms, esthetic values, preferred pleasures), and a complex web of internal relationships." (Lofland, 1998, p. xv). However, the public realm does not have a geography, a history, and a culture, but rather geographies, histories, and cultures. Although Lofland did not frame it in this way she acknowledged the importance of the construction of the social reality of public space when she stated that "… it is the object of not only perceptions but of conceptions as well…[and] the images of it – positive and negative – that people carry in their heads, [have] very real consequences…." (Lofland, 1998, p. xv). With this statement she also articulated the constant transformation of place by people, perceptually as well as behaviorally.[4]

Public Behavior

Public behavior is largely about actions and activities. Goffman's (1959, 1963a, 1963b, 1971) ideas of public behavior and the "presentation of self", front and back stages, and "spoiled identities", are all relevant to a study of people and public space and the concept of publicness and contestation. Although most of Goffman's observations and experiences center on middle-class Americans or institutionalized populations his findings and concepts may or may not be true for other groups of people in other settings. However, since the middle class holds much of the power over the definitions of appropriateness of public behavior his work has been very informative. In addition, what is considered public behavior is shaped by our definitions of public and private as they relate to civic and domestic (see below). For example, bathing, sleeping, many public displays of affection, sex and other behaviors typically considered part of the domestic realm usually are not considered appropriate behavior to conduct in public. I should point out, however, that

expectations or values about the appropriateness of behaviors in public vary across cultures and subcultures and even within the same culture or subculture they can change over time. Using public spaces as a "backstage" area is quite acceptable in some instances. On the other hand, some users and some spaces seem to be quite restricted to one's "frontstage" behaviors.

Goffman found that those without already "spoiled selves" go to great lengths not to spoil their identities in public where everyone will see them. On the other hand those who may be considered to have "spoiled selves" can participate in a number of behaviors that vary in acceptability even when other people are present. In these cases, the people who are present will take great pains not to notice or acknowledge these behaviors.[5]

Lofland (1998) postulated the existence of "governing principles" or a rough set of normative rules, about people's behaviors when interacting with others, primarily in the public realm. She believed that such "governing principles" can also be used to express or create; I would say *contest*, "societal or regional or local systems of equality or inequality" (p. 39). To understand how this works she has stated that it is important to first understand to see how the principles might be instruments for communicating equality. Lofland (1998) argued that to use the principles is to proffer strangers the *gift* of what Goffman referred to as *ritual deference*:

> [Ritual deference] … *in places that "are freely accessible to members of the community" (1963, p. 9) …"brief rituals [are found where] one individual performs for and to another, attesting to civility and good will on the performer's part and to the recipient's possession of a small patrimony of sacredness" (1971, p. 63)* – and this "implies that one understands them to possess a basic level of humanness, … and that one accepts their claims to the rights of citizenship; and that one understands and admits, and accepts these matters even if these surrounding strangers are *unlike oneself and are persons who might be actively disliked – possibly even despised – if known personally*. [emphasis in the original] (Lofland, 1998, p. 40)

Lofland (1998) has argued that simply because the principles are so good at

> … perpetuating systems of equality … their *violations or misapplications are effective in perpetuating systems of inequality* [emphasis in the original]. Strangers may use their understandings of the "legal" [normative] system of the public realm, then, not only to deal deferentially with one another, they may also use those understandings to deal disrespectfully … if civility toward diversity admits the "full humanness" of the strange other, incivility can express ambivalence or hostility toward such an admission. (Lofland, 1998 p. 40)

Lofland (1998) also noted that embedded within this discussion about the principles and the maintenance or violation of equality and inequality is an assumption that everyone can recognize or identify civility or incivility when they see it. She went on to note that perhaps this recognition is possible if one stays put in one's *home* place, or within one's own group or culture, but, she goes on to point out "…if we move about in space, as both the impressions…and the systematic observations of social science travelers suggest, we will encounter very different civility milieux…" (Lofland, 1998, p. 43-44).[6]

The Public as Groups or Subgroups of People

Making a distinction between the ideas of public life, the public realm, and public behavior is one important aspect of understanding and clarifying a definition of public. However, there are other issues of the definition of public that it is important to understand in order to use the term as clearly as possible. One of the most problematic aspects of most of the literature on public space, the public realm or sphere, public behavior and life, is that it has treated, viewed, or understood *public* or *the public*[7] as a singular, uniform, homogenous monolith, public as opposed to public(s). A more explicit acknowledgment of the multivalent quality of *the public* is needed for clarity in public space scholarship. While the assumption of a singular public is true, particularly in

earlier work, it is also found in more contemporary research. This view of a singular *the public* grew out of a modernist conceptualization of the world, and it fostered the metaphor of *the melting pot*, and was believed to reflect "the shared view". While it might have been the *shared* view of the powerful, it certainly was not a view shared by everyone. When I talk about *public*, it must be made clear that it is not with a singular monolithic *public* in mind, but rather a *set of public(s)* that are diverse, with multiple voices and points of view. For the most part the sense of a single public is so pervasive that it is not even remarked upon, nor is it thought necessary to discuss or define by most researchers working in the area. When it is, it is usually to call out the difference between what is considered the typical or the norm of this monolithic, homogenous public. Typically, therefore, public space researchers comment on, anyone who is not white, male, middle to upper class, and possibly corporate. That is, anyone who may be considered to be outside of the *mainstream*. For example, Irwin Altman and Ervin Zube wrote in the introduction to their edited 1989 volume *Public Places and Spaces:*

> The most obvious public lands in cities are streets, squares, playgrounds, and parks. But these settings have often been taken over by groups such as neighborhood organizations, teenage gangs, or street people, with the result that many segments of the public have been effectively excluded from gaining access to urban public settings. (p. 1)

What these authors have failed to point out is that the largest percent of public urban lands are *taken over* by mostly male and white, corporate interests in a variety of ways. They also failed to mention that the largest percentage of public lands is rural or wilderness lands. Altman and Zube did point out, however, that most of these lands are owned by the federal government and they account for approximately one-third of the public lands in the U.S. Most of these lands are concentrated in the western contiguous

states and Alaska. The authors also do not mention that private interests reserve a large percentage of the use of these lands for their economic benefit, including the use of these lands for logging, mining, and grazing. This is an important point because at the same time that the federal managers of the public lands exclude the general public from these lands which are used exclusively by private, corporate interests, those same federal managers invoke their mandates to manage these public lands for the use of all Americans whenever a particular interest group may request exclusive use of any particular location for a specific length of time.

An exception to a uniform or singular view of the public is the differentiation that scholars have made in terms of use or users. For example, asking *who are the users of this space going to be*, or describing or categorizing who is currently using a particular space. Scholars who have differentiated the public in terms of use and users, usually categorize or frame members of *the public* in terms of *activities*, such as joggers, people eating their lunch, or someone reading; *role labels*, such as businessmen (I use this gendered term here consciously), residents, and tourists; *or qualities* such as ability to move through the space, age, race, class, and gender. Sometimes this type of designation has also been used to define local communities and their communal or shared spaces, what Lofland (1998) would call "parochial" spaces, as public ones (c.f. Cooper-Marcus & Francis, 1998).

Another differentiation that has been made by some scholars of the public is the contrast between those who might be considered professionals in the public or public space arena and those who are considered the lay public. A good example of this is found in Altman & Zube (1989) where these authors differentiated between three public(s)

involved in *the public landscape*: professionals, who are involved in provision of space and policies, the interested public who perceive themselves as affected by such spaces and policies, and the general public, or everyone else.

This view of the public as uniform and monolithic has also informed the classical or pre-New Urbanist American practices of planning and zoning (M. Davis, 1990; Groth, 1991; Perin, 1977) which is differentiated and separatist, as opposed to diverse and integrated, i.e. areas are defined and developed for housing, separate from commerce, separate from industry, separate from recreation. Malcolm Miles (1997) related the history of this differentiation to issues of comfort and disease as well, which I will discuss shortly.[8] Current planning texts now also denigrate mono- or single-use or what has been referred to as use based codes and zoning, extolling the virtues of the so-called "smart code," "form based," and mixed-use planning and zoning (Arendt & Grantt, 2000; Barnett, 2003; Bohl & Plater-Zyberk, 1966; Calthorpe & Fulton, 2001; Duany, Plater-Zyberk, and Speck, 2000, 2001; Moule & Polyzoides, 1994). Proponents of New Urbanist ideology have been some of the strongest supporters of these code and zoning changes (Calthorpe & Fulton, 2001; Duany et al., 2000, 2001; Fulton, 1996; Katz, 1994; Kunstler, 1996). The very essence of New Urbanism has reflected a nostalgia for an American past that never existed[9] (Cooper-Marcus, 2000; Ellin, 1999; Feldman & Jaffe, 1992; P. Hall, 2000; Relph, 1987; Schuyler, 1997) and as such it is a cover story to achieve other ends.

Proponents of New Urbanism pay lip service to supporting public, communal and or civic life and diversity but in actuality often create places seriously lacking in heterogeneity and "public" spaces that are at best parochial using Lofland's (1998) terminology (Calthorpe & Fulton, 2001; Feldman & Jaffe 1992; Gumpert & Drucker,

1999; Lehrer & Milgrom, 1996; Scully, 1994; Wilcox 2001, 2002). Many who criticize New Urbanism have argued that it is merely clever rhetoric to cover a real estate scam to purport an increase in density in suburban and fringe areas or a repackaging of suburban greenfield development (Kaliski, 1996; Lehrer & Milgrom, 1996; Schuyler, 1997)[10].

Even those who apparently have considered *the public* as a uniform group require the distinction of *otherness*. Much of Lofland's work (1973,1998) especially her concept of the public as quintessentially the domain of strangers[11], has articulated this concept. The concept of others and otherness is also a key aspect of my definition of publicness which I will discuss shortly. Others and otherness also raises the importance of negotiation, and unpredictability as part of public life, public space, and public behavior which is extremely useful and related to my work as well (Carr et al., 1992; Deutsche, 1999; Forrest et al., 1979; Forrest & Paxson, 1979; Fraser, 1997; Sennett, 1970, 1977; Walzer, 1986; Young, 1990, 1997b).

The work of both Arendt (1958) and Habermas (1989) indicate some recognition of differentiated publics. Arendt used the term *plurality* to indicate that people are all different, but then she collapsed this recognition of difference by concluding that since people are all different, our difference makes us the same. Habermas (1989) used the term *publicity* in much the same way. Both scholars espoused ideas of inclusiveness in the sense that they believed that *all* persons come into the public realm as equals. Habermas' ideas about the public sphere were never actually realized in practice, in part because open access was never achieved.[12]

According to critics (Brooks- Higginbotham, 1993; Calhoun, 1993; Eley, 1992; Fraser, 1997; Landes, 1988; Ryan, 1990, 1992; Young, 1989, 1997a,b) Habermas' *all* was actually a very limited homogenous subset of the public, i.e. just one of the many

potential publics. Fraser has pointed out that the work of many contemporary scholars such as Joan Landes (1988), Mary Ryan (1990, 1992), Elizabeth Brooks-Higginbotham (1993), and Geoff Eley (1992); has indicated that Habermas' account was conceived as exclusive, especially with respect to the rhetoric of publicity and accessibility. Their work shows that the official public sphere was created with a number of deliberate key exclusions, perhaps most notable was gender. These scholars believe that the "republican" (Habermas' "bourgeois") public sphere in France was deliberately formed in contrast to "salon culture" which was more "woman friendly". According to Fraser this work argues that the republicans intentionally positioned themselves in opposition to salon culture in terms of gender exclusion – describing salon culture negatively as "artificial", "aristocratic", and "effeminate" – and positing and promoting a "new" "austere style of public speech and behavior" which was described as "rational", "virtuous", and "manly", thus framing it in masculinity from the start and drawing "on classical traditions that cast femininity and publicity as oxymorons" (Fraser, 1997, p. 73).[13] Landes' work forms the bulk of the French argument according to Fraser, while Eley's extends it out for Germany and England, and Eley claims that in all three countries gender exclusions were linked to other exclusions rooted in the formation of classes. The bourgeois public sphere was "civil society" a term for the members of a range of voluntary associations or clubs that ranged from professional and cultural to philanthropic. These associations were "anything but accessible to everyone. On the contrary, it was the arena, the training ground, and eventually the power base of stratum of bourgeois men, who were coming to see themselves as a "universal class" and preparing to assert their fitness to govern." (Fraser, 1997, p. 73). The irony of this work being that this rhetoric of publicity that was supposed to be based on rationality, accessibility and to be nonhierarchical (erasure of status), is then used to in fact create distinction and status or hierarchical distinction. Clearly it is not sufficient to merely declare a space of public interaction as status and distinction neutral in order to achieve such a goal.

Fraser believes that not only did Habermas idealize the "bourgeois public sphere" but he failed to acknowledge what he recognized as other public spheres public spheres

that Fraser considers competing and an indication of a recognition of the public not as a uniform entity but as competing publics (Fraser, 1997). Ryan (1990, 1992) and Brooks-Higginbotham (1993) showed that various publics accessed public life and the public sphere through a range of public venues, even without voting privileges or rights or any other formal political inclusion in the *official* public realms. Ryan's (1990, 1992) work documented the way many nineteenth-century women created access to the public realm and public life, or created an alternate public realm and public life, because they were excluded from the *official* public sphere. Different class and ethnic groups also made their own way into political public life. Such movement was widespread, which supports the idea that there was neither a monolithic, uniform, public and public sphere nor an inclusive alternate public sphere.[14]

Brooks-Higginbotham's (1993) work documented an alternative or parallel African-American public sphere in the U.S. during the period from 1880 to 1920. Since this public was excluded wholesale from official public spheres at a number of levels, from suffrage through the whole range of "…. 'whites' only discursive arenas and institutions of civil society" (p. 75). African-Americans created access to a public sphere in, or from, what would usually be seen as another private sphere, though not the domestic one of bourgeois women. The African-American's alternate public sphere emanated from their churches and religious institutions.[15]

This body of writing makes it clear that from its inception the public was not a single uniform group but rather that the public and public sphere were recognized to be exclusionary. Put another way this body of work demonstrates that the "exclusion" of women, African Americans, and non- bourgeois classes from "the public sphere or

realm" was largely an issue of the "official" or recognized "mainstream" public sphere or realm of the time. They were excluded or "not recognized" only if you accept the bourgeois public's claim to be *the* or *the only* public, based on an ideological class, race, and gender biased notion or definition of publicity. Thus at some level this scholarly work undermines the position that the bourgeois public was ever *the*, or *the only* public, or that they represented *the public* as some monolithic, singular, or homogenous mass. [16]

Understanding the concept of the public as a plurality clarifies the definition of public and contributes to an understanding of helps to illuminate both some of the problems a monolithic understanding of contestation in public spaces. By recognizing that the public is not a uniform group with a single shared point of view, it becomes clear that an underlying rationale for contestation exists. As I will argue below, contestation is important, possibly even vital for supporting difference in public space.

Public Space

> In a subtle way, this loss of public space occurs contemporaneously with the loss of private space. The one is no longer a spectacle, the other no longer a secret. (Baudrillard, 1983, p. 130)

In addition to the term "public" being used by scholars to collapse aspects of public life, the public realm, and public behavior, and treating the term as if "the public" were a single uniform body versus a diversity of publics, the term "public space" is often not well defined and the same term is used by different scholars who intend for it to mean different things. So in order to create some understanding of contestation in public space it is important to have a better understanding about how other scholars have used the term in past work.

Public space is a phrase with diverse meanings. In this research, space refers to some identifiable part of the built environment and is a unit of analysis in design, environmental social science, and in this dissertation. I use *space* here continuing the accepted practice of distinguishing it from *place*, which has social meaning (Canter, 1977; Dovey, 1985; Tuan, 1977). Additionally space is used generically to set it apart from the use of specific names or labels applied to spaces that have categorical significance, e.g. park, plaza, garden, and playground.

Some work on public space has also used the term open space.[17] Most often open is used when discussing parks, plazas, and other similar spaces, in the sense of open air or outdoors; but it can also be used in terms of accessibility, in the sense of being open to all, socially open. These two aspects can exist in various relationships to one another.[18] The terms open and public are obviously interrelated. I will use open not as it relates to enclosure, but rather, in the sense of access.

The concept of a public space incorporates two interrelated ideas in our society: the concept of ownership and the concept of access. Access here is not only physical but also visual access, i.e., public scrutiny. I will use public to refer to the issue of access, and always specify the question of ownership (Barton, 1955; Carr et al., 1992; Forrest & Paxson, 1979; Francis, 1987, 1989; Franck & Paxson, 1989). Ownership and access are important issues to consider as one looks at contestation and spaces and attempts to assess whether, or to what degree, they are public. Ownership and access have become both more salient and more important to specify independently with the increase in "private public spaces", spaces that are privately owned but "owed" to the public or dedicated to public use due to such policies as zoning bonus agreements. At this point I am limiting *ownership* to

legal ownership although later I will explore issues of appropriation and historic use as similar or related to legal ownership. Ownership is the key aspect of defining the term public lands. While related to public space, public land is not equivalent, although of course some public land is also public space. Although private ownership is highly valued in the U.S. where private property and ownership rights heavily influence law and other cultural constructions, the ideal image of public space still retains an aspect of sharing and of shared values. A public space where citizens can come together to exchange views, create a shared identity and build a sense of community (Carr et al., 1992; Francis, 2003; Mitchell, 2003).

All human communities contain public spaces, some of which are created for the stated purpose of allowing the gathering of people and some of which are the by-product of some other purpose or need, e.g., streets. The existence, types, definition, and creation or production of public space is different in different cultures and in different physical or geographic locations, and has changed over time. It is important to remember that human places are at least in part socially produced. Often in historical accounts writers claim a biological or cosmological model[19] that can be contrasted with contemporary accounts which imply that human places are the product of evolving political and economic histories. Writers tend to idealize our histories of cities, often removing the violence or inequities from the models on which we choose to base our future visions.[20]

Similarly, in our discussion of public life the issue raised currently is that public space is about to become, if not extinct, an endangered species. That is, while more public spaces are being created (Carr et al., 1992) some people are raising questions

about how public they are (Cooper-Marcus, 1989; M. Davis, 1990; Forrest et al., 1979; D. Mitchell, 2003; Sorkin, 1992).

Rosalyn Deutsche (1992) notes that spaces called "public spaces" are often redeveloped private property or state controlled areas which exclude those members of the public such as the homeless, who do not conform to the "proper" uses of the space. Public space is a

> … relational space where identities, including the identity of politics, are constituted and modified. … [it] is the space where human beings speak to each other, construct society, and form political identities through the declaration of rights. Such public space is a space of discourse, what Arendt calls the space of appearance which is the public realm. (p. 44)

This concept is similar to the conceptions of Carr et al. (1992), and to that of Habermas (1993), Fraser (1992) and partially to Young (1990) although they are less spatially explicit. It is also similar to Hayden's (1995) sense of public space as ordinary urban[21] landscapes which are created by the collective social memories of people, (i.e. the public memory) and its impact on the creation and evolution of identities.

The use of specific names or labels applied to spaces are often primarily involved with a functional or activity-based definition. It is important to point out that a label or description of a function or activity has often been used in design programming, at all scales, as though it is simply a rational or given fact, but not acknowledged as a value-laden choice. This is true in public space as well, and presenting labels or names as merely the rational assignment of simple practical function, or needs to be fulfilled, denies the social production of space and spatial meaning. Additionally, if one looks at activities in public one finds that there is also considerable overlap in places with varying names or labels.

Previously I looked at Lofland's ideas of *realms* in relation to *social territories* and noted that she believes that *social territories* only come into being in physical territories. She goes on to say:

> … whether any actual physical space contains a realm, and if so what type, is always a matter to be discovered …. The realm type (private, parochial, or public) is not defined by the physical space in which it is located but by the relational form that dominates within it:
>
> A private realm exists when the dominating relational form found in some physical space is intimate.
> A parochial realm exists when the dominating relational form found in some physical space is communal.
> A public realm exists when the dominating relational form found in some physical space is stranger or categorical. (Lofland, 1998, p. 14)

One wonders from these definitions if Lofland thinks that the actual physical space has any impact at all or is merely some kind of empty container. If this is the case, why is the actual physical space even necessary at all? I would argue that even the social construction of the space or realm is not without influence from the physical space, or its history. Given her definition, the question arises whether predominantly private behavior therefore creates private spaces. Lofland is in this sense an extreme constructionist and I do not agree that only the relationships of people are important, I believe the space plays a role as well.

I have looked at the various ways previous scholars have used the term "public space", noting the related term "open space" and pointing out and trying to separate the importance of both ownership and access in previous definitions of public space. Additionally, I have noted that while names and labels of spaces (such as parks, plazas, streets, and so on) can tell us something about someone's intentions regarding a space they tend to be overlapping, imprecise and at best related to some functional description

and are not useful for defining a space as public or not public. Gee believes that environmental psychology shares, and agrees on a definition of public space.[22] I would argue that even within the discipline we do not share an agreed upon definition, and that this is in part related to the lack of clarity about public life, realm or sphere as well as space.

Public and the Relation to Urban Theories and Research

> The slippage is evident: the dominant culture can encompass only part of the city. And while corporate power inscribes these cultures and identities with "others" thereby devaluing them, they are present everywhere. (Sassen, 1996, p. 188)
>
> The dream city is for the saved. The others wait outside. (Miles, 1997, p. 106)

It is not possible to discuss public space without at least some discussion of the existing urban theories and research related to cities, because most of the theory, research and discussions of "public" --space, behavior, life and realm -- are conceptualized as part of discussions of cities or urban conditions. This focus reflects our current social and cultural construction of the reality of life and the discussion of private contrasted to public, especially as it relates to "private" and "domestic".

Scholars have proposed that one of the traditional reasons for cities is the gathering together of people for communication, production and purposes of exchange. Schools of thought about the city can be categorized into two groups. One group views the city akin to a beast in need of control, *the dangers of the city*. The other group views the city more positively in terms of the number of possibilities or potential it can provide, *the excitement of the city*. Those people who view cities negatively tend to dwell on such aspects of the city as density and crowding, over stimulation, danger, loneliness and

alienation, and the city's general unhealthiness (Milgram, 1970; White & White, 1960; Wirth, 1928, 1938). These writers see the city as alienating, for even given all the people present in a city they are still apart. People who view cities more positively tend to stress both the amount and the diversity of activities and people, which has the potential for creating rich positive experiences for people (Alexander, 1972; Deutsche, 1999; Jacobs, 1961; Love, 1973; Rotenberg & McDonough, 1993; Sennett, 1970, 1977; Slater, 1976). A variation of this view stresses the city's potentially developmental nature (Carr & Lynch, 1968; Doxiadis, 1974), the city as a mechanism to support lifelong learning and advancement. These theorists, it should be noted, also place an emphasis on diversity and access to diversity across the lifespans of all people. These scholars see the life of the city as bringing all the different people together.

Other writers such as Low (1999b) and Le Gates & Stout (2003) have categorized city theories into perspectives which could be labeled *the urban ecological perspective*, i.e. the city is a conglomeration of urban communities (Marris, 1962, 1995; Park & Burgess, 1921; Young & Willmott, 1957), *the social organization perspective,* (Kadushin & Jones, 1992; Laguerre, 1994b; Liebow, 1989; Lomnitz, 1977; Stack, 1974, 1996), *the political-economy perspective* (Hannerz, 1980; Mullings, 1987; Ong, 1987; Sanjek, 1990; Susser, 1982; Walton, 1993), and *the representational perspective* (Dorst, 1989; Holston, 1989; C. Jacobs, 1993). Setha Low notes that:

> … the historical development of the anthropological study of the city has produced a number of theoretical approaches …includ[ing] urban ecology models; community, family, and network analyses; studies of the power/knowledge of planning and architecture; supralocal/local linkage analyses; and political economic, representational and discursive models of the city. (Low, 1999b, p. 4)

Of greater relevance to this dissertation is Low's (1999b) organizational strategy. She comments that current work in this field cannot be so easily delimited and postulates twelve images or metaphors for understanding or framing ideas about the city which are very useful for our purposes. She is quick to point out that these twelve metaphors are neither "all-encompassing nor mutually exclusive" but rather are "meant to be heuristic and illuminating" (Low, 1999b, p. 5). The metaphors that focus on economic processes are: The *deindustrialized* city, the *global* city, and the *informational* city. The city image based on the *religious* aspects of urban life is the sacred city, while the *traditional* city is the image based on the *cultural* aspects of urban life. *Urban planning and architectural analysis* images include: the modernist city, the postmodernist city and the fortress city. While aspects and research from all of these may be drawn upon in our work the *social relationship processes* metaphors – the *ethnic* city, the *divided* city, the *gendered* city, the *racialized* city, and especially the *contested* city are most pertinent to this study.

Low's metaphor of the *contested* city considers anthropological work as helping to create a link between processes of cultural hegemony occurring at a macro scale, and processes at the micro or personal scale. At both scales these processes are related to resistance and transformation, especially with regard to the current contexts of globalization, deindustrialization, and postmodernism. Anthropological studies in this area have been set forth by Cooper (1994, 1999), and Rodman and Cooper (1995), Holston (1989, 1995), McDonough (1991), Rotenberg (1995,1999), Rotenberg and McDonough (1993), and Rutheiser (1993, 1996), as well as those compiled in Low (1999b). This contestation is of course largely about power, resistance, control and struggle.

Lofland (1998), argues that *truly public space* can only exist in cities or in urban spaces. All other spaces can only be parochial space related to this stranger or unknown quality[23]. In fact one of her definitions of the public realm is that it is the

> Unique social and psychological environment provided by urban settlements" (p. xii), … the public realm is a form of social space distinct from the private realm and its full-blown existence is what makes the city different from other settlement types. The public realm, … is the city's quintessential social territory (Lofland, 1998, p. 9)

Although I am not one of those anti-city or anti urban researchers whom she bemoans, I do not think that public space, life and behavior only exist in urban areas. Public space, public life and public behavior in fact do exist outside of cities and or city centers. For example many national parks are not urban but they are *public* and in a good many cases they are populated by strangers, as are town squares and small local parks in small towns and villages. It is also true that in all these types of places one may have urban people as visitors or tourists.

It is important to remember that there is public space, public life, public behavior, and a public realm in many areas which some would not necessarily describe as urban. Scholars trained in the Western European tradition have privileged in their work the sense of public as primarily or exclusively related to *urban* or *city* locations. Therefore, while our work is not limited to *urban* or *city* locations, it is still valuable to examine their work and ideas even though they are limited to urban or city locations. Many contemporary theorists understand that the changing ideas of city are produced by social structures of value and power, that is, an understanding of cities as being socially produced. "Spatial forms are social structures," says Deutsche (1991b) and she cites Lefebvre's (1991) view of space as ideological because it reproduces existing social

relations. She summarizes Manuel Castells' (1983) description of the city as a site of conflict and resistance to domination, as "the inscription of political battles in space" (Deutsche, 1991b, p. 160-161). This position is comparable to Zukin's (1995) approach to critical thought about the city as a *symbolic economy* which: "focuses on representations of social groups and visual means of excluding or including them in public and private spaces" (p. 43). [24]

In addition to scholarly work which focuses on urban areas as the site of public space, urban theory and research provides a number of other important ideas for this work to build upon; the role of the distanced view, ideas about the role and importance of *order*, and various issues related to control and power dimensions. Some scholars (Finnegan, 1998) have argued that the analyses of *cities* have been done as "city view at a distance" which is compared to Michel deCerteau's (1984) concept of "the gaze" *(The Practice of Everyday Life*) where the observer becomes *voyeur* and to Foucault's (1973) *medical gaze (The Birth of the Clinic*).

The concept of the distanced view relates the design of urban places, to our earlier observations of the view of the public as a homogenous mass. For as Miles (1997) notes,

> ... the distanced view re-represents the city as a single idea, as if it might always be that way. ... the city as a map, its pattern and scale of streets, squares and green spaces set out two dimensionally. From the distant viewpoint, it is not possible to see people as such -- from a building of medium height they merge like ants into pools of activity and disperse...[this distance is a viewpoint which is spatial] but it implies a different value and a different position in relation to power and possession from that of the street (in which everything is around the observer, who becomes part of its interactivity). The viewpoint of distance emphasizes a unified concept of the city. (p. 21-27)

He draws a comparison of the distanced view to map-making where all spaces are represented based on size, versus on meaning in any system and notes that such map-

making in conjunction with the distant view, led to the possibility of fantasizing (drawing) a city that does not exist, therefore one could plan a new one "and [it] is not contingent on the (perhaps disorderly) lives of its inhabitants." (Miles, 1997, p. 21).[25] Miles notes that the medieval European city was about church power and sacred traditions. From the baroque to the enlightenment the city was about planning, medieval growth and development being construed as ad hoc in his analysis. He also notes Wilson's (1991) point that this period was shaped by "... the imperatives of secular power and its need for spectacle" (Wilson, 1991, p. 18). One can question whether the secular need and use of spectacle was any less than the spectacle of the church. Miles considers medieval streets as simply gaps between or among the building mass, while baroque streets are avenues of procession.[26] During the baroque, *order* in the city began to be highly prized, at least in western cities, and this led to the initial separation or split of the conceptual plan for a city, which could be used to achieve, the material or actual city. Miles believes that the fragmentation of the twentieth-century western city resulted from combining the analytic viewpoint and a desire for purity or cleanliness.

Miles postulates that the city's separation into zones is similar and related to the process of planning itself in its separation of theory from practice. This split of theory and practice results in privileging the concept of a problematic model where the conceptual city underpins the material city. The concept that physical space should be allocated a predetermined use remained an unchallenged orthodoxy of urban planning until Jane Jacobs' (1961) groundbreaking work in which she supported greater integration and accommodation of both evolving and unexpected activities and uses. Since that time her critiques have certainly impacted if not been addressed and incorporated into both the

profession and theory. Both "form based codes" and "smart codes" (Barnett, 2003; Calthorpe & Fulton, 2001; Duany et al., 2000, 2001) include aspects that are meant to address such integration. Although the notion of predetermined allocation of uses was true of modern cities and the field of planning,[27] there was a very different historical tradition. This other more fluid and integrated idea of the city, was projected back onto past cities, as places of unplanned and unprogrammed mixing, and spontaneous activities and behavior.

> ... Georg Simmel, in The Metropolis and Mental Life and other writing, sees urban sociation --the way people in a city relate to each other -- as having just such an informality. (Miles, 1997, p. 34)

Simmel had a big impact on the Chicago School. Many scholars tried to define modern urban types rather as Baudelaire identified the *flaneur*, in the 1920s the Sociology Department at the University of Chicago developed a research agenda following Robert Parks essay *"The City"* which produced studies of land use and social differentiation (cf. Miles, 1997).

Burgess (1921) considers normal expansion rates of cities based on biological models and *metabolism*, from which Miles (1997) believes he is enabled to see the creation of zones of transience and deviance as normally and typically occurring rather than as a result of people's decisions and choices. Savage and Warde (1993) characterize the Chicago School's work as a rigorous inquiry into "moral codes and conventions which explained apparently haphazard forms of human action". They go on to note that the Chicago School's work categorized newer relational social ties as not only based more on jobs and local

neighborhoods than family ties but they accepted the embedded aspects of the expansion of capitalism without question. Miles (1997) feels this work

> . . . establishes the sociologist in a remote location, like deCerteau looking down from a high building but without the critique which enables deCerteau to know what he is doing. (Miles, 1997, p. 36)

> The concept of a city expressed in its plan and structures of administration is a pervasive influence on social behaviour, affecting how people of different genders, ages, classes and ethnic origins mix or remain segregated. Yet it is the detail of material form which is more often offered for 'consultation' by urban planners and designers, and discussed in the definition of what Kevin Lynch calls 'good city form', rather than questions of what kind of city meets the needs of which publics. (Miles, 1997, p. 21-27)

Miles comments should not be understood as a call to privilege either the social and cultural impacts and determinants of city form nor the material aspects of the built form, but rather that the two aspects are intertwined and affect each other and that they each express effects of certain power and control positions. Although Lynch (1960, 1981), like many urban theorists, may treat the analysis of urban form as a series of statements or ideas regarding the mechanisms of the city and its form as though they were value-free or ideologically neutral they clearly are not. Miles attributes this position in part to the *planners gaze*, much like the *medical gaze*.

City form is not static: "The city is a metaphor for social change, an icon of the present at the edge of the transformation of the past to the future" (Short, 1991, p. 41). If a city is changing whose interests are driving those changes? Wigley (1995) states,

> . . . we know that the physical form of the city is radically changing all the time... We also know that people's relationships to the city change and, therefore, they change. That brings up the issue who is the "we" that defines the city. (p. 71)

Sharon Zukin's question (1995): "Whose city?" (p. 43), is more than just an identification of users who occupy spaces in the city, or who own space in the city. It suggests a

questioning of who has the right to inhabit a mainstream or dominant cultural image of the city. If questions such as: Whose city?, Whose interests will be served?, Who will be allowed to help define these changes?, are critical to understanding the changing nature of cities, then understanding contestation among varied interests is critical to a view of urban life which is grounded in social justice. Elizabeth Wilson suggests (1991, p. 9) that "We will never solve the problems of living in cities until we welcome and maximize the freedom and autonomy they offer and make these available to all classes and groups". While Miles notes "If urban dwellers are to be empowered to challenge the values of urban development, then the relation of urban form to social value, the unpacking or the underlying concept of the city, is the point of departure" (Miles, 1997). I believe that contestation in public space could be the means for achieving this, and that those public spaces will not all be necessarily located in "urban" places.

So far this work has looked at many of the aspects that influence a definition of public life, public behavior, the public realm, and public space, as well as the relationship of public space to urban theory. All of these definitions of *public*, with their related spatial localization, are in some sense defined by their juxtaposition to private. Public and publicness are not the same, nor are they simply the opposites of private and privacy, nor have they been static historically. To define *publicness* and *contestation* and to develop the conceptual framework for this study, it is necessary to first explore the distinction between public and private.

Public and Private

Writings about the designed environment have generally used the term *private* to refer to the space of the individual household both indoors and outdoors. All other spaces,

whether privately or publicly owned, are referred to as *public*. A similar use of terms appears in anthropology, but *private* is replaced by *domestic*. Some scholars have postulated a tripartite categorization, Arendt (1958) added *social*, Altman (1975) used primary, secondary, public territories, and Lofland (1989, 1998) introduced the third category of "parochial"[28] which Brill (1989a) used as well and which I will return to later in the discussion. This dissertation follows more closely the former line of thinking, presuming the importance of the basic distinction between the space of the individual dwelling and all other spaces; where the latter are accessible to a greater number and a greater variety of people than the private household.

While the discussion here treats public and private as discrete entities, it is clear that private and public exist on a continuum, which includes both semi-private and semi-public spaces. Furthermore, it is assumed that such an axis or continuum is meaningful and useful. Using this continuum does not imply a desire to oversimplify or negate the work on the complex issue of *privacy*, which, while not unrelated, is not equivalent to *private*. Privacy is an issue of boundary control, practiced by both individuals and groups. There is a large and extremely useful body of literature regarding states of privacy (Laufer & Wolfe, 1973a, 1973b; Proshansky, Ittleson, and Rivlin, 1970; Westin, 1967) Additionally, some researchers have drawn a greater relation between privacy, private space, and the domestic, as well as conceptualizing its development as a class-based phenomenon (Mumford, 1961). Privacy does not require, nor is it limited to, private space. For example *anonymity* is a privacy state which requires being *in public*, and people often seek privacy in public and public space. I will return to privacy in public

space as one form of *appropriation* of space in a later section. To be in support of public space and public life is not to negate the value of privacy.

Lofland (1998) assumes

> … that it is meaningful to distinguish between different types of physical space and that the "private-public" axis constitutes one sort of meaningful distinction. (p. 8)[29]

She goes on to point out that even in societies that make distinctions along this dimension or axis

> exactly where the line is drawn [between private and public] and what is understood by each term are matters of enormous historical and cultural variation. (p. 8)

Lofland contends that if one considers America and northern European cultures currently and over the last few centuries, one finds that

> …. space *is* routinely divided into public and private and there appears to be a rough consensus – at least theoretically – about which is which. Public spaces (whatever their ownership) are generally understood to be more accessible (physically and visually) than private spaces… (p. 8).

However, greater precision is provided by understanding that three characteristics are often used to analyze the meanings of public and private: access, agency of control, and interest (Benn & Gauss, 1983; Forrest et al., 1979; Forrest & Paxson, 1979; Hoffman & Paxson, 1979; Paxson, 1979; Pitkin, 1981). The notion of legal ownership crosses all three characteristics; (Benn & Gauss, 1983; Forrest et al., 1979, Forrest & Paxson 1979); therefore, what is publicly owned may still have restricted access and what is privately owned may have unrestricted access. Constance Perin (1977) employs a symbolic framework in her analysis of American's use of space which is primarily based on concepts of ownership, property, and real estate. She looks at both the allocation and exchange of space as demonstrations of societal and cultural rituals and rules of property

control. Ownership, access, and control are of key importance in analyzing public spaces. City streets, squares, and parks are usually both publicly owned and open, at least in theory, to the entire population. Other privately owned and controlled spaces and buildings are open to the public but the owners may refuse or discourage entry to certain segments of the population (Brill, 1987; Carr et al., 1992; Forrest & Paxson, 1979; Franck & Paxson, 1979; Kayden, 2000). Examples of such spaces are stores, shopping malls, parks, and plazas owned by private corporations, some of which were built as a trade-off for zoning variances. Other sites are both publicly owned and open to the public, but the segment of the population actually using them may be restricted through self-selection or social control. Yet all these spaces, from streets and parks to libraries and museums, are loosely called public and, in some sense and to varying degrees, they are. For New Urbanists' issues of ownership, access and control are less clear. This is because in many of these developments and "communities" the ownership, like that of zoning bonus plazas, privatizes space types that we as a culture tend to think of as publicly owned, such as streets and parks. The access, control and enforcement of rules is often done by a privatized security firm rather than by a public police force. Their rhetoric on the other hand describes all these spaces, that Lofland would label parochial at best, as public spaces (Calthorpe & Fulton, 2001; Feldman & Jaffe, 1992; Lehrer & Milgrom, 1996; Wilcox, 2001, 2002). Cooper-Marcus (2000), using Village Homes in Davis, California as a counter case, argues that New Urbanist developments lack good quality parochial spaces, what she calls shared or communal space as opposed to public space, as well.

A sharp division between the private realm of the household and the public realm of political discourse was characteristic of life in ancient Athens and was extolled by Aristotle (Elshtain, 1974; Pitkin, 1981). The public spaces of the polis were the highly valued realm of the free citizenry and therefore were only open to free, male citizens for participation[30]. Women and slaves were consigned to the less valued, although necessary, realm of the household, which was also the space of production. In fifth century Athens, women were not permitted to enter many areas of the city, including the agora or central gathering space, and a special police force restricted the movements of women (Keuls, 1986). Unescorted "genteel" women venturing into public spaces risked rape, as well as censure. Working women, both streetwalkers and others with "spoiled" identities, and other service workers were always a part of the public arena, they were just not necessarily noticed, were vulnerable, and were definitely not equal participants. The concept of separate realms (with women assigned to the *private*, domestic sphere and men to the *public* civic sphere commerce and work) while important in the 19th century, was actually better realized in America post WWII in the development and expansion into the suburbs. This historical gendering of space still influences our definitions, our perceptions and our expectations about public space, public behavior and public life. It is critical that as scholars we attempt to understand and be clear about their (public-private, civic-domestic) overlapping aspects and influences.

The difficulty of defining public space and its relation to public and private and the domestic aspect of private has also been addressed by critics and theorists working in the field of public art.

> Works of contemporary art in public places are encountered by diverse publics… This raises questions as to the extent to which all art is 'public' and the level of

> education required if an observer is to understand the work, and whether a site is seen as a physical space, or has another set of dimensions in the public realm. The notion of publicness as site remained largely undisputed until Patricia Phillips' seminal article 'Out of Order: the public art machine' for *Art Forum* in 1988; Phillips attacked the assumption that 'this art derives its "publicness" from where it is located', arguing that the concept of 'public' is 'a difficult, mutable and perhaps somewhat atrophied one' and that 'the public dimension is a psychological, rather than a physical or environmental, construct' (Phillips, 1988:93). … public art, then, crosses the gendered boundaries of public and private domains, just as public issues are not bounded by space, and television and electronic media are public in terms of access but consumed in domestic spaces and controlled by corporate interests (Miles, 1997, p. 14)

In addition to the gendered quality of our definition of public and private, confusion has arisen as the so called *public* or civic environment is becoming increasingly *privatized* through corporate development and control of spaces that purport to be intended for use by the public but are not (Barnett, 2003; Francis, 2003; Kayden, 2000; Mitchell, 2003; Nevárez, Curran, and Brower, 2000).

Deutsche (1991b), talks about the contradictions in private development of public space – "the provision of space for "the public" testifies … to the wholesale withdrawal of space from social control" (p. 165), producing "disciplinary technologies in Foucault's sense insofar as they attempt to pattern space so that docile and useful bodies are created by and deployed within it" (p.187). The result is what Alexander Kluge and Oskar Negt have called a *pseudo public sphere* (Kluge, 1981-1982) where private interests increasingly control the public domain and commodify all aspects of daily life. To counteract this *pseudo public sphere* Kluge and Negt propose an *oppositional public sphere*. Deutsche describes this *oppositional public sphere* as an arena of political consciousness, of *publicness* which is illustrated in *If You Lived Here: The City in Art, Theory, and Social Activism- A Project by Martha Rosler,* a project with its focus on homelessness and representation (Wallis, 1991).

Such public space either covertly or overtly discourages occupants of certain kinds or feature increasing restrictions on allowable activities (Brill, 1989a; Forrest & Paxson, 1979). Sennett (1977) and Lofland (1973) among others have decried the privatization of culture. Brill (1989a) discusses it as a "loss of categorical distinctions", or the greater overlap[31] of the public and private realms including a similar "loss of life in the street". He further describes the privatization of culture as public environments which serve private wealth and interests, erosion of civil liberties, loss of separation or distinction between government and business, loss of separation between public and private services, and loss of diversity.

> The two fundamental forms of social relations are those of public life and those of private life. They are distinct, traditionally, in that private life is controlled by the dweller, sequestered, a sheltered region of life, one with family and friends. In contrast, public life always combined three characteristics: a common-wealth for the common good or benefit, open to general observation by strangers, and involving a diversity of people and thus engendering tolerance of diverse interests and behaviors. With public concerns intruding massively into private life and environment, these distinctions are blurring. (Brill, 1989b, p. 20)

Fraser (1989, 1992, 1997) and Young (1987, 1989, 1990,1997b) argue that identity politics and the greater recognition of difference or diversity, even to the point of negation of "the common good or benefit", is more to the point here.

Definition of Publicness and Why it is Important

The concept of publicness, which is one cornerstone of this research, is related to definitions of private and public but goes further, building on them. What is publicness?

Several years ago when beginning this research we[32] coined a term, *publicness*, which has since been widely adopted by researchers and others interested in the field of public space. We focused on defining *publicness* and operationalizing it as a quality which

would help to determine good or successful urban public open spaces. One important assumption embedded in the concept is the value of supporting non-mediated face-to-face public life. [33]

Publicness is a concept which reflects the value of common or communal life to people versus the individualization and withdrawal of people from society (Sennett, 1970; Slater, 1976). Non-mediated or "face-to-face" interaction is important, and so is interaction between diverse types of people. Such interaction includes aspects of both confrontation, negotiation, tolerance, and respect, if not respect of the other at least respect for the rights of the other (Berman, 1986; Carr et al., 1992; Forrest & Paxson, 1979; Francis, 1987b, 1989; Franck & Paxson, 1989; Hoffman & Paxson 1979; Kornblum, 1979; Korosec-Serfaty, 1982; Lofland, 1973; Walzer, 1986). Publicness in part must help to define the role of public life in a healthy society, and as Brill (1989b) points out, this means defining what public life is, or what we think it should be, in our culture at this time.

Understanding publicness and public life includes analyzing cultural, economic, and political conditions, both current and historical, as well as coming to grips with the apparent contradiction of American values for individualism and privacy versus community and public (Brill, 1989b; Jenson, 1979; Lennard & Lennard, 1984; Walzer, 1986). Publicness might be defined as the degree to which there is an equitable distribution of control and use or it can be defined as the degree to which there is equitable distribution of the five spatial rights that Carr et al. (1992) put forward as Burton (1990) has proposed. However, I would postulate that publicness can be seen as encompassing many aspects: publicness as access, as control, as freedom and choice, as

diversity, but perhaps most importantly as contestation. Publicness has embedded in it a value orientation that a broad range of people has the right to enter, use, and modify, a public space, but more importantly that a broad range of people have the right to engage in contestation in and about public spaces. Publicness indicates a balance of freedom and control, thus, a public space is a place where public business and activities can take place under public scrutiny and where some sample of the population can gather or participate in activities or observe them. Publicness is also about facilitating diverse, heterogeneous, and especially fringe or marginal voices related to the social, and physical or material environment.

The concept of publicness includes both the physical attributes of a space and its social and behavioral features (Forrest & Paxson, 1979), or to use Low's (1999b) terminology, both the social production and the social construction of space. Publicness as a concept was based on the idea that many of the positive qualities of human settlements, especially of cities, are related to diversity (of people, places, ideas) and the social interactions between these diverse groups of people (Lennard & Lennard, 1984; Lofland, 1973; Sennett, 1977). Publicness also includes the idea of choice of spaces, so there must be a variety of public spaces which provide for options and choice. Ultimately, people must know what other spaces exist to choose from (Brill, 1989b; Chidister, 1989b; Franck & Paxson, 1989).

Issues of Publicness

The consideration of publicness raises several issues to be discussed including how public spaces have been evaluated or what is considered important about them. The issue of diversity or heterogeneity emphasizes that the concept of publicness is related to

the creation of typologies of activities and participants[34], since diversity is related to the definition of difference or *otherness*. Additionally, publicness involves a number of other issues, including access, control, freedom and choice, identity, order and disorder, comfort and discomfort, or ease and dis-ease and the role of codes, signals, and negotiation, as well as *stories*.

Values and Criteria for Evaluating Public Space.

The concept of publicness, and its description raises the issue of how public spaces are evaluated or what is valued or considered important about them. In order to examine how contestation could function as criteria for evaluating public space or become a valued aspect of public space it is useful to look at other criteria that have been used to value or evaluate public space previously.

The Value of Openness and Greenness.

There is a great deal of previous research on one of the important criteria of public space - openness and or greenness. Previous public space research has focused almost exclusively on urban environments. Much of this work comes from the fields of urban studies and theory or recreation and leisure studies. Typically this work focuses on particular types of public spaces such as parks or plazas. This work grows out of earlier attitudes related to crowding and unhealthiness in cities. It can be typified as work in which the importance or value of public space is primarily its function as the *"lungs of the city"*.

Current research which values the openness or greenness of public space might be identified as a concern about ecology or *green design*, or it may still be indicative of health related concerns. Such health concerns are now more focused on the value of access to places where one can pursue healthy, active recreational activities as opposed to providing unbuilt

areas to relieve overcrowding (Abarbanel, 1977; Cranz, 1982; Crouch, 1979; Gans, 1968; Gold, 1977; Guggenheimer, 1969a,b, HCRS, 1978; Heckscher & Robinson, 1977; Hill, 2005; J.B. Jackson, 1979; Project for Public Spaces, 1981c; NCUR, 1980; Schaefer, Rudd, & Vala, 2004; Specter, 1974; Spirn, 1984; L. Taylor, 1979). While I will discuss *access* in greater detail shortly, actual physical access is an important aspect of the value of open or unbuilt green spaces for most of these scholars. Open or green spaces do have a value or use which transcends their actual physical boundaries, since they can provide visual relief, and green spaces can process carbon dioxide, water absorption and cleansing and other environmental benefits. When users' access to green or open space is limited solely to visual rather than actual physical inhabitation and use, it is still considered valuable[35] even though it is seen as a poor substitute to most researchers (Francis et al., 1981, 1984; Linn, 1968, 1979). There is currently a growing body of literature on the value of the recreational aspects of space particularly related to active and healthy lifestyles (see for example www.activelivingbydesign.org this group cites a wide range of medical and community health studies to support their valuing of spaces based on their ability to support and active lifestyle).

While the role of public space in providing a break in the built-up urban fabric, allowing places for greenery and plant growth, as well as for active recreation, are important issues of at least one type of public space, they are not the central issues of this research except as these aspects are contested. Examples include when disputes occur about what recreation or activities are or are not supported in the space, or when contestations arise about the distribution of places that help alleviate crowding or provide for *natural* ecosystems.

Such spatial amenities can have economic value which extends beyond their physical boundaries similar to their value as a visual amenity. Property values tend to be higher around

the periphery of parks (and to some extent plazas). Where such spaces are ultimately located or provided, and their perceived value are therefore of vested economic interest to at least one group within the *public* (Barnett, 1974, 1980; Cranz, 1982; Dear & Scott, 1981; Epp, 1971; Freidland, 1980; Heckscher & Robinson, 1977; Nager & Wentworth, 1976, 1979; Reps, 1992; Zisman, 1967). Similarly, whatever former uses are lost in an area where such open spaces are created are clearly of interest, economic or otherwise, to some group of the public (Barnett, 1984; Becker, 1973; Hartman, 1974, 1979, 1982; Hayden, 1995; Holston, 1991; Nager & Wentworth, 1976,1979; Reed, 1979; Farbstein, Wener, & Axelrod, 2000; L. Taylor, 1979). Although it does not create more green open space, Blake (1966) has pointed out that some public spaces have been provided to set the building off by itself as a piece of art. This creates a grand entrance, allows the building be photographed without the rest of its immediate context and allows it to be seen as a separate entity – a kind of "social billboarding" (Forrest et al., 1979; Forrest & Paxson, 1979). Such billboarding explains in part why many plazas are not built to "human scale".[36] Beyond these criteria which value public space as an environmental amenity at some level, the cluster of criteria which relates to a public space's use and commodification value is salient. The concepts that relate to this criteria cluster and the previous public space research on these aspects figure strongly into issues regarding contestation.

The Value of Density, Number of Users, Length of Stay, or Amount of Revenue Generated.

William H. Whyte's (1980b) work, which began with a concern about urban crowding, and which he thought of as showing why some urban spaces *work* and some do not, was a critique of both the public (city government) and corporate groups involved in

providing public space and their values in opposition to those who might be seen as potential users. His criterion for *working* or *success* was in part an issue of density in terms of number of people who come and their use or length of stay in a space.

Whyte's (1972, 1974, 1980a, 1981) work is considered seminal in the field and it identified a number a key aspects for future researchers to consider, thus setting the stage for much of the public space research in the coming decades. His work identified greater use in terms of both *numbers of people* who come and their *use or length of time* spent as the primary criterion for considering an open space successful. This criterion became so rooted in public space research that it was often unstated and simply implied, so to propose any other criteria to define a space as successful required elaborate explanation (Bryant Park Restoration Corporation & Project for Public Spaces, 1980; Carr et al., 1992; Childress, 1993, 2000; G. Clay, 1978; Cranz, 1982; I. Davis, 1980; Deutsche, 1996; Forrest et al., 1979; Forrest & Paxson, 1979; Francis, 1987a, 1989; Franck & Paxson, 1989; Gehl, 1987; Jones & Graves, 2000; Low, 1988; Nager & Wentworth, 1976; Owens, 1993a; Rivlin, 1986b; Rosenzweig, 1979; E.Wilson, 1991). Even today this criterion has remained strongly in place and it is often used as a secondary criterion even in work where it is not the primary criterion. Later work began to consider the economic component of this criterion, redefining the measure of success or quality of public space as the amount of money that it could generate. This has been described by some as the "malling" or "boutiquing" of America, since shopping has emerged as a leisure or recreational activity (Carr et al., 1992; Deutsche, 1996; Forrest & Paxson, 1979; Morton, 1978; Plattner, 1978; Project for Public Spaces, 1984, 1988; Stephans, 1978a, 1978b; Zukin, 1999, 2000). Additionally, if the density or length of time is not the

primary criterion, use itself is (Cooper-Marcus & Francis, 1998; Francis 2003; Gehl & Gemoze, 1996).

Another way to define or describe this value or criterion is as the *"highest and best use"* a criterion against which much of the public land of the U.S. such as those managed by the National Park Service (NPS), the National Forest Service (NFS), the Bureau of Land Management (BLM) have been measured for many years.

When travelers from the "old" world came to the "new" world they *saw* an uninhabited, unused, natural landscape - they discovered a *virgin wilderness*. Of course, there were people in the wilderness but not too many. They were "savages" and so they did not really count. While it is clear that a number of political, social and cultural values encouraged or shaped this vision, it is also clear that different epistemologies shaped or influenced the way the space they *saw* was used[37] (Anschuetz, 1998, 2000; K.F. Anschuetz, personal communication, June 17, 2000; Anschuetz & Scheick, 1998; Anschuetz, Wilshusen & Scheick, 2001; Deloria, 1995a,b; Small & Jaffe, 1991).

We (mainstream western European influenced American culture) have acted as though there is a singular unitary *public* with *shared* and agreed upon concepts and values of not only the common good, but of the highest and best use of space and resources. Within the concept of multiple points of view, there is an acknowledgment of difference. Such an acknowledgement is opposed to understanding difference as something that needs to be changed, or something required to change itself, to accommodate to *the mainstream* or a particular accepted or assumed set of values, i.e. assimilation. This acknowledgement of difference challenges an idea of civic unity achieved by the public adopting an impartial and rational point of view, recognizing

common interests and leaving particular interests and needs in the (distinctly separate) private realm. The common, non-particular, interests are a set or subset of values, issues, concerns, and behaviors, which are defined as typical, mainstream, acceptable, or right. Defining them this way excludes from debate topics having to do with any other points of view or interests or definitions, and excludes from the public those individuals and groups who do not fit the model of the particular interests and needs which are defined as typical, mainstream, acceptable, or right. Unity requires a high degree of homogeneity or some way of transcending, ignoring and devaluing difference while idealizing sameness.

Previous scholarship of public space has valued spaces or defined spaces as successful according to the following criteria: the number of users, the length of their stay and or the amount of revenue generated (where higher values of each are desirable). Together these criteria might be described as the "highest and best use" of a space. As such they rely on a shared or agreed upon definition of the common good and therefore the highest and best use of any space. Who shares and agrees upon definitions of the common good is often is often a limited group, and even if a majority it raises the question of minority values and rights. Accepting that the public is actually a range of publics indicates that the "highest and best use" of a space and the criterion on which this is based will always need to be a matter of discussion, dialogue, or contestation rather than a given.

The Value of Access and its relationship to Ownership and Control.

Another criterion for both evaluating and defining public space has been access. Obviously the preceding criteria are difficult to consider if the space cannot even be accessed. Whyte's work (1974, 1980a, 1980b, 1981, 1988) deals with access primarily

from the standpoint of physical ability, or the ease of entering a space, but also considers the ease of seeing into or out of these spaces. For most other researchers access refers primarily to the *right* of access. A concept of rights, particularly the right to access, is useful as part of a set of evaluation criteria for spaces (Burton, 1990; Carr et al., 1992; Lynch, 1968, 1979, 1981). The right to use, and *rights* to provision of space and specific activities within the space will be discussed later. Accessibility of a space includes physical access, and *visual access*, but the *right* to access also includes the physical ability to access a space, as in "barrier free" access or ADA compliance, plus the ability to subject the space to public scrutiny. The right to access and use a space therefore might be called the freedom to choose and use a particular public space (this definition of the right to access subsumes both physical and symbolic access as discussed by Carr et al., (1992). Whyte (1980b) was also concerned about how access and control of space were impacted by the private provision of public space.[38]

When defining both public space, and access to it; the concept is complicated by issues of ownership, especially in this country. Access and ownership are further complicated by issues of control. Control is an important aspect noted by several researchers (Carr et al., 1992; Carr & Lynch, 1979; G. Clay, 1969; Francis, 1989; Lynch, 1979), which impacts many issues of both publicness and public space. While one might discuss control as the major issue and then all the aspects it affects, this work takes the opposite approach and discusses the various aspects noting how each affects, and is affected by, aspects of control.

In order to understand issues of access especially as they are related to ownership, one must discuss the relationship between ownership and control. In western, particularly

U.S. culture, control is related to ownership. Yet it is not a simple relationship. Some public places are on land to which a public entity holds title. On the other hand, a public space or building may also be privately owned. Places which provide entertainment and recreation, such as movie theatres, restaurants, and malls, are good examples. Ownership does not necessarily provide control for all cultural groups in the society; i.e. American Indian, tribal or traditional cultures where there may be communal ownership and control is therefore less related to issues of ownership. In mainstream U.S. culture the tight relationship of ownership to control is not usually questioned. Perhaps that is why public areas on land understood to be owned by the public in a direct way, such as a park created with tax revenues, are different from those public spaces which are located on land which is not, or does not appear to be, owned by the public. Laws governing ownership rights are quite strong in the U.S.

Access and the right to access are major concerns raised about privately provided or subsidized public spaces, as exemplified by over 100 such places in mid-town Manhattan. Many of these spaces were built as a result of the 1961 revision to NYC's zoning regulations (Barnett, 2003; Kayden, 2000; Whyte, 1980b). Although these spaces, and access to them are defined as being legally owed to the public, they nevertheless exist on land which is still owned by a private entity. This privatization of public space has complicated the definition of public space. In addition it has limited both the recognition and the valuing of public life at this time in our society.[39] Many scholars (M. Davis, 1990; Deutsche, 1996; D. Mitchell, 2003; Sorkin, 1992) are critical of the apparently ever-increasing privatization, sanitization, commodification, malling and theme-ing or disneyfication of public space represented by corporate atriums and gardens, gated

communities, redevelopment of places like 42nd Street and suburban shopping malls and Wal-marts that destroy downtown areas. Privatization is an outgrowth of the highly privileged status of private ownership which is granted almost sacrosanct control. Increasing privatization and control evokes concern that privatization and some other forms of urban redevelopment intend to, and successfully do, exclude people without the requisite money, and lifestyle interests needed to participate in these urban spaces.

Whyte (1972, 1974, 1980b) explicitly discusses ownership and control only when he is discussing some people as "undesirables" in small urban spaces. Although most of the spaces he studied are privately owned, many of them were provided as a required public amenity in exchange for zoning bonuses. While these spaces are privately owned and maintained they are public in the sense that there is a legal requirement for public access.[40] In the years since Whyte first conducted his research, the amount of privately owned public space may not have grown radically but other public-private joint agreements regarding provision or maintenance of various sites have increased, an example of which is the creation of *Enterprise zones* in New York City, along with several other business improvement groups such as Grand Central Partnership, 34th and 42nd Street Partnerships (Kayden, 2000; Sebastian, 1998). While these agreements may not alter ownership per se they do extend a perception of ownership and therefore of control which is sometimes used to limit access and rights to access.

The importance of ownership to control is quite clear in much of the research on the neighborhood greening or community open space movement (Francis et al., 1984; Trust for Public Land, 1981). Many scholars (Chidister, 1986a; Carr et al., 1992; Forrest & Paxson, 1979; Francis et al., 1984; Rutledge & Molnar, 1986) have commented on the

incongruity of privately owned *public* space, as well as its potential limits, conflicts and contestations, for both use and users. In fact, Carr et al. (1992) include ownership as one of their *spatial rights* and they suggest that it often "represents a form of ultimate control, encompassing and transcending" the other four spatial rights they posit (p. 177).

Lee (1972) suggests, in reference to Fried and Gleicher's work (1961), that perhaps only the middle classes are constrained by the concept of ownership:

> ...the ownership of real property is closely related to the 'middle class' sense of belonging, while a knowledge of local inhabitants, events, and situations is closely related to the sense of belonging in the urban 'working class'. (Lee, 1972, p. 25)

This proposition raises the question of whether the *property less lower class* is as alienated from what they do not own as the *property-owning middle class*. Is the *property less lower class* better able and more willing to treat any property as common property? Is their shared scheme of order such that they do not require legal property rights to experience space as their *own*? This will be an important postulation to explore in studying publicness and public spaces.

In addition to ownership, access is related to control over entry. Individual control or control by one user group can often limit actual or perceived access and therefore use by other groups. Alternatively this type of access issue can become an issue of contestation. Control of a space by a single user group is not uncommon – it has its own label, appropriation (Carr & Lynch, 1979; Carr et al., 1992; Francis et al., 1981, 1984; Lindsay, 1977; Lyman & Scott 1972; Lofland, 1973, 1984, 1998). Whether appropriation is seen as positive or negative often depends on who is the user group in control and who is excluded. Appropriation, whether it limits access, constrains use of only a portion of the space, or increases use and users, is often the basis of contestation in public space.

The issue of control directly exerted over entry to the space, by requiring payment or a ticket is becoming an increasingly important one[41]. Payment for entry or for use or the expectation that one may purchase goods does limit the variety of users and thereby generates a kind of homogeneity. It is clearly potentially limiting or *exclusive*. Plazas, atriums, and malls do not require such payment, yet through obvious or subtle devices they make clear that only potential consumers are welcome, thus promoting a high degree of homogeneity.

Access, and its relationship to issues of ownership and control has been an important value and criterion used or discussed in past public space research. Access, ownership and control are issues that have helped to complicate definitions of public and private; they are central to the scholarship concerning "privatization" and key to concepts of exclusion and exclusionary practices. Much of the contestation that has been discussed in the previous literature is related to these issues including appropriation which is often the basis for contestation in public space. So these are three important aspects to understanding or unpacking contestation as will be seen in this work.

The Value of "Meeting People's Needs" and the Role of Comfort and Ease in Public Space.

One could argue that since its inception one of the mandates of the field of environmental social science has been focused on helping designers and policy makers better meet the needs of the users of their spaces (Altman, 1975; Canter, 1974,1977; Canter & Lee, 1974; Lang, 1987; Proshansky et al., 1970). As the field has matured, some environmental social scientists have tried to come to grips with issues of needs versus desires, and with the complex trade-offs between many different user groups with competing needs and desires. Work in public space is no exception (Carr et al., 1992;

Francis, 2003; Gehl, 1987; Gehl & Gemoze, 1996; Marcou, O'Leary & Assoc., 1978; Whyte, 1980b). A few scholars of public space have postulated that conflicts and contestations are the result of unmet needs and are a problem to be resolved as this passage by Francis clearly illustrates:

> Much design practice today lags behind research advances on the needs of people in public space. As a result, considerable problems and conflicts exist in urban public open space. These may occur between users and managers, designers and managers, or between different groups of users. We all know the problems in our own communities, such as playgrounds going unused, teenagers occupying spaces designed for the elderly, or conflicts between some park users and skateboarders, dirt bikers, or graffiti artists. … [they] serve as barriers to people enjoying places. Many conflicts can be reduced or even eliminated through effective programming, design, and management. (Francis, 2003, p. 2)

> This passage also helps illustrate various roles of the public and how contestations can take place between the various role groups that make up the public just as they may exist between various sub-groups of users. Private sector and corporate groups have been criticized for providing spaces which looked like they were intended for public use and gathering, and for which many of them had received monetary rewards, but which did not provide the necessary amenities. Public organizations have been criticized for giving away millions of dollars in zoning bonuses, as well as ownership and control, in exchange for places which did not meet people's needs[42].

Some scholars have postulated users' comfort as a criterion for success (Whyte, 1980b; Francis 2003), but qualities that make it socially or culturally comfortable to one person may make it uncomfortable for another. Public space, is **not** entirely or primarily about *customer satisfaction*, nor is it simply about *comfort*. This research on public space involves examining moments, situations and issues where discomfort (at least for some) may be more typical or even the norm, allowing or providing for greater freedom of assembly. While I support making comfortable environments that respond to users' needs, this is not always a desirable goal. In certain respects public space may be a prime instance where comfort may be compromised in order to meet other goals.

Others, most notably Nietzsche (1964, 2002), and Schopenhauer (1942), have argued that comfort is banal and that, for example, truly aesthetic, and spiritual, or sacred experiences require a certain level of discomfort or dis-ease. I do not advocate torture, nor do I mean to indicate support for the practice of placing spikes and rocks on ledges, planters, and other surfaces in spaces, meant to deter people from sitting or leaning on them. I simply support the idea that part of the role of public space is to experience difference. Because it is not always predictable who and what one will come in contact with in public space, being in public space is neither entirely safe nor entirely comfortable, thus issues of comfort and ease are also related to issues of safety and fear.

The *comfort* of users in public space is often both an implicit and explicit indicator for establishing the quality of a space as good or successful, therefore it becomes a reason for exclusion of certain users or behaviors. For example,

> Both downtown businesses and city governments are ultimately concerned with public space-- the streets, sidewalks, parks and plazas-- for it is here that the quality of life is often measured. People will not shop downtown if they are afraid to be on the streets, nor will they overlook litter and garbage if a shopping mall provides a more attractive alternative. The streets, sidewalks, and other public spaces largely define the city. This is the stage where both public and private investments are set. Shopping center managers have long understood how to create *safe,* clean*, comfortable*, and lively places that attract people. Public spaces in shopping centers are constantly maintained, have private security guards, offer the opportunity to buy a snack while strolling and provide entertainment, promotions, and offer elaborate seating, fountains, and other amenities. [emphasis added] (Project for Public Spaces, 1984, p. ix)

Comfort is both a highly touted but questionable (one might even say *contestable*) quality of public space in the existing literature. Francis writes: (1991) “One can use a ‘comfortability’ factor to gauge the potential success of a new public space or street environment,” (p. 32) and he is not alone (Brower, 1977a,b; Carr et al., 1992; Day &

Horwitz 2000; Francis, 1981, 1989, 2003; Francis et al. 1982; Franck & Paxson, 1989; Gehl, 1979; Lofland, 1971; Mozingo, 1991; PPS, 1981,1992; Rivlin, 1984; Whyte, 1980b). Conversely many criticisms of spaces are based on describing a lack of comfort or problems concerning discomfort. Many conflicts or contestations revolve around comfort issues.

Comfort, it is important to note, contains both physical aspects as well as social[43] or cultural ones and they are not necessarily mutually dependent nor are they mutually independent or exclusive. Physical comfort, a comfortable place to sit, or the desire for and availability of a place in the sun on a cool day and a place in shade on a hot one, and so on, are issues of physical comfort, and most of the work which deals with comfort explicitly, limits itself to this aspect. Physical comfort can be a worthwhile goal in public space and much of Whyte's own (1980b) work and its later continuation by the Project for Public Space illustrated the importance of providing flexible seating, shade and sun, greenery and water with the goal of creating a comfortable space that would draw people to public space and entice them to stay. *Social comfort* raises issues such as, does the presence of the homeless make us *uncomfortable, and* do women feel *comfortable* coming to the space alone? This aspect of comfort is often included under the label of safety (Carr et al., 1992; Clement, 2004; Cooper-Marcus & Francis, 1998; Forrest & Paxson 1979; Francis, 1989; Schneider & Kitchen-Schneider, 2002; Wekerle, 1981; Wekerle &Whitzman, 1995). Francis (1991) wrote about what he called "democratic streets – streets that have meaning for people, invite access for all, encourage use and participation, are loved, and well cared for by their users." (p. 23) "A street needs to be comfortable to be democratic." Francis defined comfort or *comfortability* entirely in terms of physical aspects. Francis expressed some concern about the future of such streets in the face of increasing privatization, and the

creation of *interior streets*, and pedestrianization. His expressed concern can be seen as an indication of ongoing contestation. What a *street* is, or will be, is being constructed, in everyday life and in the professional realm as users, designers, administrators, and scholars create, legislate, manage, use, and study these spaces.

The concepts of ease and comfort as valued aspects of *public space* are commented on as early as 1868 by Olmsted:

> The advance [or increase] in value [of lands surrounding park space] will be found to be largely dependent on the advantages of having a near residence, a place where, without reference to the sylvan attractions found in a large park, driving, riding, and walking can be conveniently pursued in association with pleasant people, and without the liability of encountering the unpleasant sights and sounds which must generally accompany those who seek rest, recreation or pleasure in the common streets. (Fein, 1972, p. 157)

Physical comfort undoubtedly has an impact on the social and cultural aspects of comfort and the social and cultural affordances of any space. Of course social and cultural comfort can exist in spaces which are physically very comfortable as well as in ones that are not. Whether or not *social* comfort is a worthy goal in public space is another story, particularly when it is used to justify exclusion. Comfort is often assumed to be required for those users, activities and views which are defined as mainstream or majority, while those users, activities, and views that are not in the majority are often seen as sources of *dis*-comfort. It is then clear that *comfort* and *contestation* will frequently be in opposition. Contestation, or the expression and negotiation of difference, is clearly related in an important way to the issue of *comfort*. Supporting the concept of contestation allows us to ask questions like: Whose comfort? Whose discomfort? and Who gets to define comfort? and Do the same groups get to be comfortable and define comfort everywhere at all times? Or are different groups

comfortable and uncomfortable at different times and different places? Or perhaps it is a question of your definition of what is a *homey* or comfortable place, smell, activity, and person. Perhaps more centrally the concept of contestation forces us to consider the very definition of comfort related to public space and to take a closer look at comfort, especially *social* comfort.

Publicness as Freedom and Choice

A concept of publicness must also include the idea of choice, not only of activities but also of spaces (both types of spaces and areas within spaces), and of time, and the freedom to make and implement choices. This idea encompasses part of what Carr et al. (1992) propose as one of their spatial rights, that of "freedom of action".

Additionally, this aspect of publicness is important to contestation in terms of both the freedom to choose to engage, or not, in any contestation. Freedom and choice also are critical in terms of issues of inclusiveness versus exclusiveness in terms of who is made to feel welcome or not (Bryant Park Restoration Corporation & PPS, 1980; Burton, 1990; Franck & Paxson, 1989; Gold, 1972; Nager & Wentworth, 1979; Whyte, 1980b; Young, 1990, Zukin, 1991, 1999) as well as who "appropriates" space and who is excluded by such appropriation (Beal, 1995; Fraser, 1997; Paxson & Juhasz 1996; Rozenzweig, 1980; Thompson, 1997; Woolley, 1999). So that freedom and choice have the potential to facilitate heterogeneity in spaces.

Publicness as freedom of choice also introduces the issue of accessibility across time. Many public spaces are closed at dusk; this is typically based on a perception of demand, in conjunction with perceptions of crime and safety. The inclusion of the aspect of time, of both day and night, prompts the consideration of the population of night

people. Our society is oriented towards those who work during the day and sleep at night, who have evenings and weekends free and who have lunches at noontime. However, this is not the only time frame for people. A great number of shift workers and others have *leisure* time which falls outside of the leisure hours of day workers. Additionally in the last few years there has been an increase, in attention at least, regarding what is labeled the "24/7" lifestyle and cities that never sleep, and the availability and access to services, entertainment, and so on beyond previously considered necessary hours of service and operation (Bartz, 1994; Presser, 2003). Given this change it is even more critical to consider availability and choice in public arenas.

Since publicness includes the idea of choice it must also include knowledge or awareness of public spaces. In order for people to use and treat a space as public they must be aware that it is a public space. Any evaluation of public spaces must include an understanding of how people come to know about and use such spaces, and how knowledge and awareness differ from one group of users to another.

Freedom and choice impact and are impacted by contestation in a number of ways primarily related to issues of inclusion and exclusion therefore considering issues of freedom and choice will be central to any broader theory of contestation and public space.

Publicness as Control

The decisions and policies which relate to the provision of public spaces, and aspects of ownership are part of publicness as control. It also involves maintenance and management of the space, including the rules of the space, and how these edicts are set, communicated, and enforced. This information helps determine who can use space, and

how they will be able to use the space, as well as who might be excluded or displaced. Therefore, *who* controls a public space and *how* control of space is achieved is important to the concept of publicness. Control may be directly exerted over entry to the space: by requiring payment or a ticket, as in museums and theatres; by removal of those deemed undesirable (unwelcome) by the controlling authority; by requiring users to have a key, as in some community gardens; or by having the space open only at certain hours. Control can also be thought of as the level of an individual's control over the elements of a space. This is in part similar to Carr et al.'s (1992) spatial right of "change" - modifying an environment to suit one's purposes. Using manipulable (non-fixed) elements in a space is an important way for providers to indicate to users what they can (or can not) control, and for users to communicate their control to one another. Carr et al. (1992) use control along with freedom of use as the central points of the dimensions of spatial rights that they propose. These dimensions: access, freedom of action, ownership, change, disposition, and claim refine or adapt those proposed by Kevin Lynch: presence, use and action, modification, disposition, and claim (Lynch, 1981).

There are many levels and ways of controlling both physical and social space. In addition to the socially recognized and legitimized exercise of power and control or individual control over space are forms such as appropriation. Appropriation is generally thought of as control through presence and use by groups of users. Some appropriations are legitimized through the existing cultural system, such as signing up to reserve the use of a tennis court or a park shelter with the parks department, some are simply a matter of claiming the space though use perhaps on a first-come-first-claim basis. Appropriation may also be described as one group using fear or intimidation to keep another group from

using the space. Or simply that the first groups' presence makes the second group uncomfortable or the first groups' use precludes the desired use by the second (Gold, 1972; Laurie, 1978; Whyte, 1980b). The space control exerted by gangs is similar to this type of appropriation. While a gang member will feel at ease in his or her territory, a member of a rival gang will feel ill at ease. Passersby might or might not be aware of the gang's territory, and might or might not feel at ease or ill at ease. Police, fire fighters, and other public workers know the gangs' territorial limits as well as their ability to operate within them. These kinds of multiple layers of control operate in most situations, and they vary in overtness and covertness in both democracies and totalitarian systems. In both systems some layers of control are legal and some are anti- or supra- legal.

Control impacts a number of other factors including access, freedom of choice, and both the uses and the users that the space allows, encourages or impedes. Control has a major impact on the use of public space. Sometimes use itself creates control, i.e., to use is to control a space. The concept of control, then, in many ways, has to do with supporting (or not) a variety of uses and users.

Publicness also takes into account that freedom and control are related, in as much as they involve tradeoffs in meeting public space users' needs and rights (Forrest & Paxson, 1979; Lynch, 1981; Carr et al., 1992; S. Cohen, 1985). An increase in control for one group increases freedom for that specific group but freedom for other groups may be reduced. Kornblum (1979) speaks of the freedom of letting loose of one's behavior in public with an accompanying responsibility to respect the rights of others (Lofland, 1998) makes a similar point). Publicness speaks to a balance such that the greatest diversity of people can exercise freedom of choice.

Freedom and choice are also constrained by the perception of safety. Although there may not be a physical barrier, rule, or agent of control which restricts access to a space, if users do not perceive the space as safe, they are not really free to make the choice to use it (Clement, 2004; Cooper-Marcus & Francis, 1998; Schneider & Kitchen, 2002; Wekerle & Whizman, 1995).

Just as control and freedom are inseparably linked in public life, public space, and public behavior, so are contestation and comfort. In addition, greater control –for one group or over one aspect - often results in less freedom for another group or in another aspect. This same type of relationship exists with control and comfort and contestation and comfort. Comfort is usually linked to use in the sense that if people do not feel comfortable in a space they will not come to it. Researchers and designers have also linked comfort to both control and safety, or more specifically to the *perception* of safety (Carr et al., 1992; Francis, 1989, 1992; Sennett, 1970). Some researchers have hypothesized that users' sense of personal control over a space[44] may increase positive feelings about the use, comfort and safety of the space itself (Francis, 1989; Lofland, 1972a; Carr et al., 1992). However, if only a single user group exhibits, or is allowed to exhibit, control or contestation other users may experience less positive feelings[45] about the use, comfort, and safety of the space.[46]

Consider perceptions of safety and the work of Lyn Lofland (1973, 1998) who explicitly notes the belief that a city's public spaces must, at least occasionally, generate mild fear, as long as it is not viewed by its citizenry as too dangerous.

> To teach tolerance – to create cosmopolitans – a city must show a substantial amount of "anarchy" … [but not] … overwhelm. p.243 … "the less frequently we are exposed to the rough and tumble of the public realm diversity, the more we are likely to be upset when exposure does occur and the greater the probability we will avoid the public realm if we can. (Lofland, 1998, p. 248)

Although the definition of public spaces in this dissertation is not limited to those found in urban areas, it is still instructive to note that one issue that is especially related to more negative interpretations of *city* or *urban* is the issue of fear. Tuan (1979) documents that historically *modern cultures* have gone from fearing the *wilderness*, and finding safety with others in *the city*, to fearing the others in the city and finding perceived safety in *the wilderness*, or perhaps at least in the suburbs. The issues of fear and safety play important roles in the development, design, maintenance, use, and the perception of public space as well as public life and behavior. Fear and safety are often the *codes* used to restrict or control a space (Clement, 2004; M. Davis, 1990; Ellin, 1997; Mitchell, 1995, 2003; Sorkin, 1992)[47]. As Tuan noted the changing nature of our relation to space, Lyn Lofland (1973) notes our changing relationship with strangers. At an earlier time they were welcomed as guests and sources of information, while presently they are the unknown, the other, and for many people, to be feared and avoided.[48]

The issue of comfort and ease, or dis-comfort and dis-ease, in public space, the public realm, and public life is at the root of the privatization and sanitization of urban public space. Fear and discomfort is what privatization and sanitization aims to eradicate. Fear of the unknown, particularly the unknown other, the *stranger*, to use Lyn Lofland's term, is the rationale for exclusion. Lofland points out that it is often the fear of visitors, not of the city inhabitants themselves, that is the concern of redevelopers.[49] Karen Franck (2001) notes the relationship between uncertainty and fear, or dis-ease and homogeneity in this way:

> One basis for mild fear is uncertainty; it is not only fear that is the object of concern, but any uncertainty or unpredictability whatsoever. By seeking to erase uncertainty, we seek to erase public life. The killer and the dilemma is that there is reason for feeling more than mild fear in some urban locations; this then

> becomes the rationale for redevelopment that eradicates any uncertainty. Indeed, the fear of uncertainty may be a large part of the drive toward sameness -- being able to purchase the exact same food or the exact same item in the same kind of decor no matter where you are in the country is another reason for the success of chain restaurants and chain stores.

This link between comfort and uncertainty raises questions for the relationship of comfort and control. Control is largely about reducing uncertainty, thereby increasing comfort, so to question the importance and the role of comfort to publicness and public space is also to question the level or amount of control as well as raising the questions of who is in control and over what. In this way I may be at odds with some scholars who have been more strongly in support of user control than contestation (Carr et al., 1992; Francis, 1989; Whyte, 1980b). Rosalyn Deutsche, (1996) places uncertainty both at the center of democracy and public space.[50] What and who is legitimate or not, is no longer determined by a king, the state, or a god. Legitimacy is not predetermined nor fixed so it is open to negotiation, and possibly therefore contested. False premises such as: *"if a park is a park it must not be a home therefore the homeless should not sleep in it"* have to be abandoned, and users and uses have to be negotiated. This trend often leads to the design of spaces with fixed use or use and illustrates a lack of understanding of the fact that space and use change over time in cultures, societies and built forms. This idea can also be compared to the ideas of Claude Lefort (1988) who believed that the place from which power derives its legitimacy is "the image of an empty place" by which he did not mean a barren or *demilitarized* zone but rather a place that was not entirely predetermined or fixed, but rather negotiated. Thus negotiation is the prerequisite for power in a democracy.

Whether spaces are *open-ended* or *predetermined* and *fixed* raises the issue of both design and programming of public space. Whyte's (1980b) work grew out of a response to

the barren empty spaces which were resulting from the zoning amenity policies and enforcement in the 1970s. Whyte believed that the emptiness which he found in so many of the small urban spaces he studied resulted from a desire to discourage any use as a way of avoiding unwanted use. Another response to avoiding undesirable use and avoiding *the horror of emptiness*, is overly designed or programmed spaces, or *themeparking* (Sorkin, 1992).

Management of a space gives the potential for further significant control of a space, since management implies actions which will encourage or discourage certain activities, uses, and even certain kinds of spaces. For example, programming activities or events ensures, in some sense, that others, perhaps those defined as unwelcome, will not spontaneously occur. (Burton, 1990; Carr et al., 1992; Forrest et al., 1979), what Korosec-Serfaty (1982) calls "implicit exclusion", etc.). Project for Public Spaces (1984) noted that in their earlier work they were mostly concerned with design and considered management "an important component to assure that a design worked on a day-to-day basis" (Project for Public Spaces, 1984). However, they note that their thinking has changed in the course of their work on public space. While the authors still consider design important, they believe "in many cases management is *more* important and can accomplish more and more quickly, than any urban design scheme." (their emphasis, PPS, 1984, p.vii) Management also includes aspects of rule enforcement. Management therefore also impacts publicness in that rules are neither set nor enforced uniformly across spaces or user groups.

Filling up the spaces with predetermined activities such as shops, vendors, public performances, etc. is often exclusionary. Such actions oppose Lefort's concept of power

in emptiness, as well as those of other researchers who have postulated the importance of control and choice (Carr et al., 1992; Francis, 1989; Laurie, 1978; Paxson, 1994). Franck (2001) questions when the filling up of space is inviting to all and when it is exclusionary. She points out that both types of public spaces will always be needed; public spaces that are full, and that delimit uses, and those that are empty and are open to a great many possibilities. She even proposes that perhaps it is possible to have both fullness and emptiness within a single place. One might describe this concept as public spaces that are full, of promise and options, and those that are empty, of choices. More importantly one can ask what is the nature of contestations, if any, which are supported in full or empty public spaces. The concept of full or empty spaces is also related to Rivlin and Windsor's (1986a, 1986b) work on the idea of "found spaces".

Found vs. Designed Public Spaces

The use of space intended for one use or activity but used for another is in itself an example of contestation. "Found" spaces might be considered a special case or a subset of the issue of space appropriation.[51] Can democratic spaces be designed or will democracy always be located only in the left over, fringe, or marginalized run-down spaces?

One example of found space that I have always found exemplary is that of a teen "hangout" spot in Oostburg, Wisconsin reported by Herb Childress:

> One of the businesses that occupied the primary intersection in downtown Oostburg was Pippert Tires. Pippert, formerly a gas station, had a gravel lot in front at the street corner. Every night all year round, that lot was the living room for somewhere between half a dozen and thirty teenagers who gathered for conversation augmented with a few clandestine beers and cigarettes.

> When I asked the owner how long kids had gathered at his garage, he replied, "I bought the place twelve years ago, and the kids came with it." And there were some obvious physical characteristics that had made the Pippert lot a popular spot for a generation of Oostburg's kids, … It was right at the four-way stop sign, under a street lamp. It was small and easy to see into, and thus to know who was there. It was enclosed on two sides by buildings and on the other two sides by the sidewalk, so there was a room-like feel about it that allowed the occupants to claim it and visitors to know they were entering someone's space. And there was an occupying group of regulars; the kids of Oostburg High knew who was likely to be at Pippert, and were strong in their loyalty to that group or their discomfort with it.
>
> In short it was a hangout. (Childress, 2000, p.244-245)

This space could have become a more overtly contested space had Pippert's owner, or other nearby owners or residents, police, or local government, been less tolerant of this after hours use. Childress believes there is an important reason why many teen hangouts actually require a found versus a designed and or designated space:

> First hangouts are created from negative space, what adults think of as unplanned or underutilized or "vacant" areas. Teenagers have no resources to build anything for themselves, [just like many fringe or marginalized groups] so they claim the leftovers in the planned landscape. And this act of claiming is socially important, a group choice that reinforces membership and autonomy. Places that are planned for them, such as "teen centers," are often shunned, implying as they do someone else's schedule, someone else's limited palette of planned activities, someone else's power of creation. Kids simply want places they can be with friends. Away from adult-defined roles; the more that they can create these spaces themselves, the more they appreciate them. (Childress 2000, p. 107)

Elsewhere Childress (2000) notes that the "Quad", of a high school on the northwest coast where he studied the teens, meets all the requirements for a good hangout spot:

> The Quad was a luxury in programming terms: it had no manifest function of its own, no educational mission to perform…. and it wasn't planned for much of anything. [circulation and fire egress were probably the *official* designation of *use*]. He sums up with: "It was the single most important spot on campus [for the students], the town square that Curtisville didn't have". (p.109)

So it is possible to *design* a good hangout place, or for one to be designed by others, as the Quad is definitely a designed place.

The Role Of Comfort and Order Related to Publicness and Contestation

Issues of control, full or empty spaces, and fear and safety are also related to the concept of order. *Order* is highly prized in much of American culture. C. Perin's "Everything in its Place" (1977) documents not only the spatial order we prize and its accomplishment through planning and zoning but its homogenous monoculture quality as well. In this country separation of nearly everything in terms of like and dislike pervades everything from agriculture to children's games and education. In many of these arenas recent research and theory questions creating or maintaining monoculture along ecology, sustainability and bio-diversity grounds.

> Richard Sennett writes that 'society has come to expect too much order, too much coherence in its communal life' (Sennett, 1996, p.181), and describes walking through New York, considering Baudelaire's image of the metropolis and observing the shifting character of neighbourhoods: 'one is immersed in the differences of this most diverse of cities, but precisely because the scenes are disengaged they seem unlikely to offer themselves as significant encounters' (Sennett, (Cohen, 1990) 1992:128). Perhaps the product of Enlightenment and modernist thought translated into cities of order, free circulation and vistas purged of the unclean, is a compartmentalisation of life and knowledge, producing, in its post-modern parodies, suburban lawns which according to Mike Davis 'sprout forests of ominous little signs warning 'armed response!' {and} richer neighbourhoods (Berger & Luckman, 1967) isolate themselves behind walls guarded by gun-toting private police and state-of-the-art electronic surveillance' (Davis, (Young, 1990), 1992:223)... (Miles 1991, p. 17)

Or another rationale for specialization of spaces and separation of various use and users is that of Low (1988)

> Contemporary accounts based on empirical studies further provide conflicting descriptions ranging from the plaza as a place "where everyone in the province, from the wealthiest landowner to his hacienda serf or local water carrier could be seen"

> (Oliver-Smith, 1986, p.49), to the plaza as a place abandoned by the upper and middle-classes to create more social distance between themselves and the remaining lower-class users (Robertson, 1981) European researchers suggest that these different social depictions are part of an historical progression in that people shared public space "when the bourgeoise [sic] and the noblemen lived side by side with common people without fear, precisely because social rules and hierarchies went unquestioned" (Korosec-Serfaty, 1982:15). But with the rise of the "moralizing" of the streets, associated with the enlightenment (Brading, 1980), elite activities moved to more specialized and privatized spaces, such as the cafe or the theatre, and families and children moved from the plaza to the playground and the park. (p. 6-7)

Most public space researchers either imply or state explicitly that public space reflects the cultural order (Campbell et al., 1968; Carr et al., 1992; Douglas, 1970a; Low, 1988; Whyte, 1980b, 1988). The issue here is order versus disorder. Conflict is disorder and must be avoided. If public space reflects the cultural order this idea further raises the issue of *the* cultural order vs. *a* cultural order - or perhaps I should say the *cultural orders.* In *Discovering the Vernacular Landscape* (1984) Jackson indicates that the plaza

> . . . was, and in many places still is, a manifestation of the local social order, [of] the relationship between citizens, and citizens and the authority of the state. (p. 18)

Low (1988) also gives an example of another kind of contestation in public space in her study of plazas in Costa Rica, where moral contradictions in the meanings are reflected in the cultural representations of the plazas across changing material conditions and social values historically.[52]

Order is clearly also linked to control and comfort and their role in public space, public life and public behavior. For many people, especially those of the dominant or powerful groups, uniformity and conformity are orderly, comfortable, and safe. The recognition of difference automatically increases disorder. Variability and pluralism requires everyone, including the dominant and the minority, to be prepared for the

unexpected, to require negotiation, and not merely assume or predetermine what is appropriate, and for whom, when and where.

Safety and Comfort

Whyte was an initial champion of *comfort* in public space, although for the most part he restricted his concerns to physical comfort such as places to sit, with shade or sun as appropriate. Although he may never have thought about it in that way, comfort is also about contested uses, and some of these uses can certainly be defined as somewhat supportive of marginal users. He was a champion of *loitering* and a number of other behaviors in public which were still considered marginal or deviant, or private and domestic such as eating, sleeping, loving, playing in the water of fountains, urinating or defecating[53], smoking pot and so on. Whyte's work also demonstrated and understood that use and users were linked and that the perception of safety and comfort were linked.

Publicness as Diversity of People & Tolerance and Support of Difference and Diversity

The Definition and Categorization of Activities and Participants.

Users, by virtue of their identity and their interaction or lack of interaction with one another, help to define the use of a space. Publicness refers in part to the diversity of people in a space. The inclusion in publicness of the aspect of diversity or heterogeneity makes clear that publicness is related to the categorization or creation of typologies of use and users, since diversity clearly is related to the definition of *otherness*. The existence of contestation within diversity may be clear, but diversity is also related to civility and tolerance. Civility and tolerance enable public space to acknowledge multiple publics.

Disagreement is inherent in the concept of multiple publics, and how it is dealt with is critical to the support of publicness and public space. Even when civility and tolerance are operating, in societies that contain inequalities in the distribution of goods and power, some publics may need to be restricted in order to support others.

Among the key aspects of Whyte's (1972, 1974, 1980a, 1980b, 1981) work was the identification of **user** groups or types. Categorizing users as desirable, appropriate, or those to be encouraged, in contrast to those who were categorized as undesirable, inappropriate or to be discouraged, grew out of Whyte's work even though Whyte was perhaps more open to certain users in the latter categories than many of his contemporaries, or the researchers who followed him. Whyte wrote "the biggest single reason" there were not more good public spaces "was the problem of "undesirables". Then he went on to say:

> They are not themselves much of a problem. It is the measures taken to combat them that are the problem. Many businessmen have an almost obsessive fear that if a place is attractive to people it might be attractive to undesirable people. So it is made unattractive. ... Who are the undesirables? For most businessmen, curiously, it is not the muggers, dope dealers, or truly dangerous people. It is the winos, derelicts ...--the most harmless of the city's marginal people... For retailers, the list of undesirables is considerably more inclusive; there are the bagwomen, people who act strangely in public, "hippies", teenagers, older people, street musicians, vendors of all kinds. (1980b, p. 60)

In other words, retailers found all people who were likely not *paying customers* undesirable. In contrast Whyte was concerned, about contested users- teenagers, certain racial and socio-economic class groups, women, and even the homeless- *as long as these groups did not overwhelm the more mainstream users in the space*. Whyte's main indicator for success is numbers of users; high numbers of people is equal to high success. He was not really overly concerned about who those users were and if anyone or

any activity was systematically excluded. He was tolerant of differences only as those differences could increase the numbers of users and therefore increase success, marginal users were *OK* and even required, ***but*** they need to stay "minorities".[54] Appropriateness then gets defined as typical, usual, not bothering the majority of users;

> Managers of space were '… quite tolerant of winos and odd people, as long as they don't bother anybody... very quick to spot real trouble, however. Teenage groups are an especial challenge. They like to test everybody--with the volume knob of their portable radios as weapon'. (1980b, p.64)

This can also be seen in Whyte's indication of his acceptance of the use of a "regular" user (here Whyte means to indicate the frequency of their use of the space rather than their acceptability) as both lawmaker and enforcer:

> If someone flouts one of the **unposted rules** -- like wheeling in a bicycle -- it is as likely as not the regulars who will set him straight. [emphasis added] (1980b, p.64)

This seems to hold true unless the majority of users were defined (by Whyte) as problematic; "drug dealers" were his target of choice[55]. If including difference, exposing different stands, or supporting different attitudes, were to cause a reduction in the number of users then supporting such difference would have become unacceptable in his view. For Whyte, fringe people and activities were seen as valuable, but he did not value these groups on the same level as other participants or activities. Instead he viewed fringe groups as "entertainment", or as a spectacle for the majority, who then become spectators. The spectator role serves to draw the majority together reinforcing their sameness in opposition to the *otherness* of the *entertainers*. Whyte even coined a term for this: "triangulation". [56] Yet exceptions to this situation also exist, exemplified by research Whyte's team conducted at Bethesda fountain discussed earlier.

Diversity of people includes variation in age, race, ethnicity, gender, and *otherness*, that is, *other* variations in appearance or behavior.[57] Diversity, or perhaps exoticness can be seen as positive and valued as well as contentious,

> The others [in public space] become a source of wonderment and fantasy. We fantasize about their origins, purposes and possible relationship to us. At times we harbor critical thoughts about those we observe, especially when in their behaviour, looks or attire they challenge familiar beliefs regarding how one should act or look. Yet even in such critical reactions of the onlookers arise from a need to become reconciled to the fact of such differences. As the others become more familiar they may also become intriguing. (Lennard & Lennard, 1984, p. 5)

Many researchers have noted diversity and difference related to public space (Agrest et al., 1996; Appleyard & Lintell, 1972; Bahr & Caplow, 1973; Ben-Yehuda, 1985; S. Cohen, 1985; Davidoff, 1976; Day, Francis, Loukaitou-Sideris, Buss, Marans, Nasar & Rivlin, 1998; Douglas, 1970a, 1970b; Forrest et al., 1979; Forrest & Paxson, 1979; Humphreys, 1970; Kornblum, 1978; Kornblum & Lichter, 1972; Lindsay, 1977; Lynch, 1968; Sorkin, 1992; Sorkin, 1992). Looking at past literature about various public spaces there are two interesting aspects to note. The first is what users or groups are explicitly mentioned and what users are simply assumed by the writers. The second is the changing acceptability of various user groups over time. Users are frequently not described except in those studies where someone has done behavioral observations and counted, classified or categorized the numbers and types of users, or where some *problem* involving users or user types has been identified. Groups that are considered problematic or inappropriate may be noted while all others are left to be assumed by the reader (c.f. Bradley & Wolfe, 1987 and to a certain extent Day & Horwitz, 2000). Given this tendency it is possible to name several user groups which frequently are not welcomed in many public spaces and much of public life. These fringe groups include the homeless, the indigent, teenagers, those considered deviant or *other*, those perceived to be

openly gay, drug sellers, and their users, young black men, and formerly women and all people of color[58]. The definition of who is an *"acceptable*" user has changed over time. Definitions of deviance or what is deviant are constantly changing as well. The definitions of deviance (or limits) are often tested out in acts of contestation e.g. the definition of lewdness in the gay pride parade.

Not very many years ago "respectable" women, and especially "respectable" women alone, were not considered as a user group in the design and policy making of public spaces. In fact, there is still some question about "respectable" women being completely accepted or acceptable public space users (see Franck & Paxson, 1989; Lofland, 1984; Mozingo, 1989). Given this, it is interesting to note that researchers such as Whyte (1988), PPS (1982, 1984, 2000), have subsequently argued that spaces with women as users are perceived as safer.

From the beginning our[59] definitions of publicness, and diversity of users or participants, has included some that might be considered *other*. Related to this concept are the more recent critical writings and research (Glazer & Moynihan, 1963; Miles, 1997; Novak, 1971; Young, 1997a,b) that have stressed the need to understand that there is no single uniform homogenous public, but rather a multiplicity of heterogeneous public(s) each with their own agenda, and values. The notion of the melting pot died hard (Glazer & Moynihan, 1963; Novak, 1971), and in its place grew the concept of "group awareness" and more recently the concept of "identity politics". Diverse groups of people have differences in needs, uses, and behaviors. The recognition of different publics raises the question of the appropriateness of majority rule versus minority rule when groups are in conflict. Sometimes discussions of this issue label the former the "tyranny of the

majority", with its counterpart the "tyranny of the minority"; the latter is often described as when a few can control through the exercise of power or fear.

Sennett (1977) supports the idea that public spaces should not reflect these group differences, but should be made general and appealing to all. Rapoport (1977) argues the opposite, that public spaces must reflect all backgrounds. Duncan's (1990) work in Sri Lanka draws an explicit connection between the control and design of public space and the definition of not only social identities but also the manipulation or control of social standing or status. Perhaps one could consider combining Sennett's and Rapoport's contrary points of view in the following way. All groups need space that they can culturally personalize, meet in, and use (following Rapoport). These kinds of spaces, however, perhaps may best provided at a neighborhood level of scale, which is not to deny that they may have a regional draw, (Brower, 1971, 1977a, 1977b; Brower, Stough, Grey, & Headley, 1976; Francis, 1989; Francis et al., 1984; Linn, 1968). Other spaces, which may be more tolerant of a variety of users and behaviors (Suzuki, 1976), should also exist. These may be thought of as more general spaces; however, general does not mean that the space should lose its complexity and interest. Some spaces may tolerate different groups by providing a variety of sub areas. The previous discussion of the importance of face-to-face interaction and the co-presence of diversity indicates that "separate-but-equal" is not what is desired, nor is the idea of different users over time, although time-sharing is better than no sharing. Critical to publicness is the simultaneous use of a space by a variety of users *mixing-it-up.*[60]

Spaces which one might consider to be designed generally, that is not in support of a particular group's identity, are not simply "generic", they are more complex. This

idea also lends support for a variety of options of public spaces existing within close proximity. Spaces which support or allow for the public creation and affirmation of identity can be seen two ways: as ghetto-ization or as an enclave of identity. Is the only difference between these two ideas whether or not the differentiation is the specific group's choice? There are always waves of successive colonization of space and neighborhoods (Drucker & Gumpert, 1977a; Gumpert & Drucker, 2002). One can critically consider if all of the public space in such areas reflect the current successive wave of colonization, or if they all reflect the successive layering of the waves in some way, or if all or some of the spaces are simply *frozen in time* held at some arbitrary point, reflecting some particular moment in the life and history of the space. These issues regarding reflections of the life of a space over time are similar to issues of expression of difference or identity for any particular group or public as opposed to assimilation into a majority. One cannot truly support and foreground difference by trying to design spaces that are hybridized like a chimera created out of a melding together of parts of each group's expression of identity. To acknowledge and support the difference is to allow more that one version, view, or aspect to be present simultaneously in a kind of dialogue.

Young points out that when participants aim at unity, and are expected to leave behind their particular experiences and interests,

> . . . the perspectives of the privileged are likely to dominate the definition of that common good. The less privileged are asked to put aside the expression of their experience which may require a different idiom, or their claims of entitlement or interest must be pushed aside for the sake of a common good whose definition is biased against them. (1997b, p. 66)

The "common good" may represent only the interests of those with power or those in the majority. This is clearly the case in arguments over the redevelopment of public space

when the needs of an entity called the *public* or the "community" do not include the needs of those who are homeless, or skateboarders in a downtown commercial plaza, or others who may have needs and activities not recognized as part of the community. The degree of publicness also depends on the availability of different kinds of places within a space and on the ability of various people to use it at varying times of use. Diversity of activities and people means that a range of diversity is tolerated and encouraged. This includes at least both some users and activities that would be considered on the fringe of acceptability.

However, as a culture we do not tolerate this acknowledgement of difference very well.[61] There is definitely a *ruling group*; other groups, such as women and the differently abled, have made progress in terms of public awareness and access to spaces. They are now considered to be making legitimate claims to use of public space. Since it appears that a *ruling group* and non-ruling groups will always exist, the question is how to deal with the differences between and among these various groups. One way might be through the use of advocacy demonstration; another might be through knowledge of conflict resolution; and another might be through study, knowledge, appreciation, and struggle within the context of publicness and public space.

While it is often difficult to separate out users from the uses which they engage in, there are certainly good examples of uses or behaviors which are acceptable when engaged in by some people and unacceptable when engaged in by others. Loitering is an excellent example. While it is merely waiting or possibly hanging out when performed by some, it is loitering and therefore against the law when performed by others.

Youth as Contested Public Space Users

In addition to sex, class, and race or ethnicity, another category for defining "undesirableness" is age. :

> Teenagers are defined out of existence in Curtisville, because their concerns and interests are counter to those of the people who matter. That there are teenagers in the community anyway is an awkward fact for everyone concerned. (Childress, 2000, p. 18)

This statement could be written about any marginalized, or minority group. Consider: *the homeless are defined out of existence in Anyplaceville, because their concerns and interests are counter to those of the people who matter. That there are homeless people in the community anyway is an awkward fact for everyone concerned.* or *Gays are defined out of existence in Anyplaceville, because their concerns and interests are counter to those of the people who matter. That there are gays in the community anyway is an awkward fact for everyone concerned.*

Since teenagers or adolescents make up a category of users, or at least a potential group of users, that could make heavy use of public space their definition as undesirable is unfortunate. Childress (2000) quotes from, and comments on, the architectural program for a teen center:

> Young people in the teen years have a great deal of energy and vitality which is often seen as disruptive and undesirable to "Nice Communities." Frequently institutions and businesses shun persons in this age bracket. And rather than deal with this as a fundamental injustice, we build places to legitimize it. By defining places where teens are welcome, after all, we can immediately infer that there are other places where they are not. (Childress, 2000, p. 249)

Teenagers are an interesting category of undesirable users as their undesirability is often the intersection of a personal attribute, i.e. age, and an activity. One often thinks of examples of the contestation of teenagers in public space as police, security guards, or other oversight personnel, chasing or breaking up groups, large or small, who are hanging-out on a street-corner, in a parking lot, or in the concourse of a mall. This is related to numbers, that is, it is the fact of the number of people of this age group congregated

together that appears to be of concern to some other users as well as oversight or enforcement personnel. Teenagers are defined as "dangerous" when they are in a group. Often a group of teens will be described as a gang irrespective of whether or not they meet the specific qualities which are usually intended to be part of gang culture. Childress (2000) in his work with high school youths notes the importance of social contact and interaction, being with friends rather than alone, in teenagers' own descriptions and discussions of their lives. The cartoonists Batiuk and Ayers who draw *Crankshaft* drew a strip (6/14/1992) that allows us to re-think this issue of assessing the relative safety or danger of a large number, or a group, of similar users based on a categorization or stereotype and their mere numbers rather than in terms of their actions or activities by substituting a user group that most others would perceive or consider harmless. In the cartoon the first panels show a group of elderly people gather and stand chatting ("hanging out") in a parking lot of the local chain cafeteria. In the next panel the local police visit in their cruiser admonishing the group to "move along", and in the final panel the policemen report to headquarters their location and that they have just broken up some senior citizens hanging around the restaurant parking lot again. [62]

Over the last three decades many environmental researchers, having noted that the spatial needs of children and teens or adolescents were largely ignored if not actively discouraged and or circumscribed, have focused on these groups. In part these adolescent groups suffer from both a lack of political power and economic clout. The members are too young to vote and in the past they were perceived to have very little disposable income.[63] Initially much of the environmental research work focused on younger children either in institutional or housing and neighborhood environments (Cooper-Marcus, 1970;

Hart, 1979; Hayward, Rothenberg & Beasley, 1974; Moore, 1978; Rivlin & Wolfe, 1985; Ward, 1987).[64]

Younger children are not largely considered as users of public space, with the possible exception of playgrounds or other similar areas which stand alone or as part of a larger recreational setting.[65] It is interesting to note that the presence of children (or most often reported as women with children or *families*) is considered by much of the public space research to be a good indicator of *safety* and *comfort* or *ease* in public space (PPS 1982, 1994; Whyte, 1980b,1995). Children as a user group then undergo a rapid perceptual transformation, as they become teens, from an indicator of safety, comfort, and ease as children, to indicators of danger, discomfort and dis-ease as adolescents. Sometimes this is related to numbers, for many teens seem to travel in *packs*, or to appearance, since adolescents are permanently involved in a contestation concerning norms of dress and appearance.

Issues of dress and congregation in groups are not unimportant aspects related to teens' definition as undesirable users in public space, however, objections to adolescent users most often revolve around their *use* of space, their *behavior*, or the *activities* they engage in. They are often *louder* and they may play loud music. Their activities are both more passive (they are not "doing anything" they are just "hanging-out"), or more active (skateboarding in a plaza), or simply defined as inappropriate.[66] Woolley (1999) remarks in fact that

> … despite the CBD being a commercial area, social and relaxational activities are undertaken by young people in these areas. (p. 2)

This implies that these are unusual if not inappropriate activities in this area. Whyte (1980b) might find this surprising since these are activities that he not only found in NY's central business district, but also wanted to encourage, at least among adults.

Both Jones and Graves (2000), and Owens (1993a, 1998) postulate that in part this situation is due to the lack of spaces designed specifically for teens[67].

> In most communities in the United States planned and designed places for teens are, in fact, very few in number (Owens, 1998), leaving them to seek out and occupy spaces within the public realm that are often contested areas where the needs of teens conflict with the needs of other users such [as] pedestrians, business owners, families, or older people. (Jones & Graves, 2000, p. 136)

Without wishing to deny that current cultural and planning practices may create some justification for developing spaces that may be specifically tailored for use by teens, such as skateparks, teencenters etc. I would argue that segregating, or ghettoizing, teens and excluding them from using a range of other semi-public to public space(s) is as inappropriate and highly objectionable as it would be if one were to suggest returning to this practice for women or various racial groups (Childress, 2000).[68] Jones and Graves also make a distinction between

> . . . skateparks that are merely athletic facilities (similar to tennis courts or football fields) and facilities that truly serve as community open spaces (Francis et al., 1984) that serve the needs of a highly underserved population within all cities and towns. (p.137)

In making this distinction, the authors may be proposing that the former spaces (mere athletic facilities) are more *parochial* than *public*, to use Lofland's (1998) distinction. Another way to conceptualize this point, however, might be to say that *skateparks that are merely athletic facilities* are those that are segregated, designated, labeled, controlled and limited, not those places where this activity takes place as an act of contestation

which concerns the redefinition of *appropriate* activities and places for those activities. Neither are *skateparks that are merely athletic facilities* places where this activity takes place as an act of contestation which concerns the redefinition of recreation and its relation to everyday life or its practitioners accepted participants in public venues. These *skateparks as mere athletic facilities* are also not the spaces which skateboarders and those who participate as spectators choose for themselves:

> In many instances (even in cities that have a skateboard park), a large portion of skateboarders would prefer to risk getting a ticket and losing their board in exchange for the chance to skate in an environment (i.e., the city) that offers challenge, variation, control, places to see out but not be seen – in short, an environment that responds to teenage concerns in public space… (Jones & Graves, 2000, p. 137).

Rivlin notes that one of the best combinations of skateboarders and spectators she has observed in public space was found in La Defense in Paris (Rivlin, personal communication, 2002).[69] One might also argue that skateboarding and rollerblading remain popular because no one has figured out how to institutionalize this activity with adult supervision, uniforms, and controlled teams and leagues.

Looking at the *otherness* of teens and how they are perceived and dealt with in terms of public space allows us to take a different look at other marginalized users and groups.[70] Both Cranz's (1982) and Rosenzweig's (1979, 1992) work deal with similar issues concerning differences in social class versus age groups. It is appropriate here to comment that just as there is no single, uniform group of *the public*, neither are subgroups (i.e. women, the homeless, African Americans) a single homogenous group (Childress, 2000; Fraser, 1997) and as such there will as likely be contestation regarding needs and public space desires and use within these groups as between them.

Skateboarding, rollerblading and spatial contestations which involve these activities can also be understood as contestations about constantly changing or evolving needs, lifestyles and cultural *or social* definitions. Jones and Graves (2000) refer to Jackson's (1957) work on Hotrodding as an example of work which attempted to help people understand the changing nature of recreation, and experiencing the landscape, at that time.

> Today, if you substituted "skateboarder" for "hotrodder," the issues highlighted and lessons imparted… would be just as salient. (p.137)

Skateboarding now, like hotrodding then, is seen by many, primarily adults in positions of power, as "anti-social", "high-risk" or "dangerous", "destructive", or "individualistic", in general a negative activity.

Cranz's (1982) and Rosenzweig's (1979) work also addresses changing tastes and definitions of appropriate use over time within the same culture in power.[71] Skateboarding and rollerblading can be seen as more contemporary versions of a similar change and evolution in definitions of both recreation and use of public space use. While this current change creates contestation which is more between age groups than between classes or ethnic groups, similar arguments are often made.[72]

Childress has argued that:

> The professionalization of American recreation has led to a common pattern: one group defines acceptable actions, and another group is defined as the target of program. The definition of leisure time as "an irksome and deadening problem" casts recreation management into a sort of medical model... (Childress, 2000, p. 242).

I would argue that it is not as much about *professionalization*, as it is about the desire of those in power to control the behavior of those whose notions, values, and desires are different from theirs.

As seen above it is often very difficult to separate out users and uses or participants and what form their participation takes. In fact often the *label* assigned to a group or category of user or participant is derived from their use or activity. Skateboarders are a good example of such labeling.

Some contested uses in public space are those which are seen by dominant culture as belonging to the realm of the domestic or home environment. Selling items, when engaged in as an individual, small scale or cottage-like industry, as opposed to an established corporate entity is also frequently categorized in this way. Until fairly recently, *eating* was also considered a domestic activity and as such was not considered as proper behavior to be engaged in, in a public space or in front of the public[73]. Not only are some behaviors which used to be seen as *private* behaviors are now considered appropriate in public, but the change happens in the reverse direction as well. Ogilvy (1995) makes this pertinent comment on the changing definition of what is defined as appropriate in terms of movie going as a public to private activity. He notes that Howard Hughes had his own *"prototype electronic grotto" – a projector and stacks of thirty-five-millimeter films in his home* (which can now be accomplished with a VCR and stacks of video tapes, or a DVD player and stacks of CD's or DVD's.)

> Hughes was a pioneer in the practice of watching movies as an audience of one...When people discovered at the time of his death that he had indulged himself in orgies of old movies, they regarded this unheard-of practice as a clear sign of madness. *What? Watch a movie alone? You watch movies in movie theaters. You watch television alone.* Today we cannot cast the stone of madness so quickly without risking our own glass houses now that most

> households have a videocassette recorder. Many now know the pleasures that Hughes indulged. His "madness" has been democratized by the advent of the VCR. (Ogilvy, 1995, p. 99)

Defining Appropriate, Behavior.

Use and *function* were also highly valued old world concepts which were brought with colonists to the new world, and they influence public space in myriad ways even today. Consider the Puritan views of idle hands and inactivity and the current laws concerning loitering. *Use* and its relationship to ownership and occupation is another old world concept. The colonists had a particularly difficult time understanding (seeing) nomadic and semi-nomadic uses or practices wherein for example planting might be done in the spring and people move on to summer locations and return at some later point for harvesting. Those from the old world interpreted these planted sites as abandoned. However, consider this: If you are sleeping in your bedroom, have you *abandoned* your living room? Zeisel (1975) described that use, in certain problematic design situations, will be defined as or result in vandalism. Misuse and vandalism could be similar problems or they can be seen as a kind of contestation.[74]

Tolerating, Accepting, and Privileging Difference

The valuing of difference in public space is certainly not routinely acceptable[75], although the importance of tolerance and civility has been emphasized by many authors.

Karen Franck (2001) makes note of the work by Kenji Yoshino about the legal difficulties in discrimination cases, of the right to be different and individual, in a system based on an "equal protection doctrine":

> The valuing of sameness over difference is becoming more apparent in legal decisions in cases of discrimination. A recent NYTimes article entitled "Making the Case for the Right to be Openly Different", makes the point, … [that the] "Equal

> protections doctrine has never been very good at dealing with the claim that difference should be recognized and respected. What courts usually say is that differences - like race and gender - should be ignored. So claims that accommodation should be made for differences does not sit well in the equal protection tradition. How will you prove that the conduct is essential to your identity"? (Franck, 2001).

One of the specific examples Yoshino cites is a black woman who was fired for wearing cornrows, Montoya (1994) also uses the example of hair as an *other* or difference metaphor, and notes that other women of color have used hair metaphors to relate their experiences of subordination. Caldwell (1991) explains:

> Hair seems to be such a little thing. Yet it is in the little things, the small everyday realities of life, that reveal the deepest meanings and values of a culture, give legal theory its grounding, and test its legitimacy. (1991, p. 370).[76]

Montoya (1994) puts it this way:

> Maintaining a silence about … ethnic and socio-economic context [within the practice of law] lends credence to the prevailing perception that there is only one relevant reality." She supports this contention with the following in a footnote: "The commitment to seek out and to appreciate a perspective other than one's own … is a difficult commitment to make and fulfill. Aspects of language, social structure, and political culture steer in the opposite direction: toward assertions of absolute categories transcending human choice or perspective … Existing institutions and language already carve the world and already express and recreate attitudes about what counts as a difference, and who or what is the relevant point of comparison.[77] ….
>
> Outsiders [which includes "people of color, women, gays and lesbians, and the poor; in other words, members of groups who have been discriminated against historically." (p. 1)] are also faced with the gnawing suspicion that the public identities available to them are limited to those reflecting the values, norms, and behavior of the dominant ideology. (1994, p. 13)

Montoya (1994) discusses "masking" for people who are defined, in her terms, as "Outsiders" [used in the way that *others* has been used in this present work], and she compares and contrasts her definition of "masking", to some degree, with Goffman's

(1959) presentation of self concepts, but her descriptions of being "on stage" (when masked in public) seem closer to what might be thought of as *passing* than Goffman's work is. She points out that stigmatized persons become very adept at negotiating their multiple identities but they always fear that their *public dominant culture mask* will slip and they will be recognized as wholly other or outsiders.

Does the concept of valuing, or tolerance and *acceptance*, of difference negate the concept of contestation? Not at all, contestation is the expression of difference in such a way that it can be *negotiated*, understood, and then valued, tolerated and accepted rather than denied or erased.

Closely related to the idea of a user typology is the concept of a typology or categorization of uses. In fact use or activity is one of the ways users can be categorized. Similar to user types, uses or activities have also been classed as appropriate and inappropriate, supported or not.[78]

Conflicts between differing opinions and desires are vital to a vision of social construction and government as well as to current debates, both social and legal, regarding the definition of what activities should occur in which spaces. Some examples include pro-life and pro-choice debates in parks and streets, questions of who should be permitted to march in the New York St. Patrick's Day Parade, and whether homeless people should be allowed to be squatters in public places (for example, Thompkins Square Park in New York). Therefore it seems clear that a diversity of uses, including some that might be considered at the fringe, is also important for the concept of publicness.

Publicness as Diversity of Activities

Publicness also includes diversity of activities. Again, diversity is not simply a matter of the simple number of activities, but the range or variety of these activities, their tolerance, and the provision of space in which such variety is possible. The wider the variety of activities provided, the more likely it is that a diverse group of people may be drawn to the space. If, for example, the activity is commercial a variety of products are needed, at a range of prices to draw a diverse group. Advocating diversity of activities does not mean that we must design generic spaces which attempt to support everything; since in actuality, such spaces support nothing well. Diversity of activities as an aspect of publicness embodies a portion of Carr et al.'s (1992) spatial right's concept of "*freedom of action"*, in which users have the ability to conduct their chosen activities in a public space.

The use of a public space is of course strongly influenced by its particular characteristics – both physical and social. The particular characteristics of some public spaces support necessary or instrumental activities while others support discretionary activities. Examples of the former spaces are streets, public transportation, and stores, while the latter places include parks, gardens, plazas, restaurants, and theatres.

Use of space is not only related to physical characteristics, design and or amenities but to programming as well (Forrest, 1979, Forrest & Paxson 1979; Francis, 1989; Francis et al, 1981; Franck & Paxson, 1989; Whyte, 1980b). Programming[79] in this case refers to activities that are organized and planned in public space, most often by owners and managers. Often these activities are instituted as a control mechanism to limit other, possibly undesired but certainly less controlled, activities. Programming includes

such things as musical events (concerts, caroling), performances, (magic, dance, acrobatics, and juggling), display or sales events, (farmers or flea markets), and provision of education or information. Some programmed events are quite elaborate; they may even "take over" the entire space in such a way that spectating is the only option remaining use for other users. Other events are intended to be perceived as spontaneous such as a hired musician who appears to be a street musician or performer (Burton, 1990; Carr et al., 1992; Copjec & Sorkin, 1999; Forrest et al., 1979; Hoffman & Paxson, 1979; Francis, 1989, 1991).

Additionally some public spaces, while intended and used primarily for one purpose, may be temporarily transformed for other uses such as block parties, large street festivals such as Mardi Gras, and open markets in playgrounds *or* squares. Temporary uses can also transform a private space into a public one for the duration of that activity; a good example of this is a yard sale. Temporary or transformational uses and events are an important aspect of public open space use (Carr et al., 1992; Francis et al., 1982; Hecht, 1982; Juhasz, 1982; Lawrence, 1992; Low, 1995). This temporary redefinition may happen on a regular basis such as a diurnal cycle where a space is entirely redefined each night and again each morning, weekly or monthly, or spaces may be a transformation for a specified amount of time out of each yearly cycle[80], or for only one or several specific days each year such as Thanksgiving, or St. Patrick's Day. It may also be an irregular, one-time-only, or truly spontaneous event or activity such as block parties and festivals. These spontaneous or temporary contested uses can be sanctioned, or not, with formal permission or permits.[81] Temporary transformation of spaces can contribute

to publicness by increasing the diversity of activities available in public spaces or detract from publicness by limiting such diversity.

Perhaps it is easier to understand the nightly transformation of a space from a parking lot to the site of a rave as a contestation, than to see parades, food fairs, farmer's markets, and block parties as being examples of contestation;[82] however, even in the absence of overt contestation regarding the event or temporary transformation, the simple act of temporary redefinition itself can be seen as a kind of contestation. In part this is because of the tradition of mono- or single use zoning. For example, Childress (2000) writes:

> Kids also run up against the rational insistence upon singular definitions for all things, even when that demand runs counter to the experiential world of use. A slab of asphalt with yellow stripes may be "a parking lot" between 8 a.m. and 6 p.m., but outside of that window of time it's a bicycle racetrack, a meeting hall, a skate park and more. We define all those activities -- and more importantly all of those meanings, all of those potential places to belong-- as illegitimate when we insist on the unitary definition of the place as a parking lot, and we lose out on a lot of potential richness in our public life. Another recent Union City Council resolution stated that public facilities must only be used for their posted purposes, in response to complaints about roller hockey games at the local tennis courts. Roller hockey, the "youth sport," is reduced in status in favor of tennis, the "adult sport." But the roller hockey players were just doing what humans have done for millennia, defining their needs and finding an environment to suit. ... Rather than applaud their ingenuity, we define teenagers off the tennis courts. (p. 271).

Such temporary spaces or definitions of space and use may also exhibit different patterns of gender use than permanent spaces. Rivlin and Windsor (1986a), in their research on found spaces, have documented greater use of such spaces by women, and Childress (1993, 2000) and Owens (1988, 1993a, 1993b, 2001) documented greater use by teens.

An important aspect of use, and, one might argue, of design, has to do with use over time. It is necessary to understand the nature or impact of temporary uses or

transformations of space both for special events, and over a period of time the course of the day, year, seasons, as well as the longitudinal change, or lack of change, such as evolution, modification, and preservation of public spaces. Understanding the impact of open-ended versus specialized spaces, therefore, on a continuum that could be labeled *evolution-stasis* is important as well.

Just as what users are seen as appropriate or acceptable changes over time in cultures, the definition of appropriate uses changes as well. This concept will be discussed further in relation to deviance. Whyte (1980b) notes the contestation which was occurring in the eighties as *eating* –formerly defined as a *domestic* or *private* behavior was becoming a more acceptable public behavior:

> … At every place... with a lively social life, you will almost invariably find a food vendor. ... The civic establishment deplores all this. There are enough ordinances to make it illegal for vendors, licensed or not, to do business art any spot where business is good. Merchants always get on the backs of the police to enforce the ordinances. In midtown and downtown the most frequently observed police activity is giving summonses to food vendors. Sometimes there are sweeps, the police arriving with trucks to haul the vendors away. The confrontations usually draw big crowds who are clearly on the side of the vendors. 1980b, p. 50).[83]

Some uses of space are viewed as misuses, since they are defined as inappropriate or deviant. There are some uses such as vandalism[84] that are seen as inappropriate regardless of the space; other uses or activities are seen as inappropriate only in certain spaces, when performed by certain people, and sometimes at certain times, for example when "hippies" go swimming in corporate fountains. But even uses and behaviors which are usually defined as inappropriate or illegal can be defined in such a way that they become non-deviant or discounted in importance. For example, vandalism by students, which occurs during ritual events, is an accepted rule-breaking behavior as long as the

damage is "contained". Thus the definition of vandalism relies on who is defining it, who is vandalizing- and how much, and under what circumstances it occurs (Burton, 1990; S. Cohen, 1973).

Non-use is normally only considered or noticed by users, potential users, managers, or researchers, in certain instances.[85] One instance in which non-use becomes salient is in those spaces where the non-users outnumber the users to the point that there is no use of the space. Non-use is also noticed when the only visible presence in a space is a group seen as one which is not preferable to other potential users. One last instance of non-use, which is rather extreme are those spaces which are sealed off, allowing only visual access (use). An example of this is a "botanical zoo" (I am indebted to Karl Linn for this label) a fenced off flower garden and other similar spaces.

Excuses and Diversity of Use as Publicness.

Although people may do a number of things in public space which researchers could label or categorize such as *people watching, being where the action is, hanging out*, these are not reasons people have typically given as explanations of their presence. I use the concept of "excuses" (Chamberlain, 1972; Forrest & Paxson, 1979) to describe the reasons which people give to explain their presence in a space i.e., catching a train, shopping, eating, using restroom facilities. The wider the variety of activities or excuses provided the more likely a diverse population may be drawn to the space. Rivlin and Windsor (1986a) in interviews with users on the steps of the New York Public Library found that they reported that they came to the space just because they liked it without feeling the need to provide an activity or other use for their presence in, or choice of the space.

The concept of excuses has some relation to Whyte's concept of "triangulation" (Whyte, 1980b). Excuses in some sense help draw people to a space or provide the draw prior to arrival, and triangulation functions to draw people together once they are in the space. For Whyte, triangulation seems primarily to do with events:

> By this [triangulation] I mean that process by which some external stimulus provides a linkage between people and prompts strangers to talk to each other as though they were not. (1980b, p. 94)

However, according to Whyte "street characters", or "others" as used in this work, can also provide this stimulus.

I also use excuses to indicate the reluctance with which people will say that they are doing nothing. These excuses may be partly unconscious, especially where two segments of the population not usually in contact with each other are in a space together. The concept of excuses also indicates a legitimizing function or quality. Brown, Sijpkes, and Maclean (1986) found that elderly women spending time in an indoor urban shopping mall's public spaces would bring with them an appropriate shopping bag as a behavioral prop to legitimize their use of the space.

One can postulate that because genteel women alone were not historically able to use public spaces without "spoiling their identity" (Goffman, 1963a, 1963b; Juhasz, 1983; Matrix, 1984; Sarbin & Juhasz, 1982), only "loose" women or "ladies of the night" were appropriate open space users. Even today (safety issues aside) women are less likely to feel comfortable hanging-out in public without an excuse. Meeting someone, eating, and shopping are favorite excuses for women (Brown et al., 1986; Forrest et al., 1979; Hoffman & Paxson, 1979; Rivlin & Windsor, 1986a).

Inherent in the idea of excuses is that people must explain themselves. This notion may grow out of a number of traditions. First, persons of lower income and racial or ethnic minorities have traditionally been required to explain their presence in certain places. Second, in our[86] production-based past doing nothing was idling and therefore sinful; so a ready explanation for one's seemingly idle behavior was necessary. [87]

These two traditions appear to be a large part of the rationale for laws which prohibit loitering. These laws have traditionally been written in the vaguest terms possible in order to allow for their application at the discretion of the agents of the society in control, through their agents, of course, police, lawmakers, and judges. In some places these laws contained not only the concept that it was not acceptable for certain people to be hanging around in certain places at certain times, but it also contained an element of demonstration of economic choice. For example, hobos and others who were confronted by police were often asked to show that they had enough money "to get out of town". If they did not have enough money to leave town they were put in jail for loitering or a related offense, if in fact they could demonstrate the economic means to leave town they were often told to "do so then!" Excuses, can be seen as a kind of cover story - the place itself, and programming elements can help one, they can provide support for a user's cover story or not. Excuses are not made only to authorities, they are excuses to the self as well, perhaps expressed by the question *why am I not at work, or being productive*. There is always a sense of the need to justify being in the public realm versus in the private or work realm, especially if the user might be classed in any of the "other" categories.

Publicness as Codes and Signals or Codes and Negotiation(s)

Control is also, a political issue involving enforcement and definition of "appropriate" behavior. One important aspect then is how enforcement occurs. R. G. Lee categorized modes of social control over space as "practical" and "formal" (1972), based on his analysis of Suttles' work (1968, p.4). Practical control refers to public morality as "a practical set of guidelines for conduct that exists mainly as a means of protection"; while formal control describes public morality as "an ideal set of guidelines for conduct to which is attached much heartfelt sentiment" (Lee, 1972, p.78).

Both of these concepts are related to the idea that since people within a given culture, all know what to do or not to do, they will not behave *badly* where others can see them, especially in terms of breaking rules or laws. Observance of behavioral codes and rules is a much more complex issue. There are layers of behavioral codes in any society, especially one as complex as it is now. Often what is involved is not lack of knowledge or ignorance of behavioral codes but rather whether one wants to *play by the rules* or not. Observing behavioral rules and codes then is also and issue of choice and can also include elements of "passing". This common view i.e., the one shared by the culture in power at any time, is reinforced in part by agents of social control, i.e., police and laws, who, whether present or not, are acknowledged to exist. Rules also imply enforcement and one aspect of this is the law. Consider the following quote about the law from Mari Matsuda (1991) that reinforces this notion,

> The work of feminists, critical legal scholars, critical race theorists, and other progressive scholars has been the work of unmasking: unmasking a grab for power disguised as science, unmasking a justification for tyranny disguised as history, unmasking an assault on the poor disguised as law. (1991, p. 1394)

In some spaces these agents of control are more visible; including police making rounds, rangers, guards, and information people, as well as those control agents whose uniforms are more suit-like, who are armed with walkie-talkies.[88] Less visible, typically, are electronic supervision mechanisms or mirrors. The agency of control and public scrutiny of conformance rely on an underlying set of rules or codes of behavior, which is both known and subscribed to by the individuals within the given society or culture, it is also a product of, that is created by the culture- or at least some portion of it.

Rules and laws are part of any societies behavioral code. Jane Jacobs makes this comment regarding rules and their enforcement related to public space:

> The first thing to understand is that the public peace -- the sidewalk and the street peace -- of cities is not kept primarily by the police, necessary as the police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves. (1961, p. 31-32)

Foucault writes about rules in this way:

> Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination. The nature of these rules allows violence to be inflicted on violence and the resurgence of new forces that are sufficiently strong to dominate those in power. Rules are empty in themselves, violent and unfinalized; they are impersonal and can be bent to any purpose. The successes of history belong to those who are capable of seizing the rules, to replace those who had used them, to disguise themselves so as to pervert them, invert their meaning, and redirect them against those who had initially imposed them; controlling this complex mechanism, they will make it function so as to overcome the rulers through their own rules. (Rabinow, 1984, p. 85-86)

How are the rules communicated? Some rules are expected to be known, common knowledge gained through socialization and familiarity with the law. Some rules are communicated in person on the spot by an agent of control, whether human or electronic,

as in “I am sorry but you will have to leave” or a tap on the bench or on the soles of their feet in Grand Central Terminal which tells a certain group that they must get up and move around or be subject to a loitering charge. Some restrictions are communicated by signage, “PLEASE STAY OFF THE GRASS”, “BUS YOUR OWN TABLE”, “NO BALL PLAYING OR RADIOS”. Other rules are communicated, and sometimes reinforced through physical design features like “keep off the grass” signs accompanied by fences or walls, gates that are shut at dusk, or doors that close at midnight. Using physical design as a controlling device refers back to the deterministic view of design and people. In point of fact, it is easier to use the environment to halt some behaviors, or make them more difficult than to “encourage” or support them (Lang, 1987).[89] Much of the control of behavior through design focuses on lighting, lack of places to hide and ease of escape.

Maintenance, Control and Publicness

Maintenance and management, while in part representing control, serve other functions as well. Maintenance is the ongoing aspect of provision and management. (Boutourline, 1970; Brower, et al.,1976; Grey & Headley, 1976; Ferreti, 1977, 1979; Heckscher, 1979; J. Jacobs, 1967). Areas that are not maintained are not used and they become unpleasant at some level (Francis, 2003, PPS, 1984, 2000; Whyte, 1980b). Maintenance occurs on a number of levels; maintenance to control the passage of time i.e. erosion, wear and maintenance of order and physical maintenance. In some cases, maintenance is also the primary use, as in community gardens.

If public agencies cannot provide spaces and maintenance, there is a question of who will. Consequently, there are issues about who will have, at least in part, power and

control of public spaces. G. Hardin (1976) is perhaps the person most responsible for pointing out that things held in common are not automatically maintained and regulated by users. In the Neighborhood Open Space study (Francis et al., 1981), the space that was found to be seen as the most public in terms of use and access (Washington Market) was also the site that had the most maintenance problems. The neighborhood- community group who was instrumental in initiating the site, although it is an HPD Interim site, came to resent "others" who used *their* park but who did not clean up after themselves. This example illustrates the ways in which management, control, and the publicness of a space are related. A public space provided on private land was not seen as public by the neighborhood-community group that maintained it. However, it was seen as a *public* space and was being used by a broader public.

This is not an isolated or unknown model. The "volunteers in the parks" program under the umbrella of the NYC Parks Department is very similar. In this program, however, the groups who participated perhaps see greater benefits from their efforts, greater retail sales for businesses, or a better neighborhood which may help increase or at least stabilize land values, or tax write-offs for private funds donated to maintain public land.

Maintenance can be considered part of design, since the choice of materials and methods of construction should take into account the continual upkeep of any space. The kind of materials and their maintenance may send messages to potential users as to what is acceptable or supported within an area and what is not.

Participation might improve public spaces and publicness. However, it has a greater chance of doing so on the level of maintenance and management, and public

awareness, than input into design. This is especially true where large scale planning in non-residential areas, or primarily non-residential areas, is concerned (Cashdan, Fahle, Francis, Schwartz, & Stein, 1979; Davidoff, 1976; Francis et al, 1981,1984).

Exclusion, Displacement, Control & Publicness

Control exerted by the owners can be taken to an extreme, i.e., controlling certain user groups right out of the public space. In some public spaces, such as Disneyland, no aspects are left to chance or to the user's choice. Some urban spaces, including malls, atrium plazas, and some *historical or theme areas* approach this level of control by requiring permits for entertainment such as bands, jugglers, and artists, letting them appear spontaneous, and by refusing entrance to those people perceived and judged to be undesirable, or by making those people feel uncomfortable and unwelcome when they do enter. Some people therefore create *cleaned up* urban environments where *undesirables* have been eliminated, purportedly to allow other users to be more comfortable, or conversely the "NY, NY" hotel in Las Vegas where the graffiti and vandalism are designed into the decor so you can "slum it" in safety.

This type of control is based on one groups' definition of what is acceptable. It may undermine the reason some people have for going to public spaces, for discovery of different-ness. More importantly it preserves a stereotype and mythology of who is truly undesirable or unwelcome, and pretends that the visual appearance of people is a good indicator of desirable behavior. However, rapists exist in all classes and cultures and they cannot be visually discerned. Additionally, pickpockets and con-men are well versed in the visual and behavioral qualities necessary for successful passing.

Displacement most often occurs in public places which are renovated as well as those that are removed. A person being asked to leave or forcibly evicted or excluded from a space has not generally been defined as displacement although, it is my contention that the concept could be extended in that way. Displacement seems best reserved for describing former users of a space who cannot or will not be able to continue using it. Renovations, particularly in the downtown areas of cities, are often seen or described as "clean-up campaigns", to get rid of "undesirables". In these cases displacement is the goal and often gentrification is the means by which it is achieved. It is important to note that the displaced population is not changed into acceptable folks, but simply moved to another place. A clear instance of this stratagem exists in the displacement and re-displacement of many urban nomads and bag people and drug pushers from the renovated Exxon Plaza in New York City. The drug pushers now work out of the McGraw-Hill Plaza, approximately two blocks away (Project for Public Space, 1978).

It is important to point out that groups can be pushed out by factors other than renovation. In places where one group is *in control,* members of other groups often feel unwelcome to the point of not feeling safe.

It is clear that publicness makes many demands on public space. Clearly all of these aspects cannot be made in a single, universal public space type. This work takes the stand that public spaces must be understood as a system or network rather than only as stand-alone entities.

Public Space as a System or Network and Publicness

To understand public spaces, their differences, and how people make use of them, individual public spaces must be seen as part of a ***system*** of all public spaces that exist.

Since public life and the public realm or sphere is not supported in one single space, or a single type of space, it is useful to consider public space as a system or network. In some ways this can be seen as taking into consideration both the physical and social *contexts* of various public spaces.

The idea of a system or network of public spaces, includes the specific level of scale: from national to regional, to community, to neighborhood, to local, to block, that a public place is conceived or designed to serve. A space's location on the continuum from urban, to rural or wilderness and its physical relation to other functionally, or typologically similar and or divergent spaces are important aspects as well. In addition, the idea of a system or network of public spaces includes the concept of the historical, social, cultural and economic context of spaces. As R.G. Lee (1972) noted, "The character of a *public* recreational *place* is largely determined by the social milieu in which it is situated" (p**.** 23). Spaces at these various different scales, and contexts serve different needs and different users. Publicness also includes the idea of choice of spaces so there must not only be variety but various publics must know what public spaces exist to choose from (Brill, 1989a, 1989b; Chidister, 1989; Francis et al., 1984; Francis et al., 1985; Franck & Paxson, 1989; Hecht et al., 1990; Hoffman & Paxson, 1979; Paxson, 1993a, 1993b, 1994a, 1994b, 1996; Paxson et al., 1992).

Similarly, it is important to understand the specific aspects of both the social production and construction of public spaces, which also contribute to a space's *context*. A space has a set of historical meanings that help to place it in the system or network. Historic context, both the history of an individual site and the history of the larger area of which it is a part, can be seen as a specific aspect of the constructed social context of

spaces, and it may also influence the social production of spaces. This context will influence its use and understanding by a group of users who are aware of its history. People who do not share this historical knowledge may not be influenced by it unless this history is somehow made explicit within the space. The historical context of a site or type of place may lend the space special meaning to an individual group or culture, and is part of the constructed social context (Low, 1999b; Sarbin & Kitsuse, 1994).

The size of a space, especially within its context, relates to scale, as well as to functional appropriateness, physical limitations and possibilities regarding both people, props, and activities that can be supported in the space. A hallmark of a *successful* public space, may be one which is strategically placed or that fills a need not met in other nearby venues. This idea of a system or network indicates that no space can be analyzed thoroughly as a single separate piece. It underscores the importance of locating any space and its analysis within such a system or network to help establish its context, even though this has not always been the case in previous public and open space research.

Characteristics of Public space- Classifying Framework

I previously proposed a conceptual framework for use in understanding, categorizing or classifying public space (Franck & Paxson, 1989) based not only on the concept of publicness, and an understanding of public spaces as part of a network, but also on an analysis of essential characteristics of public spaces and their use (see Figure 1). This framework is still useful for understanding public space within an overall conceptualization considering contestation. This framework organizes spaces on three classes of characteristics as well as considering use and users. The three categories of characteristics include: Provision and Management, Location or Context, and Physical

Design Characteristics. The framework is fairly self explanatory, but it should perhaps be more clearly noted in Location and Context that scale also includes placement along a continuum of urban to wilderness, and that stories although they cut across many of these categories, are a central part of both context as well as the use and user category.

Characteristics of public spaces pertaining to provision include the name of the type of space and the reasons, stated and unstated, for its development. Reasons for creating a public space may be related to transportation (streets, transit stations, etc.), recreation (tennis courts, playgrounds, etc.), entertainment, education, commerce, health (i.e., "the lungs of the city"), setting a building apart, "cleaning up" a deteriorated area, or creating a visual amenity. Control is exerted over spaces in the planning stages (i.e., zoning). These types of reasons or rationales are often plainly stated. But the provision of public spaces often is used to accomplish other ends, such as removing uses or users who are considered unacceptable or inappropriate by some group who is in a position of power or in a position to influence those in power. These reasons are not so plainly stated for the most part. Provision or non-provision of public spaces and locations chosen are political decisions. Both are inextricably interwoven with economic considerations as well (Rosenzweig, 1979). Aspects of provision as control include the history of the space's creation: when it was created; who funded, designed, and built the space; what groups were involved in the decision making process; and what the space replaced.

Such a framework can provide necessary information for grounding an understanding of contestation across public spaces and space types. Existing studies of public space often provide information on at least some of these categories. Many of the issues indicated here

have already been discussed as they relate to previous research. However a large body of work exists which is primarily organized based on the first section indicated in this framework, the name or label applied to a space, so it is important to take a look at this information.

Space type or name or label (i.e., parks, plazas, malls, etc.).

There are of course many ways public spaces might be classified. Some are based primarily on conventional names or labels of spaces (Cooper-Marcus & Francis, 1998; Francis, 1987a, 2003). Previous work in public and open space research has often been conducted within a particular space type (or grouped based on the name and or physical characteristics of similar spaces), such as plazas, parks, streets, and so on. Some previous work has looked at issues across various space types or groups. Both types of previous work provide useful information and examples for this dissertation.

The *name* or *label* applied or attached to a space is not unimportant or irrelevant. Names or labels are obviously a typology or categorization scheme used to understand qualities across spaces that are similar and or those qualities that set spaces apart. In part, naming or labeling a space as a park, a plaza, a garden, a mall, an arcade, etc. helps establish the spatial and social context and is also a part of its historical context. What a space is called reflects what the providers of the space envisioned and influences heavily the design of that space. Labels are descriptive or prescriptive and also have learned cultural meanings and expectations that become linked with them in people's minds, thereby effecting people's expectations at a number of levels regarding physical attributes or qualities, access, uses, users, and so on. For example, many people in the U.S. at this time expect that *parks* are exterior spaces, generally people think of them as places that

are more greenscape or natural (including plant life etc.) than hardscape, and as spaces where active forms of recreation among other activities will be supported.

Researchers have studied a variety of spaces within each various particular name or label category. In fact a large portion of the existing knowledge and research concerning public space has been conducted by people working within a particular "space type" defined primarily by using the name or label as the key feature[90]. Such studies have provided information regarding control, access, ownership, and so on. This body of work has been influential in the creation of the framework shown in Figure 1, and it provides background information as a comparison to similar sites noted for their examples of contestation, as well as for case study sites. However, public spaces called by the same name exhibit important variations and simply classifying them by name tends to obscure that variety. In order to understand contestation in spaces in a systematic way it is important not to collapse some of these differences but rather to delineate a systematic way of handling and understanding that variety, therefore the name of a public space should be used as only one way of describing a space. Some researchers have looked at a variety of spaces comparing and contrasting them across name or label types such as Brill, (1989b), Bosselman et al. (1984), Broadbent (1990, Cooper-Marcus & Francis (1998), Crouch, (1979), Francis, (1987a; 1987b), Halprin and Assoc. (1968), Heckscher, (1977), Heckscher & Robinson, (1977). Taylor (1979), and Specter (1974). There are also a number of other typologies of open and public space that have been created along various criteria including those by Jellicoe (Stack, 1996) and Kostof (1992).

SITES				SITE A	SITE B	SITE C	SITE D
PROVISION/MANAGEMENT	NAME/LABEL		Mall/Atrium Plaza Park Garden Lobby Park/Pier/Dock Block Walk-thru Other				
	HISTORY		Yes No Partially				
		Result of a Zoning Bonus or Incentive	Reason for Development				
	OWNERSHIP	Maintenance Provided By	Publically Private - Foundation Private - Corporation Private - Church/Institution Private - Other				
	CONTROL		Police Security Guards (uniformed) Security (not uniformed) Signage Mechanical Other				
			Rules of Entry				
	MAINT.		Public Private Volunteer Other				
LOCATION	CONTEXT		Description of Physical Context				
			Description of Historical Context				
	AGE		Under 1 Year 1-6 Years 7-15 Years 15-50 Years 50+ Years				
	SCALE		National Regional Community/Neighborhood Local/Block				
			Urban Suburban Rural Wilderness				
	SIMILAR	Nearest Location of Similar Space/Activities	2 Blocks 5 Blocks 10 Blocks or more				
DESIGN	SIZE		Small Medium Large				
	QUALITIES		% Indoor % Outdoor				
			% Fixed Features % Manipulable Features				
			% Natural/Green % Built-up				
	OTHER ACCESS		Degree of Visual Access				
			Degree of Physical Access				
			Other Physical Characteristics				
USE/USER	USE	Use/Activities (frequency by user type, time of day, grouping's)	Use Categories				
	USER	User (frequency by user type, time of day, grouping's)	User Categories				
		Contestants/Stakeholders	Contestants/Stakeholders Categories				
STORIES		Stories by Stakeholder Groups	Group 1				
			Group 2				
			Group 3				
			Group 4				

Figure 1. Public space characteristics framework

Site Stories – Public Space as Discursive Space

Another aspect of contestation that is an issue of control and power involves both **who controls the *stories* that a site communicates**, and **how the spatial *stories* empower, or disempower,** certain factions, groups, or publics. It is of course interesting and important to note that "narrating" is one aspect or part of deCerteau's conception of spatial practices (DeCerteau, 1984, xiv). What do sites say? *This is a poor, rich, powerless, powerful, old, new, place. This is the territory of this or that group. These qualities are valued; this person was killed here; this event happens here*. Design professionals and environmental social scientists support the idea of spaces as communicative. Scholars understand the human modified environment as a material production of cultures. The contextually defined relations between objects, places, and people communicate the values, decisions, and choices made[91] throughout a broadly defined process of placemaking. Places have meanings, they tell stories. Over the last several years much has been written about contextual theories of space and interpretation of the built environment and landscape, and the idea of reading landscapes and built form is neither new nor is it much contested at this point (Cosgrove, 1983; Duncan, 1985; Duncan & Agnew, 1989; Jackson, 1980, 1984, 1994; Lewis, 1979; Low, 1988; Lynch, 1960, 1981; Meinig, 1979; Rapaport, 1982; Ricoeur, 1979; Wigley, 1995; Zube, 1970). Jackson, Relph, Duncan, Richardson, and Rapaport indicate that people base their interpretations of a place on a combination of the place itself, its past and present as it is known or visible to them, and the social behaviors the place accommodates. They also consider its symbolic and communication aspects.[92] Most theorists agree that this communication and symbolism -these meanings - are embedded and encoded in place. Some scholars have postulated models or approaches for

decoding this information. Rapaport emphasizes analogy, metaphor and nonverbal behavior methodologies (Rapaport, 1982), Richardson (1980) uses a phenomenological model, and Duncan (1985) perceives the environment, though he concentrates mostly on landscape, as a text out of which ideology or symbols of order and social relationships can be created. The *text* concept has been widely discussed in current architectural theory (Bloomer, 1993; Kahn, 1991; Silvetti, 1989; Tafuri, 1991; Vidler, 1987,1992; Wigley, 1993) but not necessarily in the context of *public space*. Rapoport (Rapaport, 1980) does believe that "The design of the environment can be seen partly as a process of encoding information so that users can easily decode it". Richardson postulates that material culture is a medium through which experience and image inform one another.[93] If one considers design or the places that are designed as a set of social messages the study of these messages in public space is sparse, although perhaps currently increasing. Duncan's (1990) work is an example of considering how historical accounts regarding the provision and change of public space in conjunction with contemporary understandings of urban structure and use may help provide a clearer understanding of reading places as communications or expressions of social relations. The complexity of these messages and the lack of theories or methods for making these messages explicit accounts for this according to Low (1988). She also postulates that although there is not a one-to-one correspondence between spatial arrangements and meaning, there is

> . . . a complex "culture-making" process in which cultural representations are produced, manipulated and understood by designers, politicans, [sic] users and commentators within changing historical, economic and sociopolitical contexts. These spatial/cultural representations express in their own logic the power relations between different groups (Moore 1986:89) and reflect ongoing patterns of cultural change. (4/5) . . . Urban public space plays an important role in communicating and articulating cultural meanings that move from the public

> realm of political parties and economic control to private, individual reactions and behaviors that change, counter and redefine those meanings. (Low, 1988, p. 30)

Although Miles (1997) thinks "The role of codes of recognition in interpreting imagery is well rehearsed" (p. 42), *what* is *read* is often open to debate and discussion. One can also argue that since spaces and people are interactive, interdependent, and change over time, their meanings will also change to some degree over time.

While one could include in this sense *those whose voices can literally be heard in the space*, I think that this aspect is better considered by what use(s) and user(s) are supported or discouraged in a space. Here I am focusing on issues of whose image or values are predominant in a space, who determines and communicates a space's *reputation* and how this is done, as well as actual or literal *interpretation* of groups, events or place.

Spaces of Representation, Representational Space, and Representations of Space

Lefebvre (1991) in *The Production of Space* puts forth two complementary aspects or formulations of representation and space; i.e. *representations of space* and *representational spaces*, which is, the way we talk about space and the way we experience or inhabit space. The concept of the *stories* of spaces involves both formulations because they are not mutually exclusive. How one thinks or conceptualizes, understands, talks and writes about space effects how one designs, makes use of, and manages space and vice versa. Both concepts are aspects of the *spatial practice* of a society, its experience of space based on its collective action or function.

> *Representations of space* are the perceptions or conceptions of space which use signs and codes to enable a common language of space -- 'conceptualized space,

> the space of scientists, planners, urbanists, technocratic subdividers and social engineers' (Lefebvre, {1994} 1991:38) -- and involves, for instance, making maps, verbal and intellectually formulated devices, [and] hierarchies of spaces; … *representational spaces* are the lived and felt spaces of everyday life known through its associated images, and involves non-verbal communication, appropriation, rituals, riots, markets and other aspects of life in the street. (Miles, 1997, p.46)

Lefebvre believes that in western society the conceptions of space, that is, the *representations of space*, have come to dominate or be privileged over experience. As one logic of space or spatial organization he starts from *peasant* society and takes images of the body, the home and the village with its fields, *beyond which is strangeness*. This is important to our concepts of contestation since it can be seen a version of the known and the unknown, or of the included and the excluded which can be both known experientially and represented. In Lefebvre's view the privileging of the mental or abstract by academic disciplines is a problem. He sees city zoning, related to Cartesian rationality, as responsible for the fragmentation of urban society based on an image of coherence decreed from the top-down (Lefebvre, 1991, p. 317). Cartesian space is a geometric conceptualization, created by a man in his study, versus a conceptualization of space based on the senses of one's body and experience, wherein one's body and experience are unreliable and lack geometric order and hierarchy. The dualistic split of mind, or the abstract, and body, sensation and perception, has often been noted as one aspect of the exclusion of women as well as the non-white, and non-bourgeois, from *civic*, *urban*, or *public* spaces.[94]

As another aspect of this exclusion in addition to the privileging of the abstract mind over the body, a number of scholars have written about the absence of the body, or at least the messy body and public space (Bakhtin, 1994; Fraser, 1989, 1992, 1997;

Miles, 1997; Massey, 1993, 1994; Rose, 1993; Sennett, 1994; Young, 1987, 1990, 1997a). They relate this resulting purified interpretation of the "civilized" body to a series of exclusions, and carefully controlled passages between the inside and outside, which has been responsible, at least in part, for the gendered quality of public space. That is, following the western tradition from the 17th century on, unlike the female body, the *civilized* body was not smelly, uncontrolled, or excreting, all of which were associated with the processes of mensing and childbirth. There is a long history, in western thought and society, of the differentiation of male and female bodies and their assignment to the public and domestic realms. Sennett (1994) in his book *Flesh and Stone* indicates this as stemming in part from Greek notions based on the determination of sex in *utero.* It was believed that the higher the temperature of the womb the more likely the baby was to be male, and therefore in life they inhabit hotter bodies, while women are cool. Men will therefore search out and occupy, without the need for clothing, sunlit spaces like the agora, high visibility spaces of action, and women (and non-persons like slaves) will occupy the cool enclosed spaces of domesticity in their clothed bodies. This description of course denies the reality of a major domestic activity, cooking over a fire, which has come to be characterized even in our own culture as "slaving over a hot stove". I discussed *gendered* exclusions previously in the section on users and participants.

Lefebvre is concerned with reclaiming space as experiential without losing the conceptual aspects.[95] Lefebvre also argues that history is bound up with the *time* in which forces clash, *space* is constructed, in modern western thought, as an illusory transparency, this also creates contradictions between the conceptualizations of space and the range of

what actually goes on experientially in spaces. Geographer Doreen Massey (1994) notes that there is also a set of gendered dichotomies in place concerning time and space:

> There is a whole set of dualisms whose terms are commonly aligned with time and space. With time are aligned History, Progress, Civilization, Science, Politics and Reason, portentous things with gravitas and capital letters. With space on the other hand are aligned the other poles of these concepts: stasis, ('simple') reproduction, nostalgia, emotion, aesthetics, the body. (Massey, 1994, p. 257)

Stories & the Production of Space

The *story* of a space includes its history, which includes its own making or production. The place or location itself has a much longer history than that which is unique to the particular public space. This *pre-* history may have impact on its public nature as well as on potential contestations. One type of contestation that this aspect might include concerns the removal, erasure, or covering-up of the former qualities and aspects of a place. This is frequently done when spaces are *renovated*; and may become a basis for contestation, such as when efforts are made to replace a brown field site with a garden. Although there may be contestation regarding such modifications to a place it may not always be visible in the space. For example, the contestation may involve the displacement of a group who is so powerless that they have no recourse, or voice to make the contestation visible. It may make an activity so impossible to continue in the space that it is simply displaced to another site. Or the contestation may take place primarily in another venue such as the media or perhaps the court system. The contestation may be visible but subtle. Some messages are overt while some are less so, and some are accessible only to the initiated. The space's *story* is in part read in the *official* designed message. This built message reflects design decisions and may make visible the

contestation that occurred during the design process or may only reveal the outcome or result of such contestation.

Early work in environmental social science dealt primarily with environments as given, looking at the process or practice of design as important to people's behavior in and on spaces was a later development. The provision or production of spaces, that is the actual practice of both policy and physical design and building has become an important aspect on its own as well as related to its impact on place-making.[96] Louis Wirth's (1938) work *Urbanism As A Way Of Life* helped establish a relationship between sociology and urban planning. Although Wirth's work is primarily directed to urban spaces and cities generally rather than public space, given our previous discussion of the relationship of public and urban space, it can be useful to this work as well. Wirth believed that problems he saw with the design of cities, could be solved through the use of rational consensus and scientific objectivity. In his model based on such consensus and objectivity, social cohesion would be engineered by urban planners operating at a regional planning scale.

Savage and Warde (1993) take exception to Wirth's position by challenging the position that there is a single *dominant* way of life. They point out that this is not just true of different positions in the city versus the country or surrounding areas in the region, but within the city itself. This is a point equivalent to my discussion of the concept of multiple public(s). Additionally Savage and Warde note another flaw with Wirth's work. Wirth has no concept or model of how one might operate a consensus model that allows or empowers the participation of various urban dwelling subgroups to participate in the design of their place. Rather, Savage and Warde note, urban authorities or the urban

bureaucracy acts as though it represents, or can represent, such a *consensus* without any means of eliciting, creating, or constructing it. They are critical of the traditional form of top-down planning and design practice, especially in terms of its position of power (Appleyard, 1976; Arnstein, 1969; Castells, 1983; R. Cohen, 1979; Davidoff, 1976; Forester, 1987b, 1989; Goodman & Goodman, 1960; Goodman, 1971).

John Forester (1987a) summarizes Habermas' communications theory of society indicating that structures or places which are designed to *communicate* also convey ideology and obstruct freedom through displacement. He notes that as a result political questions are presented as technical matters for choices on the level of detail, and most implications of development which indicate the developer's self interest are unstated in any public debate process. Forester proposes that an application of the critical theories of Habermas would be to use them as the basis for developing a process of social criticism and mutual understanding which would create a more open consensus by addressing this disinformation. Miles (1997) believes such a proposal would require two things that he feels do not presently exist. Professionals would need a language or vocabulary for discussing urban design with the publics involved, and information would need to be more accessible and available.

Issues of professional planning and design in the provision of public space is related to Young's (1990) analysis of justice and its relationship to paradigms and patterns of distribution, Young notes that of special importance in this analysis are issues of decision-making power and procedures. I think this can be extended to the analysis of public space by keeping in mind that it is not just the spaces themselves that are important here but the processes by which they come into being and their *publicness* or

how *public* they are. It is important to consider all aspects of institutional rules and procedures that bring into being, or keep from being brought to fruition, *public* space in so far as they are, or might be, subject to potential collective decision-making.[97]

Young cites two examples of contestation regarding decision-making and its processes:

> Citizens in a rural Massachusetts town organize against a decision to site a huge hazardous waste treatment plant in their town. Their leaflets convince people that state law has treated the community unjustly by denying them the option of rejecting the plant (Young, 1984). Citizens in an Ohio city are outraged at the announcement that a major employer is closing down its plant. They question the legitimacy of the power of private corporate decisionmakers to throw half the city out of work without warning, and without any negotiation and consultation with the community. .... (Schweickart, 1984). These two cases concern not so much the justice of material distributions as the justice of decisionmaking power and procedures. (Young, 1990, p. 19-20)

This discussion makes clear that contestation can play an important role in public spaces before they even exist. Practices and processes of decision making regarding provision and design are important from the earliest conception of a particular space through a space's entire *life* or history and may and the may become the basis of contestation about a place. Factors involved in the provision of space include issues of context and choice of placement[98] and what the space will be[99]. Such factors and decisions concerning the provision of a space impact the site throughout its future as much as the events and histories which will take place in, on, and around it in the future. There are many potentially public spaces that come into being precisely because of some event or former connection with a particular place. All places have histories and over time, stories about the particular place continue to be told. Since the public is not uniform, neither are the stories that people read from and tell about them.

Identity Creation and Reinforcement

Public space can provide a stage where events in time define re-define the relationships of space, life and behavior. Public space is a community theater within which its *myths* are retold and reinvigorated and the crucible in which *myths* contest for their acceptance and their audience. Public space could therefore be a place of imagining who we are, who we have been, and who we might become. Recognition that renewing a sense of self requires an external place of reflection and a communal response therefore creates the need for public space within which subgroups can present or perform as one means of communicating with the rest of society. Some contestations are about establishing a public identity for various users, thus public space has the potential to provide a platform for the marginalized, invisible, and voiceless to gain a voice, for alternate histories to be performed, imagined, and communicated.[100] Related to public space as a place to communicate aspects of identity are concepts of *place attachment* (Altman & Low, 1992; Proshansky, 1978; Proshansky, Fabian & Kaminoff, 1983; Rivlin, 1982; Tuan, 1974, 1982) also called *spatial identity* (Fried, 1963). People form attachments to place and these attachments have impacts on their identities both personal and group, Proshansky et al. attributes this, especially in public space, to the social interactions that occur in these places. While people's identities are largely stable and enduring they do evolve or change over the course of their life, as do their attachments to place or place identities.

Young (1990) includes "... the symbols, images, meanings, habitual comportments, stories, and so on through which people express their experience and communicate with one another" (p. 23) as part of *culture*. She also points out that culture

is one of the nondistributive issues that distributive theories tend to ignore. Additionally, Young makes the point that the symbolic meanings that we ascribe to others, as well as to gestures, actions, institutions etc. often effects their opportunities and their social standing and underlines the "injustice of the cultural imperialism which marks and stereotypes some groups at the same time that it silences their self-expression." (pg.24).

Memory, Memorials, and Memorialization

Memories can be seen as another type of story about space, one rich with the potential for contestation. Memory is constructed and constructive. Monuments and memorials are often part of that construction. Monuments and memorials in public spaces have helped to create and commemorate a culture's heroes. Heroes are created through communication about them, with communication forms ranging from the oral recounting of stories and plays to visual depictions of individuals and deeds (Dippie, 1976; Drucker & Gumpert, 1997, 2002; Hubbard, 1987; Linenthal, 2001; Mitchell, 1992; Saunders 1999).

Monuments provide an interesting look at the space of resistance and its role in civil society, particularly in terms memories and what is seen as *traditional* when multiple versions or visions of those memories or *traditions* are being scrutinized. Contested memories and *traditions* could support diversity (diversity of points of view, users, uses etc.), by valuing the marginalized, providing a venue for the voiceless to gain a voice, or for alternate histories to be imagined. There are a number of memorials in public spaces which have sparked a great deal of contestation in the last two decades (Degnore, 1987; Griego, 1998; Linenthal, 1991, 2001; Senie, 1999; Senie & Webster, 1992; Solnit, 1999; United States Congress. Senate. Committee on Energy and Natural

Resources. Subcommittee on National Parks, 1997a, 1997b, 2000; United States), such as the Vietnam Memorial Wall (Degnore, 1987; LaWare, 1997; Mock, 1994; Russell, 1999; Scruggs & Murphy, 1992; Scruggs & Swerdlow, 1985; Senie & Webster, 1992; Spencer & Wolf, 1986), the Martin Luther King Memorial (Mock 1994), the FDR Memorial (Cobb, 2000; Dillon, 1998; Halprin, 1997; NPS, 1997; United States Congress, 1997) and perhaps to a lesser extent, the Oklahoma Bombing Memorial (Linenthal, 2001) the AIDS-Names Quilt (Cobb, 2000; D'Emilio, 1992; Hogan, 1998; Margolies, 1996; Senie & Webster, 1992), the Kent State Memorial, and a number of Holocaust memorials, and the current debate regarding a World Trade Center-9/11 memorial.

Memory and memorial can incorporate activity and ritual, which will possibly help maintain the dialogic potential of memorials to describe or delimit the quality of public space within or around them. *Maintenance* and *dialogue* indicate that the plurality of meaning, memory, and memorial can change, and be recreated, re-inhabited, re-interpreted, and re-negotiated (Abramsom, 1999; Chua-Eoan, 1992; Davis & Starn, 1989; Dubin, 1999; Hass, 1998; Hogan, 1998; Jeppeson, 1991; Lopes, 1987; Margolies, 1996; Mock, 1994 Morrissey, 2000 #900; Senie & Webster, 1992).

Language and Stories – Privileging Communication Forms

One important issue raised in Young's (1997) work which proposes what she would call "communicative democracy", is the issue of the privileging of certain forms of communication over others. This issue has also been the focus of research in linguistics, law, and ethnic studies. "Communicative democracy" grows out of recent developments in the field of democratic theory.

Typically democratic theorists, or theorists of democracy, have based their work on the assumption of an *interest based theory of democracy* i.e. we are all looking out for our own best interest and embedded in that proposition appears to be a belief that each of us have an equal chance of our interest prevailing. If one accepts this premise then democracy is primarily a process of voicing one's preferences through a vote. Young (1997b) notes that recently there are several theorists including J. Cohen (1989, 1990), Sprargens (1990), Sunstein (1988), Michelman (1986), Dryzek (1990), and Manbridge (1990, 1992), who have put forth the concept which they refer to as "deliberate democracy"- or a discussion-based ideal of democracy- as one alternative[101]. Young has two problems with how most of these theorists have articulated this idea. Most of those working in this area narrowly restrict the concept of democratic discussion to include *only* critical argument. Young argues that this is a culturally biased conception of "discussion" which tends to silence or devalue some people and groups. Fraser (1997) makes a similar point from a slightly different perspective when she says we should examine the process of discursive interaction within formally inclusive public arenas. The rules or style of *discursive interaction* which govern within the bourgeois public sphere in and of themselves create inequities and markers of status differentiators which marginalize or exclude certain groups – women, people of color, lower classes, thereby restricting them from interacting as *peers*. Fraser notes studies, such as those of Jane Mansbridge (1990) that document gender differences in deliberation styles, indicate that deliberation styles can create a mask for domination – privileging some groups or individuals while marginalizing others. Deliberative democracy theorists also assume, inappropriately to Young's mind, that processes of discussion which aim to reach

understanding ***must*** either begin with shared understandings or take "common good" as their goal.

Joshua Cohen and John Dryzek give their ideal conditions for deliberative or discursive democracy, which resemble Habermas' ideal for *discourse to reach understanding*.

> In the ideal of deliberative democracy, participants come to a political problem with an open mind about its solution; they are not bound by the authority of prior norms or requirements. The process of political discussion consists in reasoned argument. Participants put forward proposals and criticize them, and each assents to a conclusion only because of the "force of the better argument". For such assent to be rational, participants must be free and equal. Each must have the equal opportunity to make proposals and criticize, and their speaking situation must be free from domination. No one can be in a position to threaten or coerce others to accept or reject certain proposals. The goal of deliberation is to arrive at consensus; even when this is not possible and participants resort to voting, the result is a collective judgment rather than the aggregate of private preferences." (Young, 1997b, p. 62).

Young notes that an erroneous assumption which deliberative theorists make is that it is enough to make speakers equal simply to bracket political and economic power.[102]

> This assumption fails to notice that the social power that can prevent people from being equal speakers derives not only from economic dependence or political domination but also from an internalized *sense of the right one has to speak or not to speak, and from the devaluation of some people's style of speech and the elevation of others*." … The deliberative ideal tends to assume that when we eliminate the influence of economic and political power, people's ways of speaking and understanding will be the same; but this will be true only if we *also eliminate their cultural differences and social positions*." [emphasis added]. (Young, 1997b, p. 63)

Young would therefore propose a democratic theory she would call "communicative democracy"[103]. "Communicative democracy" unlike "deliberative democracy" starts from a position that acknowledges social and cultural difference in deliberation as in

other areas as opposed to assuming that deliberation is culturally neutral and universal. The deliberative model of communication, according to Young, grows out of a specific, modern, western, context which is biased, "elitist and exclusive". Those institutional contexts include "scientific debate, modern parliaments, and courts", or the aspiring institutions of the bourgeois revolution that became "ruling" institutions.

> Their institutional forms, cultural styles, rules, and most especially their communication or rhetorical styles have come to define the meaning of reason itself in the "modern world".[104] [Since they have been] "elitist and exclusive… these exclusions mark their very conceptions of reason and deliberation, both in the institutions and in the rhetorical styles they represent. (Young, 1997b, p. 63)

Therefore from their inception they represent a style that while presented as, or claiming that, *"deliberative forms of orderly meetings to express pure universal reason",* they are actually a male, white, and upper-class dominated culturally specific form which has come to be regarded as the norm of deliberation. As such these *culturally specific norms*, "*often operate[s] as forms of power that silence or devalue the speech of some people*." (Young, 1997b, p. 63).

Thus "communicative democracy" includes two key differences from "deliberative democracy": 1) that

> . . . we understand differences of culture, social perspective, or particularist commitment as resources to draw on for reaching understanding in democratic discussion rather than as divisions that must be overcome. (Young, 1997b, p. 60)

and 2) we realize or include

> . . . an expanded conception of democratic communication… [which includes] greeting, rhetoric, and storytelling [as] … forms of communication that in addition to argument contribute to political discussion. (Young, 1997b, p. 60)

The issue of privileging or ascribing more value to certain types of language or ways of communicating has also been studied in the fields of linguistics, law, and ethnic studies.

The ethnic education literature has long held that it was necessary for *minority* students to demonstrate linguistic and cognitive qualities of the mainstream or dominant culture to achieve academic success. It supported assimilation or acculturation by indicating the difficulties and problems of being bi- or dual –cultured. This perspective is sometimes referred to as the "damaging-culture model", where a student's own culture was seen as being an impediment to success in the *mainstream* or dominant culture (Buriel, 1984; Simmen, 1972) and encouraged and led to loss of cultural identity. Many contemporary scholars are critical of this position and they argue for more inclusive and diverse understandings and definitions of learning and communication (Buriel, 1984; Cleary & Peacock, 1998; Gomez, 1973; Larson, 2000; Ramirez, 1972; Reyhner, 1992, 1998). This literature can be helpful in understanding the point Young makes for *public* discourses. Law Professor Leslie Espinoza (1990), who is both a woman and a scholar of color, describes the feeling of being excluded from a single dominant mode of discourse:

> It is … disturbing to perceive the world differently from those whose discourse dominates … [and] to explore that difference, to acknowledge it, is to be vulnerable. (Espinoza, 1990, p.50)[105]

Young was trained in Law, a discipline which has recently had a number of scholars concerned with issues of language difference related to both the practice of law itself and to issues of justice. Another law scholar, Margaret Montoya (1994) notes

> John T. Noonan, Jr. criticized the law's emphasis on rationalized rules and the duplicity of legal language; he described the fictions employed by Holmes, Cardozo and other famous judges and lawyers to suppress the humanity of those acting (e.g., "sovereign") or those being acted upon (e.g., "property" for slaves). Noonan's purposes were to show the dangers inherent in a system which fails to acknowledge human identity and to free the language of law from the masks and legal fictions which deny the humanity of different groups in society. (Montoya, 1994, p.17)

To challenge how we come to understand what the law is, Culp (1992) quotes legal scholar Patricia Williams:

> So *The Alchemy of Race and Rights* has transformed madness into knowledge and knowledge into a different way of looking at law, and that is what legal scholarship must be about – but seldom is. If white scholars are to understand some of what black scholars and people are saying, they must begin to appreciate stories that are unconventional. Only in the madness of the unconventional is it possible for truth to be found – at least a truth that includes the lives and experience of black people. (p.1040-1041)[106]

The concept of using language to exclude is of course familiar in many situations, ranging from the use of a "foreign language" or *slang* with the intent to exclude others, to professional or disciplinal language (*jargon*) to identify insiders or distinguish them from *outsiders*. Some bi-lingual minorities may use the *minority* language when expressing or wishing to emphasize particularly important or emotional content. Montoya (1994) explores this idea by considering

> . . . how transculturation creates new options for expression, personal identity, cultural authenticity and pedagogical innovation. [My writing] has as its characteristic motif the braiding together of the personal with the academic voice, legal scholarship with scholarship from other disciplines, narrative with expository prose and poetry, and English with Spanish. Though untidy ("greñas"), these linguistic and conceptual braids ("trenzas") challenge conventional paradigms within the legal academy and subvert the dominant discourse. (Montoya, 1994, p.2)

Montoya uses transculturation as it is used by Nancy Morejón where the constant relation, interaction and transmutation between two groups, cultures, or cultural components have as an unconscious goal the creation of a third cultural group or entity. By combining a strong personal voice and an objective academic voice she discusses issues like language mixing (Tex-Mex or Spanglish), not dismissively, but to illustrate linguistic competence. Additionally Montoya comments that:

> I use the passive voice when I am making a connection to what I believe are collective experiences. While this construction is disfavored in legal writing, the purposely vague subject is meant to suggest an inclusiveness to the idea or the experience being described in order not to have to describe the collectivity. (Montoya, 1994, p. 3)

The format or narrative as well as the content of the stories is at work here. Young (1997b) writes:

> In a communicative democracy participants in discussion aim at reaching understandings about solutions to their collective problems. Although there is hardly a speaking situation in which participants have no shared meaning, disagreements, divergent understandings, and varying perspectives are also usually present. In situations of conflict that discussion aims to address, groups often begin with misunderstandings or a sense of complete lack of understanding … and a sense that their own needs, desires, and motives are not understood. This is especially so where class or culture separates the parties. Doing justice under such circumstances of difference requires recognizing the particularity of individuals and groups as much as seeking general interests. Narrative fosters understandings across such difference without making those who are different symmetrical… (1997b, p.71-72).

Young believes that narrative can foster such understanding across difference without trying to make those who are different symmetrical in three ways. Narratives are particularly good at revealing the unique aspects of a particular group's experiences in a given time and place to another group, who, because they are differently situated, cannot share these experiences but who do need to understand them if they are going to deal with the first group justly. This is not to say that hearing the stories is equal to a "complete understanding" of the first groups' situation by the second, but perhaps they understand that difference exists. Additionally perhaps they understand that while they cannot share the experiences of the other group, narrative can evoke empathy or at least sympathy even while maintaining distance; it can also make clear that there is always more to tell. Second, stories and narratives expose not only values and meaning but also their

source(s). This is critical since values and meanings, as well as their underlying sources, are often assumed, and it is taken for granted that they are also shared by others. Values cannot be justified through argument but they are also not arbitrary. On the contrary values generally are emergent from the contextualized history or background of any given group or subgroup. Narrative can help someone from outside the group to understand both the priorities and the values of the other group and the reasons they have those priorities and the values.[107] The third way Young believes narrative can foster understanding across groups without requiring that they be or become equivalent, is that narratives reveal not only experiences and values from the point of view of the narrators, but an understanding of the whole and how members of a group understand themselves. That is:

> Each social perspective has an account not only of its own life and history but of every other position that affects its experience. Thus listeners can learn about how their own positions, actions and values appear to others from the stories they tell. Narrative thus exhibits the situated knowledge available to the collective from each perspective, and the combination of narratives from different perspectives produces the collective social wisdom not available from any one position. (Young, 1997b, p.73)

Communicative democracy therefore does not require a dialectic *either-or* stance but rather can be seen as a *both-and* position. Storytelling or narrative forms can augment, complement or supplement the more typical *critical argument* or *deliberation* forms which privilege the dispassionate, the *educated*, or those who feel they can claim the right of assertion. In situations where arguments depend on appeals to entitlement or need, narrative provides a valuable format to demonstrate such claims. It can also contribute to argument by providing social knowledge of how different groups view each other's actions or positions, and what effects various policies or actions might result in for

different groups or situations. Narrative forms tend more toward the egalitarian, as everyone has stories to tell, and although the meaning and style may vary, each teller can be accorded equal authority and value within the particular situation (Young, 1997b; Sanders, 1992). [108]

Contestation can become apparent not just in the use of language itself, or in the form (critical argument, rhetoric, narrative etc.) of the language, other points of view can also challenge conventional or accepted *stories* or histories.

> Stories too can … reveal their potential for challenging the dominant discourse … they are an important site of resistance … they invent, reform, and refashion personal and collective identity. (Montoya, 1994, p. 27)

The differences among the various public(s) become most apparent in this way and this is perhaps the aspect of contestation of *stories* that first comes to mind in public venues. Consider, for example, the contestation over the Enola Gay exhibit (Linenthal, 1996). Alternate stories can help "examine embedded truths and to expose ideas which lurk behind more accessible and more conventional conclusions" (Montoya, 1994, p. 26). Critically examining the stories which different public(s) tell or read from places can reveal much about contestations and their underlying value or normative stances. In the next section definitions of contestation as well as issues of contestation and its relationship to publicness, public behaviors and public space will be explored.

Why is public space important?

As noted above some scholars have raised the question of whether public space has a role and the importance of that role in the new millennium (Brill, 1987, 1989b; Drucker & Gumpert, 1997b, 1977c; Sorkin, 1992) It is important to note that my concern

about public space is prompted by the fact that more spaces called "public" are constantly being built or renovated, yet I believe the definition or definitions of public should always be questioned. This concern is related to Carr et al.'s (1992) proposition that contrary to previously discussed work which is concerned with the diminution of public life, the proliferation of spaces and their varying placement on the axis of public-to-private are an indication of an increasingly public life which is evolving and redefining itself. It seemed important then, and still does, to understand ways in which existing spaces and potential new ones relate to a democratic concept of public, and ways in which they could be understood to insure that, in fact, they are truly public.

There is a question of whether the physical design of spaces is really germane to fostering a democratic definition of public life. Built or constructed spaces are not only where spatial contestation takes place, physical design is often the focus of contestation. Based on his work in neighborhood open spaces, Sidney Brower (1971) concluded that good design is only really an important factor to potential users when (1) the demand to use a space or engage in an activity is weak and (2) when competition is strong, i.e., when there are other places to go or things to do. If his conclusions are true then design should be important for public spaces as well, since there are numerous spaces given this label so there is competition, and the current demand for public gathering appears to be somewhat weak. The exploration and identification of design qualities, elements, and features towards the development of guidelines[109] is an important strand of research on public space (Ast, Underhill, & Orlowski, 1987; Bosselman, 1984; Broadbent, 1990; Cooper-Marcus, 1989; Cooper-Marcus & Francis, 1998, Halprin & Associates, 1968; Joardar & Neill, 1978; Project

for Public Spaces, 1984, 1988; Rutledge, 1971; Taylor, 1979; Whyte, 1980b). It is important that these physical qualities and elements are viewed in such a way that any guidelines are descriptive and not prescriptive, and that they are understood to be grounded in a particular time and culture. Although it is an assumption of the proposed research that design elements contribute to the development of truly public spaces, these elements will not tell the whole story. Additionally I use the term design not necessarily to indicate, or be limited to, a "professional" activity, therefore even "found spaces" could be said to have design elements and features, and users of spaces as well as professionals may direct or impact design and physical features, elements, and qualities.

As a culture we are in the midst of a redefinition of space(s). It is my contention that there are spaces being called public which do not function as such (Brill, 1989b; Carr et al., 1992; Forrest et al., 1979; Francis, 1989). The concealment of the true function of such spaces must be exposed in order for the citizenry to be informed and to make decisions as to whether such policies are in the interest of the various "publics". It is necessary to be constantly and critically mindful of what publics are served as well as what publics are not served in any space. Issues and questions about the design of public space and qualitative valuations of good design are rarely about proportion, formal or not geometries, tectonics, material, rather design becomes a code for whose place this is, for who belongs and who does not. It is possible to reframe the redefinition as well as concealment of true function as a design issue, especially where design is understood to include policy and provision as well as management issues.

The importance of the quality of public space in our[110] early work was reinforced by then current concerns with the "gentrification" of space, the "privatization of public space", the commercialization of public space or the "boutiquing of America", over design or inappropriate design solutions or "the malling of America". These concerns were thought to have surfaced in part in response to traditional "public providers" of these spaces such as parks departments experiencing very tight budget crunches and corporations becoming more involved in and taking over a greater proportion of the provision and management of public space in exchange for greater rental areas and other zoning concessions or exemptions, or simply greater control and the hope of higher revenues (Allen, 1974; Ast et al., 1987; Barnett, 1974, 1980, 1986; Cooper-Marcus, 1989; Elliot, 1979; Forrest et al, 1979; Hecht et al, 1990, 1992; Kayden, 2000; Nelson, 1977; Paxson & Juhasz, 1996; Project for Public Spaces, 1978; Taylor, 1979; Whyte, 1980b; Zukin, 1991, 1995. Part of the concern with the quality of public space may have stemmed from the perception that the field of architecture and design was experiencing a retrenchment towards visual design qualities versus the provision of spaces for people. Many researchers and critical theorists have continued to explore this theme (Brill, 1989a, 1989b; Carr et al., 1992; M. Davis, 1990; Deutsche, 1991b; Hayden, 1995; Juhasz, 1984; Kornblum, 1978; Low, 1999a, 1999b; Paxson, 1993a, 1993b; People-Environment Group, 1978; Sennett, 1990; Sorkin, 1992; Wilson, 1991; Zukin, 1991, 1995, 1999) bemoaning the rise of gated living areas, the commodification of culture and space, and the loss of truly public space. There was and is a concern reflected in this work that this semi-private provision of public spaces may not fulfill important aspects of publics in a democracy.

The Role of Public in a Democracy

> The bourgeois public sphere Habermas describes was flawed because the condition of plurality to which Arendt refers was not respected as it must be in the public realm. The notion of the possibility of people coming together to make public the realities they know and change those realities remains an ideal to be grasped. Yet the concept of a diverse pluralistic group of people – not the state – having access to the public realm is a basic tenet of a commitment to democracy. (Gee, 1996, p. 19)

So often discussions or definitions of public begin with or are based on a history of public space. Frequently when writers begin to discuss public space and especially public life, particularly in America, they begin with the Greek Agora as the pinnacle or quintessential example of a true or successful or democratic public space. As I noted earlier this space served a very restricted public. So why is it chosen as the representative or ideal? I believe this ideal is related to our white, patriarchal, western European tradition of scholarship and a product of the enlightenment which idolized a vision of Greek society and chose to credit the American version of democracy as being based on a Greek one. It is significant that some more recent scholarship acknowledges the roots of American democracy in the Iroquois Confederacy at the time of the construction and envisionment of America and democracy in the 1700s (Deloria, 1974, 1995a,b; Weatherford, 1988). Therefore it might be more enlightening to examine and consider the public space of the Iroquois Confederacy as the pinnacle and or root example of a true or successful public space. Other scholars begin their historical retrospectives of public space with the role of medieval European plazas, streets and open spaces as venues for the public of that time to gather, exchange news and other goods as well as exchanging views, and perhaps for debate, and discussion, and sometimes they include comparisons to middle-eastern examples. Some researchers simply begin with the shared working

landscapes or shared grazing spaces such as the commons and public squares in the 1700s.

M. Gee (1976) begins her short history of public space in the U.S. with the commons in the 1700s noting that these were not spaces that "worked for the homogeneous citizens as places to form a public realm of discourse" (p.20). She then goes on to note that in the 1800s public space began to be transformed into places of "experience" in response to what was considered the "ultimate value", that of cultivating aesthetic experience. Therefore they became spaces to experience scenery, nature or other people according to Gee. Gee feels that Cranz (1982) criticized this version of public space as yet another form of elitist social control because park-makers were trying to teach the lower classes the behavior of the upper classes.

However, in part, Cranz is also commenting on *passive* experiences like promenading being privileged over *active* recreation, rowdiness, drinking, activities related to a more embodied experience as some feminists might put it (Fraser, 1989, 1997; Young, 1990, 1997a). Later in the 1900s the use of certain types of public spaces for organized group activities especially sports and recreation became quite acceptable, and while public markets have a long history shopping related to a recreational pursuit in public spaces is more recent (Carr et al., 1992; Cranz, 1981; Gee, 1996; Heckscher, 1977; Jackson, 1979b; Zukin, 1999, 2000). Gee notes that these early spaces were not truly democratic because they were exclusive in their definition of public. She believes that

> As the public realm changed under democracy from a homogenous group of educated white male property owners to a democratic mass of every class, race, ethnic group, religion, gender, sexuality, etc., so too did the concepts of public space change. (p. 20)

Gee also believes that there is a prototypical stereotype of public space as:

> . . . a space where citizens can come together for discourse, a space for identity formation and community building. (1996, p. 21)

which remains the ideal image of public space even today and cites Carr, et al. (1992).

> Carr, et al. (1992) actually define *democratic spaces* as those which . . . protect the rights of user groups. They are accessible to all groups and provide for freedom of action but also for temporary claim and ownership … Ultimately, public space can be changed by public action because it is owned by all. It can offer a sense of power and control limited only by the rights of others. (p.20)

and they contend that democratic space requires changes in the process of making (design process) and maintaining of space too**.**

While Fraser (1997) believes that something similar to Habermas' idea of the public sphere is indispensable both for democratic political practice and critical social theory, it must undergo some radical reinterpretation to be useful in terms of the actual limitations of existing democracy. Fraser points out that given the "conditions of the late-twentieth-century … some new form of public sphere is required to salvage that arena's critical function and to institutionalize democracy" (1997, p. 70-71).

Democratic space is an important aspect to true public space. Spaces which support and enable contestation, which can be a kind of discursive or dialogic practice, are spaces which are democratic because they can allow or give voice to marginalized, fringe, or minority voices and points of view.

> Moreover, not only was there always a plurality of competing publics but the relations between bourgeois publics and other publics were always conflictual. Virtually from the beginning, counterpublics contested the exclusionary norms of the bourgeois public, elaborating alternative styles of political behavior and alternative norms of public speech. Bourgeois publics, in turn, excoriated these alternatives and deliberately sought to block broader participation. As Eley puts it, "The emergence of a bourgeois public was never defined solely by the struggle against absolutism and traditional authority, but … addressed the problem of

> popular containment as well. *The public sphere was always constituted by conflict.* (1997, p. 75) [emphasis added]

Fraser supports alternative publics which she calls "subaltern counterpublics" to indicate

> . . . that they are parallel discursive arenas where members of subordinated social groups invent and circulate counter-discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs. (1997, p. 81).

Subaltern counterpublics are not necessarily democratic, egalitarian, or virtuous and they often practice exclusion and marginalization themselves. According to Fraser these counterpublics have an important role to play in cultures and societies that are stratified, or where unequal publics interact,

> . . . in stratified societies [where] the ideal of participatory parity is not fully realizable*, it is more closely approximated by arrangements that permit contestation among a plurality of competing publics than by a single, comprehensive public sphere"*) [emphasis added]. (1997, p. 82)

Fraser believes we need a theory of public life that takes the interaction of unequal publics into account.

> This means theorizing the contestatory interaction of different publics and identifying the mechanisms that render some of them subordinate to others. [emphasis added] (1997, p.85)

This work documents the ongoing history of the public realm or sphere to be one whose nature is of contestation, conflict, or competing claims for the last three centuries. The official or scholarly view, of "the" American public life and sphere has often been presented as a single mainstream, unitary, uniform, homogenous, inclusive versus exclusive entity concerned with the common view for the common good. This was not, however, actually the case, it was rather, a new hegemonic mode of domination. While this is useful for our purposes, it still raises the question of What does it mean for our

understanding when the story told or the recognized view is so exclusive or limited? What does it say about the future of public life, public space, public behavior, and the public realm or sphere?

Fraser feels that we should neither conclude that the concept of the public sphere is so compromised (an "instrument of domination") that it is useless for thinking critically about "public" and "democracy", nor that it was an unrealized utopian ideal that was not realized in practice but retains emancipatory force. But rather that is should be seen as calling into question four assumptions central to Habermas' conception of the public sphere[111].

Fraser of course points out that the claim of the public sphere to be open and accessible to all is central to the norm of publicity[112]. This claim is of course not undermined by only *formal*, stated, and written exclusions; but by the *informal* as well. Fraser uses as an example of this type something that I might label "the secret handshake filter", which is the way language itself creates inequities and status markers such that not all people can participate equally as peers. This is very similar to Young's (1997b) point regarding deliberative and communicative democracy and broader acceptance of discourse styles, such as narrative, and rhetoric, which will be discussed further in a later section**.**

Without question my approach to public and public space contains a concept of social justice, the right of many groups, uses, and stories to have access to, and interact in, spaces developed, provided, maintained, and policed or protected by some public agency under public scrutiny. Given this I do seem to be treating access to public space and public life as what Young would call a "limited social good" one that we are

interested in understanding the distribution of. In this case distribution can be seen as how access to public space is provided or not, how uses and groups are allowed or not, whose voices count in decision making and so on. In Young's (1990) analysis of the problems of a distribution or distributive paradigm for understanding social justice she notes that one of the problems or difficulties of such a paradigm is that it ignores the institutional or societal context that determines the way the goods are distributed, and that when it is extended to non-material goods they are misrepresented by the logic of distribution. However, Young also notes that such a paradigm implicitly assumes that there are no relationships between the persons or individuals in a society in which the social goods are being distributed. This criticism or assumption does not in fact apply to this analysis as I am explicitly interested in the relationships of both individuals and groups or subgroups in terms of the their access to or ability to participate in public life, and space. Contestations regarding access to or ability to participate in public life, and space being a very real expression of the importance of relationships between individuals and groups relating to such distribution. Additionally Young points out that not only do these paradigms neglect to address the justice of material distribution, they also fail to address the justice of access and inclusion in the decision-making power and procedures regarding that distribution[113]. In our case that is access and inclusion in the process of establishing not only the procedures for the creation, maintenance, and provision, of public spaces, but their uses, rules, and qualities. This process is not limited to the formation of some permanent or fixed set of guidelines and so on, but as participation in the ongoing negotiation, and changing expression of the important values of the various publics that make up our society.

Young also cites another example of non-material distribution that is relevant to our interests as regards media stereotyping. Claims of injustice regarding how various groups such as women, blacks, or gays, skateboarders etc. are portrayed in the media, or in our case as appropriate users of public space, are not claims regarding material distribution but rather regarding control of cultural imagery and symbols. Restricting the focus of social justice solely to the distribution of material goods and resources limits unnecessarily the analysis since it fails to bring social structures and institutional contexts into the evaluation. So, the argument would go that since the concept of justice is culturally biased it cannot be used for normative analysis of that cultural context.

Young (1990) argues that the ideal of impartiality denies difference. She believes that this is a cornerstone of most modern moral theories and theories of justice, and that it implies that all situations should be subject to the same sets of rules. Claiming to provide a standpoint, which all subjects can adopt, denies the difference between subjects.

> [T]he ideal of impartiality expresses an impossibility. It serves at least two ideological functions.... First, claims to impartiality feed cultural imperialism by allowing the particular experience and perspective of privileged groups to parade as universal. Second, the conviction that bureaucrats and experts can exercise their decision making power in an impartial manner legitimates authoritarian hierarchy. (p. 10)

Young also suggests that impartiality has its political counterpart in the ideal of the civic public.

> Critical theory and participatory democratic theory share with the liberal theory they challenge a tendency to suppress difference by conceiving of the polity as universal and unified....A conception of justice which challenges institutional domination and oppression should offer a vision of a heterogeneous public that acknowledges and affirms group differences. (p. 10).

Young's work then supports a notion of contestation as a critical part of a democracy.

Summary

> Humans may disagree over whether a particular piece of physical space belongs to group A or group B or whether it should be designated Fredonia or Altoona, but they generally agree about *where* that space is located. The social territories that are realms breed no such consensus. Whether a specific piece of space is considered private, parochial, or public is often a matter of conflict and/or negotiation. And spaces have histories. Even those that are consensually defined at one time may be redefined or subject to warring definitions at another time. … just as definitions of what kind of space this is may be subject to conflict, so may be understandings of just where the boundaries between different kinds of spaces are located. (Lofland, 1998, p.14)

Although Lofland's comment is directed to the public realm as she defines it, I would argue that her point is also appropriate not only when considering public realms but also when considering public space, public behavior, and public life.

Lofland contends that rules and principles of the public realm do not extend into the parochial and private realms, therefore when the boundaries between the three realms are unclear or disputed or perhaps at the border points between the realms "ruptures in the moral order…[are] not only possible, but … under some conditions probable" (Lofland, 1998, p. 44). She feels this lack of clarity or ambiguity accounts for many researchers "returning from the field" with data about one realm which they believe is from a quite different one, and she notes the serious difficulties in identifying the borders or boundaries between realms.

> For actors located in such confusing or conflictual settings, the potential consequences include disorientation, embarrassment, and occasionally even physical danger. … [A researcher] may be able to see very clearly that although she is standing in *ostensibly* public space, she has actually entered another kind of social territory altogether" [emphasis added] (Lofland, 1998, p. 45)

She notes that researchers and participants in a place may be confused or conflicted about whether or not they are in a public realm space, or a space within the public realm. She also believes at least a portion of the confusion and conflict in public has to do with this

lack of clarity. So for Lofland it seems contestation and conflict are indications that one is in the borderlands or thresholds between her tri-partite divisions or categories, or perhaps that contestation primarily takes place *about* the borders. Lofland notes, "the border area [between the public and parochial realms] itself was subject to diverse definitions." (p. 46). I would argue that most or all spaces are subject to diverse definitions, especially if, like Young, you chose to recognize difference as opposed to ignoring it. This idea seems similar to Lofland's concept of *civility to diversity* which I would think would automatically equal definitional disagreement or agreement to difference.

I have defined the term public in this section. In order to understand the way other scholars have used the term I have made a distinction between public life, the public realm or sphere, public behavior, and public space. I have indicated how other scholars have conceptualized public to private as a continuum and made a distinction between private and privacy, and noted the relationship that has been established between "public" and ownership as well as access. I have noted that many current scholars confine or concentrate their work on aspects of "public" to urban areas and life, and acknowledged that urban areas generally do include greater diversity. However, even if one considers a continuum of private to public, issues of urban to rural or wilderness areas are simply another aspect to use for determining placement on that continuum. I have also introduced the concept of publicness as it relates to both public space and contestation. I discussed context as a potentially important aspect of public space and framed it as an idea of a system or network of potentially public spaces. The scholarship which attempts to understand the public as more appropriately publics -- a diversity of interests versus a shared single or uniform group was also presented. The concept of stories and language

was briefly introduced especially as it relates to identity, representation and memory and memorials. This is important because these aspects are frequently a source of contestation and language forms and the privileged nature of some of those forms are central to some aspects of contestation. In addition, I have introduced the idea of public space and its role in a democracy and as growing out of a concern for social justice.

The previous discussion centers around the contested definition(s) of public and public space. While still relatively recent, ten-fifteen years, this often-critical analysis and discussion has shaped and refined the nature of the debate. It should also be clear that these previous scholars have either largely ignored contestation, or more typically have conceptualized it as an indicator of a problem in need of resolution. Both the contentious uses and nature of public space as well as the contested definitions of public space will have to be considered as contestation is examined. This includes discussing and exploring the legal and social threats to public space, public life and public behavior in relation to contestation. Therefore, "contestation" must be examined in the way that "public" has been over the last few years.

I am postulating that the role of truly public spaces is to provide the physical locations for, or to host, various publics with a variety of normative visions or sets of expectations and rules concerning public life, public behavior, and the public realm in order for them to engage each other in their negotiation of these varying visions. That is, to host contestation, which will be defined and discussed in the next section.

Contestation

In order to understand how contestation and its presence between societal, cultural and inter-cultural entities could be the most important factor in establishing that a space is truly public we need to understand what contestation is or might be. We also need to critically reconsider past research in public space focusing on contestation; this will involve examining labels and assumptions regarding contestation. It will also be important to look at categories of what and who have been contested in previous work. Since I believe that when the contestation involves dominant versus oppressed groups the beneficial effect of contestation is significantly increased, particular attention will be paid to these issues.

What is Contestation?

Contestation is controversy, contention, debate, challenge, dispute, to vie with or strive against and is derived from the Latin *contestari* – to call to witness. These are all words that describe difference or disagreement.

To understand and explore the concept of *contestation* in space, one strategy is to look carefully at the definition of contestation and to consider that in light of public space, public life, and public behavior. Another strategy is to attempt to establish a framework or taxonomy of contestation. To create such a framework or taxonomy, it is necessary to establish the critical aspects, which would help refine or unwrap and elucidate the concept of contestation.

As was noted earlier, this work takes the position that the concept of "the public" should be understood as multiple and differentiated publics, not a singular and homogenous group. If one accepts that multiple publics are served by any particular space, or system of spaces, and that any individual belongs to multiple subgroups of the public, then the

importance of the potential role of contestation becomes clear. If there are differences within the definition of "the public," then various publics would likely have varying perceptions, and needs in public space (Francis 2003), as well as in public behavior, public life, and the public realm. This variation would likely result in differences or conflict, as these needs would not always coincide[114].

Issues of difference and conflict or contestation are also related to Furnivall's (1948) and Kuper's (1969, 1975) ideas of "plural society" and "pluralistic society" (Kuper, 1975 p.3). Kuper uses these two terms to clearly distinguish two kinds of pluralism. A "plural society" for him is one that contains sharp differences, often various, formally independent groups who have been brought together into the same unit by force such as in the case of a colonial government. The typical expression of pluralism within this context is dis-census and conflict between racial, tribal, religious, and regionally distinct groups that are maintained as a "society" by dominant regulation and force. Kuper then distinguishes the term "pluralistic society" as an older tradition where there is a dispersion of (or a more competitive balance of) power between groups who have interwoven loyalties and some common values. It is this latter definition that is seen as conducive to democracy. Both of these views of pluralism are important in the development of pluralism in the contemporary US and therefore to an understanding of contestation in this study.

In part, people have always known or agreed that there are differences among peoples, groups and cultures. Such differences become the means by which groups are differentiated. These differences are the basis for categories such as gender, race, age, class, and role or activity categories. It is possible to acknowledge that the public is differentiated without valuing this difference. Historically there were two ways differences were addressed. One of

the major ways was to say that individuals' differences were their *private interests* and that *we* as a whole group, society, or culture, shared some common ground, about which there was not difference and these were the *public interests*. That is to say, a society or culture can agree that there are differences among people (such as gender, race, age, class, role or activity categories) and still believe that they share or agree on some common issues (cf Habermas, 1989). The other way that differences have been handled historically could be called denial. Whole categories of people, women, slaves, children, the poor, were denied or dismissed. Such denial or dismissal is the underlying issue of *identity politics* (c.f. Habermas, 1989, 1993; Fraser, 1989, 1992 1997; Young, 1987, 1990, 1997a,b, 2000).

Some scholars have certainly questioned both the belief in shared ground and the possibility of consensus (Fraser, 1997; Young, 1990, 1997b). It is not necessary, however, to question these two basic assumptions since even subscription to a belief in common ground and the possibility of consensus does not eradicate contestation. Contestation arises in establishing consensus: what it is that we agree is in our best, shared interest versus in each of our own private interests. Additionally, human culture is not static; contestation and negotiation are ongoing aspects of life whether one believes in common ground and the possibility of consensus or whether one believes in and values inherent differences.

While previous scholarly work in this area sees contestation as a problem to be resolved or an aspect of use "to be managed", researchers have certainly recognized that it exists. Such conflict may be between different user groups and uses as previously discussed such as between: runners and bikers sharing space in an urban greenbelt, vendors and pedestrians sharing a sidewalk, skateboarders and other users in a plaza, dog owners and other users of a

park, and those pursuing active versus passive recreation (Francis, 2003; Jones & Graves, 2000; Lindsay, 1977; Loukaitou-Sideris, 1995; Mackintosh, 1996).

Cultural and class differences as well as interactions of groups of users defined by those in a position to do so as "undesirable," with or by various other user groups are also an actual or potential source of conflict and contestation noted by previous scholars (Carr, et al. 1992; Francis, 2003, Drucker & Gumpert, 1996, 1997a,c; Gumpert & Drucker , 2002; Lindsay, 1977; Loukaitou-Sideris, 1995; Mitchell, 1998; Nager & Wentworth, 1976; Nabakov 2006; Rivlin 1986; http://www.nps.gov/rabr/adhi/adhi8.htm; http://www.nos.gov/deto/climbing.htm). Additionally, conflicts can arise in some public spaces, perhaps primarily or most visibly those that we call "wilderness" (whether or not they are urban as well), between humans and other "users", whether flora or fauna (Gordon-McCutchan, 1991; Hester, Blazej, & Moore, 1999; Nabakov 2006; http://www.nos.gov/deto/climbing.htm)

If contestation involves *witnessing, debating, and reasoning* then it is clearly discursive and also perhaps dialogic. Considering the definitions of public discussed in the previous section, it is clear that some aspects of contestation have historically been understood as a part of public life, public space, public behavior, and especially the public realm. One could say that those scholars who conceptualize public as discursive, are also conceptualizing it as involving contestation.

Contestations are behavioral examples and traces, which take place in public space, or spaces that are perceived by people to be public space. Contestations, for this dissertation, are those differences, controversies, struggles, disputes, and rivalries between individuals and groups as they are played out in public spaces. Contestation is an

example of different points of view being allowed expression, and spaces, from small to large scale, that enable or support these behaviors are truly public.

Contestation as Civil vs. Contestation as Terrorism

There have been many extreme examples of contestation in the past several decades, including those that are often termed "gang warfare" and "terrorism". Not all of these examples have been limited to public space in their effect but this work will be focused or limited in that way. When I talk about supporting contestation I am not talking about supporting open combat in the streets and squares. On the other hand I am supporting the creation and use of space that will not always be placid and idyllic and where the contestations will be made visible. Hopefully, this kind of ritual contestation might keep actual armed conflict, combat or warfare and violence from occurring. In this sense public space is not a battleground but a location of "peaceful" or "civil" contestation.

In part contestation in public space, public life, and public behavior clearly emphasizes the role of civility (Brill, 1989a, 1989b; Carr, et al., 1992; Forrest & Paxson, 1979; Lofland, 1972a, 1972b; Sennett, 1990) in public culture. Contestation is not about ignoring, hiding, or disavowing differences, it is about acknowledging and then discussing them. The notion of tolerance is embedded in civil contestation at some level. This view of contestation is understood or defined as negotiation and as an ongoing process. To understand contestation as an ongoing process does not necessarily mean that contestation is, or must be, continuous in any particular place. Such an understanding does mean that over the course of time any truly public space will either host or be the focus of some contestation and negotiation between individuals or groups.

It should be clear that under this definition contestation is not about family or corporate arguments, which are private interactions that may happen to occur under public scrutiny, in the public realm, or in public spaces. Rather contestation is about those differences between individuals and groups outside of those private concatenations. Contestation in public space is about understanding public space as an active space, a space for taking a stand, thus public spaces become the sites of political and social demonstrations of all kinds. Examples might include a march of like-minded people to memorialize Martin Luther King and the civil rights movement, as well as providing space for the confrontation of two or more groups with opposing views, such as civil rights activists and the Ku Klux Klan.

Contestation includes not only apparent differences among people and groups, but also situations that might be called by other names. It is clear how a "demonstration" can be viewed as a kind of contestation. It is perhaps less apparent that festivities can be viewed as an instance of contestation. Consider for example a block party that uses the street in a manner that is oppositional since it precludes the use of the street for moving vehicular traffic. Additionally festivals may be seen as contestations when they serve or support different users or participants than the space may normally support. Certainly many festivals may be seen as contestations when they include or allow for activities, or persons participating in those activities, that would be considered deviant under any other circumstances. Nor does this negate the fact that many festivals, like the block party example, are exclusive to a given group or groups. In fact it is the nature of festivals that they may be contested.

Contestation and Difference

It is clear from the previous section that, both "Who", users or participants, and "What", uses, behaviors, and actions, are key aspects in the literature and research of both public life and public space. Who and What are key aspects of studies and understandings of public space whether or not the work has considered contestation as an issue. The importance of understanding *who* and *what* in this way identifies two important issues or aspects that begin to create a framework or taxonomy of contestation. To use contestation to analyze and understand public space it is necessary to define and document *who are the contested users or participants***,** and *what are the contested uses***.** Another important aspect of such a framework of taxonomy of contestation, which is also fundamentally an issue of difference or differences, is the need to determine and understand *what issues are being contested*. The next sections consider these issues in more detail.

Deviance as Contestation

One aspect of contestation in public space concerns the negotiation of the question of deviance. Contestation is the negotiation of the definition of *who* is considered socially acceptable and *who* is considered deviant. Another aspect of contestation is the negotiation of *what* is considered socially acceptable behavior and what is considered deviant behavior -in this case - in public.

Identifying and understanding who is allowed to be in a space as well as who is allowed to be part of any contestation are important issues or aspects. In part this means defining or naming all sides or participants, rather than just those who are seen as others. Typically only those participants or contestants who are seen as different, the other (them) are named when researchers, theorists, space managers and even participants

describe or discuss contestation. This leaves as unspoken or assumed the other parties to the contestation, those that conform to the status quo, the assumed or expected, those that are like "us" (Burton, 1990; Paxson, 1994, 1996, 2000; Bradley & Wolfe, 1987). Naming all contestants including the status quo or those that are assumed or expected, and not just those that are seen as other may help to reveal biases. Potentially it may also help to raise to the level of awareness assumptions and expectations that may not have been articulated, thus allowing them to be subjected to critical review. It is also true that both users and uses that are contested are typically those that have generally been defined or ruled out of the site as inappropriate, deviant, or nonconforming.

The history of deviance, mental illness, or the study of nonconforming behaviors has also been the subject of study using the social reality, social constructionism, and cultural relativism approach discussed related to contestation earlier. This approach allows researchers to raise questions such as: Who makes the rules? Who determines if the rules are valid? Who judges if the rules are met or broken? It also lets us look at a longer history regarding the definition of "deviance" or "non-conforming" behaviors and people in a different, critical, or nonconforming way.

Sarbin and Juhasz, (1982) outline a brief history of mental illness and they note that most historians of mental illness use the *science-on-the-march* lens without really thinking or considering other lenses that might be used.

> The vocabulary of mental illness contains implicit assumptions that attribute certain kinds of causality to the conduct of a person whose actions are identified by certain others as nonconforming, silly, outlandish, unpredictable, bizarre, dangerous, or embarrassing; in sum, it is unwanted conduct but clearly not criminal. These historians typically fail to ask the initial question: What are the criteria for classifying conduct as unwanted ... (p. 72).

The authors point out that as early as the 19th century society started to define these unwanted behaviors as sickness (causal) rather than possession or its equivalent, although the treatments continued to have a strong moral overtone. This work contains aspects of a scientific belief system which was heavily dependent on concepts of evolution and *the great chain of being*; i.e. where more unwanted behaviors were considered lower on the great chain or less evolved. One could explain or understand a person exhibiting unwanted behaviors by conceptualizing that those behaviors were the result of less than finished development, or regression to an earlier state or stage in their development. Once you conceptualize the problem in this way it is easy to see why education could be a treatment. This point of view figured into colonization as white European scientific men saw themselves as the ultimate measure and as arbiters of appropriate behavior to overcome differences in age, culture, genetics etc. An objective scientist was not supposed to make moral judgments; hence the necessity for monitoring contra-normative behavior and morals led to the development of complex technical vocabularies and so-called "objective" language used to describe deviance or contra-normative behaviors to mask its pejorative character. Such language also then focused increasingly on the social context rather than internal motivations. As the scientific study of culture (anthropology) widened, in conjunction with the decline of European colonial influence, a shift from European cultural ethnocentrism occurred. Researchers attempted to "take the role of the other" and to draw the conclusion that what appears to be nonsense, infantilism, or savagery from the outside can be sensible when considered from within the context of the culture itself. Such behavior, and its evaluation, is coherent within the culture or system but it varies between different cultures as well as within the same culture over time. This cultural relativism clearly had impact on ideas about deviance and abnormal behavior.[115]

Major figures in anthropology and cultural relativism included Benedict (1934), Mead (1928), and Malinowski (1922).

From the 1920s to the 1960s the definition and study of deviance became a struggle between two competing viewpoints. One viewpoint was the traditional, pre 20s, the search for implicit or undiscovered neuropathology whether it was physical or not. The other viewpoint being the theory of social stigmatization, which understood deviance to be behavior judged as unwanted on the basis of some arbitrary set of mutable social rules or roles. Each of these points of view, or schools of thought, employed a different root metaphor as a guide. These root metaphors are not transferable, so logical debate cannot establish which root metaphor is better. By the 1950s there were many attempts to establish a culture-free or pan-cultural definition of abnormality or deviance; one that would establish criteria which would stand up to the arguments of the relativistic social scientists. Most often the proposed criteria reflected a hidden ideological bias which was in fact culturally contextual, to the time and culture of the scientist (Sarbin & Juhasz, 1982). The work of Goffman (1965), Foucault (1965), as well as others exposed the so-called expert identifying deviance or the deviant as simply a supporter of the social system, whether the expert was aware of it or not. Much of this work was centered around incarceration or confinement in asylums, and while Goffman merely presented his premises to the reader allowing them to draw their own conclusions, Foucault directly discussed these decisions as exercises of power. He described the need to circumscribe insanity, as well as certain cultures, subcultures, and even neighborhoods as an exercise of power. Rothman (1971) and Sarbin and Juhasz (1982) all point out not only the importance of the maintenance of order[116], but additionally the definite social class bias

that existed as to who was judged to be deviant. Sarbin and Juhasz go on to relate deviance, safety and order, this is especially useful to issues of contestation in public space, especially as the need to identify, control and exclude deviance is often framed as necessary to achieving or maintaining safety and order. This work is related to Sarbin's earlier work (1962) where he proposed an understanding of deviance as conduct or behaviors, often occurring under public scrutiny, that is judged to be counter to the norm by others – specifically others with power or authority.[117]

Sarbin's view leads to the recognition that "madness" is an attribute which is potentially attributable to anyone and to a contextual worldview as a guide to understanding human behavior. He envisioned that this would require people to be guided by knowledge of, and participation in, systems of social roles and social identity[118]. Clearly these views were impacted by the culture of their time including challenges to authority, existing beliefs and social organization which were occurring. The cultural revolution during the 1960s challenged barriers which had traditionally separated individuals and groups from one another and it facilitated the division of *Us* from *Them*, which allowed one group to pass judgment on the others' behaviors.

> . . . with its theme of disalienation, [the cultural revolution] has had a profound influence on our institutions for the identification and control of deviant conduct .... Disalienation was the goal of social minorities, who were aliens without power. They used the streets, the press, the campuses, the legislative halls and courts, and even the findings of social scientists to make their nonperson status a matter of public record. ... extending the arguments of cultural relativists [they] fostered a breakdown in the arbitrarily imposed [divisions]… that made it possible for one class of persons to declare a member of another class as alien and unwanted. (Sarbin & Juhasz, 1982, p. 102-103)

Following this work by Goffman, Szaz, Sarbin, and others deviance can now be defined as performances or actions that violate some current normative expectations, but only

with the accompanying consideration of, whose expectations? Turning any discussion of deviance toward issues of who judges whom as well as a consideration of why or what promotes these moral declarations[119].

This body of work makes the case that deviance is definitional and changes over time. Therefore it should be expected that certain behaviors defined by any particular group with the power to define current normative expectations and judge others' behaviors as deviant would be a rich source of potential contestation as both the power to define and the right to judge may be questioned by other groups.

Contestation as a Problem, as Disease [Dis-ease], as Dis-comfort

In relating contestation to disease it is important to consider the impact of this word, not in relation to its medical connotations, but instead as "dis-ease"; i.e. the lack of ease or lack of comfort. Comfort, is often used to resolve a contestation in public space by favoring one group over another. An example would be for those with the power to define and enforce exclusion, to exclude a group that is defined in some way as deviant or inappropriate, because they make a group or groups that are defined as desired or appropriate, uncomfortable. The rationale given is that if people are uncomfortable they will not use public space and that it is desirable to encourage appropriate groups and people to use public space.

Understanding that contestation is frequently defined not as an important, necessary, part of public space and its use to be supported to some extent, but rather as a problem to be resolved is also important. If contestation is viewed in this way one is able to understand the contestation at a deeper level if one analyzes **what or whom those parties who seek to resolve or eradicate the contestation**

invoke as an explanatory or causative scheme, or as an agent of resolution for the contestation. For example,

*"If only **X** changed, (or had not changed) then there would be no contestation".*

Some potential explanatory or causative schemes or agents of resolution include: economic, physical design quality, aesthetics, technological change, cultural and social change, history or historical forces, politics or political realities, health, ecology, growth, religion or religious beliefs, ethics, education, knowledge or research ("if only we knew more..."), law or rules (democratic versus autocratic), or any mix of several simultaneously. Some of these are illustrated in the case study examples or other examples in the Results section.

Contestation Content

The preceding sections and examples make it clear that one important aspect of understanding and critically considering contestation in public space that cuts across these various groupings or categories is the of the content of the contestation. That is, uncovering or clarifying ***what issues are being contested***.

Some issues of contestation are about users, some are about uses, whether they are activities or behaviors, and some may concern control over the space, the story, message, or meaning of the public space, some may concern the provision or definition and management of spaces themselves. The contestation may revolve around the right to access or remain in a public space for a particular group of potential users or it may be a contestation of a number of distinct user or participant groups in contest with a private or semi private provider. The contestation may revolve around establishing public identities for specific user groups who may be contested. This seems particularly true for the

example above concerning issues of comfort or ease for straight and gay users in the same public spaces, in the way that gays have used public space to establish a public identity, or in some sense legitimize a private one, this aspect was also true previously for issues of civil rights and the civil rights movement.[120] These groups make visible a particular kind of contestation which makes use of public spaces, that is, the very public claiming of rights to a public identity and acceptance of that public identity's validity, in the public realm under public scrutiny.[121] In some ways these examples illustrate the contestation of individuals (or groups) against not only others but those others as they are codified into authority or the government— or against existing law.

Contestations concerning activities or behaviors may occur at two levels. Contestations may arise concerning behaviors and activities that are taking place in the space itself. Examples include such things as kissing, spitting, eating, skateboarding, sleeping, washing and so on. Contestations regarding behavior or activities may also take place where only the contestation is occurring in the public realm not the contested behavior itself. For example: the G8 demonstrations, or right-to-life pickets and demonstrators outside Planned Parenthood clinics, the spontaneous memorials that occurred in many spaces after 9/11. Contestations concerning control of the story, meaning or message of a public space will be discussed shortly.

The Carnivalesque as Contestation

The contested city according to Low (2000) involves issues of temporary power structure inversion such as the symbolic control of streets during parades and festivals. Attention to what has been called the "masquerade politics" (A. Cohen, 1993) of urban cultural movements, as well as work concerning urban social movements involved with

urban struggle and resistance, particularly those related to the provision of the material basis for social reproduction.

Iris Young has written that:

> Liberating public expression means not only lifting formerly privatized issues into the open of public and rational discussion... but also affirming the practice of such discussion the proper place of passion and play in public. (1997b, p.45)

The assumption about carnivalesque activities is that they provide a context, both time and place, in which to "cut loose". The carnivalesque involves contestation because it allows the questioning, and breaking of rules, mores, and roles, as well as the status quo through the ritual of, at least temporarily, breaking or not adhering to the rules, done in such an institutionally or culturally supported and condoned way, that the participant does not permanently "spoil" or reflect negatively on their persona or reputation.

One interesting note is that such events often appear to be contestations which cut across all aspects of cultural life and behavior and truly open up the possibilities. Gonzalez' (1970) indicates that appearances may be deceptive. While it may appear that all the rules are open to question, in her work she found that in fact the participation in carnavale while, it might contest or question certain practices, it actually reinforces or reifies many social class and ethnic cultural differences and barriers. A. Cohen's study (1993) of the evolution of a diverse cultural street fair in England to a primarily West Indian carnival which developed a reputation as Europe's biggest street festival seems to support this. He documents a violent conflict which occurred during this event between young people of color and local police in 1976, which has resulted in this event becoming a continuing contested cultural event.

A subset of the carnavalesque category, temporary contested users and uses, could include all the redefinitions of spaces on a temporary basis and their use and users. The continual redefinition or evolution of places and their use as a social or cultural process has already been discussed under publicness. Spontaneous use of public space could also be included here. Spontaneous does not necessarily mean without planning or preparation on the part of the users involved, but it is meant to indicate those activities which do not involve acquiring permits, giving advance notice, and so on. This type of use might include such activity as a musician playing on a sidewalk or in a park, panhandling, some forms of proselytizing, temporary vending, marketing or sales, and soapboxing, and other forms of free-speech activities. This last example is true whether or not the public space is identified as a location for this type of behavior or not.[122]

Contestation as Power & Resistance

Underlying most of these questions of contestation are issues of power and inequity or inequality. Many contestations concern oppositions of those groups without power addressing those groups who hold the power in any given situation. This includes both those who hold formal, recognized or institutionalized power, and informal or situational power, such as the power a gang wields or holds. Important issues of contestation relating to power and resistance include such aspects as who has the power to define the problem or the contestation, whose interpretation will determine the *official story*, or explanation, whose voices are allowed to be heard, whose words or actions will be counted and whose will be discounted, who has the power to make or enforce the rules.

This aspect of contestation also includes an understanding of what are the

economic components of any contestation. Who will lose and who will gain based on various **outcomes** of the contestation, or what will be lost and gained by various parties as a result of the contestation. The economic impact is important to consider irrespective of whether economic considerations are invoked as a causative or explanatory factor. It is an especially important consideration for *ongoing* or recurring instances or occurrences of contestation as well as for resolved instances or occurrences of contestation. It is also important to remember that groups impacted by a contestation or groups invoked as causative or curative agents in a contestation may be either not actively or not apparently involved in the contestation itself.

Contestation as a Right

To understanding contestation and its role in public space, public life and public behavior, in the U.S., means understanding contestation's role in the formation of this country and in our national mythology and history. Understanding contestations in their various forms requires considering and analyzing each instance as it is related to certain legal issues. An earlier discussion addressed the relationship of public and its definition to the primacy of individual property rights in the U.S. Two other significant legal issues involved in contestation and public spaces are those related to freedom of assembly and free speech. These issues are central to America's self-understanding and have mythic proportions.

Contestation and Provision of Public Space

Contestation can also take place *about* public space or spaces without necessarily being *in* public space or spaces. Contestation may be involved in the formation of the space before it actually even exists. For example:

Should public space, which is often talked about as though it were a single monolithic, homogenous entity although it is not, be a "nature preserve" or at least a "natural" or "green" place, market or plaza? Decisions may need to be made regarding the location of the space, including what such a space would replace. Decisions will also need to be made concerning both the inclusion and exclusion of activities and the features of the space. Decisions affecting ownership, access, management, programming and maintenance will need to be made as well. These issues clearly provide the opportunity for differences to arise. Such differences will need to be negotiated even if the contestation may not occur in the public space itself. What parties or groups are allowed to be a part of these decisions also provide the potential for contestation to arise, all of these contestations are likely to take place in very different venues than the space itself.

Contested Stories

Clearly one of the most often contested issues involved in public space is that of contested stories, whose image of the space, cultures or activities will be perceived seen and heard; what and whose history is visible. This is clearly one example of the role of control in publicness and contestation. Sometimes the contestation is about "the story". That is, what is the story of the space or the area, and who gets to be in charge of the story? Sometimes the story is simply limited to the space- the ground of the space itself – such as a battlefield, or a park or plaza (Lindsay, 1977; Linenthal, 1991; Sommer & Becker 1969) sometimes it is about a larger or more dispersed phenomenon or area which the story addresses.

Why is contestation important anyway?

Why is contestation important or becoming important now? And, if it is important, why is it that it has not it figured more centrally into, debates up until this point? Why is it that it has not been a key concept from the beginning of public space theory and study? Why does it seem to be raised as not just one of many issues or aspects, but as a central one? The question of why contestation is important now raises issues of concepts of what public space should be and how its uses are relevant to public life.

In a modern mind set disagreements, struggles, or fights had to be seen as negative. That contestation becomes a central issue in public space at this time is indicative of a change in American culture from modern to post-modern thinking. Accepting or viewing contestation and not automatically assuming that it is a problem, or indicative of a problem, indicates the adoption of a post-modern point of view at least at the level of accepting that there is not a single monolithic homogenous agreement regarding viewpoints on the world. This is in small part evidenced by the change in metaphor from the "melting pot" to the "tossed salad".

In a modernist world, the world of the melting pot, there was a belief in a single truth. People tried, and were successful to a certain extent, to persuade themselves and others that there was a single shared consensus, or view of the world or that anybody who did not share in this consensus view did not count anyway. Now, in the post- modern world, the world of the tossed salad, there is acknowledgement, or at least lip service is paid to, the validity of multiple viewpoints. Under modernism the right of the majority was for the most part never questioned, it was uncontested; the "tyranny of the majority" was something that would never have been considered. Differences are, to a certain

extent, now admitted or given recognition. So the identification of contestation as an issue, or as an important issue, in public space is also related to the rise of "emancipatory" politics. "Emancipatory" politics, stems from the civil rights movement, feminist theories and work, and continues through the passage of the Americans with Disabilities Act, then on to gay or queer theory. In this context Iris Young (1997a) defines public in relation to emancipatory politics in terms of contestation, although she does not use the term,

> Emancipatory politics should foster a conception of public which in principle excludes no persons, aspects of persons' lives or topics of discussion, and which encourages aesthetic as well as discursive expression. In such a public, consensus and sharing may not always be the goal, but the recognition and appreciation of differences, in the context of confrontation with power. (Young, 1997a, p. 24)

If "others" are recognized as having rights, and also acknowledged as having legitimate--yet different--ways of thinking, being, acting, and perceiving, then it only stands to reason that, from time to time, these others will be at odds or in contest with established groups (c.f. Berman, 1986, 1988; Fraser, 1992).

Even W. H. Whyte, whose work began to make the political argument for the importance of usable public spaces, especially in central urban areas, (c.f. Whyte, 1980b), in his 1988 work *City: Rediscovering the Center,* not only continues to argue for its importance but alludes to contestation as one aspect;

> The center is the place for news and gossip, for the creation of ideas, for marketing them, for hatching deals, for starting parades. This is the stuff of the public life of the city -- by no means wholly admirable, *often abrasive, noisy, contentious*, without apparent purpose. But this human congress is the genius of the place, its reason for being, and its great marginal edge. This is the engine, the city's true export. Whatever makes this congress easier, more spontaneous, more enjoyable is not at all a frill. It is the heart of the center of the city. [emphasis added] (1988, p. 341).

Although he is limiting himself solely to the central urban or city center in his work I believe its importance does not stop there.

Contestation as Healthy

If contestation can be understood not as a symptom of disease, but rather of health, then the potential of contestation becomes clear. If one considers contestation in part as conflict then one can look at how some scholars have seen positive – not merely negative aspects and attributes to conflict.

In fact, Simmel (1955) thought that all groups require both harmony and disharmony and that conflict with a group or culture was not an altogether disruptive or negative factor, but that conflict could be one form of socialization. Drawing on this work Coser (1956) looked carefully at the positive aspects and functions of social conflict for cultures. He saw conflict as important to setting boundaries between various groups within a society, it helps bind groups together and helps establish group identity, and that conflict between groups was necessary for maintaining a social system because it helped maintain a balance between various groups, and helps bind groups together. Coser also postulated that socially acceptable conflict expression acts like a safety valve to prevent the escalation of conflicts to dysfunctional levels, and therefore conflict could be seen as a positive factor in maintaining relationships between individuals and groups. He also postulated that the absence of conflict does not necessarily mean that there is stability and there are no problems between groups. Coser also points out that conflict can create a relationship between conflicting parties where there was previously no relationship and that this has value for the larger culture, and that conflict can result in norms and rules about various interactions that are also important to the larger society.[123] Coser also sees conflict as a test of power between parties and therefore sees

value in it as an important way to avoid (or possibly redress) conditions of uneven power distribution, and he draws the following conclusion: "… conflict, rather that being disruptive and dissociating, may indeed be a means of balancing and hence maintaining a society as a going concern." (Coser 1956 p.137). Finally, he points out that conflict can result in the formation (or re-formation) of allies and coalitions of groups which can be positive in keeping a society from fracturing into independent factions.

Contestation, or a desire to control contestation, heavily influences both the design and management of spaces. Some contestations are about establishing a public identity for contested users, or debating actions or activities, or questioning who is in control or who manages the contest. This idea includes who is in control of, or who manages the use as well as the story. The story involves both meaning and memory. In the context of diversity, contestation can be seen as an indicator of health in its potential to provide a stage or platform for the previously marginalized, invisible, and voiceless to gain a voice, and for alternate histories, to be imagined and communicated. In this way, rather than seeking to solve or resolve the contested issues, support is provided for the contestation. This does not mean that one might not strive to alter or adjust the level of intensity, or the context of the contestation, nor does it mean that one might not attempt to modify the impact or influence of some or all of the contestants.

Contestation can function as the negotiation of difference. In the past, differences between people were typically labeled as inappropriate or deviant. Since modernism believed in a single worldview, those with alternate points of view were simply defined, through power, out of public space and the public realm, since they challenged the existing ideas, issues, and controls. Perhaps, the single world view is one that is not totally elucidated as yet,

and, in the sense that contestation could help challenge some not yet fully explicated truth or truths, perhaps contestation has a role to play even in the modernist view of the world. Contestation can change, taking on a much more positive role in the multiple views of the post-modernism world, since contestations could be interpreted as differences that arise from seeing and interpreting spaces and their use and management from various points of view. While worldviews can certainly be understood to be changing in this way I do not mean to indicate that somehow everyone now agrees that contestation -especially in public space - is a good thing. Researchers, providers and managers of public space are still striving to resolve conflict, contradiction, and contestation in public space.

Contestation is the expression, discussion, and negotiation of difference or conflicting views of reality at many levels. As such, it can be seen as a positive aspect of a society or culture rather than negative aspect to be controlled, solved or removed. The thesis statement noted that contestation establishes both the existence and the quality of a public space system. Rosalyn Deutsche maintains, *"conflict, far from the ruin of democratic public space, is the condition of its existence"* (Deutsche, 1996, xiii).

The importance of contestation to understanding and defining public space and the recognition of multiple points of view can be seen as questioning the acceptance of an objective reality in favor of a constructed or negotiated one, one could even say a constructed understanding or conceptualization of reality. In this next section I will briefly review the literature on social constructionism and how it can be seen as the conceptual framework for this research.

Conceptual Framework

Constructed Reality

One can understand contestation as part of the negotiations that help a group construct its understanding of reality. Such a social constructivist view grows out of several of the social sciences including psychology. It is a common belief in social science that there are multiple perspectives on reality and that one tests reality, that life is about negotiating reality. It is the clashing of perspectives that defines reality for any social group at any one time; if no perspectives are being battled then no realities are being tested (Berger & Luckman, 1966; Kuhn, 1970; Lefebvre, 1971).

Berger and Luckman's (1966) work is now considered a standard work establishing the perspective known as social constructivism in sociology. The social constructionist movement developed the idea that social objects are not givens in the world but rather they are negotiated, formed and reformed, or constructed by people in their efforts to make sense of the world around them. They also stress the constantly changing or evolving nature of the process (Gergen, 1973, 1985; Sarbin & Kitsuse, 1994).

There is a seminal group of social constructionists for whom narrative is the underlying structure of their accounts (M. Gergen, 1994b; Hallum, 1994; Sarbin & Kitsuse, 1994; Scheibe, 1994; Scheppele, 1994). Bruner (1986) draws a distinction between the paradigmatic and the narrative. The paradigmatic is characterized by testing hypotheses, searching for invariance, constructing laws or law-like statements, and often involves the decontextualization of the phenomena being studied and a belief of correspondence with some objective reality. Narrative seeks to tell a story about

something within its natural context. Those scholars who use the narrative mode incorporate the influence of multiple contexts for any issue and are clearly reliant on and committed to contextualism. Coherence, or how well the story hangs together, is the criterion for acceptance of any narrative.

Natural Law, Rational and Narrative Models

Sarbin's work (1993, 1986) clearly illustrates that historical acts are both communicated and remembered as stories (narratives). Historical analysis is a reconstruction of the past from a contemporary position; however, this reconstruction does respect historical evidence (Hallum, 1994). Morawski (1984) outlines three explanatory models of historical analysis: natural law, rational and narrative.

In the natural law model, which is analogous to explanations in natural science, historical patterns are assumed to be essentially the same so that causes of past changes and the causes of present changes are identical. Historical flow is based on dynamic interaction between the same variables, and this interaction follows a natural progression that is evolutionary, dialectic or cyclical. This model is not used very frequently by historians even though inevitably most historians make some assumptions about universal human nature.

The rational model is based on considering purposes, beliefs, dispositions, and so on to account for the particular structure of unique circumstances. Since the historical record has also been produced for the consumption of a particular audience, the intention behind this record can also be interpreted similarly. This model is seen as problematic since rational explanations are based on "folk" models of the mind, (the reasons or

purposes a person is said to possess) and these sources of rationality can be seen to have changed historically as well (Taylor, 1990).

Finally, the third model is the narrative one, which constructs a story around or from a series of events. A narrative theme is still seen as rational. Its coherence depends on its applicability to the world as rationally understood. New, revised narratives are used to make sense of new or different circumstances, circumstances that might arise over time through ideological, technological, economic, cultural or institutional changes that make older narratives irrational or contestable. Individuals are assumed to play an active role in their futures, so the understanding of reality as the creation and revision of a life narrative is a constructive process that is both deliberate and reflexive and takes place between people.

It might be argued that any historical analysis actually contains elements of each of these three models or approaches. For example, it might be hard to sustain any account without some assumptions about what is natural, universal, or timeless, whether or not these assumptions are made explicit. A form of rationality lacking any narrative, like symbolic logic, would be a far less useful historical tool.

Gergen and Gergen (1984) describe the necessary and generative features of a narrative:

> Perhaps the most essential aspect of narrative is the capability to generate directionality [order] among a series of otherwise isolated events. The narrative essentially structures events in such a way that they demonstrate first, a connectedness or coherence, and second, a sense of movement or direction through time … the account must establish a[n] … endpoint, … select and arrange preceding events [beginning and middle and/or turning points] in such as way that the goal state [themes and endpoint] are rendered probable… and coherent. …. One of the most … salient aspects of narrative form [is] the capacity to create…. *dramatic engagement*, … to arouse and compel an audience. … It is the relationship

> among events … that seems chiefly responsible for sustaining dramatic engagement… (p. 174-179).

Coherent structure and the creation of dramatic engagement both include consideration of the identification and the order and stress or privileging of the various events and turning points as they relate to the major themes. Chatman (1978) puts it this way

> If discourse is the class of all expressions of story, in whatever medium possible, ... it must be an abstract class, containing only those features common to all... the principal features are order and selection (p. 27-28).

In any discourse, order will be based on chronology or timeline, while selection is the opportunity to chose which events, objects etc. to state explicitly and which to only imply. Of course the chronology may not be presented as a sequential timeline.

Gergen and Gergen (1984) also describe the "dialectic form of narrative", which contains two simultaneous narrative lines which at some point in the narrative reach a point of conflict or mutual exclusivity. At this point a transformation must occur to bring the narrative(s) to the end-point. This style of narrative would appear to be most useful for this dissertation given that it engages issues of contestation.

Both Gergen and Gergen (1984) and Sarbin and Kitsuse (1994) consider the creation of a narrative to be a process of social interaction or interchange, a negotiation or dialog. While Sarbin and Kitsuse (1994) and Hallam (1994) make a distinction between folk or lay narratives and those narratives created by professionals for specialized audiences, they consider a third kind of narrative to be one that attempts to make sense of the two together.

Constructionist work may often contain a normative stance, or moral impetus or concern. Since the logic of constructionism typically challenges the scientific basis or

explanation - the practices, policies and values that tend to shape these explanations, do not get privileged over other practices, policies and values. That is, the usually explicit normative or moral stance of constructionist work is usually based on privileging issues counter to, or the analysis of varying "inequities", within current or existing institutional, social, or cultural practices and arrangements[124].

Now that I have discussed the conceptual framework of social constructionism I will go on to describe the methods used by social constructionists, historians and other relevant fields outside of a positivist social scientist framework for their potential in a study of this kind.

Methods Review

To determine what methods are appropriate for understanding contestation I explored methods from the fields of history, social psychology as history, narrative, ethnography, as well as current critical theory, considering their past use, strengths and weaknesses, and potential usefulness for documenting and understanding contestation in potentially public spaces. My intention in reviewing these methods from various disciplines is two-fold. First, I mean to elaborate how I pursued the critical review of the case study materials. Second, I want to identify some of the key issues that needed to be addressed: time and chronology, different voices, issues of critique from within, and the limitations of not being a participant of all viewpoints but having multiple view points.

Historical Methods

A brief overview of history, as both a discipline and a methodology highlights some important aspects of this research. From its inception until the 19th century history was largely a chronicle of place-based events categorized into periods. These periods often were defined, or demarcated by top down moments of change, such as war or battle events, reigns, dynasties or ruling periods. This is not surprising as these were the areas where the documentation, or the historical data, existed and was the most thorough and most available.

Drawing primarily on economic and technological areas history evolved into a more scientific or systematic endeavor under the influence of the 18th century French and Scottish philosophers (Olsen 1993). Thus, History began to emerge as a discipline, or at least a distinct genre of writing with its own method which attempted to be more systematic, structured, comprehensive and critical and to consider wider or more diverse

types and sources of information including indirect evidence. In the 20th century historians began to use the social and human sciences, particularly economics and anthropology, as models[125]. This shift was rooted in the desire for being more quantifiable, and therefore "rigorous and scientific" and to become less top-down. Thus historians began to focus on large economic and demographic events and forces which, while certainly less elite, was not truly history from the bottom-up. This trend led to attempts by the French school of thought labeled "Annales" to postulate the concept of "mentalite" and to try and understand the everyday persons' experience which has its roots in anthropology and sociology theory including the work of theorists such as Clifford Geertz (1983, 2000) Michel deCerteau (1984), and Henri Lefebvre (1971) as well as Pierre Bourdieu's (1998, 2005) work on social practices. DeCerteau and Michel Foucault are on the post-modern edge of this movement, while Carlo Ginzberg (1980) and Robert Darnton (1983, 1984, 1995, 2003) represent historians whose work focuses on an analysis of popular culture, which is another version of the bottom-up focus. These authors also attempt to give voice to the marginalized and excluded which is of interest for this study with its focus on marginalized and oppressed groups.

One aspect of current historical work, which has attracted attention, is work with influences of post-modernism and feminism (cf Natalie Davis, 1995). Much of this work includes a focus on bodies and medicine; the history of pornography and the history of prostitution are examples. This work does not include much that is based in American history. However, there is some work in this area that has focused on race and ethnicity, multi-cultural comparative work, and cultural and racial economics. One example of this with a reciprocal type view is Richard White's (1991) *The Middle Ground*.

Historians have focused on explanation rather than the endorsement of a single approach. History has, in fact, cultivated a rich discourse on the virtues of various approaches to explanation of human events by developing a range of different, perhaps even discrepant, but acceptable models, leading both to its autonomy and a certain pluralism (Morawski, 1984).

Narrative, Descriptive and Anecdotal Work

From its origins history has been a literary genre with both rules and assumptions that were embedded within it. It was chronological and there is an assumption that there is a relationship of the past to the present, and probably to the future as well. In the 19th century history experienced a split emerging with a dual set of rules and assumptions within the field. On one side history was seen as narrative, a literary genre, a theoretical and interpretive activity as opposed to the other side where history was seen as science or scientific analysis (Lloyd, 1993; Novick, 1988).

In many cultures the value of "story-ing" has been an acceptable method for the transmission of both knowledge and history (Deloria, 1995a,b; Glancy, 1997). The acceptance of this knowledge or history is not without question in the modernist view or narrative. Lynda Schneekloth (1993) and Robert Shibley (1994) as well as others (Childress, 2000; Willinsky, 1999; Worsley, 1997) have argued for a wider definition and acceptance of what constitutes knowledge and scholarship.

The concept of narrative or storytelling as a method has been championed by landscape architects, landscape historians and geographers (Barnes & Duncan, 1990; Potteiger &Pruinton, 1998), perhaps most notably J.B. Jackson (1984, 1985) for a number of years. Presented in terms of an ability to "read" a landscape, narrative is seen

as a methodology which is applicable to researchers, practitioners, and to a certain degree also to users (Leuis, 1979; Lewis, 1979). Edward Relph (1984) makes a plea for seeing before thinking, that is, description over theory. Denis Cosgrove (1983) deals extensively with different cultures inhabiting the same landscape at once and the different artifacts each group places in the landscape. Glassie's (1991) work helps provide a consistent way of thinking of things as clues both to the culture that made them and to the individuals who consume and use them.

Herb Childress (2000) has put it this way:

> Reading a building or a landscape is as revealing as reading a novel. Characters reveal themselves little by little, showing us their strengths and their flaws long before they themselves discover them. And writing about those landscapes is no different than writing any story: people with intentions encounter other people with different intentions, set within a context of local customs and historical events and the manifestation of power. (2000, p. 11-12)

It is not the intention of this study to add to the existing literature on the analysis of the structure or the categorical system(s) for distinguishing various types of narratives as many others have done from Barthes (1975) to Prince (1982) including Bal (1985), Fludernik, (1996), and White (2000).

Ethnography

Ethnographers and ethnographic research has a long history with the use of narrative as a research and communication tool. However, they have also gone to great lengths in their attempts to set their use of narrative apart from what they see as mere story-telling, to distinguish it as scholarly, or in their terms to work in a conceptual mode. They seek to understand clearly and make apparent the conceptual structure or framework within the narrative. Richardson (1994) believes that "the framework, [which

is] always created rather than found, provides clues to help us see, allows us to draw connections between events that seem distinct." (p. 517).

Peter Wilson's work in "Oscar" (1974) on context and its effect on the definition of abnormal, crazy or deviant behavior and the tolerance or acceptance of such behavior is a particularly applicable example of the use of this methodology in a similar study topic. It is ethnographer's use of confidential informants and their deep relationships with them that are most relevant to the case studies in this work.

Interpretation

Interpretation is an important issue concerning narrative practices. Kermode (1979) points out that acts of interpretation are required at every stage in the life of a narrative, and that it is problematic. As one example of this he introduces the concept of *midrash*. *Midrash* involves the interpreter either rewriting a story or explaining it in a more acceptable manner to bridge a gap between an original and a modern audience, often by adapting, revising, or eliminating aspects that are no longer understandable or that have become offensive or unacceptable. Rather than such interpretation being a commentary on the original it usually augments or changes the story itself. One topic which interests him is the concept of insiders and outsiders. He believes that in all interpretive works there are insiders and outsiders. Insiders have, or profess to have, immediate access to the mystery, or the inside track, (or what they might label the truth), while outsiders are excluded from that knowledge. Insiders therefore mistrust or despise the outsiders' "unauthorized" interpretations. This requires that both outsiders and insiders agree that there is a secret, or truth to be revealed.

Jameson (1981) believes that we come to every text, story, or narrative with a predisposition for how to interpret it, either through the layers of others readings of it or through the habits and categories that we are accustomed to through training or acculturation. He believes these predispositions are politically driven in nature. Clearly issues of interpretation and its limitations are very important to acknowledge in any study that considers narrative information as data and issues of insiders and outsiders or oppositional groups are critical for work that involves contestation.

Critical Theory

In the Introduction of *Justice and the Politics of Difference*, I.M. Young writes that if one wishes to clarify the meaning of ideas and concepts or describe social relationships or articulate ideals one must engage in reflective discourse. Rather than seeing arguments put forth as definitive proof or demonstrations, in reflective discourse they are put forth for the response of others "in a situated political dialogue" (Young, 1990). Young defines reflections on normative issues in social and historical context as critical theory; thus critical theory takes the stance that it is not possible to create a universal normative system that is somehow separate from a particular society at a particular time. This is an argument precisely in line with points made by social contructionists (Gergen, 1985, 1994a; Sarbin & Kitsuse, 1994). Unlike positivist theory, critical theory does not claim to be value neutral nor does it accept that social facts or theories are irrefutable; therefore critical theory takes the position that one must evaluate normative positions and practice social description and explanation in a critical fashion.

> Without such a critical stance, many questions about what occurs in a society and why, who benefits and who is harmed, will not be asked, and social theory is liable to reaffirm and reify the given social reality. Critical theory presumes that

> the normative ideals used to criticize a society are rooted in experience of and reflection on that very society, and that norms can come from nowhere else. (Young, 1990, p.5)

Young goes on to say: "My aim is to express rigorously and reflectively some of the claims about justice and injustice implicit in the politics of these movements, and to explore their meaning and implications" (1990, p. 7). In this dissertation my aim is to express rigorously and reflectively some of the claims in existing work which is both explicitly and implicitly about contestation, public space, public behavior, and pubic life, and to explore their meanings and implications. This requires not only criticism of existing ideas and institutions but also the assertion of specific ideals and principles.

Young notes that most philosophical writing claims to be based on the assumption of an abstract audience of all reasonable people, and from the point of view of any reasonable person. In spite of this, since her understanding of critical theory is that it starts from a specific point of view within a specific society, it therefore cannot claim either impartiality or comprehensiveness. Young makes no such claims in her writing, as she claims neither to speak for everyone, to everyone, nor about everything.

Young began her research from a feminist position, and then came to the realization that within feminism there are differences of race, class, age, and ability, which can be routinely ignored by other feminist scholars. For her that is an untenable position, one which does not deny the importance of feminism, but only heightens the importance of being aware of what differences it also collapses. So while she, as a white, middle-class heterosexual, young, and able bodied person cannot claim to speak for all other groups of difference, such as blacks, Latinos, American Indians, poor, old, and disabled she also acknowledges that she cannot speak without them. So, insofar as she

can understand those other groups or their experiences through reading and hearing them she tries to include them.

While Young does not claim to speak for all reasonable persons she aims to speak from multiple positions and on the basis of the experience of several contemporary social groups or movements. She also comments that social researchers and philosophers acknowledge the audience towards which they are gearing their work even less than they acknowledge the particularity of their voice in writing, and to that end she acknowledges some of her assumptions that perhaps not "all reasonable people would share". Young hopes that those who do not share one or more of her assumptions will still find that her work stimulates useful and fruitful dialogue. In a similar vein I hope that I will be able to clearly articulate my voice in writing, and the voices of others and groups that I am not a part of, but whose concerns I hope to share insofar as I understand them.

Regarding narrative as a methodological tool it is important to point out that there is a scalar hierarchy involved in narratives. There are myriad individual stories created by each person who encounters a place, people's stories change over time, and larger stories evolve at the cultural or meta level. These cultural narratives are the master stories into which the particular and personal stories may fit, i.e., these meta or master stories are the bigger "why" behind the smaller stories. It is possible that such meta or master narratives can, in fact, provide important theoretical conceptualizations or positions when presented in a critical fashion.

In the next few sections I will be exploring these ideas further by looking at two cases or examples. Much of the work in many of the social science fields, and environmental social sciences are no exception here, has largely been nomethetic and

concentrated on understanding and prediction based on large data pools and group norm predictions. However, for our purposes an ideographic, or more individual, case approach should prove more useful.

This is the end of the literature review. I have examined the literature relevant to the key concepts of my thesis topic. I went on to sketch out a theoretical framework for my investigations. This is the framework I shall use in the research methods and the data collection to follow.

RESEARCH METHOD

By critically reconsidering past scholarship on public space, re-examining labels and assumptions and focusing on contestation, I have identified a narrative based social constructionist methodology as the one most appropriate to my research topic. I will go on to give my reasons as well as the procedures I followed in greater detail in the following section.

Choosing Narrative for my Method

The underlying contention of this work is that if one studying spaces of contestation, one can begin to understand truly public space that supports publicness and the ongoing construction of an inclusive social reality. To do this I wanted to consider behaviors that public spaces support or stifle; policies, including development, histories, and management; decision-making processes; and the design of both the process and the product. The examples noted in the literature review and the proposed case study sites are places where rules have been challenged, boundaries have been pushed, and the status quo of a construction of social reality has been questioned. These are spaces about which stories are told. The stories that are told often contradict one another. In this way they demonstrate and document contestation within such spaces. Contestation can have an impact, and possibly affect the underlying social structure which the contestation reveals as being questioned.

Narrative is the underlying structure of social constructionists. The method for this dissertation involves narrative analysis. Narratives about contestation can help give form to the social production of public space because they themselves are a social

construction of space and they can influence the way others construct their understanding of a space.

A great variety of narratives are told about public spaces. There are narratives told by intellectuals from many disciplines. Participants, whether they participate in some professional role or as laypersons, have their own narratives. There are also narratives told by outside commentators in the media and elsewhere. Narratives are shaped by those who tell them. It is possible to analyze these narratives individually and compare them across the varied categories of story-tellers, to understand what they have to say, and how they say it. This naturally allows one to foreground the multiplicity of voices and points of view in any public space contestation. By highlighting a different mode of discourse I also hope to increase the inclusion of voices that may rarely be heard in research[126].

Narratives help explain contestation and its role in public space by illuminating how various people construct or think about the construction of their reality and their world, in relation to others who share their physical world if not their socially constructed world. The method for this dissertation therefore involved the creation of a narrative or story, from the narrative analysis of many existing stories.

Following both Gergen and Gergen (1984) and Sarbin and Kitsuse (1994) the narrative I created required a dialogic process. This process of interaction and negotiation or interchange used the multiple accounts, conflicting information, and or conflicting interpretations of information as elements that had to be crafted or folded into a narrative in such a way that they created a kind of dialogue with one another. Additionally, like Sarbin and Kitsuse (1994) my narrative was of the hybrid type that attempted to make sense of both folk narratives and those narratives created by "professional analysts for

specialized audiences" (Sarbin & Kitsuse, 1994, pg.8). My intent was to present a narrative which brought together a variety of voices and stories, to create another more inclusive story, but one that still retained the original stories' individual qualities.

Not all contestations are equally apparent, so visibility of the contestation is important. Some contestations in public space are visible and we can explore the nature of this contestation. We can ask questions such as:

- What is contested? Is the space itself contested ground? Is the appropriateness of various users or uses being debated or contested?
- Are various users or uses in conflict with each other? Is the history of the space questioned or debated?
- If it is a space in which demonstrations are held what is the nature of these demonstrations and what issues are being showcased.

By examining issues like these, one can attempt to understand and document what multiple voices and viewpoints are being tested in the society, culture and between cultures. But, I am also concerned with the hidden struggles that produce and maintain all spaces. Traces or results of contestation may be observed in which the contestation itself is invisible or at least less visible. When the contestation takes place in another venue, it may be less visible. If trace evidence, such as graffiti, removal or addition of objects, or additions or changes to rules, are the only evidence of contestation that remains left in a space the contestation is less visible. If contestation is hidden, or less visible, then it will tell us about the ways that multiple voices and viewpoints defy the constraints of society or culture.

Two Case Studies

This dissertation focuses on intercultural public space and contestation. I chose two paradigmatic cases. In the first case, Blue Lake, exclusion of all but a single culture allows an essential ongoing contestation within that culture to occur. In the second case, Little Bighorn, multiple cultures attempt to achieve equal footing in an ongoing contestation.

The two case study sites were chosen for a number of reasons. First, both sites involve groups and voices which have historically been "marginalized" and have been in contestation with the majority, mainstream, empowered social construction of reality. Additionally, unlike some marginalized groups, these groups have not been the focus of much previous public space research. This makes them particularly useful choices for case study sites. Second, neither site is typical of sites chosen in most studies of public spaces. Although other studies have included sites that can be considered to have a regional or perhaps national draw, the sites themselves are usually located in urban areas. In other words, much public space research has centered on the urban end of the urban to rural or wilderness continuum, both of the chosen case study sites are rural or wilderness sites. Some researchers even contend that urban areas are the only place where "public" can be found, so in contrast my work on these sites will help show that rural and wilderness sites can indeed be "public" spaces.

Third, these two sites include issues pertaining to questions of "preservation" of the spaces within a changing cultural context. For example, sites such as F.L. Olmsted's Central Park in Manhattan and Prospect Park in Brooklyn, have generated some contestation over the years as mainstream culture has moved from promenading and quiet

or passive activities to more active ones like soccer and skateboarding (Cranz, 1982; Rosenzweig 1979; Rosenzweig & Blackmar, 1992). Accommodating these changing needs has generated contestation as groups in support of these activities lobby for their inclusion and for environmental modifications that such inclusion might require. Other groups, are more concerned with maintaining what they see as these Parks' original early nineteenth century qualities. Therefore Blue Lake and Little Bighorn are good case studies to examine questions and issues pertaining to "preservation" within changing cultural contexts as related to issues of contestation.

Issues regarding ownership, uses, users, naming, maintenance, and control, seen in past public space research also apply to these two case study sites. On the public to private continuum, in terms of both access and ownership, these two sites are both apparently public to some degree but they occupy very different points along this continuum. This aspect is one of the major issues to be explored though this study. Finally, Little Bighorn and Blue Lake, while they have been studied and written about, have not previously been the subjects of focused study as public spaces.

Little Bighorn Battlefield National Monument

Little Bighorn Battlefield National Monument is located in Montana. The contestation which began at Little Bighorn well before June of 1876 has continued to the present, and while perhaps strongest in this place, the contestation has never been confined to this site alone. The conflict has waxed and waned in strength and attention, and the participants have varied over time. This site, initially from the "Indian Wars for the West", has been called the most contested battlefield in the United States. While it is the site of many varying memories, for most of the past 100 years it has been a memorial

to only a portion of these. Since the 1970s, the Little Bighorn Battlefield National Monument has been described as the site of a "clash of cultures". This reference is intended historically, however, even now it is the space of an ongoing "clash of cultures" while not as violent is just as spirited as the military clash of 1876.

Blue Lake, New Mexico (near the Taos Pueblo)

The second case study concerns the Taos Indians (Taoseños) and Blue Lake as well as its surrounding precinct (watershed).

For many decades the Taos Pueblo people were engaged in a conflict with the U.S. Federal Government over an area known as the Blue Lake. For the Taoseños this area was a sacred place and required regular periodic or cyclic ritual activity to be performed at specified times and under specific conditions. Not all Taoseños participate in these rituals they are limited to the appropriate initiates. The federal government included this land as part of a national forest in the early 1900s, broadening both its uses and users. However, as other users and uses increased, the traditional uses became difficult or impossible. New Mexico's Blue Lake and its watershed is an example of contestation over both appropriate use and appropriate users. The contest for control over the Blue Lake area is rooted in opposing philosophies with regard to nature and its uses. Blue Lake is a place where there is contestation of the story or myth and it's meaning which involves issues of freedom of religious practices. The case study also addresses the dilemma of whether the public landscape can support private use.

The case study sites can be considered similar. They both have long contentious histories, they both include the federal government in the contestation, they can both be seen as having both a regional and local or neighborhood draw, and they both, at some

level, represent a similar, marginalized cultural group. However, in many other ways these two case study sites are quite different. One site is extremely well known across the nation and figures into our national identity at some level, the other is known by very few outside of its immediate region. One is still owned and managed by the federal government while the other is now owned and managed once again by a single tribal government. One is accessible by a wide range of multiple publics, while the other is essentially closed. Both sites involve issues of appropriate use and users, appropriation, control, comfort, exclusion, and displacement; but they do so in very different, if not opposite, ways.

Social and Political Background of Case Studies

In order to use Little Bighorn and Blue Lake as case studies it is first important to understand the unique social and political conditions which form the underlying basis for their contestation.

American Indians and "Public" Lands in the U.S.

One could say that all land in the U.S. is contested whether public or not since it was occupied and claimed, if not precisely "owned," by indigenous people prior to European contact from the end of the 1400s forward. Most, but not all of this land was formally ceded first to either colonies or states and then later to the federal government as part of treaty agreements and war losses (Waldman 1985). Land was also lost from tribal control as part of the "Allotment Act" (McChesney, 1990; Otis & Prucha, 1973; Washburn, 1975). Even land that was never ceded and lands that by treaty belong to Native nations are now part of the public lands in this country that are managed by the

Department of the Interior (through the National Park Service, National Forestry Service, the Bureau of Land Management and so on)[127]. Many of these lands are part of continuing contested land claims in the court system today (Michaelson, 1995; Michelman, 1986; Wilkins 1997).

Furthermore, simply because tribal people ceded some of these lands, or they are not part of active claims, this does not mean that tribal entities have severed their ties to the places within these lands. While these lands and places are important to Native Americans for many reasons, political and economic as well as cultural, a central aspect of this importance is the relationships of these cultures to land, that is how land is valued and the role it plays in the culture. One way of describing this value or importance has been to say that First Nations, or Indian, people are "tied to the land" (Basso, 1996; Feld & Basso, 1996; McLuhan, 1993; Nabakov, 2006; Pierotti & Wildcat, 2000).

> What we call nature is conceived by Native peoples as an extension of biological man, and therefore a [Native] never feels 'surrounded by nature'...a [Native] walking in the forest, or paddling a canoe is not in nature, but he is entirely surrounded by cultural meanings his tradition has given to his external surroundings. (Reichel-Dolmatoff, 1996, pp.8-9)

The land is a cultural landscape that holds places that have weight and power, and places of religious observation, Native Americans have strong attachment to place. Like other groups, American Indians' worldview or epistemology shapes their understanding of their relationship to nature, to the land and to the cosmos and therefore it shapes their ethics, or their ways of relating to "nature" and to each other. In the last decade or so there has been considerable discussion concerning worldview and knowledge differences between dominant or mainstream culture and indigenous people. (Battiste, 1998, 2000; Cajete, 1995; McConaghy, 2000; Semali & Kincheloe, 1999; Suzuki & Knudtson, 1992).

The Native Americans have been shown to hold and operate within different worldviews than westerners mainstream one (Deloria 1990, 1992; Harvey 2001; Michaelson 1995; Pierotte &Wildcat, 2000; Swentzell 1997b; Wildcat 2004). While there is no singular or pan- American Indian culture there are similarities across groups. While some scholars, both native and non-native, would certainly debate both the nature of and the particular similarities as well as the breadth of all the various groups they might include, many would agree that Native Americans' view of themselves in relationship to other parts or groups of the environment and the world; their typically communal, collaborative and relational orientation; the role oral tradition plays; and concepts of use access and use rights are all world-view aspects that cut across many different tribal cultures.

These Indigenous ideas are different from western ones. One major epistemological difference is that western EuroAmericans have been described as thinking temporally and Native North Americans as thinking spatially (Deloria 1992). In other words, western EuroAmericans understand people to look forward and backward in time to establish their place in history. In contrast indigenous people look around themselves to get a sense of their place in history.

Deloria (1995a, 1995b) has pointed out that another aspect that separates out Native peoples from other American minorities, and from the dominant culture, is that the First Americans do not have an immigrant experience within their heritage. The absence of an immigrant experience yields a very different view of land use and resource management than occurs in other cultures (Chidester & Linenthal, 1995). For Indigenous North Americans the land is a living place (Deloria, 1992; Hogan, 1995; Nabakov, 2006; Pierotti & Wildcat, 2000; Silko, 1995; Swentzell, 1997a, 1997b). The worldviews and

cultures of peoples of the First Nations evolved here in the environments of this continent. While it is true that Native Americans do not have an immigrant experience it can certainly be argued that nearly all of them have the experience of being uprooted from their original place or places, and often relocated in quite different environments and places. Deloria (1990, 1995a,b, 2002) and Wildcat (2004, 2006) would argue that this did not change their underlying epistemological orientation to the land and place but rather reinforced applying that orientation to re-rooting oneself in a new place. Additionally such forced relocations added a certain power to their sacred spaces which were then more difficult or impossible to visit.

Pierotti and Wildcat (2000) believe that western spiritual knowledge and instruction is pedagogical and hierarchical. Immigrants' or westerners' sacred or holy sites are located elsewhere in Europe and the Middle East which many Americans of European descent still go and visit. As a result EuroAmericans do not understand the sacred places of their "new" home (North America), and treat the whole land as a place from which to extract wealth or to shape as befits their own interests. Deloria (2000) attributes this orientation to treat land as a resource in part to western religions being materially based. As an example of this Deloria notes that churches and other places of worship for western religions in North America are primarily placed in proximity to people and their convenience and then the place is "sanctified", rather than locating places of power and then performing rituals that relate to that place.

A third and final issue both Deloria (1990,) and Pierotti and Wildcat (2000) note as distinct from western-based epistemologies is the understanding indigenous people have of being part of a larger construction, and understanding their role as part of that larger

construction as relational. For Natives, the concept of "all things being connected" is not a simple phrase but a literal realization that it is impossible to exist as a single organism separate from the many other organisms and the processes that make up the ecosystems or biosphere of the world. This is not to be misconstrued as the western idea of "loving nature". The Native perception of being part of a larger interconnected system is clear in the oral traditions or stories through which this knowledge of place was passed. Such stories illustrate the relation of all the other flora and fauna which make up the world of Indigenous people as familial.

> Little emphasized, but equally as important for the formation of (Native) personality was the group of other forms of life which had come down over the centuries as part of the larger family. … There seem to have been a series of covenants between certain human families and specific birds, grazing animals, predatory animals, and reptiles. (Deloria, 1990, p. 16-17)[128]

Native Americans' understanding of themselves as part of the larger ecosystem, which is relational and familial, shapes Native ethics and attitudes. To understand how seeing the larger ecosystem as relational and familial affects attitudes about place, the land and its use, consider the example of getting money from a relative and getting money from an ATM. The goal and the outcome may be similar but the approach and attitude is very different. When getting money from a relative, there is reciprocity, owed duty and a longer time frame. Wildcat is fond of using the analogy that if you treat your relatives as ATM's you will soon learn why this is also a problematic way to relate to the larger environment.

Concepts of land, place, nature and the cosmos, and humans' relationship with these concepts vary across cultures. For some cultures these concepts are all synonymous, while for others they are clearly distinguished. Such multiple value systems and

epistemologies have shaped cultures and, most germane to this study, impacted relations between groups. In fact, some might argue that these differences, and diversity of views are some of the major reasons that different cultures in contact often become different cultures in conflict. The explication of Blue Lake and Little Bighorn demonstrate how multiple value systems and epistemologies related to attitudes about land and environmental ethics can fuel contestation in public space.

Sovereignty

Another important aspect to consider when examining any issue involving First Nations is sovereignty. American Indians have only been recognized as American citizens since 1924. Under U.S. law American Indians are technically part of domestic sovereign nations (Cook-Lynn, 1998; Deloria and Lytle, 1984; Wilkins, 1997; Wilkinson, 1987). As such, each Tribe or Nation is meant to deal with the U.S. Federal Government on an equal footing – government to government. Even though most Natives as well as some non-natives feel that this relationship has rarely existed it nevertheless impacts the ways legislation is written and enforced. For example, all ownership or tribal land claims must be filed at the federal rather than the state level. The fact that Indian Nations are considered sovereign also means that crimes committed on reservation or trust land are subject to enforcement by either tribal police forces or federal enforcement through the Federal Bureau of Investigation (FBI) depending on the severity of the crime, local county or state law enforcement does not have jurisdiction. One peculiarity of this relationship is that historically non-natives have not been subject to tribal jurisdiction and enforcement even when they are on reservation or trust land.

Contested Sacred Spaces - American Indian Lands

The history of colonization, cultural differences and the unique status as citizens and yet sovereign nations has implications for many spaces in the US public lands and their contested nature.

There are religious or ceremonial uses that can take place in an expansive area, that is, their observance is not tied to a single place but may be observed in multiple places within a certain broader land area. Sun Dance observations are an example of this use.

Sun dances are large size gatherings which involve individuals making a commitment to a four-day observation or ritual which occurs once each year for a four-year cycle and are a time of prayer, fasting and personal sacrifice. While these rituals are not private (for initiates or participants only), there are protocols for observers. Some non-Natives want to be allowed to be spectators without accommodating these protocols. This would be similar to not being allowed into a famous cathedral as a tourist if you were dressed in a way that was deemed unacceptable or without a head covering if you were a woman before Vatican II. Some synagogues have provided yarmulke for visitors or currently some mosques in various locations have handled this by providing people with robe-like attire including proper head coverings for the use of tourists. Over the years several national parks have made space available for sun dance practices even though it means limiting or controlling the access of other park users.

Pipestone National Monument is a good example of a national park that has accommodated this use. Most superintendents and managers make this decision based on their site's physical characteristics in terms of providing at least a somewhat secluded

area, and on the intensity of their non-native use. This is also similarly true for allowing or providing space for sweat lodges, another native ritual practice that requires some privacy or control of access for non-participants. In the past some non-native park visitors have complained bitterly over the exclusion and believe the NPS should not allow American Indian groups to use the space if they will not allow all visitors to the park to have access and come as they are (Wilson 1996)[129]. Additionally, special accommodations must be made for various offerings made at the sun dance –which are meant to decay naturally over time, as other visitors and tourists often consider them to be potential souvenirs irrespective of signage to the contrary.

The contestations in these cases could be framed as one of appropriation (of space by one group contested by another) or as an instance of who or what is considered appropriate behavior in a specific public space. Additionally contestations such as this highlight a boundary of our current social construction of public space and public life concerning our expectations regarding appropriate attire. Should public spaces have "dress codes"? Currently as a society we tolerate at some level, by law, nearly all forms of dress or undress as long as basic genital areas are covered, although even this standard is certainly contested by many.

Much of the land removed from Native ownership or control through colonization also contains specific sites which various tribal groups consider to be significant or sacred. Many of these spaces are contested (Michaelson, 1995). A few examples of such sites include Bear Butte in the Dakota Black Hills near Sturgis, South Dakota, Rainbow Bridge (National Monument) adjacent to Lake Powell in Utah, Devils Tower (National Monument) in Wyoming, and Petroglyph Park in Albuquerque New Mexico.

These are places where recreation, economic development and profit, or daily convenience and religious beliefs or practices come into conflict and are therefore contested. Some of the "public" spaces that are considered places of power, sacred, hallowed, or holy (and often "private") by one group and are considered a valued or special recreational site or venue by another. In some of these cases the ground itself may be considered hollowed (sometimes inherently so) by groups that contest who has the right to own, use, control the story and other aspects of the space. Often one basis for contestation is whether or not the specific ground or space is sacred. Some of these spaces are considered special or sacred in part due to their physical distinctiveness, which then becomes the crux of the contestation. Although some spaces are believed by certain people to be inherently sacred, others acknowledge sacredness as deriving from a cultural or human construction. How do we mark such spaces? Whether a space is deemed sacred or not impacts what is believed to be appropriate and inappropriate behavior and activities (and sometimes appropriate and inappropriate participants or users). Spaces like these raise questions about the definition of public and the role of contestation in public space. Can such spaces help us to refine or redefine our use of terms adding important depth to theory?

Little Bighorn and Blue Lake are both sites that are known for their contestations, so there are a variety of contestations to explore. Because they are sites where boundaries are pushed and tested and where definitions of various aspects of public space are questioned and reconstructed over time Little Bighorn and Blue Lake will allow us to examine questions about contestation and its role in public space. Thus they are good choices as case study sites.

The Data and Data Analysis

The two case study narratives were constructed from the re-examination of a wide range of existing information on the sites. This information provided one level of understanding regarding the various understandings or positions on the history of each case site, their original and ongoing uses, how they are represented and interpreted, and who was involved in decision making, in addition to the various contestations. This project explicitly engages multiple points of view in conflict with each other.

The data sources, were primarily secondary or archival materials, and included historical analyses, popular writings, official reports, newspaper articles, cartoons, meeting minutes, correspondence, and newsletters that represented a mix of folk or lay narratives and those narratives created by professional analysts for specialized audiences.

Fortunately, for the Little Bighorn case study in addition to various books, information found in newspapers and various other print outlets, I was fortunate to be able to use two archives with a wealth of available information gathered together. One was the National Park Services archive at the Visitors Center at the Little Bighorn National Monument, and the other was the Little Bighorn Archive at the Parmly Public Library in Billings, Montana. For the other results I consulted publicly available documentations and websites. The specific materials consulted for the case studies can be found referenced in the appropriate part of the Results Section. These materials represent a mix of folk narratives and those narratives created by professional analysts for specialized audiences. An analysis of available archival material yielded a wealth of information about contestation, and how it might be conceptualized. Multiple sources

helped provide the social interaction, interchange, or dialog necessary to provide for different publics or different voices in these contestations.

For each of the case studies the archival record was supplemented with oral formal and informal interviews with a range of participants directly and indirectly engaged in the social construction of these public spaces. Interviews involved speaking with current and past superintendents of National Park Service sites; NPS rangers and interpreters, US Forestry personnel, those personnel who enforce rules and regulations regarding the sites, tribal representatives, and some visitors and community members. Therefore this oral narrative data reflects both folk and professional perspectives.

Formal interviews for Little Bighorn were conducted with four NPS personnel (Superintendents, Historians, Rangers), three Crow and Dakota elders, one Native American scholar and one non-native scholar of the Battlefield. Informal interviews were conducted with more than 30 people. Many were Native Americans encountered both on and off the site itself; these people included scholars as well as lay people. On the site interviews occurred at the symposium for the Indian Memorial competition, the dedication and opening ceremonies for the Indian Memorial, as well as individuals met on site when no special event was occurring. Off the site interviews occurred at American Indian education conferences, and other native events. Additional NPS Rangers and Interpreters as well as former Superintendents were interviewed informally, as were several members and former members of the BIA. Non-Indian visitors to the site were also informally interviewed both on the special occasions noted above as well as on more typical days at the battlefield, only two of these people self-identified themselves as "custerphiles". For the Blue Lake case study formal interviews were conducted with two

tribal officials or elders, two National Forestry Service personnel, one senior tribal Police official, two Native American scholars. About 25 informal interviews were conducted with Tiwas or Taoseños, other Puebloans and Navajos (Diné) from the vicinity, non-Native American community members or area residents, Taos policemen or sheriffs, several members and former members of the BIA, NPS Rangers and Interpreters at nearby sites such as Bandolier and Pecos, as well as additional Native American scholars.

As I assured all my interviewees of their right to chose to be anonymous in order to obtain uncensored materials I am not able to provide greater detail regarding the identity of my informants. It is through these conversations in conjunction with the written records that created a basis for understanding the complexities of the contestations at these various sites.

Following Gergen and Gergen (1984) and Sarbin and Kitsuse (1994) the first task was to identify the major strands of each case study story, and its sub-strands, This included a consideration and identification of the order and privileging of various events as they were related to major themes or lessons. The next task was to structure the events in such a way that there was coherence and recognizable order, so that a reader could understand the contestation(s) in context. The narratives needed to communicate in such a way that readers would be able to understand issues involved in the various contestations from various points of view and so on.

In order to accomplish my goals, I needed to tell the story from multiple viewpoints. Therefore I took past and present points of view of the major participants and contestants at various times in the narrative. I also noted important issues as presented in

various archival information sources, interviews (formal and informal), as well as my own personal observations.

In the following sections I present the narratives created for the case studies. These narratives include information on the physical spaces and their context, including available information about the developmental history of the site and its physical, historical, social and cultural context. I have established a summary chronology of the various contestation(s), determining and describing the nature of the contestation(s). This included who the contestants were, how various participants constructed and understood the contestation(s), the activities and issues involved, and who defined the contestation as well as why. It was also important to determine and describe the power relationships that the contestations revealed as well as the economic component(s) of the contestation(s). This included identifying what has been gained or lost by various parties, irrespective of whether such loss or gain was invoked as a causative or explanatory factor.

I determined whether contestation was interpreted as a symptom of health or disease, and by whom; and what was invoked as an explanatory or causative scheme, and what or who was invoked as an agent of resolution for the contestation. Additionally, I determined if there was evidence of support for ongoing contestation and negotiation, or if there was evidence that the focus was directed to resolution and closure.

The final task was to determine the structure of my story about each of the case studies to best illustrate the theme or themes and lesson(s) identified. The two case study narratives are presented in the next chapter. Following the narratives of the case study

sites, information regarding other contestation examples is presented that extends our understanding of contestation. These additional examples are also presented in such a way as to maintain the various different viewpoints allowing me to communicate the importance of multiple voices and viewpoints and how those contestations were testing the social construction of the society, the culture, or the relations between cultures.

These methods outlined here while appropriate to provide the building blocks of a new theory of contestation in public space are not appropriate for, or sufficient to, totally frame a new theory of contestation in public space much less to prove such a theory. However, they should provide significant evidence towards the basic soundness of the theory as well as an outline of its structure. In the section that follows the narratives compiled from this approach will be presented for each case study site and for additional examples drawn from archival materials.

RESULTS

In this section I present the stories of the two case study sites, highlighting the major contestations in each of these places. These two narratives will illustrate that contestation improves these spaces by making them more public. In particular, contestation provides support for oppressed or unrecognized groups in these cases. Initially in neither space did the dominant cultural group allow any overt contestation of the sites' singular orthodox construction of their uses, users, stories, ownership, and accessibility, to be recognized. However, over time this singular social construction was openly challenged and contested by a minority or oppressed group. Initially those in control from the dominant group saw this contestation as negative and tried to ignore, limit, and control it, proposing "solutions" to end the contestation without addressing the inclusion of the non-dominant group. In the stories presented about the two case studies we clearly see minority groups both challenging the status quo, establishing identities in public, and achieving a voice in the public realm. Using the point of view of different groups or different voices to tell the case study stories, the different groups negotiating the definition of these public spaces become more apparent to the reader.

Following the two case studies this section includes additional information on a number of cases of contestation based on archival data: ranging from Bear Butte, Rainbow Bridge, and Devils Tower to parades, and public art to, and Yitzhak Rabin's memorial. Comparing the two major case study sites to these other sites helps us to understand some of the ways in which the major case studies are generalizable to public spaces allowing us to formulate a theory of contestation in public space that is not simply

about non-urban sites or a singular oppressed group. Their usefulness lies in testing how generalizable some of the key ideas of contestation and public space are.

Case Study 1- Little Bighorn Battlefield National Monument

The first case study is the Little Bighorn Battlefield National Monument, which was first a site of military contest, and over time became a place of contested histories and values. This case study is important because it shows how this memorial, through contestation, became both a better place and a truly public space. This improvement is, I believe, a result of contestation creating multiple interpretations of the site and events rather than one. The site ultimately became more democratic and diverse through contestation, as a dominant group and viewpoint was challenged and a place was made for an oppressed group and point of view to be heard and recognized in public.

The Contestation Surrounding the Little Bighorn

Although the battle itself is not my focus it is important to understand a little about the battle first. In June 1876 in a place known by many names, people with conflicting ideologies came together, fought, and died. This place is generally labeled in the existing written archival record as a "battlefield" and not a "massacre" site since both sides were armed. Although both sides had military, both were not mobilized at the time. This label may be due in part to the fact that the side acknowledged as victorious included civilians, and there were fewer civilian casualties than armed casualties.

Monuments in public spaces help create and commemorate a culture's heroes. Heroes are created by communication, with forms ranging from the oral recounting of stories to visual depictions of deeds. Memory is constructed and constructive. Little

Bighorn Battlefield National Monument in Montana raises questions about public and private memories and public and private space.

As indicated earlier, this place has been called the most contested site (battlefield) in the U.S. Volumes of books and articles have been written about this place and the events of and surrounding that date in June (Connell, 1984; Deverell, 2004; Dixon, 2004; Hardorff 1991, 1993; Hart,1996; R.G. Jackson, 1987; Jordan, 1986; Linenthal 1983, 1991, 1994; Luce, 1955; Marshal, 1996; Michno 1997; Plainfeather, 1988, Stands In Timber & Liberty, 1967; Rankin, 1996; Reber, Arnold & Sommers, 1978; Rickey, 1967; Scott, 1994; Scott & Fox, 1989; Viola, 1999). The events at the Little Bighorn inspired movies and television programs, films, artwork, novels, and re-enactments (Dippie 1976, 1994; Josephy, 1971), but most of all controversy. My intention here is not to address all the contested issues especially those that others may have covered, but rather to use a few contestations or aspects of the controversy to illustrate some issues surrounding the concepts of contestation as they help frame an understanding of public space.

The site is located in south-central Montana on 765 acres currently owned and managed by the federal government. It is on, and surrounded by, the present day Crow Indian Reservation. (See Figures 2, 3, 4). Several federal government entities are involved with this public land. The Department of the Interior owns it. It is managed by the National Park Service (NPS), which is one of the many organizations under the umbrella of the Department of the Interior. Each of these organizations has its own mandate or mission and its own rules and regulations. Since both the NPS and the Department of the Interior are public governmental entities, they have established rules and management practices based on their congressional mandates. These rules and

practices have evolved over time based on changing understandings of appropriate scientific, ecological, cultural and social information and ideals.

Figure 2. Little Bighorn Battlefield National Monument location

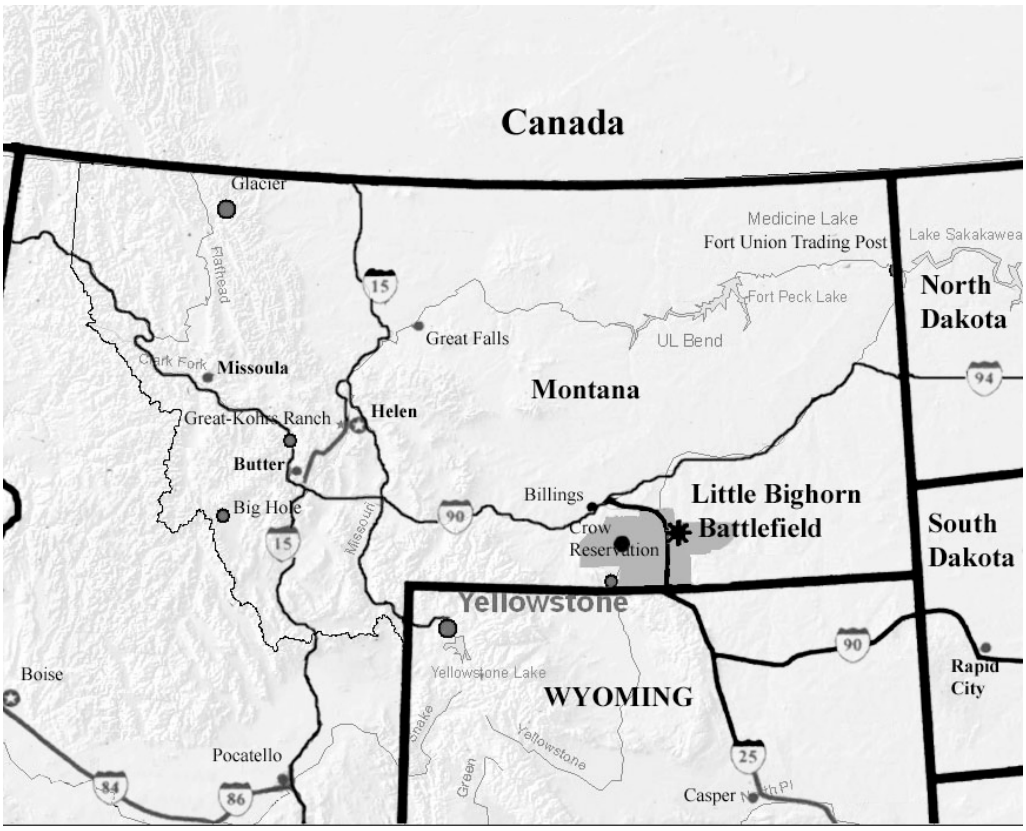


Figure 3. Little Bighorn Battlefield National Monument location map 2

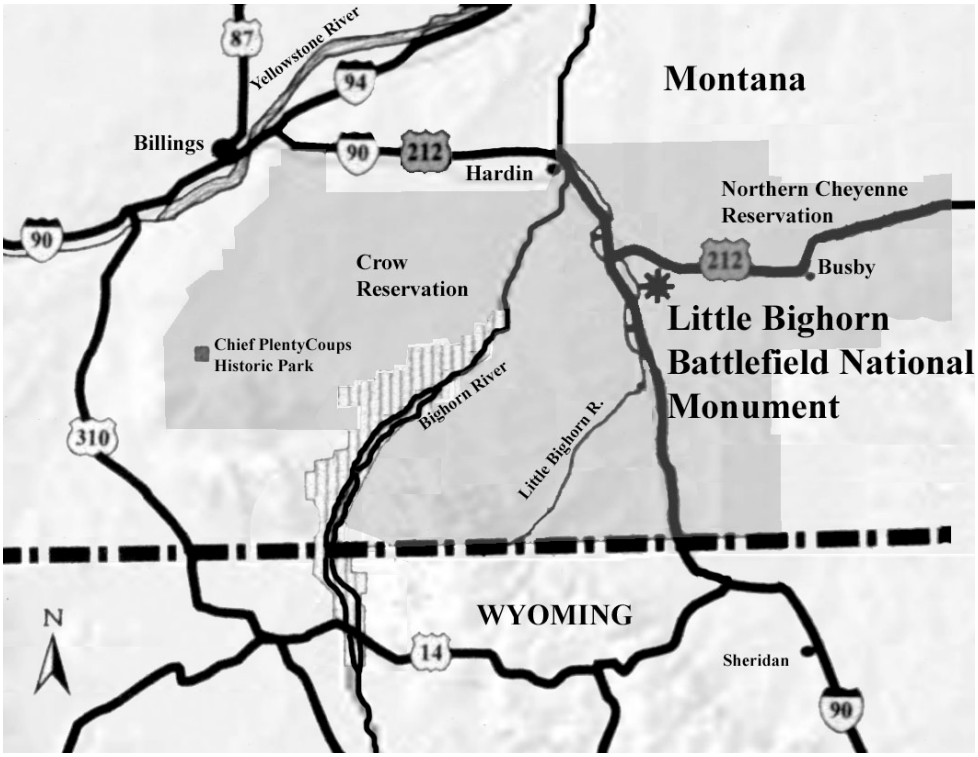


Figure 4. Little Bighorn Battlefield National Monument location map 3

As of 2002, the Crow or *Apsaalooke* Nation is one of the 287 federally recognized Indian tribes in the U.S. (Bureau of Indian Affairs, 2002). Over 6,600 Crow (*Apsaalooke*) tribal members still reside within their allocated 2-million acre reservation (based on 1990 data). Indian reservations are land areas that exist as the result of European American colonization and the negation of Indian aboriginal title. Reservations are lands that were set aside or designated expressly for the occupancy and use of tribal nations. Some were the result of treaties or statute, while others are based on congressional acts or executive order. Whatever their origin, the permanency of federal reservation tenure was recognized as part of the 1887 General Allotment Act (Washburn, 1975). Since 1919 reservation land can only be established by an act of Congress.

Reservation land is sometimes referred to as “trust” land since it is held in trust by the United States government for tribes and individual Indians. Since the Allotment Act

most reservations have a large number of non-Indians who own or lease land within reservation boundaries, including the federal government. According to the Bureau of Indian Affairs (BIA) the government owns less than one percent of such redistributed land across all the reservations in the country. The Crow (*Apsaalooke*) reservation is no exception, so it is not unusual to find a large piece of reservation ground allocated to state or national park use. Thus, in terms of ownership, management and control this site is clearly understood as public land.

The site is currently officially named Little Bighorn National Monument, although it has been known formally and informally over the past 150-plus years by many names: the campsite along the Greasy Grass and the battle of Greasy Grass are translations from various Plains Nations; the land of the Little Bighorn, the Custer or 7th Cavalry Massacre Site, or the site of Custer's Last Stand are names used by many Anglos (European Americans). When the land was first officially designated as public land and transferred to the War Department to manage, it was called Custer Battlefield. Names and the naming of places are important to their occupation, use and understanding. We will look at the controversies over its naming shortly.

Issues about memory and its constructed nature, memorialization, and naming are important contestations in this site. They are also part of the key contestation of this case study — the story or stories or the interpretation of the history or events that took place on this site. The major contestation in this place is over the control of what, or which, or perhaps whose story will be told or interpreted.

Little Bighorn is conceptualized by the mainstream or dominant culture as the key battle in the war of "civilization against savagery" (Dippie, 1976; Josephy, 1971; Luce,

1955), and as the quintessential example of the "lone man against overwhelming odds" (Dippie, 1976; Josephy, 1971; Luce, 1955; Utley, 1971) and infrequently as the result of "foolhardiness, egomania, and failure to follow orders" (Dippie, 1976; Josephy, 1971; Utley, 1971). However, even now it is acknowledged to be the space of an ongoing "clash of cultures" (Linenthal, 1983, 1991, 1996; Utley, 1994) that is perhaps not as violent, but is nonetheless just as spirited, as the military clash in 1876.

Nearly all Americans, are familiar with this event. For many, the battle is commonly thought of as "Custer's Last Stand". This battle, which was (and perhaps still is) about differing identities, differing views of the world, and conflicting ways of life, continues to provoke controversy more than 130 years later (Rankin, 1996). It is clearly an over-simplification to talk about this as only two cultures — red and white, or American Indians or Native Americans and European Americans — for each group obviously encompasses diversity. However in this particular venue I will discuss differences within the groups when necessary for clarity.

Some historical background

As with all battlefields, there are at least two sides that met on the field and therefore at least two versions of the events that took place.

> Comes the most heartrending tale of all. As I have said before General Custer with five Companies went below the Village to Cut them off as he Supposed but instead he was Surrounded and all of them Killed to a Man 14 officers and 250 Men Their the Bravest General of Modder times met his death with his two Brothers Brotherinlaw and Nephew not 5 yards apart Surrounded by 42 Men of E Company. Oh what a slaughter how Manny homes are Made desolate by the Sad disaster eavery one of them were Scalped and otherwise Mutilated but the General he lay with a smile on his face... [sic] Pvt. Coleman
> (Connell, 1984, p 412)

> I went over with the others and peeped over the hills and saw the soldiers advancing. As I looked along the line of the ridge they seemed to fill the whole

> hill. It looked as if there were thousands of them, and I thought we would surely be beaten.. I thought, most of the Sioux [sic] will fall today; I will fall with them. Just at that time Sitting Bull made his appearance. He said, "A bird when it is on its nest, spreads its wings to cover the nest and eggs and protect them. It cannot use its wings for defense, but it can cackle and try to drive away the enemy. We are here to protect our wives and children, and we must not let the soldiers get them". Runs-The-Enemy, taken down in September 1909 by Dr. Joseph K Dixon and published in *The Vanishing Race,* and later in *Wind on the Buffalo Grass* by Leslie Tillett, 1976, p. 23.

There is a wealth of historical background of the site and of the events that took place here from numerous points of view (Dippie, 1976; Flores, 1996; Hardoff, 1991, 1993; Hart, 1996; Jackson, 1987; Jordon, 1986; Josephy, 1971; P. Larson, 1982; Liberty, 1994; Linenthal, 1991; McDermott, 1996, Michno, 1997; Plainfeather, 1988; Stands In Timber & Liberty, 1967; Utley, 1971). A review of the historical material is instructive from the point of view of contested history. The entire background of the events that led up to this pivotal encounter (as well as the response to the event since that time) cannot be covered here because of the limitations of this venue. However some background is necessary.

As European Americans moved to lands further west, tensions between the settlers and the various American Indian Nations increased. The pressures that such settlement created included attacks on Indians and settlers. Buffalo had been, and still were, being depleted in record numbers and this led to some theft of the settlers' livestock. In the 1860s, the conflict over control of land and resources escalated. Prior to the battle at the Little Bighorn several key incidents took place, including the Sand Creek Massacre, the Laramie Treaty, the discovery of gold in the Black Hills, and the fight at the Washita (see Figure 5). The battle at Little Bighorn was not the first of the campaign in 1876. It was preceded by the engagements at the Powder River, and Rosebud, among others. Most historians (Deverell, 2004; Josephy, 1971, 1994; Nichols, 2003; Reber & Sommers, 1978) consider the battle at the Little Bighorn

as the climax not only of the Western Indian Wars but of European American and American Indian warfare over the land of the fledging U.S. nation overall. When the Indians defeated Custer and the 7th Cavalry, they won a major battle but the victory galvanized the opposing forces. The ultimate outcome, for the Indians a few months later at Wounded Knee, was the loss of the war, their land, and their separate ways of life. Most historians and other commentators consider the massacre at Wounded Knee as not only the quintessential "massacre of the innocents" but as the official end of the Western Indian Wars.

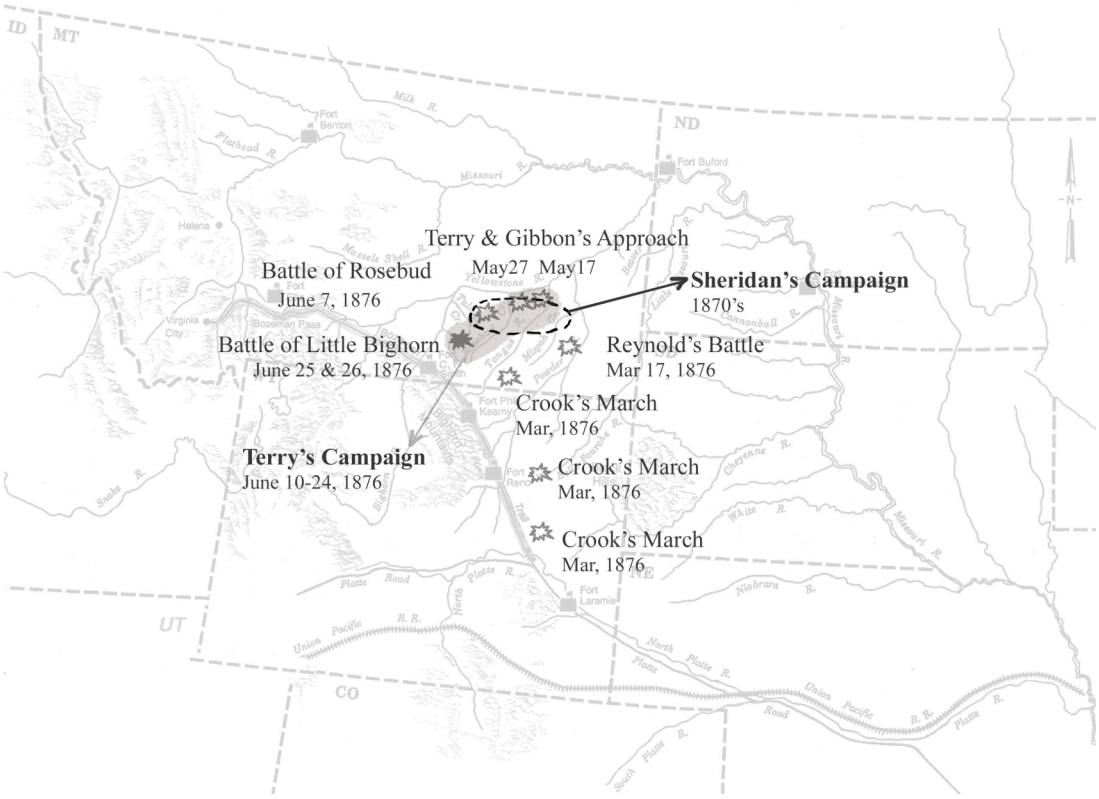


Figure 5. Incidents that led up to the battle of the Little Bighorn

Mainstream orthodox view versus alternative views

> The story of the battle and its consequences is told ... in a compelling narrative of an event that has excited the imagination and provoked controversy ever since it happened. Frontispiece to NPS Handbook of the site.

The mainstream version of what occurred June 25-26, 1876, often starts with this description (Dippie, 1976; Utley, 1969): The battle started on a hot Sunday in June of 1876 when hundreds of Indian warriors converged on a grass ridge rising above the valley of the Little Bighorn River in what is now known as Montana. The Indians surrounded about 225 officers and soldiers of five companies of U.S. Cavalry (most notably the 7th), who fought desperately against opponents who outnumbered them many times over. At one point their leader, George A. Custer[131] and a small number of his men were surrounded atop a small hill and fought until all were overcome. When the fighting was over no soldier survived, apart from soldiers from a second group, those with Major Reno and Captain Benteen (located about five miles away).[132]

This description does not address the three different columns of cavalry[133], marched hard from various forts and locations, led by commanding officers' whose plan was to create an inescapable "pincher" of troops surrounding these "hostile" Indians. This version also fails to mention or give credit to the Crow (*Apsaalooke*) and Arikara (*Sahnish*) scouts who were allied with the cavalry. The Crow (*Apsaalooke*) and the Arikara (*Sahnish*) were long-standing enemies of the Dakota. They felt the Dakotas and their allies were encroaching on their traditional lands, so they allied themselves with the fighting strength of the cavalry (Calloway, 1996). This version does not indicate or question why only one of the cavalry groups was in place, but it does indicate that the group of "hostiles"[134] camped in this place was much larger than the military expected (perhaps even after the fight was engaged), although this is the subject of debate as well.[135]

The versions of the battle from the perspective of the Lakota and their allies, although not identical among themselves, all indicate the attack was a surprise. Most of the men

lingered only long enough to grab weapons and a pony, with none of the ritual preparation that would have been made if they were expecting a confrontation. In fact the camp was large and fairly spread out along the banks of the Greasy Grass River and fighting was already heavy before word of the attack reached men at the far end of the camp. As the battle ranged across the landscape, there were many separate pockets of engagement. Most Indian versions of the battle indicate the last fighting with Custer took place in a ravine, not on the top of a hill. These versions also report numerous instances in which cavalry men ran away from the battle, though no retreat had been called, something that largely undermines the orthodox version of brave soldiers standing against enormous odds. The Indian versions also indicate their pressing motivation to protect a camp full of women and children, and their resistance to being confined to small fixed "agency" lands (Hannah, 2002; McWhorter, 1994; Michno, 1997; Plainfeather, 1988; Stands in Timber & Liberty, 1967; Tillett, 1976).

Contestation, or disagreement over what happened, began immediately after the battle, as different versions of the battle's events were told. The exact content of the various versions may have been adjusted and new versions have also emerged. The contestation over what happened continues even now, as does the contestation over which versions will be promoted and which should be dismissed. This difference was not only a difference between the two sides; there was controversy even within the military and their allies. The military conducted a Court of Inquiry as well as some court-martials. There was also discussion that if Custer had lived would he have been court-martialed for disobeying orders (Linenthal, 1991; Marquis, 1976; Utley 1971, 1994).

The current National Park Service (NPS) guide and handbook to the site notes:

> The battle endures because the disaster to Custer's Command ... left no white survivor to tell the story. ... The details of the fighting could only be

> guessed. The groundwork for endless speculation and debate had been laid. For more than a century the full truth of what happened has eluded the assiduous quest of countless students. They have studied the documents and the battlefield itself, interviewed soldiers and Indians who were there, and pondered and argued over people and events. Today much is known about what happened and why. But many questions remain unanswered, and into the void has fallen such an accumulation of myth and legend that an entranced public has little hope of distinguishing truth from fiction.
>
> (Utley, 1994, p. 4)

Although no white survivor remained to tell the story, there were survivors. The "witness" accounts that exist are not mentioned here (Hannah, 2002; Hardorff, 1991, 1993; Michno, 1997; Porter 1996, Marshall, 1996; Stands In Timber & Liberty, 1967). In the NPS guide it is unclear if the writer felt it was necessary to have balanced witness accounts — some from both sides — or if the author feels the accounts that do exist are inaccurate. Not all the survivors were from one side. Some of Custer's scouts did survive, although they were not present at all of the various venues of fighting (see Figure 6).

As quickly as the contestation arose over what had happened, and long before the Army made any decisions regarding merit recognitions, court-martials, or other disciplinary measures, plans were being made to memorialize the event on the site. Custer's loyal, wife, was a prime instigator of this effort. She had been willing to follow him on his many frontier postings. In turn, he was so devoted to her that he broke rules. He once broke protocol, rode 300 miles, and got suspended from rank and command for one year, just to go and see her.

She began to work with a number of soldiers to organize a memorial on the site. Just one month after the battle, on July 11, 1876, the *New York Herald* reported "that during a meeting of Custer's 'old comrades in arms' plans were made to form the Custer Monument Association." (Linenthal 1991, p. 132).

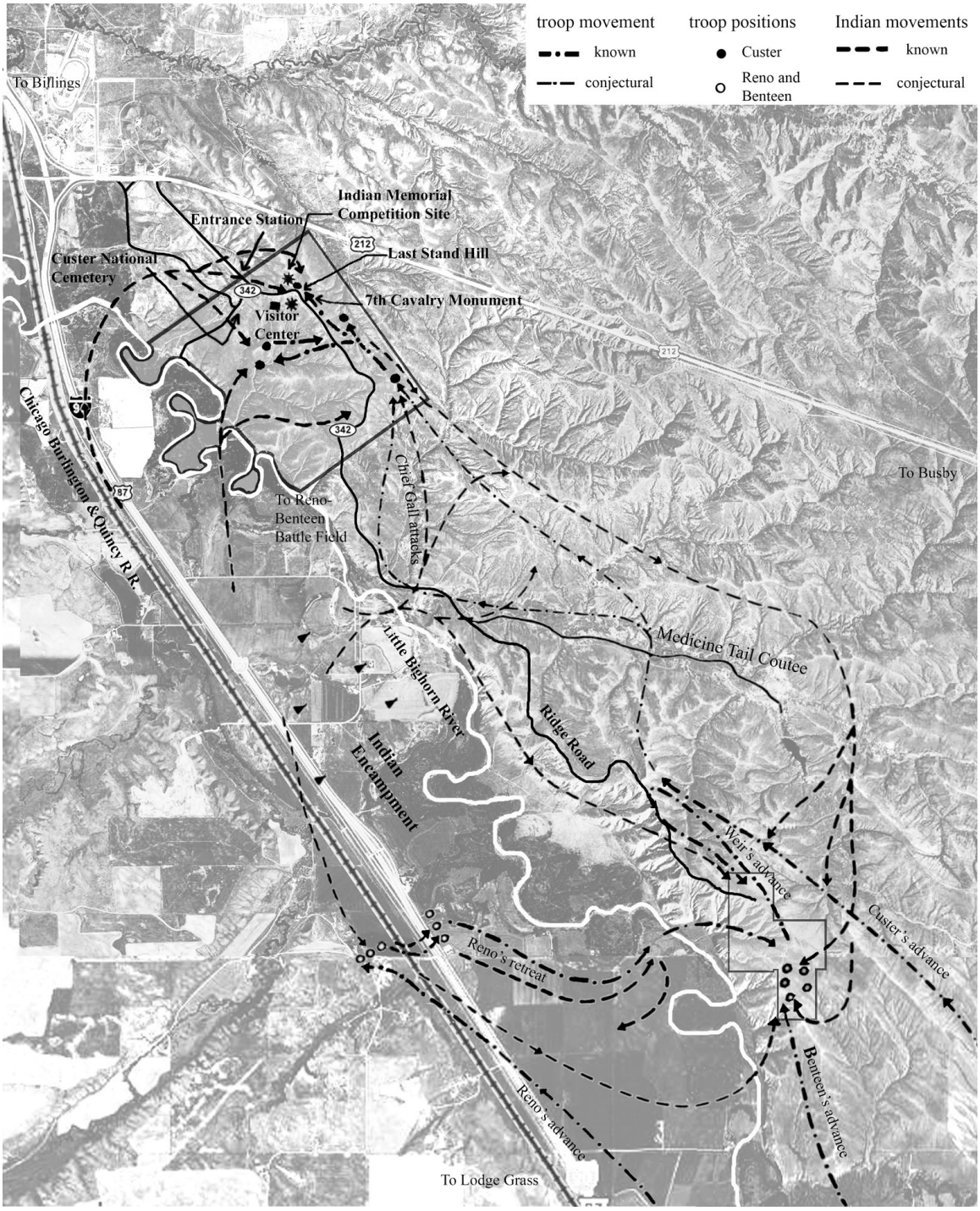


Figure 6. Reconstruction of possible troop movements during the battle (after Utley1969, and Fox 1993,1994)

Some writers and scholars have either intimated or stated plainly that Libby Custer and some of Custer's former companions pushed memorial plans as a way to prevent a posthumous reprimand or court-martial (Linenthal, 1991, 1994, Utley, 1994). Early public pressure on the government focused on the establishment of a cemetery at the battlefield as a reaction to stories about hasty burials of remains. Tourists visited the site as early as 1878.

In 1879 as the site became more and more a destination, the Army sent a detail of men from nearby Fort Custer to work on cleaning up the burials and to erect the first temporary monument on the site.

Cleaning up the burials was important because after the initial battle, human remains were hastily and simply dealt with; soldiers had been buried where they had been found, and horses had not been buried at all. So in 1879 the work detail remounded the graves of the soldiers scattered around the site and collected all the loose horse bones and placed them in the base of the temporary memorial they erected. This first temporary memorial, made of logs, was located at the same place as the current, permanent monument: on top of "Custer" or "Last Stand" Hill. A popular army version of the battle indicates this was the location of the final fighting, which led to the myriad images[136] of Custer on a small hill fighting off the "savage hordes." In 1879, with the temporary monument in place, the Secretary of War authorized the establishment of a permanent monument on the site, as well as the establishment of Custer Battlefield National Cemetery[137] on the site for the burial of Army casualties from the various other Indian conflicts (see Figures 7-9).

Figure 7. National Cemetery

Figure 8. National Cemetery

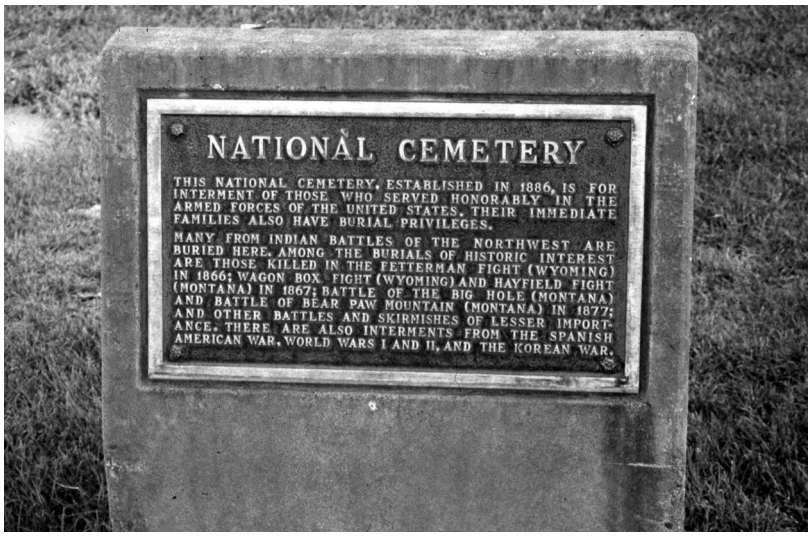


Figure 9. National Cemetery marker

The permanent monument, a 36,000-pound granite obelisk made in Cambridge, Massachusetts, took two years to transport to the site. It was erected in 1881, and at its base a common grave for all the soldiers' remains was created. Troopers "planted a stake, [at each former gravesite] well in the ground so that future visitors could see where the men actually fell" (Rickey, 1967, p.47). In 1890 these stakes were replaced with white marble headstones (see Figures 10, 11).

Native casualties were not left on the battlefield, but were removed and buried in traditional ways, with "burials" in trees and scaffolds, as the Indians made their way towards the White Rain Mountains.[138] Small rock cairns were placed at the location of each fatality. The Native Americans did this before leaving the site after the battle to move the camp and community away from the additional military they knew would be arriving soon.

The subtle cairns went largely unacknowledged until 1999 and 2001 when, with the help of contemporary native people, the cairns and oral histories were used to determine where native warriors had fallen. Red granite markers were erected to mark each of these

locations. Rangers and association personnel interviewed for this research, as well as other sources, such as the National Park Conservancy's Web site (2003), emphasize that this is the only U.S. battlefield that marks the locations where both soldiers and Indian warriors fell.

Figure 10. Custer and the 7th Cavalry obelisk and mass grave site

Figure 11. Fallen cavalry site markers

Administrative control of the site

In 1893 a superintendent from the War Department was assigned to the site, and for the next 50 years the site was under the War Department's jurisdiction. Linenthal (1991) quotes from a December 1905 *New York Times* article about the Custer Battlefield National Cemetery:

> "… old Indian fighters, who gave their lives that the white man's civilization might replace the savagery of the Indian", were brought to the Little Bighorn and buried "under the hills hallowed by the blood of Custer and his men of the 7th Cavalry." (Linenthal 1991. pg. 133)

This quote is indicative of the tenor of the history presented, or present, in the site during the late 1800s and through much of the 1900s. Monuments that remain within the site today reiterate this position (see Figures 12 and 13).

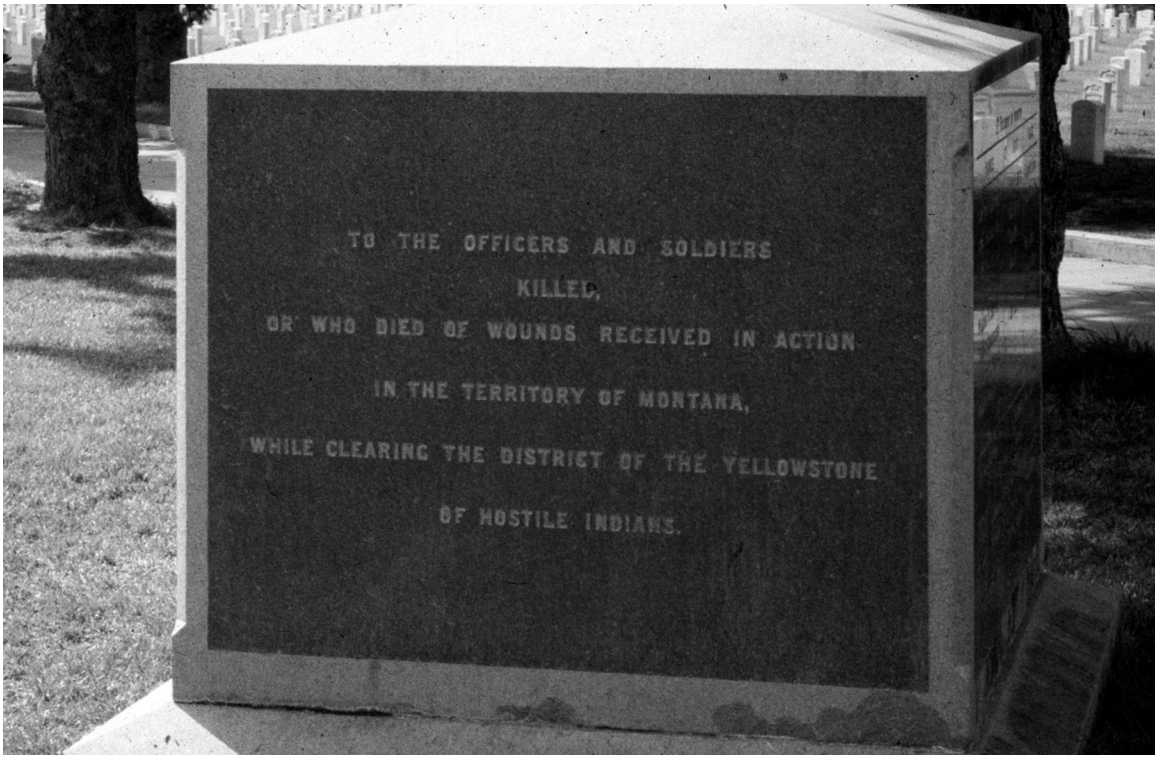


Figure 12. Montana heroes fought against hostile Indians.

Figure 13. Graffiti altering the story of who are the heroes and villains.

In 1926 the government acquired the land that was the site of the Reno-Benteen Battlefield. Eventually the *Reno-Benteen Battlefield* and the *Last Stand Hill* area were connected by a two-lane paved road 4.1 miles long. This brought the battlefield site up to its current size and ensured that all the major sites of the battle would be preserved along with a small grassland, protected from grazing by domestic animals.

In 1940 the site was transferred to the National Park Service (NPS) in part reflecting the government's changing view of the site as predominantly an historical site rather than as an active cemetery. However, the War Department site manager, Captain Edward S. Luce, remained in place managing the site until 1956 and oversaw the creation and dedication of the Custer Battlefield Museum in 1952. The museum was an important addition, especially in terms of interpreting the site and events, although today it is rather small for the collection of artifacts and archives about the battlefield and site.[139]

Other Site Development and Issues to the Present

One of the current challenges is adequate storage space for the collection. What is now the Visitors Center-Interpretive Museum is located just down the hill from the Custer-7th Cavalry Obelisk memorial, and now the new (2003) Indian Memorial. The Visitors Center-Interpretive Museum site development also includes restroom facilities and the mandatory gift, souvenir, and bookstore. In some locations such NPS facilities also include minimal food service, but the Little Bighorn National Monument only sells water. The NPS considers both the Visitors Center -Interpretive Museum and the current parking facilities (from the 1950s) as "challenges" for the current park — facilities in need of expansion and renovation. Discussions regarding improvements to the facilities have been controversial. See Figure14 for a map of the major features of the site.

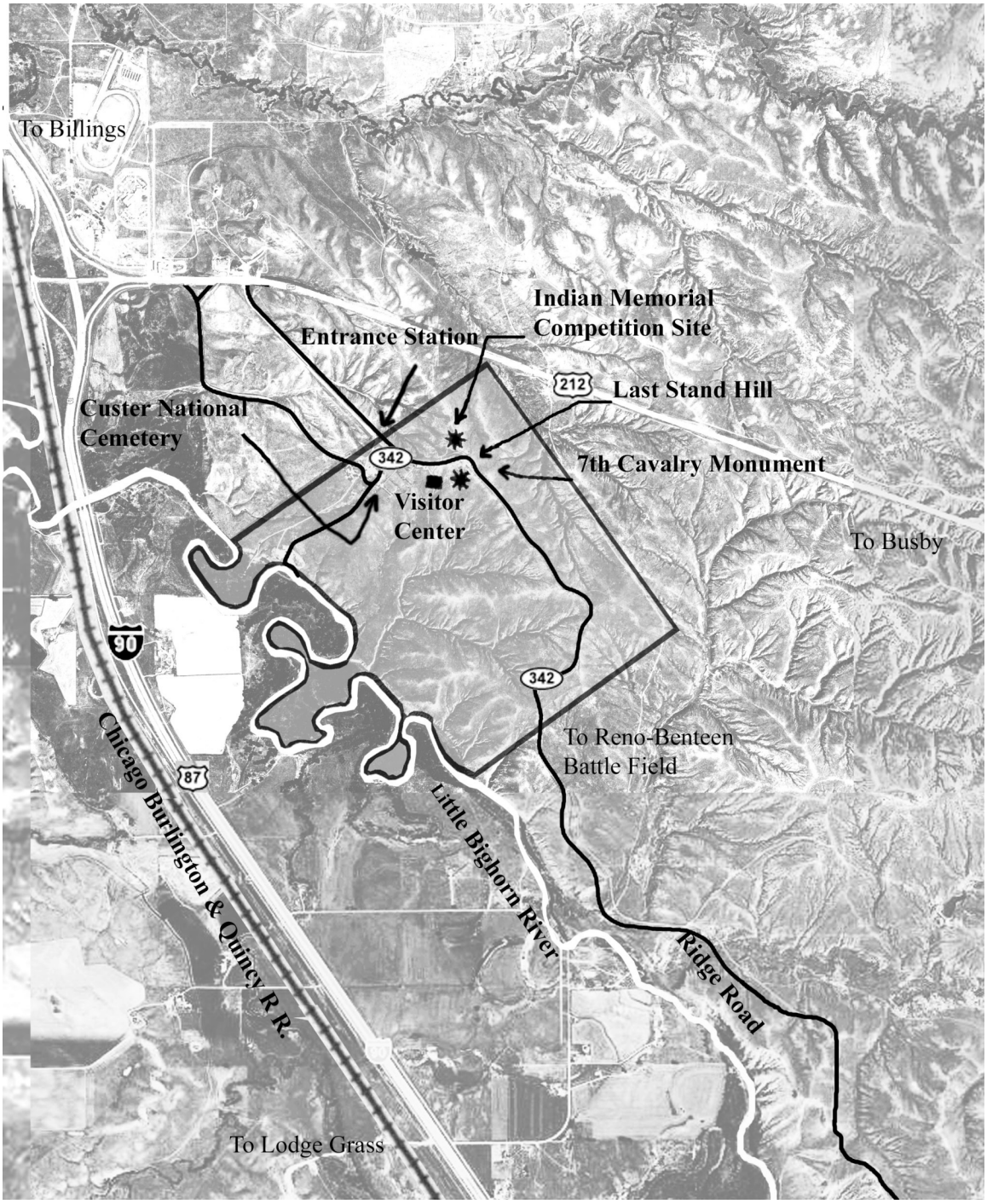


Figure 14. Little Bighorn Battlefield National Monument major features

The most contentious issues are the facility's location and its program in terms of what should be included in the facility. Many visitors, professional park planners, designers and managers feel that the current location is too close to the battlefield and,

while easily accessible, its proximity detracts from experiencing the feeling of the lonely battlefield. Any enlargement of the facility would just exacerbate this. Those in agreement with this position feel that parking and a visitor center complex should be located near the entrance to the site (some distance from the battlefield), and visitors should walk in or take shuttle buses to the cemetery, the memorials and various battlefield locations of interest. In addition, they feel that the current facility should be removed and the area replanted as prairie. They also think that if the facility were located more distantly, it would be acceptable for it to offer food service.

Those visitors and professionals who oppose increasing or redesigning the parking and visitors facilities or moving these facilities usually do so on the grounds that the restroom facilities would be too distant, that building a new facility would be environmentally wasteful since the current building is not unusable or unsafe. They argue that moving these facilities closer to the entrance and offering food service would create unfair and unnecessary competition with some of the economic development of the Crow (*Apsaalooke*) reservation which is right across the road from the site entry, and currently provides food, gas, and other amenities for visitors. Gift and souvenir shops at NPS sites are run by groups that are independent of the NPS. These groups are referred to as "associations." Associations have played an important role in the contestations of the Little Bighorn site and will be discussed later at great length.

Current Contestations

Which stories are told on the site and who gets to decide?

The most significant contestations at Little Bighorn are about site interpretation. The contestations revolve around the story, the interpretation of the history of the site that is

presented, and who controls decisions about such stories and interpretations. While contestations over the story or interpretation of a public place are not uncommon they are perhaps more evident and salient here.

Little Bighorn, along with the Alamo, and Pearl Harbor, are notable sites of defeats, for the U.S., either as a government or as a dominant cultural group. Such sites generate political, governmental or patriarchal versions of the story regarding the event, which are jealously guarded as important to maintaining the status quo of the "losers of the battle" but the "winners of the war." These stories also rely on heroes who are equally jealously guarded. Custer can certainly be considered one such a hero for much of the nation and its history, while certainly the subject of controversy, both during his life and immediately after his death. The nation has considered Custer, while certainly the subject of controversy, both during his life and immediately after his death, as such a hero for much of its history. His wife and a group of supporters may have been responsible for nurturing this interpretation especially in its nascent stages, but it continued because it served a powerful majority interest.

So Little Bighorn, a historical site, became a shrine. Whether considered a shrine to an individual or to a particular set of ideas, it was in any case constructed by highlighting certain aspects of the story over others. A memory (or set of memories) was constructed, to serve only one particular political, and patriotic, viewpoint and came to be accepted by most mainstream or non-native people as the orthodox version. This construction included not only continuing stories and rituals, but eventually also physical expressions, including images (paintings etc.), statues, and monuments. Public spaces have long served as the sites of hero creation and worship, where statues have been erected to honor the hero, providing a site to literally place the hero on a pedestal. This was the view of the lone defender holding fast in

the face of terrible and unfair odds. While there were doubtless private memories and perhaps memorials, what is of concern are the public ones.

Monuments are one form of public art, they embody an array of ideas important to those who have erected them, these ideas often conflict with others and consequently provoke episodes of contestation. Until recently, the only prominent monument erected at Little Bighorn embodied the ideals of those who lost the battle. This memorial is a granite obelisk with the names of all the dead cavalry inscribed, placed atop what is supposed to be a mass grave of the cavalry soldiers. Though not so visibly marked, or therefore perhaps unknown to the typical Anglo visitor, other memories were encrypted here as well. These memories were primarily as knowledge and stories that were passed down, and as pilgrimages or visits to the locations of fallen Indian warriors. They were marked not only in memory, but in inconspicuous physical markers (small cairns) on the sites of fallen Lakota, Cheyenne and Arapaho combatants. In addition to the veneration of the (a) hero, the site itself holds a certain power.

The designation of the site as "Custer Battlefield National Cemetery," made it a public place or site at least in terms of ownership and access. Almost immediately it became a destination for tourists, who came not so much to see the cemetery as to see the site of Custer's Last Stand. They often carried away whatever mementos they could — cartridge cases, bones, or fragments of marble headstones. This is a different mentality from the current one — seen perhaps most notably at the Vietnam Wall — at which mementos (other than rubbings) are left rather than taken.

Along with monuments, visual icons, and memorials, rituals are important aspects of both memory and memorial. Early commemorative events at the battlefield were small

and informal throughout the remaining 19th century (Linenthal 1983, 1991, 1996). Battle reenactments were an especially popular form of veneration of both Custer and the 7th Cavalry, in the early years of the 20th century. At the first elaborate reenactment in 1916 (the 40th anniversary) "notable" Indians who survived were invited and 6,000-8,000 attendees were expected The participants celebrated Custer and the 7th Cavalry as heroes who made the ultimate sacrifice and set the future tone for all the major orthodox, patriotic views as the quote below illustrates.

> Brigadier General Godfrey remarked that he was glad to "meet and extend in peace the hand of friendship to a representative of the Indians. …" and he expressed the hope that Custer's sacrifice would motivate all who followed him to "defend the country we opened up for your occupancy"
>
> Col. Frank Hall, a self proclaimed authority on American Indians, …noted that the … years since the battle "spanned the gulf between barbarism and civilization, paganism and Christianity." Custer was of course, a mighty warrior, and "no more gallant soldier, nor stainless knight, ever drew sword ... those who fell with him shared his courage and devotion as they shared his fate." Hall also gave the Indians their due, albeit grudgingly. "Call them savages if you will," he said, "but they were warriors, true leaders" and must be shown "respect, forbearance and patience," for they had been led to "ways of pleasantness." Such patriotic rhetoric continued to look approvingly on the power of Anglo-American civilization to transform wayward "savages" into the cultural progeny of that civilization." (Linenthal, 1991, pp. 134-135)

Ceremonial veneration of Custer was not limited to anniversary activities at the battlefield. Many, both formal and folk observances, were recorded in newspapers large and small and bear witness to the increasing power and pervasiveness of the "Custer Myth."

In 1926 at the 50th anniversary, the most elaborate up to that point in time, with 70,000 attendees and at least 10,000 Indians, these themes were repeated:

> A brochure declared that the violent end of the Plains Indians was the Indians' fault, brought about by "hostile Sioux who could not recognize the benevolent

> attitude of the American government." They only knew that "they could not roam at will without respect to the rights and privileges of their white brother, and they revolted." (Linenthal, 1991, p. 135)

The 50th anniversary event also included many images of reconciliation between Anglo and Native cultures:

> To symbolize the "friendship" between the Anglo-American and American Indian cultures, cavalry veterans and Indian warriors rode off the field in pairs... Red Tomahawk and Col. Partello each held one end of a tomahawk, plucked a small bunch of native grasses, and sprinkled it in the crypt, then shook hands across the opening and thus symbolized by the burying of the hatchet, the end of all wars between the two races. (Linenthal, 1991, p. 137)

Anglos celebrated "reconciliation and harmony" between the races, but as Linenthal notes:

> they failed to appreciate the difference between the enervating effects of military defeat and passivity in the face of a dominant culture and the cultural pluralism and distribution of power that is a requirement for truly equitable social relations between different races. What patriotic rhetoric called harmony, Native Americans called grudging accommodation. (1991, p. 141)

These elaborate celebrations at Little Bighorn dramatized conventional perceptions of Custer and the battle. The Last Stand was portrayed as the pivotal battle between savagery and civilization, and was celebrated as the opening of the Anglo-American West.

While the War Department was in charge of the battlefield such re-enactments and pageants were allowed (the last one was in 1936). After the NPS assumed responsibility they discontinued reenactments "for fear they would permanently scar the battlegrounds." This did not stop memorial activities, especially anniversary observations. At the 75th Anniversary in 1951, presenters used the opportunity and the traditional Last Stand rhetoric to draw parallels to those engaged in the Korean Conflict. At that time the 7th was stationed in Korea (Linenthal, 1991, p. 138).

There was great interest in historical pageants especially in the 1940s and 1950s. Many people wrote to the NPS interested in staging a pageant at the battlefield site. This was a concern for the NPS (both historians and managers) who discouraged these events on the site, often suggesting alternate venues or that the groups consider speaking to the Crows (*Apsaalookes*) regarding holding these events on the adjacent reservation lands. Linenthal (1991) reports that in 1959 the regional director of the NPS wrote to the onsite historian (Don Rickey) that: "It would be better, he thought, if the reenactment took place on the reservation, since that would minimize 'the more agonizing episodes involving conflicts with the whites.'…" (Linenthal, 1991, p. 139). That is, it would minimize visible conflict, controversy, and contestation. Don Rickey was the first site historian to acknowledge there was another side to the story of the Little Bighorn.

Reenactments and historical pageants also took place offsite during this time. Joe Medicine Crow[140] scripted an unorthodox version. It is significant because it was written and performed from a Native American point of view. Please note that there are many Native American views. This reenactment or pageant took place annually for a decade in Hardin, Montana with mostly Crow (*Apsaalooke*) participants, and coincided with the annual *Crow Fair*.

The pageant started with the westward movement of white settlement from the explorations of Lewis and Clark, documented the increasing danger to the Indian way of life, showed the broken treaties and skirmishes that led up to and finally culminated in the battle of the Little Bighorn. Custer was not made out to be either a great hero or a villain. Joe Medicine Crow thought he had managed to tell the story "objectively —

without offense." According to Medicine Crow, "I didn't do anything to Custer to offend his followers. I just left him out, and we played Sitting Bull as the big star."

While not entirely orthodox, this version made no demands on tourists to alter traditional perceptions of Custer or the battle. Indians were still tragic figures swept up in the inevitable push of history although they were not portrayed as savages. This is important because only a bit of contestation is part of this other story. Indians are seen in a more positive way, without asking for major changes to be considered regarding the heroes of the story. It is important to remember here that the Crows (*Apsaalookes*) were allies of the cavalry in this instance.

For a century the orthodox interpretation of events was not seriously challenged, but in the early 1970s things begin to change. With the rise of participatory democracy and protest in the 1960s and the birth of what has come to be called "identity politics," the American Indian Movement (AIM) was established. Young Indians, many of them college educated in dominant culture universities, began to push for a change in Anglo-Indian relations, demanding that Indian rights be acknowledged and respected, and that the federal government do a better job of living up to its treaty responsibilities. They also began the push for greater tribal autonomy and sovereignty.

While Native Americans from many tribes, including even the *Apsaaalooke* or Crow, felt unwelcome and misrepresented — if not erased or ignored — at the Little Bighorn site[141] they had not been able to make any changes in the well-established tradition for telling the site's and the battle's history. Although since 1956 a group of Native Americans had been lobbying the NPS and the Department of the Interior for the creation of an Indian Memorial on the site, they were not making much progress.

Associations and the National Parks

Today all national parks have co-operating associations (although some associations may serve more than one park). These associations usually run the gift and book shops. Associations are made up of members of the public, not employees of the national park and are typically locally based. Recently, if the site had ties to Native American peoples or issues the co-operating association might include nearby tribal members, although this used to be fairly atypical. Cooperating associations are generally in charge of sales and theoretically in charge of the selection of items for sale, although some feel that selection usually remains in the hands of park historians who are usually very important members of the associations' boards of directors. The boards also have discretion over how money raised from sales is used in the park. Often funds are used to purchase things for the parks that congress has failed to provide. According to a former member of the board of directors for the cooperating association at Little Bighorn prior to the 1970s, M. Koury, an additional role cooperating associations fill is providing parks with a strong sense of continuity in the transition from one superintendent to the next (Koury, 1978). Therefore these groups are a potentially important voice in any national park and the story or interpretation that is presented.

At Little Bighorn, associations have been especially important. In addition to the official cooperating association at Little Bighorn there were also a number of associations based on interest, many members of which were amateur historians, trained historians, archeologists, and so on. Some would describe these groups as "Custerphiles", and this is undoubtedly an accurate description of at least a portion of the members.

Koury gives a brief history of the initial cooperating association at Little Bighorn, which was called the "Custer Battlefield Historical and Museum Association", and began in 1953, less than a year after the existing Visitor Center and Museum building was completed.[142] Koury believed the association members saw themselves as more service group than historical society. The association was a closed membership group with new members elected at the yearly general meeting. Most of the active members came from the Hardin or Billings area and "Joe Medicine Crow, a member since the founding of the Association", was "the Crow representative" (Koury 1978, p.9), until massive changes in 1975. The association had a constitution and was governed by an eight-member board of directors, six of whom were elected from the membership of the association with the park superintendent and the park historian being the final two members. This board made nearly all of the association's decisions. The park historian, an NPS employee, acted as executive secretary of the association. Koury made the point that this is a very powerful position. He also noted that although very few of the park historians had been either professional historians or scholars of either Custer or the battle, although many visitors saw them as the "final word" regarding the story of the site events. Koury also believed that many "past Superintendents ... have been content to remain relatively isolated in their offices, allowing the Historian to meet with the public and run the Battlefield day to day." (1978, p. 11) Which Koury believed effectively made the park historian the person in charge, controlling both the park and the association. "This has never been a problem in the past. It was to become one in 1975" (Koury, 1978, p.11).

Events Leading up to the Centennial and the Challenge to Orthodoxy

The association began planning the centennial anniversary observance in June 1970, establishing a committee and subdividing responsibilities for an elaborate three-day "celebration." At this early date plans included casting a medallion, advocating for a commemorative stamp and carbine. There was discussion of supporting several special publications, and promoting a Custer seminar with artists and authors. Additionally, opening special information centers by May 1976 was proposed. The association also planned to coordinate events with bicentennial commissions in Colorado, North and South Dakota, Montana and Wyoming, and with other groups who were planning activities, such as the Custer re-ride group. These were 400 riders who had expressed interest in doing a re-ride from Rosebud to the Custer Battlefield in period uniform. They were hopeful that they would be able to do a partial reenactment as well. At this early time the association was assuming a potential crowd of 100,000 and making plans for parking to be at some distant location and using shuttle buses.

In one of the first very overt challenges to the mainstream or orthodox interpretations of events at the battlefield occurred in October 1972. Eldon Ryer (who was then superintendent of the battlefield) refused to let AIM erect a cast-iron plaque on the grounds that read: "In memory of our heroic warriors who defended our homes and lands against the hostile aggression of the U.S. government." (Linenthal, 1991)

In 1974 the NPS changed both the park superintendent and the historian. This was done, at least in part, to facilitate modification to the interpretive stance for the site. Since many ethnic and cultural groups were asserting their rights to recognition and separate

identity in situations around the country, and AIM was clearly pushing for change in the interpretive stance at the battlefield, the NPS began to consider what this meant.

The NPS and the government also began to be concerned about what might happen in 1976 as the centennial approached. The association, historical groups and clubs, Custerphiles, and cavalry re-enactors, among others, had been planning an elaborate "celebration" for the centennial, including staging a large reenactment similar to those done at other significant anniversary dates.[143] In part due to concerns about the potential for controversy at the centennial observation, the association's centennial committee was abolished.[144] In addition the park historian was seen by some members of the association as pushing for rapid and inappropriate changes, in some cases circumventing the association's constitution (Koury 1978, pp 16-19).

There were also disagreements about what materials should be sold in the park shop. One example that all informants tell and newsletters allude to is that the NPS staff insisted that Dee Brown's *Bury my Heart at Wounded Knee* be stocked and the association tried to refuse. This book, which had just been published and was a bestseller, is a treatment of the "last altercation of the western Indian wars" and was seen as sympathetic to Native Americans if not precisely from the Native American perspective. Due to its point of view, many people saw this book as "revisionist" history. Some thought it catered to a liberal, bleeding-heart view of American Indians, that portrayed American Indians as innocent victims as opposed to uncooperative enemies. Brown's book raised many questions, which could potentially undermine the orthodox view of Custer's battlefield supported by the other materials in the bookstore. Therefore some people thought that the bookstore should not sell Brown's book.

This local contestation built to the point that it spilled out geographically and resulted in a flurry of letters between members of the association and the NPS staff in Washington, and with local congressmen as well. Eventually this led to the disbanding or firing of the association, severing its agreement to work with the NPS.

> It now became obvious that the situation was out of control, and the only answer seemed to be intervention by National Park. ...letters went to the head of the NPS and to Senator Mansfield from both board of directors members and other "influential members".... Unwittingly, the Association had placed the National Park in an untenable position. Most of the letters demanded the immediate removal of the Custer Battlefield Historian. ... the National Park could not allow its actions to be dictated by a co-operating association. Such a precedent would have far reaching and damaging implications. Thus, by our very letters and demands, we secured the Historian's position. At this point many oppositional members of the Association realized that the Historian was not acting alone but was acting with the support and approval of the NPS, and that the NPS had therefore aided in the destruction of the Association. (Koury, 1978, pp.18-19)

One of the other more distant associations was asked to step in and run the concessions for some time (until well after the centennial observations).

Another change made during the centennial year in preparation for the anniversary was the addition of a new "sign" (see Figure 15) placed on the exterior wall of the Visitors Center-Museum which is a quote in English and in Lakota from Black Elk: "Know the Power that is Peace."

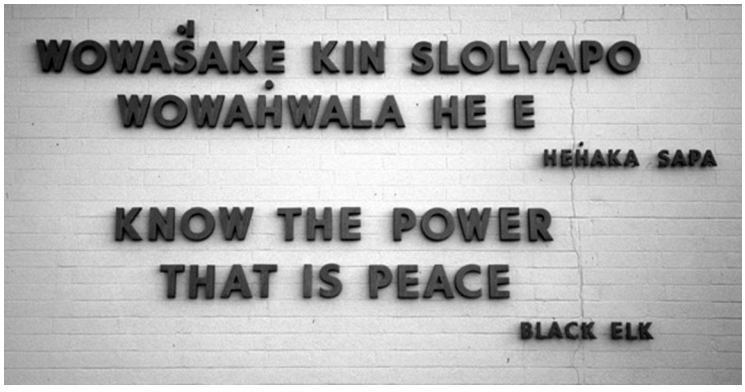


Figure 15. Black Elk quote added to the exterior of the visitors' center-museum.

This addition was met by serious contestation from those interested in maintaining the orthodox interpretation of the battlefield. The following excerpts from a letter printed in one of the newsletters is indicative of the response of someone who might be deemed a "Custerphile", but who others might consider to be a historian of the site and incident (both professional and amateur).

> … the one most insulting manifestation of historical ignorance of all, the placing upon the exterior wall of the museum at the Battlefield a quote by Black Elk, a Sioux "Holy Man". … The quote in question is a very noble sentiment: Know The Power of Peace! No one could or should argue with this, but the total inappropriateness has caused many of us to gasp in wonderment at what excuse and topsy-turvey rationalization the National Park Service is capable of next. …. the quote by Black Elk, however noble, was a quote which came to him while still a youth, and he admitted to John Neihardt (see Black Elk Speaks) he (Black Elk) knew not what it meant. Third, Black Elk was responsible for the death of some of the 7th Cavalrymen at that famous battle which tells me he really did not know the power of peace nor did he want to know. For the last two reasons alone the quote by Black Elk is an affront to those gallant troopers who lost their lives at the Little Big Horn while in the service of their country as well as to all military heroes who have served without question the policies of their government. What, pray tell, would we think today of a quote by Tojo if it suddenly were to appear on the gates at the Pearl Harbor National Cemetery? I doubt very much it would be tolerated, and neither should the Black Elk quote be tolerated. I advocate the removal of the quote with as much haste as was evident in the thought which put it there in the first place.
>
> John M. Carroll (LBHA Newsletter, May 5,1977, pp. 6-7)

Contestation: A Carefully Timed Radical Challenge of the Orthodox Interpretation

At the observation of the centennial anniversary in June 1976 Native Americans were less accommodating. AIM challenged the symbolic dominance of Custer. They understood that guerrilla warfare on the site itself would have the greatest impact. AIM members camped at the site of the Rosebud conflict and marched to the Little Bighorn. They carried an upside-down flag — a conventional sign of distress on the high seas.

They demanded the opportunity to speak on the platform, although they were not officially listed as part of the program. Russell Means of AIM, among others was allowed to speak on the official platform as part of the program, while some traditional participants, such as Custer's descendents were not.[145] Robert M. Utley who was then NPS assistant director stated in his official speech "...let us not infuse this battlefield with a modern meaning untrue to the past. Let us not bend it artificially to serve contemporary needs and ends, however laudable." (Koury, 1978, pp.36-44). As we see below, Utley's speech addressed the historical and changing stereotypes of both sides of the conflict. He argued for a critical examination of both sides and both points of view with historical and contemporary timeframes and values taken into consideration.

> The fact is that history, like life, is complex, contradictory, and ambiguous. There are few genuine heroes or villains in real life, merely people who are sometimes heroic, sometimes villainous, but most of the time simply human. Such were both the soldiers and the Indians who fought here on June 25, 1876. They belonged to different cultures. They had different attitudes and beliefs. They were of another time. ... Historical forces over which they had no real control had brought them into conflict. The soldiers were simply carrying out the directives of a government responsive to the will of its citizens and also capable of rationalizing its policies as in the long-range best interest of its victims. The Indians were defending the freedom to follow their own way of life unfettered by a lot of senseless controls imposed by the altogether puzzling aliens who had intruded themselves into a world that had been quite acceptable without them. (Koury, 1978, p.40)[146]

Authorities both at the NPS and in the Department of the Interior were so concerned about violent demonstrations by AIM that a large number of federal law enforcement officers attended the ceremonies, including many plain-clothed FBI, and CIA. Native Americans joked that FBI and CIA agents outnumbered all other groups present, and that there are more of them at the Little Bighorn centennial than there were 7th Cavalry at the original battle. Even members of the former park association noted

that security was everywhere and if you gathered in a group of three or more you would be photographed and often followed (Koury 1978, p.71).[147] While there might not have been two or more separate contesting centennial observations, there were additional centennial observations not part of either the traditional program or the program developed for the centennial observation.

> Frank Fools Crow with other Sioux and tribal representatives held a religious sun-rise ceremony on Battle Ridge to commemorate the Sioux and Cheyenne who fought in the Battle of the Little Big Horn. Shortly after the impressive religious ceremony, Frank Fools Crow blessed the Sioux memorial sign: "KNOW THE POWER THAT IS PEACE", also lettered in Sioux on the outside wall of the Visitor Center. (Rambur, 1976)[148]

This is not generally reported along with other aspects of the centennial observation. It is however, reported in the year-end report letter of the association's executive secretary. According to my informants, this ceremony — like the victory dance that followed that evening — was open to anyone who chose to come. However, it seems likely that the only way it was advertised was by word of mouth, therefore the number of non-natives who learned about it ahead of time would have been quite small.

Koury's major critique is that the centennial observance of the battle at the Little Bighorn was bent to contemporary ends and was untrue to the past. He wrote his self-published book because he thought it was important to tell the story of what happened at the centennial observance so that similar events would not be repeated, especially since it "tore apart one of the National Parks best co-operating associations" and "denied the American public ... a meaningful Centennial Observance" (1978, p. 8). Koury was interested in reinstating the orthodox story without it being questioned by a minority group or alternative perspective. As shown below, Koury believed he spoke for the

majority or general American public, and for what he understands as objective historical facts.

While AIM and at least some portion of the American Indian community considered the change in the tone and interpretation presented at the centennial more appropriate and a "step in the right direction," clearly many other people did not. Koury's reactions echo much of what is found in the letters in newsletters of various groups interested in the battle from a more orthodox standpoint. Those who believed the orthodox version had been in control of how the story was interpreted for so long that they were angry and at a loss. They had they lost control of the story at the centennial observation and needed to explain why, who, and what was to blame. They wanted to explain why control should be returned to them, or at least to the orthodox version of the interpretation.

Koury related the story this way:

> In 1976, the 100th anniversary of the battle, less [sic] than 600 persons attended a ceremony sadly lacking in any semblance of pageantry or direction. The speakers' platform was given over to an endless number of Indians, each castigating those present and detailing grievance on top of grievance. Without passing judgment [sic] on the validity of the Indians' remarks, it can nonetheless, be said that those who come to this battlefield did not come to be verbally assaulted. (1978, p. 8)

Later he wrote:

> The decision on the part of National Park to tone down the Centennial Observance is not hard to understand. Pressures from the American Indian Movement, as well as other activist groups, gave reason to believe that the Centennial would be the target for massive demonstrations. Given this set of circumstances, [the] National Park elected "deliberately to minimize the risk of trouble by sponsoring commemorative services, with modest attendance and publicity. … [The] National Park achieved its goal. The ceremony was certainly simple, with modest attendance and publicity. If it was the American Indian Movement's intention to reduce the Centennial to the meaningless, then they, too, achieved their goal. In the course of events, however, thousands of Americans who had waited years to see a true

> observance were denied their wishes. Thus, [the] National Park gave in to a vocal and violent minority, disregarding the will of the law-abiding citizen, and by doing so, deprived all of us, red and white, of a bit of our heritage. (1978, pp. 19-20)

Another example of the contestation of the overriding of the orthodox version of the site interpretation can be found in the *Monroe Evening News* (the paper from the Custer family's hometown) which reported that:

> As far as the centennial observance of the Battle of Little Big Horn in Montana was concerned, it was almost as if Gen. George Armstrong Custer, Monroe's boy general, had never been there. Neither the name of the general nor those of the 225 officers and troops who died on Custer Hill 100 years ago were mentioned at the commemoration there on Friday morning, according to Dr. Lawrence A. Frost, Monroe Custer authority, who returned from that event this week. (LBHA Newsletter August 8, 1976, p. 14)[149]

There were a couple of unofficial, possibly counter, observances that also took place. Obviously such unofficial observances can be seen as an indication of contestation as well. Koury indicated that he found these unofficial observances more impressive and moving than the official ones.

> I was deeply moved by the simple placing of a wreath on the Charles Reynolds marker by George Osten, a practice he had observed every year since 1938. Lt. Col. Custer placed a wreath at the monument, honoring the five family members lost by the Custers. He was forced to wait two hours for AIM to disperse, lest he offend them. Though Bob Utley was asked to join in the observance, the superintendent of Custer Battlefield was not! The Indians held a celebration of their own [the Victory Dance]. Though invited, few whites showed up. It is a shame, for the ceremony held was filled with honor and dignity that made the official observance seem shabby. Perhaps the most impressive observance of all was the Custer Re-Ride. These period-uniformed men were cheered wildly by the small crowds they passed. They were not allowed on the Custer Battlefield proper. The actual legality of that still bothers me.(Koury, 1978, p 23)

One wonders if he would have looked so benevolently on the Cheyenne victory dance if it was actually held on the battlefield, that is national park land and the actual sacred battle site, as opposed to over on the "private" property of the reservation, and as

part of the official observance. How would he have judged it if it had been the only observance? Included in Koury's book is a chapter about the victory dance written by one of his associates, who reported:

> I had told several of my friends of the Victory Dance and all of them wanted to go. By the twenty-fifth of June, however, everyone had decided it was best not to attend. ***They had all taken heed of the potential trouble being promoted by the edgy feelings of the officials at the Battlefield and by many law enforcement personnel.*** [emphasis added] (Wathen in Koury 1978, p.52)

This is an interesting example of how control can be exercised in subtle ways in potentially public spaces. In spite of his concerns, Wathen went with two friends to the victory dance which was held on Austin Two Moons' ranch. Two Moons was the son of one of the "famous" Indians from the Little Bighorn battle. They were welcomed and told they could take pictures if they liked. At the ceremony there were two separate "camps" or drum circles set up — Sioux and Cheyenne.

> After visiting with Two Moons for some time we headed for the Sioux camp which adjoined that of the Cheyenne camp. We were welcomed by Russell Means who talked with us at length. Meeting him presented yet another anxious moment for us as we certainly did not condone his actions of the day before at the Custer Battlefield ceremonies and we were apprehensive of his reception of us. Russell Means, as it happened, was an interesting and well-educated man, and his courtesies extended to us helped assuage our uneasiness. Upon inquiry he gave us several interesting pieces of literature and then explained the singing then in progress by the representative Sioux. (Wathen in Koury 1978, p.53)

The report is interesting in part for revealing that this situation was unpredictable and one where the attendees had gone in spite of experiencing a lack of comfort and ease.

Additionally Wathen reported the dance was held along the Rosebud Creek where Custer had passed over 100 years ago. Wathen and his friends were impressed with the flag in the center of the ceremonial ground, which this time was "correctly displayed." He was highly impressed with the patriotism of these Indians to the U.S., given that this

was a victory dance about the Custer fight. Wathen noted that someone explained to him that they were not celebrating the defeat of Custer and his men, but rather their peoples' endurance in the subsequent 100 years. In addition there was a pipe ceremony for which they were allowed to stay.

> As we left the camp on Rosebud Creek I must confess to having learned something of the other side of this centennial story. ... the Victory Dance Celebration was one of a serious and dignified purpose. ... Had we listened to those who told us to stay away from the Victory Dance we would have missed one of the highlights of the Centennial ceremonies, the very kind which should have transpired at the Custer Battlefield. (Wathen in Koury 1978, p.56)

The LBHA monthly newsletters from August 1976 through at least July 1977 carried a litany of complaints and a spirited discussion regarding the events of the centennial observation and the change in interpretation of the story presented at the battlefield site. After that time the centennial observation drops off as a topic, but the issue of interpretation remains a strong topic of discussion and debate. There are also complaints about the transfer or lack of rehiring of former rangers sympathetic to the orthodox, view of the battle, and the hiring of more American Indians as permanent and seasonal staff, since they were presumed to tell a different and, from the perspective of many LBHA members, biased interpretation.

Changes in the Site Interpretation Continue

Several various association newsletters noted a change in interpretive programs starting in the late 70s and early 80s. One change is interpretation format moving from only museum displays and signage to more interactive formats as these newsletters indicated.

> One of the most exciting new things at the Battlefield is a 3/5 life size sculpture of an 1876 Cavalry guidon bearer. The sheet metal sculpture was done by Lyndon

> Pomeroy of Billings for the Garryowen Corporation (KTVQ). It is presently on loan and it is exhibited in the rostrum area behind the Visitor Center. It has been an instant success with nearly all visitors going away with a photograph of it. A companion piece, a Sioux warrior on horseback, is planned for next year. It is my hope to have it exhibited here as well. The sculpture is being used in daily interpretive talks about horse soldiers.[150] Custer Battlefield's Interpretive program now includes Living History Presentations. Jerry Jasmer, a volunteer from Billings, Montana, dressed in 7th Cavalry uniform, presents a guided walk at the Reno-Benteen Defense Site twice daily, Monday through Friday. On weekends these presentations are given by Park Technicians Cliff Nelson and Jim Schneider. These period dress programs also include "The 1876 Horse Soldier" by Daniel Martinez and "Echoes of the Past", featuring Florence Jacobsen. Portraying an early Superintendent's wife in period dress, she greets visitors on the porch of the Old Stone House and relates a little of the history of the Stone House and its occupants. (LBHA Quarterly Newsletter, July 1979, pp.2-3)

This change aims to be more inclusive of the American Indian point of view or at least to include Indians and Plains cultures in the story without vilifying them as hostiles, and savages. For example, in 1981 the following announcement appeared in the Custer Battlefield Association newsletter.

> Plains Indian Culture Program – The Plains Indian Culture Program is the most popular of the featured programs at the Battlefield this season. Attendance ranges from 70-100 people at each talk. A new employee Debbie Thompson dresses in traditional buckskin dress and delivers her talks daily. In addition, Cary Rides Horse, a Crow Indian and grandson of Curly, dances at the end of each program. Debbie is a Brule Sioux from South Dakota. She is employed through funding made possible by the Association for the Living History Program at the battlefield. (*CBA Newsletter -The Battlefield Dispatch*, September 1981, p. 3)

Although changes were happening, the controversy over the story of the battlefield and how it should be told continued to simmer until the 112th anniversary of the battle in June 1988 when members of AIM staged a protest about the neglected Indian side of the story. For AIM this specifically meant the lack of a monument (or visible

progress toward one from their perspective) for the Indian participation in the battle, or acknowledgement of the loss of life on their side.

The AIM protest took the form of removing a square yard of the sod from over the mass grave and replacing it with a homemade steel plaque (see Figure 16) that read:

> In honor of our Indian Patriots who fought and defeated the U.S. Calvary [sic]. In order to save our women and children from mass-murder. In doing so, preserving rights to our Homelands, Treaties and sovereignty. 6/25/1988
> G. Magpie
> Cheyenne

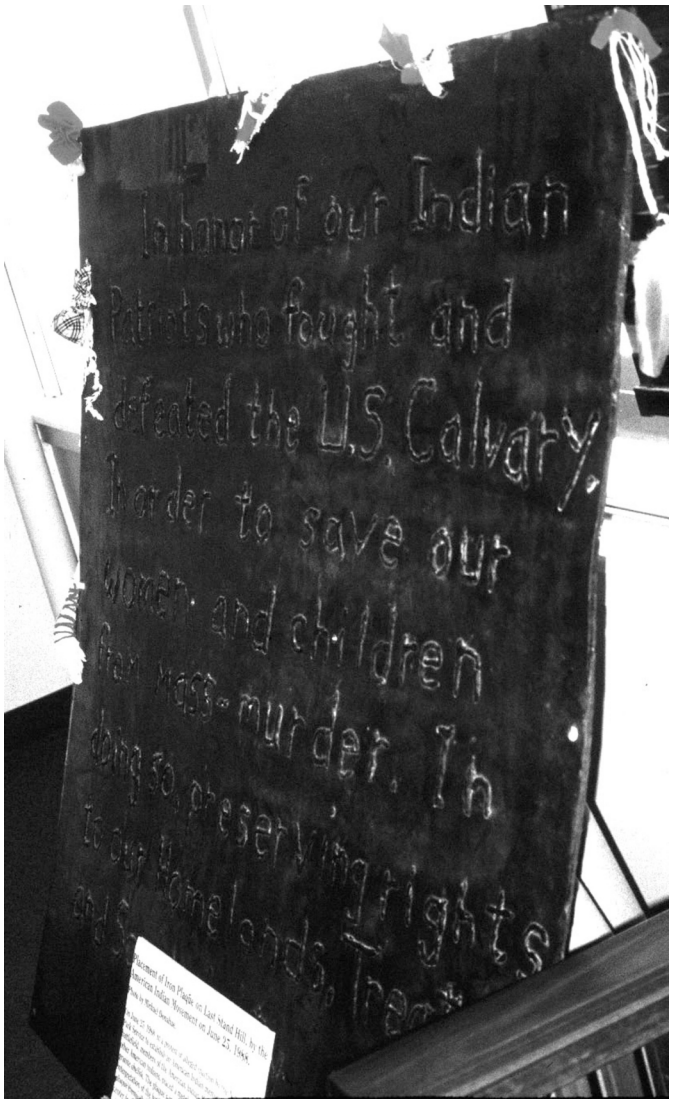


Figure 16. AIM Plaque (1988)

As recently as 2003[151] AIM members have publicly claimed that they did not understand that the base of the obelisk covered by the sod was actually a grave site. They say that if they had known, they would have placed the plaque elsewhere. Regardless, the act was labeled vandalism and the plaque was removed with alacrity. This choice for the placement of the plaque did however, at least to a certain degree, have the intended results (Del Olmo, 1988). From that point the provision of an Indian Memorial was taken more seriously and it was acknowledged on-site that there was another side of the story.

Additionally, the placement of the plaque sent a message about the power of nonsanctioned interpretation and memorialization. Only by officially sanctioning the interpretation and memorialization would the government, through the NPS, have any control over such expressions. The other side of the story could no longer be ignored without penalty. The voiceless had found at least a small voice through the rise of grassroots protest and the birth of identity politics begun in the 60s.

Guardians of the Custer myth reacted strongly. They were angered over what they perceived to be desecration — not only about the placement of plaques, but about the pronounced shift of both the rhetoric and the ritual of commemorations and celebrations at the site. The contestations were, and continue to be, an issue of control — who controls the story(s), the symbol(s) and the hero(s). The NPS found itself engaged in redefining the battlefield, struggling to transform a shrine to an individual into a historic site which would be more open to diverse interpretations, while at the same time the NPS found itself as the mediator of this struggle for ownership and control.

The contestations from the 70s through the 90s clearly revealed that this site was a repository for a number of different memories. To many in the mainstream culture, the site was the memorialization of an individual, the hero against the hordes, and was seen in Western ideology as "civilization versus savagery." From an indigenous perspective, it was seen as a defensive battle to protect people, innocents, culture, and the right to self-determination.

It is not that there were no disagreements regarding historical interpretations. The issue was if those differences were allowed to be discussed. What is important is whose story is represented and whose is suppressed or hidden. Whose is durable and whose is ephemeral? This raises a current controversial issue in "minority histories" regarding reinterpretation and "revision." "Reinterpretation" can be categorized into three modes, tactics, or strategies:

- 1. Reinterpretation (or counter interpretation) of the event(s), or time, or group(s) or culture(s), takes place at other locations than the actual site(s) of the conflict(s) or event(s) — preferably in as neutral a venue as possible. The new National Museum of the American Indian recently dedicated on the Mall in Washington, D.C. is an example in this category.
- 2. Lobbying to pay tribute to heroes on "both" sides of national conflicts (that is, acknowledging that two or more sides existed and that both are worthy of recognition).
- 3. Remaking or remaking existing memorial sites.

Little Bighorn falls into a combination of the latter two strategies, acknowledging heroes and remaking a memorial site. Whether or not one defines such reinterpretation as "revisionist" depends on one's definition. If by "revisionist" the literal meaning of re-

envisioning through addition or clarification is intended, then Little Bighorn is indeed "revisionist". It is a question of assimilating minority history(s) into the framework of a dominant culture, —renegotiating meaning between two competing groups. However, if by "revisionist" one means falsifying, making things up, or ignoring facts, then no this is not "revisionist". These new interpretations are no less factual than the others. It is different from what has become familiar and acceptable, and if one believes in one history and one truth, singular and complete and therefore unchanging, this must be difficult to countenance.

Naming and Contestation

Earlier in this work I discussed the importance of the names of spaces. The naming of this site is an interesting example, as we consider not only which names have been chosen but also how they have changed over time and the controversy such changes has engendered. Or perhaps it is more correct to say the controversies that have engendered the name changes.

Irrespective of the name of the site in either *Apsaalooke* (Crow) or any of the Dakota dialects or even the place name by which the European Americans called it, the site was first officially designated the *Custer Battlefield National Cemetery.* In 1946 the name was changed to the *Custer Battlefield National Monument* to reflect the transfer of the site from the War Department to the National Park Service (see Figure 17). This change reflected not only the lessening of focus on the cemetery or burial function of the space to be more inclusive of the entire battlefield and campsite, but also to reflect the NPS mission of "preserving and interpreting the battlefield" (Utley, 1994). This name

change apparently caused very little controversy among the various site constituencies. However, later name changes were more controversial.

As early as June 1976 (the centennial anniversary year) the Custer Battlefield Historical and Museum Association, Inc.[152] discussed and made motions to vote on a name change. However, in a later newsletter it was noted that any formal name change for the battlefield would require congressional action and the involvement of the NPS, and the association members took great pains to state that they had not intended to indicate that either of these entities were thinking of such a thing.

> Rich Rambur [executive secretary at that time and Ranger Historian for NPS at the Battlefield] proposed the name change of *Custer Battlefield National Monument* and the Association, with the intent of obtaining a response from Association members present. The proposed Park name change: Little Bighorn National Battlefield Site and Custer National Cemetery. Rambur pointed to the difficulties for those working here – when visitors see the name – it becomes Custer Battlefield – not the Battlefield of the Little Bighorn – not a conflict between two peoples – two cultures. Bob Utley is in support of the name change and will work with the Battlefield on the change. Following Rambur's proposal, a lengthy discussion ensued. Ralph "Doc" Hubbard lent his support to the name change in an address to the group. Robert Smith proposed in the form of a motion that the general membership of the association be ballotted by mail on the proposed change of the name. The motion was seconded and carried. (CBHMA Minutes, June 20, 1976)

Reasons for opposing the name change were expressed:

- Tourism might be affected as people can more easily relate to the name Custer Battlefield;
- A problem of identification rises with another name;
- Confusion would exist with a name change.

Support for the name change:

- General policy of the Defense Department that battle sites be named after the geographic area;

- Most historians refer to this area as the site of the Battle of the Little Bighorn;
- By changing to a neutral naming of the site, no "side" is taken on the battle;
- It is not "fair" to ignore Crazy Horse, Gall, etc.

The ballot (a photocopy of which was attached) asked members to vote for one in each of the two sections, sign and date on spaces provided and return in the enclosed envelope.[153]

Archival records and informants for this work disagree about the initial date or timing of the name change proposal. Many people remembered name change discussions occurring in the 1970s even before the centennial anniversary. Later claims and denials aside, meeting minutes from the early 1970s seem to support this earlier timing, as does the NPS 1975 *Statement of Management*. In any case the issue of changing the site name was discussed in the newsletters of the various associations and was debated in many western newspapers either around the anniversary dates of the battle each year, or as an example when reporting on other Native American issues.

In July 1989 the NPS appointed Barbara Booher as the battlefields' new superintendent and she became the scapegoat regarding the name change. In December of 1991the site officially became the Little Bighorn Battlefield National Monument (LBHNM). Booher bore the brunt of criticism regarding the name change due to a number of reasons, even though it was an issue under contested discussion since well before she was hired. One important reason was her background. Booher was not only the first woman but the first Native American (Ute/Cherokee ancestry) superintendent at LBHNM, for this alone she was vilified by many Custerphiles. Also she did not come

from within the ranks of the NPS, which was unusual, but rather from the Bureau of Indian Affairs (BIA) in Alaska. Because of this, she was labeled an Indian activist.

For the most part people are generally unaware of the superintendents, even of the major national parks. This changed for Booher when *People* magazine did a story on her in February 1990 (which was followed by an Associated Press story in August of that same year). The piece was entitled "General Custer Loses at Little Bighorn Again as an Indian Activist Becomes the Keeper of His Legend." She was quoted saying she was "uncomfortable" standing by the Custer marker and that she did not "like the man". She also said that she did not "have to like the man to do my job". Booher was then portrayed by many newspapers as the major force behind the change in interpretive focus or the "historical revision" in the NPS' interpretation, the name change, and finally the push for an Indian Memorial to be added to the site. The reporters and their readership did not understand she was simply working within NPS guidelines that grew out of changes that began in the late 60s and 70s and had grown stronger in the aftermath of dealing with the events of the centennial observance and of 1988. The NPS administration was generally publicly supportive of Booher, and they used her appointment to make it clear that the interpretive changes were not going to go away. Many questioned her qualifications for the job. For some, particularly within the NPS and related government agencies, this was because she was promoted from outside of the ranks of the NPS, which was atypical. Many Custerphiles felt she was "an intruder in the inner sanctum. Those who refused to see nineteenth-century Native Americans as Americans, but instead characterized them as 'enemies', now saw a descendent of the enemy within and found it intolerable." (Linenthal 1991 p. 225)

In 1975 Robert Utely expressed concern over the name change included in the park's management statement. The fierce opposition that it fueled indicated how correct he was in warning the regional NPS director that history showed "…few undertakings are more perilous that tampering with established nomenclature". (Linenthal 1991 p.147). The name change and issues of interpretation were hot topics in both the various association newsletters and in the media. The pros and cons did not change drastically, but the emotional attachment and the adamant stance of each side grew stronger. Comments included that the name change represented revisionist history; tradition and honor dictated that the name remain the same; it was just knuckling under to pressure from minority groups; it was simply a move by groups who wish to discredit Custer and to think otherwise is naïve; it was simply in line with the national standard to name battlefields with their location, not with an indication of the fighting parties; it aligned with the trend in scholarship regarding the battle; Custer would surely not want to have his name associated with the battlefield where he suffered such an ignominious loss; and so on.

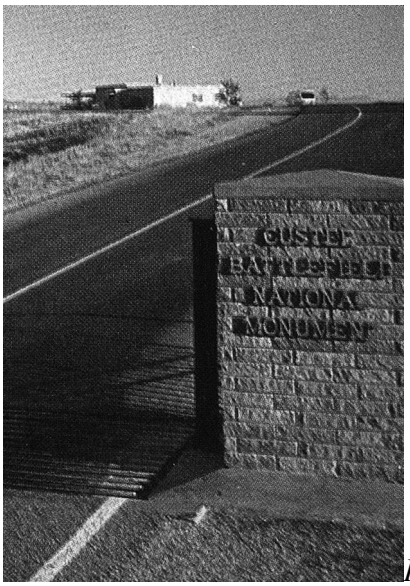


Figure 17. Former entry sign: Custer Battlefield National Monument

In the early 1990s renaming legislation was actually being formalized and introduced. In addition legislation was being crafted to introduce a proposal to create an Indian Memorial be created on the battlefield. Both sides of the controversy were aware that renaming was a significant act that would impact perception of the site, if not interpretation and the stories.

A bill was introduced in April 1990 by Montana representative Ron Marlee and Colorado's Ben Nighthorse Campbell, which proposed the establishment of an Indian Memorial. This proposal died unexpectedly when Representative Williams tried to attach to it the name-change provision. Many felt that the two provisions were important as a package and Campbell held public hearings on the name change — which appeared to be the major blockade to passage — in Billings, Montana in June1991.

In December 1991 the site was officially renamed *Little Bighorn Battlefield National Monument* when George Bush, Sr. signed a second or revised bill. The bill also called for an Indian Memorial to be designed and constructed, and designated the specific site for the Indian Memorial within the battlefield (see Figures 18, 19). The bill also formalized an existing committee which had proposed that the theme of the memorial be "Peace Through Unity".

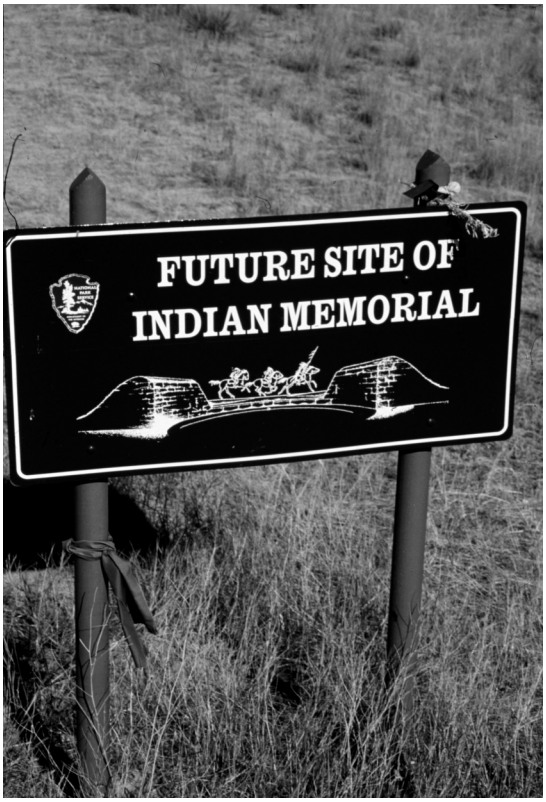


Figure18. Sign designating Indian memorial site

Figure 19. Circle where grasses are matted down indicates the actual site of the future Indian memorial

Contestation over Establishing an Indian Memorial

There was much less overt contestation and controversy over an Indian Memorial than the renaming of the site. It is unclear if this was because the renaming seemed to be an erasure of the formerly orthodox and dominant viewpoint from the site, while the Indian Memorial was only an addition to the site. However, given that the Indian Memorial was initially proposed by Enos Poor Bear, Austin Two Moons, Joe Medicine Crow, and Big Leggings (Leonard Bruguier) in 1956, the nearly 50 years it took to establish it is an indication of resistance, which is a form of contestation. There was significant discussion of such a memorial before during and after the centennial anniversary. But largely fueled by the plaque contestation in 1988 the NPS finally formalized the National Indian Monument Committee in August of that year, to work toward the creation of an Indian monument or memorial at the battlefield site. The committee included Robert Utley and Russell Means, among others including most of the 1956 group. The committee established a memorial theme "Peace through Unity". They were also responsible for making recommendations regarding the location of the memorial. The committee suggested that it be on Custer Hill across from the existing Custer and 7th Cavalry monument. While the *Apsaalooke*/Crow were amenable to a monument to the Dakota and their allies on what is essentially *Apsaalooke*/Crow land, they disagreed about the site recommendation. They indicated that their preference would be a ridge by the Little Bighorn River with a good view of the site of the 1876 Indian Encampment (Linenthal, 1991 p. 225, also confirmed by Crow (*Apsaalooke*) and Dakota informants). However, the *Apsaalooke*/Crow were over-ruled in the long run, but chose

not to make an issue of contesting the location, because they too felt that an Indian Memorial on the battlefield site was an important goal to pursue.

In the summer 1996 a design competition for an Indian Memorial was announced. The National Park Service conducted a conceptual design competition for an Indian Memorial to be created across the road from the existing obelisk raised for Custer and the members of the 7th Cavalry who died. The prizes were substantial; a special pre-design symposium was held on the battlefield site with strong attendance. A large number of entries were received by the January 1997 deadline. In February 1997 the winners were announced of first through third prizes plus several honorable mentions. A design was chosen, and the project next entered a fundraising phase (see Figure 20, 21).

Mild controversy surrounded the Indian Memorial competition, but overall it was less passionate than many others (such as the Vietnam Veterans memorial wall or the Kent State Memorial), and less passionate than other conflicts in and over the site itself. Most of the contestations about the Indian Memorial were in regard to the final design chosen, and the source of funding. Originally there were many negative comments about the choice of the site and the limitations (that it be no taller that the measurement of the Custer obelisk even though it was on lower elevation ground to begin with) regarding the design parameters (see Figure 22). When the final proposal was chosen, some were disappointed it was not a more sculptural piece of art, a statue, or obelisk. Most people supported the memorial's more contemporary or interactive potential (like the Vietnam Veterans Memorial or the FDR memorial). The most negative comments I heard were about the fact that the design team had no native participants, was based on the East Coast, had never been to the battlefield site, and got a number of their native aspects wrong, although among the competition entries a number of proposals had a

similar overall concept or approach. For example, they provided an opening that looked out to, or framed the Custer-7th Cavalry obelisk and indicated that it was a "spirit opening" in which case it was facing in the wrong direction (see Figure 23). Additionally there was contestation about the inclusion of the sculptural artwork and the specific artwork and artist itself (see Figure 24). Once built there has been some controversy about the information panels located inside the memorial, both in terms of the information included and its interpretive spin (of course this includes what some people felt was left out) as well as the panels' quality and readability (see Figure 25). In terms of funding, the controversy is primarily the source of the funding. Some felt that the government should not provide any funding. Although there were many contested issues, the proponents were never as vocal and did not come anywhere near the controversy generated by the very activist incursions of 1976 and 1988, the renaming, or the changing focus of the overall interpretive message. Perhaps it is true that many Native Americans, as well as others who thought an Indian Memorial was overdue, felt that a memorial, any memorial, was more important than the differences of opinion or disagreements regarding specific design features. They perhaps feared that any serious contestation might give those opposed to having an Indian Memorial at all more fuel to halt or block its creation.

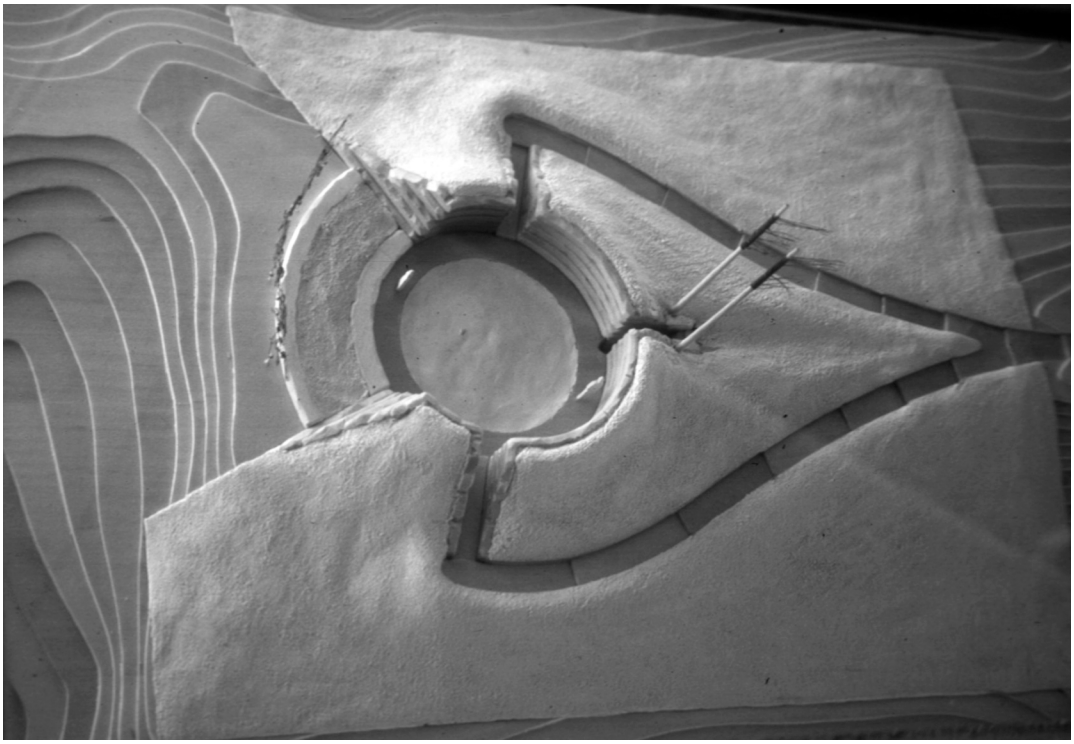


Figure 20. Model of winning entry

Figure 21. Looking over the completed Indian memorial

Figure 22. Looking from the Indian memorial towards the Custer-7th Cavalry memorial. Note the difference in the ground elevation of the two sites.

Figure 23. View of Custer-7th Cavalry memorial through "spirit hole"

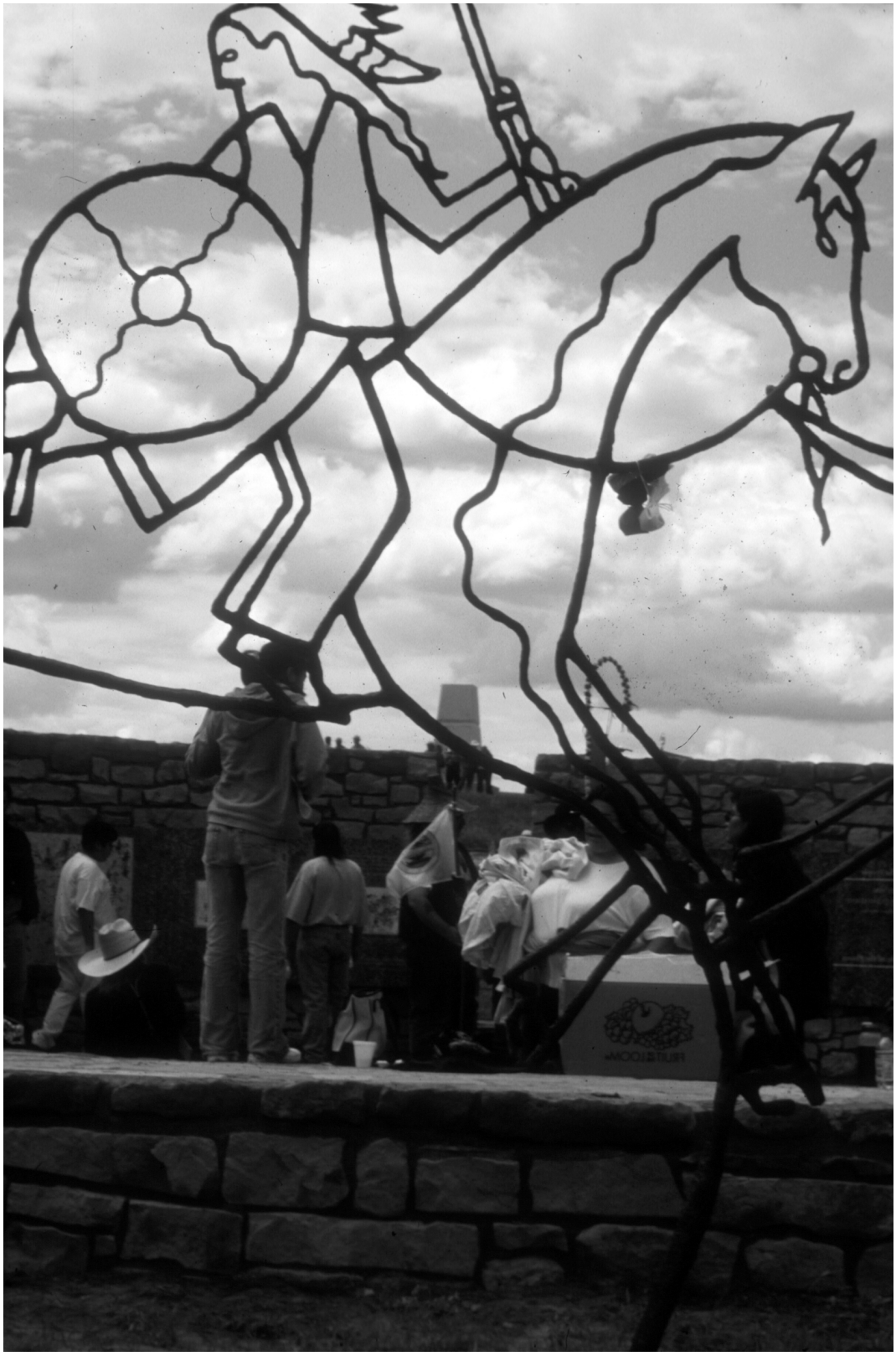


Figure 24. View of Custer-7th Cavalry memorial through sculptural artwork and Indian memorial

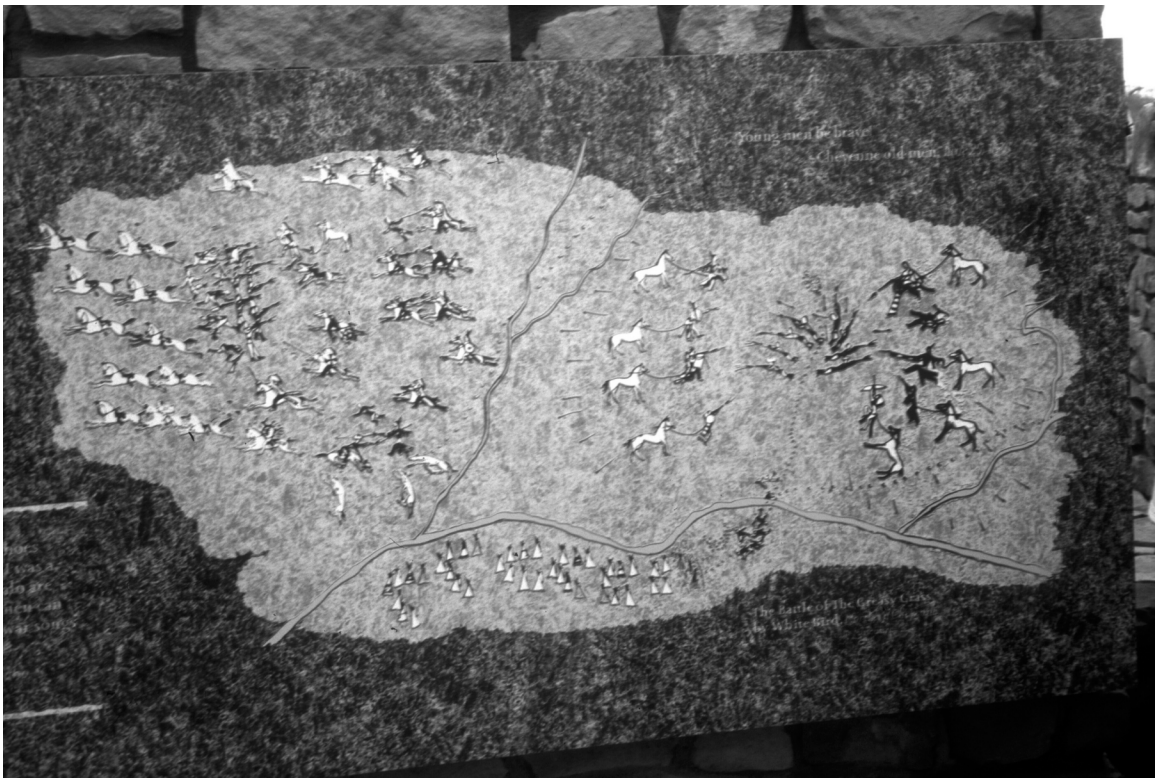


Figure 25. Interpretive plaque display Indian memorial

What is perhaps the most interesting contestation regarding the Indian Memorial in my mind occurred in June 2003 when the dedication of the Indian Memorial took place on the battle anniversary. There was a sunrise ceremony held in the memorial itself that was by invitation only. Most of the participants were Native Americans. Later in the day the official dedication ceremony of official speakers, including Gale Norton (Secretary of the Interior), Russell Means (AIM), Ben Nighthorse-Campbell (R-Colo.) among others, was held in the area immediately adjacent to the Visitors Center and Museum and at the foot of Custer Hill (see Figure 26).

Figure 26. Official dedication ceremony adjacent to visitors' center-museum

But while the official dedication was going on there, an unscripted, grassroots counter dedication was going on in the Indian Memorial, and the 1988 plaque was prominently displayed in the center of the memorial space. (see Figure 27, 28). A microphone was provided and many Native Americans from across the country and from the local area stepped forward to speak about the meaning of the place and the memorial to them, as did a number of non-native speakers. Both of the ceremonies were overwhelmingly positive, although the counter ceremony was perhaps more critical regarding the time lag for the creation of this monument and the alteration of the interpretive message of the site that went along with it. Custer and the 7th Cavalry were nearly insignificant or relegated to the background in both ceremonies, although he was more positively presented at the official than at the unofficial ceremonies. NPS personnel were present and participated in both ceremonies as did members of the *Apsaalooke*/Crow tribe. While Native youth rode up on horseback to the sunrise

ceremonies there were no cavalry re-enactors to be seen. Neither did any member of the Custer family make their presence known at either ceremony. There were obviously a large number of Native Americans in attendance at both, but they did not seem to be an overwhelming majority after the sunrise ceremonies were concluded.

Figure 27. Counter-dedication held within the Indian memorial

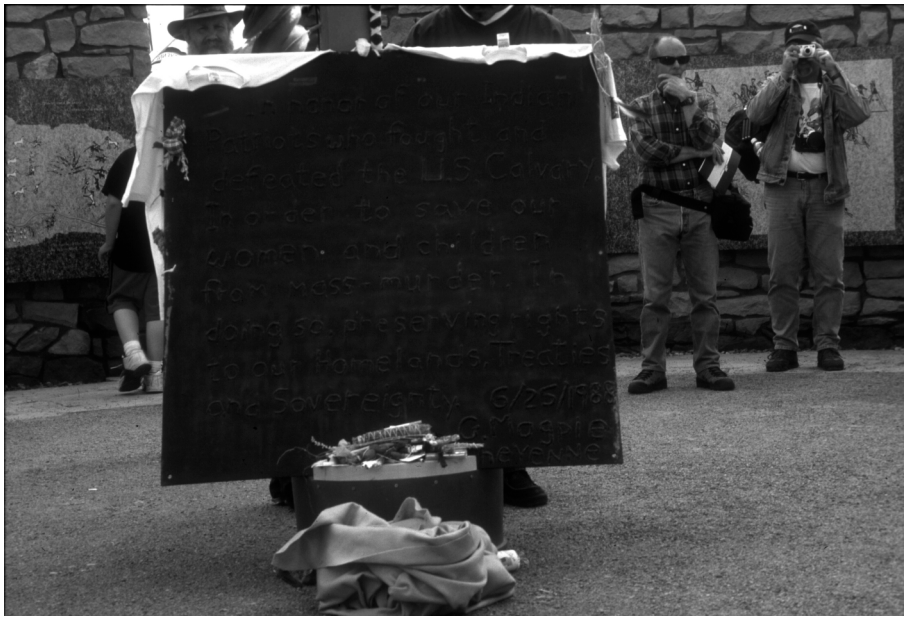


Figure 28. 1988 AIM plaque on display with traditional offerings in the Indian memorial at the counter-dedication ceremony

I wondered where the Custerphiles might have been during that time or if they had decided either not to come in protest or just to remain in the background observing. My question was answered in part that evening during dinner. Rather than go to one of the meals to be held on the reservation I chose to go into town and eat at one of the more popular local, but somewhat upscale steak houses, in hopes of finding out if in fact there was an alternate observance taking place. While there were a number of people there that I recognized from earlier in the day, some of whom were clearly Native American, the restaurant was primarily populated with non-native locals and visitors. While this plan did not pay off as much as I hoped (I probably should have chosen to eat in the bar instead of the dining room), I was rewarded when someone greeted the party at the table beside me. My ears perked up when I recognized a name from the various association newsletters. A short conversation ensued between the people at the table and the recent arrival regarding how their day had been spent. The gentleman whose name was familiar to me from the newsletters — in a voice clearly meant to carry some distance in the restaurant — decried that of course he had not gone up to the battlefield that day. Why would he when it was being defiled by the memorial abomination for the Indians that Custer and the 7th Cavalry men gave their lives fighting against? He continued by saying that those same men were probably rolling over in their mass grave up there and wondering what was to become of their place when the federal government would cave under to the demands of a bunch of lazy Indians who protested for a living while decent taxpayer money was used to support them.

The conversation indicated that while there did not appear to be a counter-counter memorial observation going on somewhere else or sometime else, many Custer supporters were still “in the area” just perhaps avoiding the site for the time being. Since the Indian

Memorial dedication there has not been much new contestation in the media or in other print sources, but on the moccasin telegraph, and according to NPS staff, contestation over the story and interpretation continues even if it is less overt than it has been at other points in time.

Conclusion

History, stories, and memory are constructed and constructive. We have seen the importance of contestation in terms of activities, ritual reenactment and reconsideration to memory and memorial, as they can be used to help maintain the dialogic potential of place and memorials to describe or delimit the quality of public space within or around them.

Maintenance and dialogue indicate the plurality of meaning, memory, and memorial can change, and be recreated, reinhabited, reinterpreted, and renegotiated. The Little Bighorn National Monument calls into question the definition of both public and private memories and of public and private space. Little Bighorn raises questions of revisionist history. It is an issue of control — control of the myth or story and over the symbols and the heroes. The NPS is engaged in redefining the battlefield, struggling to transform a shrine to an individual into a historic site that attempts to be open to diverse interpretations. At the same time, the NPS emerges as the mediator in the struggle for ownership and control. Contestation needs to be understood, not as a symptom of disease, but rather of health. This is particularly important in regard to diversity where this way of understanding potentially provides a platform for the previously marginalized, invisible, and voiceless to gain a voice, for alternate histories to be imagined, and communicated. Then the Indian Memorial could continue to spark and support ongoing contestation and controversy, thus providing support for multiple points of view, recognizing and commemorating alternate heroes, values and memories.

Case Study 2- Blue Lake and the Tiwas: Taos Pueblo

The Taos Indians and Blue Lake - Initiates as Public: the Role of Public View and Scrutiny

The second case study site is the Blue Lake near Taos, New Mexico and its watershed. The Taos Indians (Taoseños) waged a 64-year battle to regain their sacred Blue Lake and its surrounding precinct (watershed). This struggle serves to bring us to a crucial issue:

If the use of the public landscape or public spaces for the exercise of First Amendment rights — the free exchange of ideas, the conflict between multiple opinions and visions — seems critical to our vision of social construction and government, what happens when a group considers how they use space in the public landscape as secret and open only to the initiated? Does this mean that all public spaces must be open to all people, all of the time, for all activities? Does it, or can it, acknowledge multiple publics — some of whom may be restricted in order to support others? When different publics are in conflict does the majority rule? How might this be seen as the "tyranny of the majority"? If we acknowledge that public and civic space exists in a continuum and therefore do not presume that all public spectacles are equally open to all people, then some of these public stages or theaters may be open to "initiates" only.

Through contestation in this site a dominant group and viewpoint was challenged and an oppressed group achieved ownership and control over a space, but while the use and users are now more limited than they were previously, the space remains public by my definition because the space remains contested even though the contestation has shifted.

For many decades the Taos Pueblo people in New Mexico were engaged in a conflict with the U.S. federal government over an area known as *Ma-wha-lo,* the Blue Lake. For the Taoseños this area is a sacred place, a place of pilgrimage, which requires regular periodic or cyclic ritual activity to be performed at specified times and under specific conditions. Not only are these activities not open to the wider public, not all Taoseños are allowed to participate in these rituals. They are an example of the public theater with an audience limited to the appropriate initiates.

The federal government's takeover of Blue Lake in the early 1900s was not actively contested. Initially after the land was brought under federal control, its continued traditional use was not a major problem. However, as other users and uses increased, and as the federal management groups viewed the space with an eye to "highest and best" use, using the land for traditional reasons became difficult. The battle for Blue Lake is an example of a contested public theater. The discussion of this conflict can be examined for its applicability to other instances of exclusive control of public spaces at varying times. In other words, Blue Lake and its surrounding watershed provide an example of contestation over the control of use and users, or more particularly *appropriate* users and *appropriate* uses. It raises the question of engaging in private or secret activity in a public — or at least publicly accessible — venue, and underscores the role of public scrutiny as an important issue of public space.

Background and History

Blue Lake, as it is known in English, is located near the contemporary town of Taos, New Mexico on Taos Mountain (*Mawaluna*) northeast of the Taos Pueblo (see Figures 29-33). The Taos Pueblo is home to one of the many American Indian tribes or

Native Nations in the Southwest known as the Pueblos. While the pueblo peoples are considered in a variety of groupings — Western and Eastern, Southern and Northern Rio Grande, or by linguistic commonalities — all these Pueblo groups share some cultural practices. Those in the Taos Pueblo are classified as a Northern and Eastern Rio Grande Pueblo group, sometimes called *Taoseños* and sometimes *Tiwas*. The latter is based on their Northern Tiwa language shared with only one other group, the Picuris Pueblo, and which is a distinct dialect from the Southern Tiwa language spoken by some other Puebloan groups. In Tiwa Blue Lake is referred to as *Paw'ia*.

Figure 29. Taos Pueblo location

The Pueblo is located about 70 miles north of Santa Fe and three miles north of what is now the town of Taos. The Taos Pueblo people and their ancestors have inhabited this area at the very least since 800 A.D. The distinctive multistoried dwellings for which they are well known have been present at this site as their permanent residence since at least the mid-1300s when they occupied at least 300,000 acres. Certainly the present

Figure 30. Taos Mountain and Taos Pueblo context

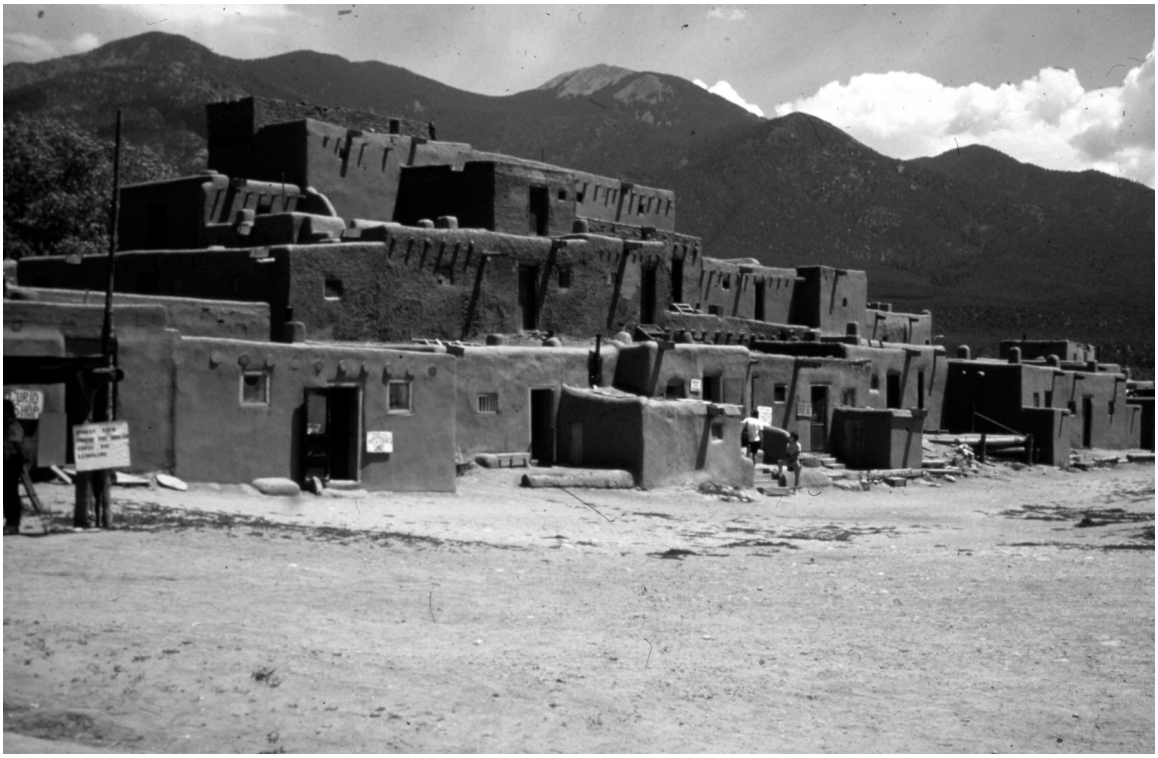


Figure 31. Taos Pueblo

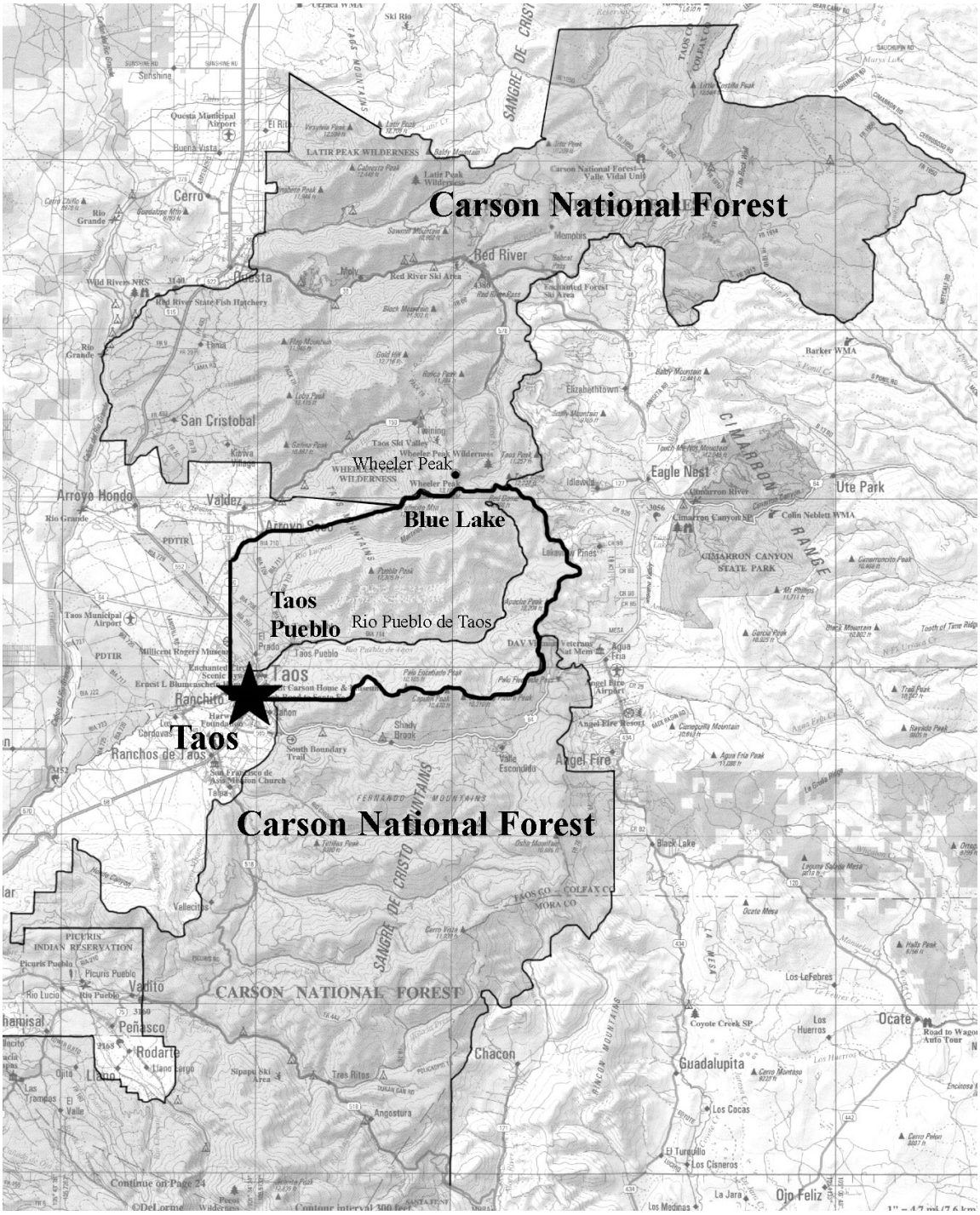


Figure 32. Taos, Taos Pueblo, and Blue Lake context

adobe multistory structures are very similar and stand in much the same location as those that were present when Vásquez de Coronado's expedition first came north in 1540.

However, from a Taoseño point of view, the people have always been here, having emerged into this place from Blue Lake or *Ma-wha-lo*.

Figure 33. Taos Pueblo

The tribal creation stories tell of a great chief who led his people to the present site of the pueblo by following an eagle. When the eagle dropped two feathers on either side of the Rio Pueblo at the foot of the mountains the leader chose this place for the tribe's permanent home. The Taos Pueblo is divided by the Rio Pueblo de Taos into two neighborhoods, or housing blocks, that are known as the North (*Hiauuma*) and South (*Hlaukwima*) Houses (see Figures 34, 35). The Rio Pueblo has never flooded the community, and is the source of the pueblo's potable water from Blue Lake. The fact that Blue Lake and its surrounding watershed is the community's water source underscores the ecological importance for the Taoseños of maintaining the lake's water quality (see Figure 36). Yet as important as Blue Lake is as the source of drinking water, the lake has equal or greater spiritual importance because it is the site of their emergence from the world below into the current world. Also, after a Taoseño's death, the lake is thought to be the final resting place for the soul.

Figure 34. Taos Pueblo aerial view, North and South "houses" with Rio Pueblo

Figure 35. Rio Pueblo at Taos Pueblo

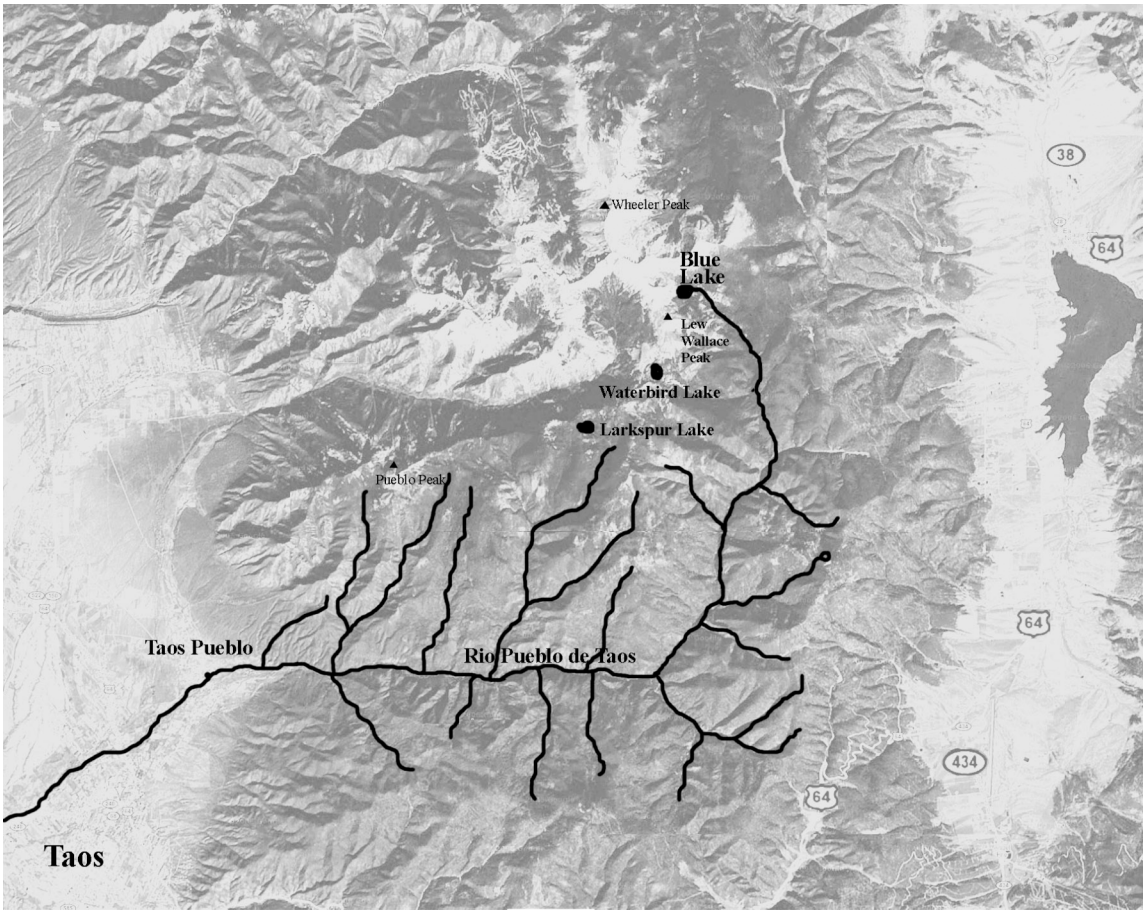


Figure 36. Taos Pueblo and Blue Lake watershed

The Taos Pueblo people have experienced many changes over the years, but they have endured and maintained a very strong sense of their unique cultural identity. Of all the pueblos, Taos has been the most open to outsiders and for the longest time. For the 7% to 10% of the tribe who choose to maintain their primary residence in the pueblo, their lives are akin to participating in a living museum. To an outsider, life may appear similar to an earlier time since the tribe has chosen to restrict certain "modern" conveniences such as electricity, running water, internal plumbing, and mechanical heating systems. As a result, many Taoseños maintain a primary residence elsewhere and only keep a place within the pueblo for family or clan use during ceremonial or ritual activities.

Over the years many have been critical of this openness or willingness to participate in the tourism industry. Opening the pueblo to tourism was not, and still is not, a decision that the Taoseños take lightly. Although tourism as an economic development strategy raises concerns about selling one's cultural heritage, it does have the advantage of being under the tribe's (rather than others') control. Furthermore having used tourism as an economic engine for some time, the Taoseños have evolved tourism strategies they feel work well. They have a complex survival strategy, which has for example kept the tourists in a very limited area and kept certain cultural issues, especially those European Americans might consider religious, secret. Recent designation as a "World Heritage Site" will undoubtedly increase the volume of tourist traffic to the pueblo. It remains to be seen if this will create any new problems, and if so, how the tribe will deal with them as they arise.

Historical Ownership

Earlier in the literature review I noted the importance that land ownership plays in definitions of spaces as public and in issues of control. These issues are also central to this case study. Therefore, we need to explore the issue of ownership for this example, and in this case we need to do this historically. The Taoseño or Tiwa believe they have original claim to this land based on tradition and use that substantially predates European colonization. It is important to note that ownership for the Pueblos was not traditionally individual, nor necessarily about exclusive use, but it certainly involved aspects of control, most particularly control of uses and users of their land. It is also important that for the Taoseños defining land as being used or occupied by a group does not imply or require that such use leave a mark or some semi- or permanent structure or modifications

that are visible and recognizable by others, or that such use or occupation be 24 hours a day, 7 days a week, and 12 months of the year. While the Taoseños were not living on this part of their lands or occupying it continuously for even one season of the year, other native people, and even the Spanish, recognized their claim to this space — a space of ritual and pilgrimage set apart from everyday life.

After contact, native claims to traditional lands required treaty negotiation and recognition from various European colonizers. In the case of the Pueblos of the Southwest the colonizers were the Spanish, who formally established government rule in the area in 1598. Under their law, the Spanish recognized Indian possessory rights to territory used and occupied. This included the *encomienda* system of forced taxes. Tribal oral history indicates that the Taoseño or Tiwa were allowed under this arrangement to maintain the Blue Lake precinct exclusively. As early as 1598, the Spanish government recognized the Taoseños' special limited use of this area as a valid form of occupation.

In 1680 many different Pueblo groups banded together and rebelled against Spanish rule. Thus united, they drove the Spanish from the area and were able to maintain their independence until the Spanish returned in force in 1693 to subdue the rebellious tribes. Eventually the two sides settled into uneasy alliance. This was based in part on a kind of pueblo translation of Catholicism in which the pueblo peoples professed belief in Catholicism while working secretly to sustain their indigenous religious belief system and ceremonies. This alliance was in both groups' favor as there were ongoing contestations over land and resources with other indigenous peoples (largely the Diné [Navajo], Apaches, and Comanche). In 1689 King Charles I of Spain pronounced what is now New Mexico a province of Spain, granting tracts of land to each of the various

Indian Pueblos. As part of this process the Taos Pueblo grant allowed the tribe to retain title to Blue Lake and its surrounding environs.

Mexico gained its independence from Spain in 1821, and confirmed Indian possessory rights to occupied territory under the Treaty of Cordova and the Mexican Declaration of Independence. Oral history indicates that under this arrangement the Taoseños were again allowed to maintain the Blue Lake precinct exclusively. Sovereignty of the area passed to the U.S. in 1848 under the Treaty of Guadalupe Hidalgo, which guaranteed protection of all property rights recognized by Spanish and Mexican Law. This change in government provoked another brief rebellion in 1847, which resulted in the assassination of the newly installed territorial governor, Charles Bent. The rebellion went badly for the Pueblo. Six Taoseño leaders of the revolt were tried and hanged.

Thus the Taos Indian Pueblo[154] owes its beginning existence, as does today's town of Taos, to Spanish land grants. The contemporary town of Taos is actually the former location of the nearby Hispanic settlement that was known at that time as the *Settlement of Fernández de Taos.* One of the Taoseño Spanish land grants was confirmed by the U.S. Congress in 1858 and patented in 1864. This land grant only included the village itself and the nearby adjacent gardens or agricultural plots of about 17,000 acres. So, although the tribe was exclusively using the area of Blue Lake and its surrounding watershed, and was recognized by the Mexican and Spanish governments as the owner of these lands, in the early 1900s irrespective of the 1848 Treaty of Guadalupe Hidalgo, the U.S. government considered the Taos Pueblo people as owners of only the 17,000 acres of the village that constituted the recognized patent. As a result, the Blue Lake and its

surrounding watershed interpreted as vacant public land or part of the public domain, leaving these lands open for reassignment to federal ownership and oversight. (Gordon-McCutchan, 1991). Another land grant from 1818 was officially recognized by the U.S. government but not until the early 20th century. Other land additions were made to the Taoseños in 1940 and in 1970. This most recent addition is the very land this case study documents. Not all of this land is contiguous, but the Taos Pueblo now owns roughly 95,341 acres of land.

Development Pressure.

Between 1864 and the 1890s more non-Indians moved to settle in the West and Southwest, and the area around the Taos pueblo and Blue Lake was no exception. There were increasing grazing and development pressures in the area and mining was also becoming a problem, as mining —particularly of gold and silver —was a major activity in the Rocky Mountains just north of New Mexico. By the early 1890s there were already several mines in operation not far from the sacred center. Prior to 1891 timber companies could and did cut lumber at will on any public land. Cutting often extended to cutting on private lands. This sometimes made it difficult for the tribe to control such activities around the lake. The tribal history indicates they believed that non-natives did not understand the importance of clean water and that the surrounding ecology helped maintain the cleanliness of the water supply.

Around this time a legend began to spread that there had been extensive gold mining near Taos during the Spanish period. The legend purported that the Indians threw vast quantities of silver and gold into one of their lakes to safe guard it from the Spaniards. In fact it, was widely believed that gold could be found in Blue Lake. Both R.

C. Gordon-McCutchan's work (1991) and tribal oral history supported the existence of this unfounded legend. The tribal history offers a rationale for the Anglos' belief in this legend. The Taoseños thought that the Anglos found this legend compelling because it offered an explanation of why Indians would be so interested in the Lake which was, even in the high mountain desert, just water. Of course there was no discussion outside of the tribe of the lake's important sacred or spiritual qualities since the tribe had no intention of even raising that issue.

Meanwhile, federal legislation that would influence the future of Blue Lake was being engineered in Congress. In 1891, Congress passed the Forest Reserve Act, giving the president the power to withdraw land in the public domain and designate it a public reservation. In a counter move (or contestation) to this legislation, in 1892 John Muir founded the Sierra Club, in part with the intent of having the acreage withdrawn under the Reserve Act converted into national parkland and protected from all uses other than light recreation. This view of appropriate public land use clashed with that of Gifford Pinchot. Pinchot, a personal friend of Theodore Roosevelt, was considered a "professional forester" as he had studied forestry in Europe where the sustained use and production or "protection with profit" school of thought prevailed. Muir was considered a well-educated and concerned amateur. More recently Muir might have been labeled as a "tree-hugger" or a "greenie." Eventually Congress sided with the professional forester, Pinchot, and in 1897 passed the Forest Management Act. This Act mandated grazing use and the "scientifically guided production of raw materials from forested land." By 1898 Pinchot became head of the agriculture department's division of forestry. He immediately sought Roosevelt's help to get all forest reserves under his office's control. Roosevelt

was responsible for the transfer of millions of acres of forest reserves from the Department of the Interior to the Department of Agriculture (since trees were a crop) and thus to Pinchot. These lands were then renamed national forests and were established under this production versus reservist or light recreation vision. The 1897 FMA would have a significant effect on the Blue Lake area, as the tribe (whose numbers and power were dwindling) sought a way to protect the watershed area from increasing development pressures caused by more Anglo settlers with an interest in a wider number of unacceptable (from the Tiwa perspective) land uses.

By 1900 the tribe's size had decreased. Though they a had lost a substantial amount of their land they had managed to maintain the 50,000 acre watershed, and the sacred Blue Lake, as well as the village area. The tribe had growing concerns about loss of land to settlers and about water pollution, especially because of increased mining in the area. Gordon-McCutchan reports that Bert Phillips, a Taos old-timer and friend of the Taoseño, who was aware of their concerns, became friends with Vernon Bailey who was employed to report on the Taos area by the Bureau of Biological Survey. In fact Phillips got a member of the tribe, Manuel Mondragon, hired as Bailey's guide. Mondragon was so much help to Bailey that he spoke to Phillips about what could be done to help the Indians hold on to their land. Together they decided that a national forest designation would be ideal.

> Mr. Bailey was very much in favor of this idea, saying that he recognized there was Indian use as far back as was known; [Bailey] told [Phillips] he would take the matter up with Theodore Roosevelt personally, and that he was sure the president would share his enthusiasm for the idea of protecting this area for continued exclusive Indian use in its natural condition … Phillips remembers that "the Taos Indians were very pleased with the whole plan". (Gordon-McCutchan 1991 pp. 10-11)

By 1903, the official movement to bring the Blue Lake precinct under federal protection had begun. That year the secretary of agriculture petitioned the Department of the Interior, which had official jurisdiction over Blue Lake, to have the whole area, including adjacent townships, "temporarily withdrawn from settlement, pending an examination as to their suitability for the purpose of a forest reserve." Although the tribe was exclusively using the area, because the U.S. government was at the time only recognizing the Spanish land grant that included the actual village site rather than all the Spanish and Mexican land grants which included the Blue lake watershed area, the watershed could be considered land within the public domain and could therefore easily be assigned as forest reserve land. Therefore only one step remained in order to make the transformation complete: the government wanted to have the quality or condition of the site assessed by western scientists.[155] In 1905 the U.S.Geological Survey sent Theodore F. Rixon out to do a suitability study.

At this time much of the public land in the desert southwest was beginning to be considered fragile based on overgrazing, drought, and so on. However, the government exerting control over the Blue Lake site should not be framed as the need to restore a compromised ecology or improve land management. In fact the report as Gordon-McCutchan notes "… is especially noteworthy because of its praise of the Tribe's conservation practices..." as the following quote from the 1905 report illustrates:

> The whole watershed of the Pueblo is well stocked with a luxuriant growth of forage grasses, being the only area met with in New Mexico where the pasturage is plentiful. The reason for this is that the Pueblo Indians of Taos ... have prohibited all outsiders from grazing within its confines...they do not allow even one of their own tribe to cut or remove any of the down or standing timber within 100 yards of either side of the river; a regulation that has preserved the water supply and prevented the sudden rush of waters down the stream... This tract is worthy of

> examination showing what can be done towards the preservation of pasturage and water by a little care and attention. (Gordon-McCutchan 1991 p.12)

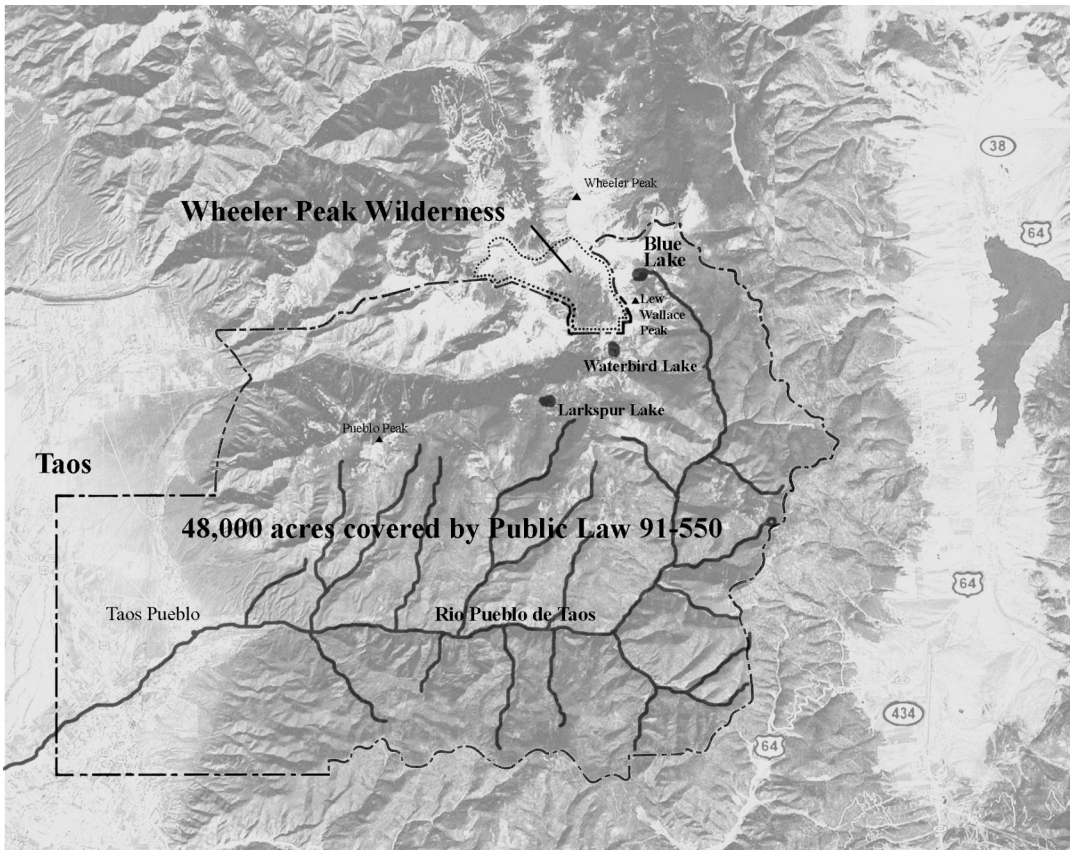


Figure 37. Blue Lake precinct contested land eventually returned to the Tiwa

Blue Lake and 48,000 acres of its surrounding watershed officially became forest reserve land in November of 1906 when Roosevelt signed a proclamation which established the Taos Forest Reserve (see Figure 37). Gordon-McCutchan described his understanding of the differences in interpretation or perception in place at the initial transference of the land, which set the stage for the protracted contestations to come:

> Although they were not aware of it at this time, the proclamation stripped the Tribe of aboriginal title, gave their sacred land to the federal government, and made it subject to the policies of the Forest Service. The seeds had now been sown for a conflict that was to last for decades. (Gordon-McCutchan, 1991, pg. 12)

Keegan presents a brief summary of the contested issues in a less nuanced way:

> In 1906, however, all these guarantees [to honor property and ownership rights as they were established and handed over by the Mexican Government] were rescinded

> by the United States. .... President Theodore Roosevelt established Taos National Forest [which was later known as Carson National Forest] as a public recreation area. The new national forest included 50,000 acres of Taos Indian land, together with Blue Lake; and there was no provision for compensation to the Taos Indians. At first the Taos Indians, after being promised that the Blue Lake area would be off-limits to anyone but themselves, agreed to the establishment of this national forest. But this promise was quickly broken. Soon logging roads provided access to the area, and other evidence of Anglo culture, such as beer bottles and paper trash, appeared in Blue Lake. It was no longer possible to conduct their sacred rites in secrecy, and ritual objects placed by Indians near the site were maliciously or carelessly destroyed by the public. The sanctity of the Indians' holy shrine was destroyed. (Keegan 1991 p.17)

Nabakov is more strident in his description of what he sees as simply a land grab and of the ongoing difference in perception over appropriate use and users of the area. The landgrab:

> [In 1906]… President Theodore Roosevelt dismissed Taos Indians as "a dozen squalid savages who hunted for long intervals" and signed ownership of the Blue Lake Watershed over to Carson Forest. (Nabakov, 2006, p. 74)

A brief summary of the issues behind the ensuing contestation:

> First the Indians had to pay fees to graze their cattle. Then the lakes on Taos Mountain and Lucero Canyon were stocked with trout; logging roads were cut; hiking trails blazed and newly built cabins, outhouses and corrals soon accommodated sportsmen and weekend visitors. Fishermen, lumberjacks and eventually miners entered the Taos Reserve. A private effort by Indian sympathizers to restrict grazing and timbering and protect Indian shrines went nowhere. Then worm-baited lines plopped into Blue Lake and beer bottles and trash washed up on the shore. Heartsick at the desecration, the Indians launched a campaign to win back their lake. (2006, p 75)

Bert Philips was the first ranger assigned to the new forest. Philips, who had helped to establish the reserve, was also a tribal friend, and because he understood the original intent of the land's new designation, he did not issue any permits for non-Indians. The whole point of making Blue Lake a forest reserve — and this is clear from much of the formal and informal documentation of the time — was to preserve it for

exclusively Indian use in keeping with the need, from the Taoseño perspective, for tribal religious knowledge to be kept secret and thus retain its power and efficacy.

> It is clear, then, that if the Indians and their supporters thought reserve status meant anything less than exclusive use, they never would have proposed it. Forest Service representatives, on the other hand, unaware of early understandings between the Tribe's friends and President Roosevelt, maintained that the land should be open to multiple uses by the general public.
> Gordon-McCutchan, (1991, p 14)

Yet it was almost immediately apparent that the forest service's understanding and mandate for the Blue Lake area differed radically from the tribe's original intent and understanding regarding use and access. Starting in 1910 the tribe, friends and the Indian Commissioner at that time tried to get this area turned into "an executive order reservation" to allow for the Taoseños' exclusive use ... "but the Forest Service callously declined to give up any land now under its jurisdiction." (Gordon-McCutchan 1991, p 15). The tribe tried again in 1912 and the Forest Service again refused in 1916. Also in 1916, Elliott Barker was made supervisor of Carson National Forest, which by then included the Blue Lake area[156]. Barker was determined that "the Indian land" should be used like other national forests and he set about opening it up to outsiders.

Beginning in the 1920s the tribe changed from a strategy of sharing the use of the Blue Lake area (with the federal government retaining ownership and management) and asking that earlier agreements be met[157], to one of re-acquiring exclusive ownership, access, and use rights. From the Taoseños' perspective, the shift to sole ownership was required because the federal government's view of the area as a resource (both for products like mining and logging, and for recreational activities and space) had resulted in serious desecration of the sacred precinct and increasing difficulties in shielding their practices from prying eyes and hands. Over the next decades the tribe continued to

actively pursue the return of the Blue Lake and surrounding land to their exclusive use (while attempting to continue to perform their religious practices maintaining as much secrecy as possible).

The stage for contestation thus set, a series of unresolved clashes between the tribe and the federal government occurred through the 20th century:

In 1926 the Taos Pueblo tribal government offered to waive compensation awarded by the *Pueblo Lands Board* for Indian lands settled by non-Indians, on the condition that the tribe could reacquire title to Blue Lake and its surrounding watershed area, but the tribe received neither the compensation nor the title (see Figure 38). In May of 1933 the Senate Indian Affairs Committee recommendation that title be restored to the Taoseños resulted in a diluted act that provided for a permit process to protect Indian use-rights —although no permit was ever actually issued by the Department of Agriculture until 1940. In August of 1951 Taos Pueblo filed suit before the Indian Claims Commission, seeking judicial support for the validity of its claim to the Blue Lake and surrounding watershed area. In September of 1965 the Indian Claims Commission found in the tribe's favor and affirmed that the U.S. government took the area unjustly from its rightful Indian owners. In March of 1966 Sen. Clinton P. Anderson of New Mexico introduced a bill in Congress — S. 3085 "by request" (which indicated his lack of support for the bill). S. 3085 was legislation that called for the return of the sacred area to the Taos people based on the Indian Claims Commission finding. However the bill died without action in the Senate Interior and Insular Affairs Subcommittee. In May of 1967 Rep. James A. Haley (chairperson of the Subcommittee on Indian Affairs) introduced H.B. 3306 to restore the sacred area to the Pueblo, and while it passed unanimously in the House of

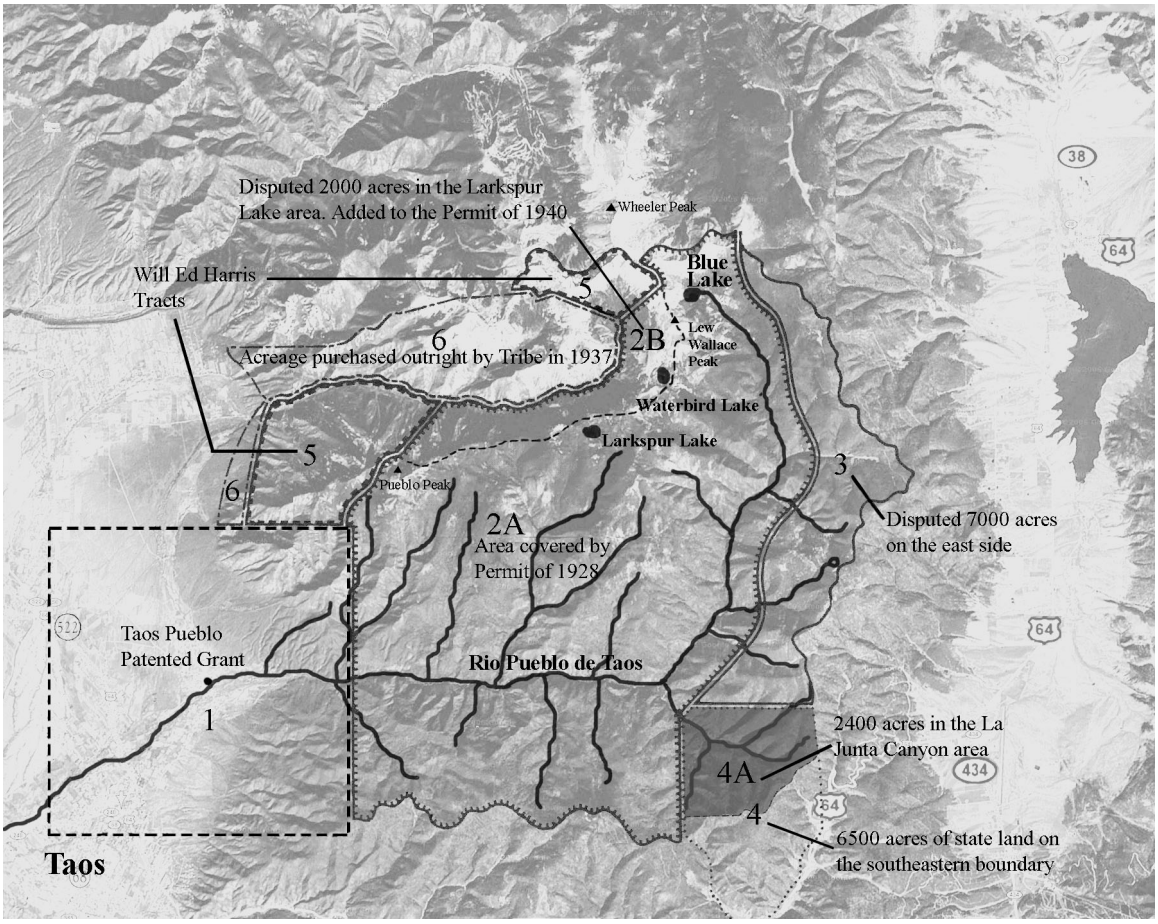


Figure 38. Blue Lake Precinct- Various Contested Areas

Representatives it again died in the Senate Interior and Insular Affairs Subcommittee. Especially beginning in the 60s, Taos spokespersons and ardent supporters – many of whom were wealthy liberals – were involved unofficially in quiet efforts in Washington to win support.

In 1970 this decades-long contestation was, depending on point of view, resolved – or at least experienced a milestone event which dramatically altered the definition and the quality of the contestation. At that time, the Nixon administration was developing a new policy of support for Indian rights and sovereignty. Taoseños and their supporters were able to convince Vice President Spiro Agnew and presidential aide John Ehrlichman[158] to consider the Blue Lake controversy as an opportunity to make the

return of the Blue Lake and its surrounding watershed a very visible symbol of these new policies.

On January 3, 1969, on the first day of the 91st Congress, Rep. James A. Haley reintroduced the Blue Lake Bill as H.B. 471. On the January 26 the National Congress of American Indians Executive Committee endorsed H.R. 471 and called for presidential support of the bill as the cornerstone of a new Indian policy. By July 8 President Nixon announced his support for H.R. 471 as the first element of his new Indian policy. He did this even though he risked the backing of two anti-Blue Lake senators for his Anti-Ballistic Missile Treaty initiative. The next day hearings opened before the Senate Subcommittee on Indian Affairs on H.R. 471 and Senator Anderson's alternative, S. 750. By the end of August that year the Senate Subcommittee favorably reported to the full Committee on Interior and Insular Affairs both H.R. 471, which granted trust title to 48,000 acres comprising Blue Lake and access routes from the Pueblo, and S.750, which granted an exclusive use area of 1,640 acres around Blue Lake, but without exclusive access to it. On September 30, the full Senate committee met and a majority favored H.R. 471 but the committee adjourned before it took a vote. On October 6 the full committee approved a substitute measure which would have deprived the Pueblo of control of its sacred lands and undermined its water rights. On November 19 the Committee amended its substitute measure, and eliminated the threat to the Pueblo's water rights, but retained other unacceptable provisions. On December 2nd the Senate killed the substitute measure (56 to 21) and approved H.R. 471 (70 to 12).

President Nixon signed H.R. 471 into law on Dec. 15, 1970. Blue Lake and the accompanying watershed of 48,000 acres was returned to the Taos Pueblo people without any limitations, without any tradeoffs, and without any strings attached.

The Taoseños have had exclusive control of Blue Lake and its surrounding 48,000 acres since that time. One might assume that the contestation had been resolved and by my definition the space must therefore not be a public space any longer, but this is not the case.

The contestation at Blue Lake can be framed in a variety of ways. In addition to contested issues of ownership and control of the land, the Blue Lake site also exemplifies contestation of use or uses or what might be more precisely described as nonuse and nonusers or perhaps incompatibility of uses and users. Contestation over use, most especially over the appropriateness of uses — and whether particular uses should occur either in public at all or in a particular public space — is one of the predominant types of contestation. A second way to frame the contestation over the use of the site at Blue Lake is to frame it as a difference of religious practices or religious observations. This second frame might also be seen as the clashing of differing cultural values regarding nature and the role of humans in relation to nature. Finally, the contestation of Blue Lake can also be seen as a contestation over control, not only the control of use and users, but also of the control of information (i.e., the story told) about the site, as well the control the maintenance and management of the site. The following sections consider each of these issues separately.

Issues of Native "Religion"

> The watershed creates the Rio Pueblo de Taos. Blue Lake and the numerous sacred springs are the sources of the stream. The waters of the Rio give life to the watershed

> and to the Indians who dwell therein .... Blue Lake as the principal source of the Rio Pueblo is symbolically the source of all life; it is the retreat also of souls after death, the home of the ancestors who likewise gave life to the people of today... Blue Lake, therefore, symbolizes the unity and continuity of the Pueblo; it is the central symbol of the Indians' religion as the cross is in Christianity.
>
> The Tribes Attorney eloquently explains the importance of the Blue Lake area to the survival (spiritually and physically) of the tribe 1969 hearings on HR 471. (Gordon-McCutchan, 1991, p. 9)

Differences in culture, epistemology, beliefs and practices in the realm that European Americans label religion fueled a large part of this ongoing contestation. Since the pueblo's first contact with Europeans was with the Spanish who were in large part interested in recruiting souls to the mother church, native spiritual or religious practices came immediately under attack. This included brutal suppression of native religion and cultural practices by the Franciscans who were sent to convert them. The Franciscans decreed an absolute prohibition on native religious (festival) dances[159], raided kivas, persecuted native religious or holy figures and gathered and destroyed sacred masks and fetishes. As a result native religion went underground. The Pueblo peoples hid their religious practices from the Franciscans to preserve them. While the tribe had always guarded their mysteries closely, their experiences with the Spanish made such secrecy mandatory. I put the term religion in quotes here because spiritual beliefs and practices in native culture are not segregated from profane everyday experiences and practice as they are in most Western cultures, but rather are integral with other lifeways and practices, and therefore are not easily separated and neatly compartmentalized (segregated). In the words of a Taoseño elder,

> For us all things are related… interdependent…. the natural world, the spirit world, other people. Our relations with nature, with others (people), and with higher powers are all important – equally – there's no difference. …. And the maintenance of order – or things in their proper way- in the world relies on the proper maintenance of these relationships … (give credit if he chooses)

Such religious persecution increased the natural reticence of various Pueblo peoples to share information about the sacred and sacred space or place (such reticence continues today). This unwillingness to share information was seen as quite problematic during the entire contestation over Blue Lake and its environs. From the federal government's perspective it was interpreted as a ploy to "put one over on the government" claiming an unspecified religious rationale as a mask to cover a land grab that would enable the tribe to develop it for economic gain – such as a high-end recreational resort. While the Taoseños thought that they were merely following the teachings of the elders which counsel them to keep spiritual or religious practices secret lest they weaken them, since ceremonies performed in the presence of the uninitiated lose their power. Gordon-McCutchan quotes tribal members and information gathered by anthropologists that supports this. Some of this information was included in testimony to support their claim for Blue Lake in the courts: "People want to find out about the Pueblo but they can't. Our ways would lose power if they were known." (1991, p 13). This was confirmed in my own interviews paraphrased below:

> Being asked during the court battles to describe or *explain* our practices or what we need to do at Blue Lake was so troubling... How could this information make a difference to the decision to give us back control over our place?... Why was it necessary for us to *prove* that our practices need to be private. ... Or perhaps they believed there were no practices ... that we made all this up just to get our land back. ... It felt like having to justify your right to believe in your spiritual beliefs.... it was terrible. We [the secular and spiritual leadership of the tribe] prayed and thought long and hard about what answers we could give and share with regard to these inquiries. (Interview 2004)

Both Nabakov (2006) and various tribal people mentioned the impact of misunderstanding and misinformation on non-Indian understanding and acceptance of

spiritual practices and cited as one example the notorious "dance files". In the 1920s, in an apparent effort to increase the government's understanding of the ceremonial life of the Pueblo people, some officials were invited (or just came depending on who is telling the story) to a few of the more public dances. Later, during the contestations over Blue Lake there were rumors that the Interior Department had a (secret) "dance file" assembled during those 1920s visits that contained highly sensationalized accounts of the dances. These accounts, focused on the exotic and earthy qualities of the dances, from a scandalized Victorian standpoint. So rather than increasing cultural understanding, these accounts actually made it more difficult for some outsiders to accept such observances and ceremonies as part of religious practices[160].

The U.S. government was particularly reluctant to acknowledge the validity of a spiritual argument for the return of Blue Lake because they feared the precedent it would set regarding other Indian land claims. So in the court cases and Senate hearings the tribe needed not only to make a case for the land's cultural and spiritual importance, but also to make the claim as unique as possible, because valid or not, a widely applicable precedent would be rejected. During the subcommittee discussions and debates regarding H.R. 471, two senators, Metcalf and Anderson, made the questioning particularly hostile regarding the religious or spiritual rationale for reacquiring the land (a number of those involved or observing described it as an "outrage"). An anthropologist, John Bodine, was sitting in as an interested observer at these congressional hearings on the Blue Lake bill. Bodine, though not Indian, had lived in the Pueblo for years as a child, spoke Tiwa, and had done his dissertation on Taoseño values and attitudes and intercultural contact problems and issues. A professor of anthropology at the American University in

Washington, he was appalled by the conduct of the proceedings. However, he decided that the fundamental problem was a cross-cultural difficulty that the committee was simply unable to understand Pueblo spiritual beliefs and practices. Bodine brought use his unique background and knowledge along with his professional expertise and skills together to help the situation. To this end he sent a letter to the committee which included a fairly detailed description of the Taos Pueblo spiritual practices that supported the need for absolute religious privacy and the uniqueness of the claim. Bodine argued the uniqueness was the destruction of the culture:

> The Taos Claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. No other Indian tribe can make that claim, because no other Indian group today relies to the same degree on shrines in a restricted area for the continuance of its religion. (Gordon-McCutchan, 1991, p.193)

While the tribe may have preferred Bodine not share all the specific information he did, in the end the letter supported and substantiated the tribal testimony and became a key reference in the Senate debate. Some feel that without it the tribe would not have been successful in its claim. Over the course of the contestation at varying times the Tribal people had tried to use broad comparisons to Western religion and culture to translate their cultural beliefs into terms to which non-Indians could relate, using metaphors like churches, cathedrals, and tabernacles. In the 60s, in an effort to avoid being trapped in single site or limited building analogies, tribal leaders and holy people described the site as evidence of a living god — in the living trees, rocks, and the lake itself as proof of the sacred things they believed in (Gordon-McCutchan, 1991; Nabakov, 2006). Dean Kelley, a Catholic priest who was sympathetic to this translation difficulty, wrote a magazine article emphasizing the entire Blue Lake environs as a whole which

was more important than the individual sacred sites contained within it. This argument was critical to the eventual return of the sacred grounds.

The whole political battle that ensued turned in part on the issue of "self-determination" — a label for a concept which came of age in the late 60s growing out of the beginning of identity politics and a re-examination of Anglo-Indian relationships. Self-determination, which is related to the concept of controlling your public face or what information and aspects you choose to make public, played a key role in Nixon's new Indian Policy and therefore the return of Blue Lake and what for some would be the resolution of the contestation. The issue of self-determination and being in control of information and aspects of your culture that are made public came into direct conflict with an aspect of the existing majority belief systems. European Americans come primarily out of Judeo-Christian religious systems which are based in large part on the concept of "witnessing" and "proselytizing." European Americans struggle with the concept of a spiritual or religious belief system and practices which do not include proselytizing as a central tenet. This made it difficult for governmental representatives to accept the unwillingness of the tribal members to explain their religious rationale or reasons as legitimate, and it undermined the Pueblo people's credibility.

Keegan (1991) quotes a tribal leader, Quirino Romero, describing the Blue Lake area and its role and importance in this way:

> Blue Lake for our life is living. Blue Lake is where the spirit of Indian God is still living today. We go over there to pray, and we go over there to worship. The stars and the moon and the sun and the sky and the clouds and the air and whatever nature has provided for us, we do believe in this. (p. 14)

Other accounts exist. Nabakov (2006) quotes a Taos tribal poet, James Cordova who writes about Paw'ia (or the Lake) as "the little blue eye of faith, the deep turquoise lake of life." (p. 73)

Beyond a physical description of the lake as a deep oval nestled in an alpine forest of pine, aspen, scrub oak, and elders, it might also be described as an environmental shrine. Blue Lake and the area around it hold a number of shrines or devotional sites that are visited and ritually cared for by appropriate Tiwa or Taoseño initiates. In other words, the Blue Lake precinct supports a particular type of observance, one that Europeans are quite familiar with — the pilgrimage. Volumes have been written on pilgrimage and its qualities, including its time-out-of-time nature and its sacrificial and ritual aspects. Also described are the social and role-leveling aspects of the pilgrim status, and the lengths of time and distance pilgrims travel. Pilgrimages share the need for space, an established storied landscape with an ultimate, potentially climactic destination, which is the repository of religious, ceremonial, and social identity. Pilgrimages also reinforce larger-scale cosmological beliefs such as the importance of the cardinal directions, or the concept of the earth as a bowl and the sky as a basket. Most often pilgrimages also include a number of intermediate shrines or sites that need to be engaged along the way.

Some religious or ceremonial practices are public, for everyone (insiders and outsiders) to participate in or observe, while some religious practices are public for the entire tribe or nation but not outsiders. Still other religious practices are not public — they are individual or are for some predetermined subgroup of initiates only. Blue Lake and its surrounding watershed is an example of the third type. One of the main devotional visits to the area is the *Ipa'w'ineho* (which literally translates as "they lake go"). The

pilgrimage occurs in August, and involves a large number of tribal members. While there are a few general descriptions of this ritual pilgrimage that exist (Bodine, 1988; Nabakov, 2006; and Waters, 1950 among others), I will not present any of that sensitive information here.

This discussion of the Blue Lake contestation does not merely describe differences in religious practices or observations and their compatibility or not with other uses, but more importantly highlights an issue discussed in the literature that deliberative and communicative democratists have made regarding exclusion from the public realm in terms of how information is to be represented, or arguments are to be made (N. Fraser, (1992,1997) and I.M. Young (1997b) among others). They argue that such discussions or contestations are made in a context that is controlled by a majority or powerful group who limit acceptable modes of communication (i.e. logical, scientific and rational, impartial, and objective as opposed to either silence or the secret, subjective, religious, and emotional story).

Different Cultural Understandings and Values of Nature

Blue Lake can be seen as exemplifying issues that can arise from different cultural values regarding nature and the role of humans in relation to nature.

> The protracted controversy that followed was rooted in opposing philosophies with regard to nature and its uses. Central to Forest Service policy is the concept of "multiple use." According to this principle, the forests under its jurisdiction are for recreational purposes, for the production of resources, and for grazing. In providing for these uses, the Forest Service has the authority to stock lakes with fish, to cut roads and trails, to authorize mineral extraction and timbering, to manipulate vegetation to improve water yield, and to issue grazing permits. Central to the Taos Indian's way of life is the belief that in the beginning Mother Nature imparted to their ancestors proper and perpetual modes of behavior. Departure from these established patterns is considered sacrilegious. A key tenet of the ancestors was the interrelationships of the people and the land. The people through their prayers and religious ceremonies, give homage to and fructify the land. The land, in turn,

> nourishes and sustains the people. Land and people, therefore, are joined in a sacred symbiotic bond; and any alteration of the land directly threatens this bond. For this reason, the Indians look upon preservation of their wilderness as a sacred obligation. It is easy to understand how this belief came inevitably into conflict with the Forest Service policy of multiple use, which permitted timbering, cutting roads, and manipulating the vegetation. (Gordon-McCutchan, 1991, pp. 12-13)

This should not be dismissed as an oversimplified categorization of American Indians as noble sensitive ecologists but understood as a true difference in epistemologies and value systems.

Stories and Sovereignty

Blue Lake can be seen and understood as another place where there is contestation over the story, myth, or meaning of a site. The Taoseños view Blue Lake as telling the story of a very long history of themselves as a sovereign people. The lake helps dictate and maintain proper codes of behavior (morals and religion). The Lake helps teach proper codes of behavior and tells the story of their rights, ties, and obligations to being part of a larger ecological system or whole. In contrast, the view of the Forest Service and the federal government was that the lake is a resource "available to all the people" of the U.S.

Current Ownership, Access, and Management

Although the Tribe in fact owns and has the right to control the area, at some level the actuality proves otherwise. Certainly the Tribe has been able to halt all the mining and logging operations in the area and no new trails or cabins are being built. But while the number of non-Taoseños accessing and using the site may be significantly curtailed, non-Taoseños are not entirely excluded from the area. Government lands, which are accessible to the wider public, completely surround the Blue Lake area and while there is a boundary between the pueblo lands and other public domain lands, a fence with posted

no trespassing signs is hardly a barrier to those who choose not to respect it. In the years since they have regained control of the land the tribe has waged a continuing battle with primarily recreational users and uses (trespassers). The tribe identifies snowmobilers as some of the most problematic of these users, primarily because of the environmental damage they inflict. The pueblo does not maintain a large enough police force or enforcement presence to completely monitor the entire boundary or edge of this area. However, even if they did they are thwarted by mainstream law enforcement and judicial practices. Even if they catch trespassers, they cannot sanction them. Indian Law in the U.S. is somewhat arcane. While tribes may theoretically be sovereign nations, they are not allowed to prosecute non-tribal members under their judicial system. The tribe must therefore rely on prosecuting any non-tribal members in the local New Mexican court system. While the rationale is open to speculation, the local judicial system has legislated trespassing as punishable only by a fine and limited to $200, and has thus made the legal enforcement of the exclusive use of the Blue Lake area to Taoseños difficult if not nearly impossible. So the contestation regarding use and users continues even today.

Additionally, of course, they have no control over anyone who remains along the surrounding border in the government's publicly owned land with a pair of high-quality binoculars or a camera with a high-powered telephoto lens. While their at least nominal exclusive right to the area may be and continues to be contested in these and other ways, the tribe feels that they are certainly better able to control their sacred places and the sanctity of their secret and restricted practices and pilgrimages. Trespassing during the summer months is of additional concern due to drought and the potential for a serious fire danger.

Another current issue related to control and contestation surrounding Blue Lake and its entire watershed area is forest fires and fire fighting. Over the last several years the entire Western Mountain Region has been experiencing drought conditions, which have varied from mild to fairly severe, (during the severe bouts campfires are totally banned in all the campgrounds). A number of fires both large and small have been fought. The Taoseños maintain firefighting crews. In fact, these crews are well celebrated, and they are known as the Snowballs. This name resulted from a heavy snow, which the Taoseños consider a blessing from the spirits, falling once just shortly after they had finished putting out a fire in Lincoln National Forest. In the West many groups maintain and fund fire crews and, generally speaking in case of a fire as many crews as necessary join together to fight it. Due to the special nature of the Blue Lake area, tribal leaders hope that should a fire begin in, or threaten the area, they would be able to control it using their own firefighting crews. They do not want to have others in the sacred precinct unless it is their only and last resort. They have an agreement in place with U.S. Forestry, Bureau of Land Management, and other governmental groups with firefighting responsibilities that should the Taoseños' need assistance beyond their own crews to fight a fire in the Blue Lake area, the next responders would be Indian crews from the surrounding pueblos and areas. So far they have not had to deal with the potential for contestation that would arise in this situation (Interview, 2003).

Conclusion

Certainly one result of the contestation over Blue Lake and its watershed was a change in ownership. The balance of control between contesting groups has also shifted, however in spite of this the Taoseños are still contesting issues of access and use by non-tribal people

(the snowmobilers for example). The social construction of this site is still being negotiated — sometimes on site and other times in venues from courtrooms to local officials offices. This site, and others that are similar, raise serious and interesting questions for our society at large in terms of negotiating religious belief systems and the impact of these on our shared physical environments. In an attempt to further understand some of these issues we will look at this in a few other sites and situations in the next section.

Other Examples

Even though both case studies illustrate the value of contestation for oppressed groups striking differences are apparent. In the case of Little Bighorn Battlefield the contestation resulted in increased diversity of users, uses and interpretations of the site. In Blue Lake the contestation has made room for diversity in other ways, it resulted formally in a restriction of users while increasing the diversity of uses for a portion of those users. This contestation also helped raise certain issues of public space use in the public arena for continued debate in similar sites, which are discussed in this section. In both cases the locus of the control over a number of issues regarding the sites may have shifted but it is not fixed. The tug-of-war over who will be in control in both sites continues. Neither contestation was fully "resolved" and each is still being negotiated. The balance of control has, however, shifted in terms of the stakeholder groups at both sites. In the Little Bighorn control between dominant and non-dominant groups seems more balanced at the present time, while in Blue Lake it has shifted more towards the non-dominant group.

Both of the case studies have made clear that comfort and ease are not the primary defining measures for public space. I am not indicating and these two sites are, nor advocating that they should be, spaces of danger or torture. However, one of the aspects of contestation is that not all users and all activities are comfortable all the time. Negotiation and contestation often result in some discomfort and lack of ease and this can be seen as having positive benefits. Having found that in both cases contestation has increased the public quality of these spaces, I can now ask how are the contestation issues that the two sites illustrate idiosyncratic, similar, or comparable to contestations in other potentially public spaces. To do this we can look at several more abbreviated case studies of

contestations in public space to see what aspects or qualities of contestation they share with the two case studies, and if there are additional aspects of contestation that these shorter case studies can provide or illustrate that the two case study sites do not.

Contestation and Sacred Land

The case of Blue Lake is not unique. It was not unreasonable for members of Congress and the Forest Service to be concerned about its potential to set precedents. Blue Lake may be one of the only American Indian sacred spaces to be returned to the ownership of a tribal nation but the issues involved in the contestation at Blue Lake continue there and at other sites. The contestation regarding such places has occurred at the sites themselves, as well as in the courts, in newspapers, on television, and over the Internet.

Colonization resulted in many other American Indian sacred sites being located on public lands, now managed by a range of federal entities (National Park Service, U.S. Forestry land, or Bureau of Land Management), sites that are now contested. Examples include Bear Butte in the Dakota Black Hills near Sturgis, South Dakota, Rainbow Bridge (National Monument) adjacent to lake Powell in Utah, Devils Tower (National Monument) in Wyoming, and Petroglyph Park in Albuquerque, New Mexico.

Bear Butte, near Sturgis, South Dakota

The entire Black Hills area is contested as sacred space by several Plains groups, most notably the various groups of the Dakota (Sioux). Although Bear Butte (*Mato Paha*) is actually separated from the greater Black Hills by about eight miles of prairie, this butte, which looks like a sleeping bear on its side with its head pointing northeast, is considered

especially sacred (see Figure 39) As a result, the recreational use of the site and the lack of tribal control over the space for pilgrimage use have long been areas of contention.

Figure 39. Mato Paha – Bear Butte near Sturgis, South Dakota

As South Dakota becomes more populous and the area around Sturgis gets more developed, there have also been increasing contestations regarding development around or near Bear Butte. Two primary aspects of use decisions have become the center of controversy: how close development is to the butte and the types of land use. Native American interests want to limit as much as possible development that disrupts quiet meditation on Bear Butte.

The "mountain" of Bear Butte — what some describe as a laccolith or an unerupted volcanic mass — is 4,426 feet high. It was designated as a state park in South Dakota in 1961 and became a National Historic Landmark in 1973. It is managed by the South Dakota Game Fish and Parks Department. In 1982 the park made major additions, including hiking trails, campgrounds, and paved roads in an attempt to attract non-native visitors. Restrictions were also instituted for the times when traditional vision quests could

be undertaken. Using the 1978 American Indian Religious Freedom Act, which includes protection for rituals and sacred places, the Dakota (Sioux) and the Cheyenne jointly sued to stop the park's development. However the U.S. District Court rejected their claim. Various Native American Nations have been bought back a few parcels of adjacent land, but adjacent acreage is ranchland some of which is being sold off to developers.

Many people have compared Bear Butte's importance or role in Native American spirituality and culture to Jerusalem, Mount Sinai, Mount Athos, and Mecca. For both the Dakota (Sioux) and the Cheyenne, Bear Butte is important both historically and as a contemporary source of spiritual sustenance. The site figures prominently in important cultural framing stories and is considered an important place to fast, pray, cleanse one's spirit, and pursue a vision quest. Throughout the area of the Butte one can find traces of these contemporary practices in the colored prayer ties and tobacco bundles left as offerings in the landscape. For Dakotas, Bear Butte is also the site where their culture received all seven of their sacred elements.

> Bear Butte is a sacred place, and we need to keep it as our grandfathers (kept it)," said [Arvol] Looking Horse, who is revered in Lakota religion as the keeper of the sacred calf pipe. "When we sit on top of Bear Butte, we communicate with our creator. (Daly, 2006, p. 1)

The Northern Cheyenne consider Bear Butte central to their very survival. One prominent story took place at the butte. This story tells of two cultural heroes who save the tribe from starvation when they visit the butte and receive one of the Cheyenne's most important ceremonies related to proper hunting rituals and practices. As a tribe the Cheyenne have been purchasing land near or around the Butte for years. So far they own about 700 acres.

Bear Butte is sacred to many tribes in addition to the Dakotas and the Cheyenne, it is also a pilgrimage site for the Mandan. Another example of the site's sacredness is that human remains, which have been repatriated to Plains tribes under Native American Graves and Patrimony Repatriation Act (NAGPRA), have also been re-buried on or as close as possible to Bear Butte. There are a number of nearby cemeteries that have accepted these remains.

Figure 40. Mato Paha – Bear Butte development protest

The sacredness of this space to Natives is a foundation for contestation about its use. Leaving a site fallow or unused or limiting its uses because of its adjacency to sacred space is in direct conflict with those who value land as a productive commodity. One recent

controversial proposal was the concept for the development of a very large indoor shooting range, something that is very noisy and antithetical to the sanctuary nature of Bear Butte's use from an American Indian perspective. Some local Sturgis businessmen[161] organized this project; they received a community development block grant in the amount of $825,000 from the Department of Housing and Urban Development (HUD). Since federal money is involved, the businessmen were required to do public participation and consult with interested parties. Some people, including some federal employees, consider interested parties to include those native nations who use the butte as a prayer and meditation place, and consider it a place of power.

Another controversy around the development of land adjacent to Bear Butte is contested by Native Americans and non-natives (M. Curran, 2003). This controversy is over both the uses proposed as well as the potential user type meant to be served — bikers. This user group is frequently defined as undesirable by many other user groups in our society. Sturgis has been a site of pilgrimage for this user group for many years. The controversial development proposal from a local businessman included a campground, bar, and performance venue primarily geared to the support of the bikers during this pilgrimage. To understand some of the controversy over this proposal it is important to understand the scale of these proposed elements — a 30,000-seat outdoor amphitheatre rock-concert venue, a 22,000 square-foot biker bar and over 150,000 square feet of asphalt parking lot.

Carter Camp, of the Intertribal Coalition to Defend Bear Butte, whose group is pushing for a five-mile buffer around Bear Butte, told the local land use commissioners that "The location of this could not be worse, every biker that goes to the new Broken Spoke Saloon will go rumbling past Bear Butte." He also pointed out that generations of

American Indian soldiers who fought for the United States have come home to Bear Butte to heal their spirits.

In an editorial, which appeared in the *Los Angeles Times* on March 26, 2006, Peter Nabakov explained it this way:

> The late American Indian intellectual and gadfly Vine Deloria Jr. used to say that locations such as Bear Butte needed "time of their own" to rest and recuperate so they could fulfill their mission of providing spiritual strength to needy people. And as with Mount Vernon, Gettysburg, the Vietnam Veterans Memorial, Yosemite National Park or the few other locations that even secular modern Americans generally recognize as restorative in mysterious ways, Bear Butte is a delicate national treasure that must be left alone if it is to do its urgent job. Denying the new entertainment complex its liquor license could be the first step — and last chance — for protecting this sacred place and reminding Americans that there may be more to their purple mountains' majesty than meets the eye. (p. 8)

While many protested on the basis of the sacred status of the butte there were others who protested based on the type of use or on the type of use in that location. Here are a few examples of the arguments made by those protesting those uses in this location:

> Much of the rhetoric regarding the construction of a massive campground and bar complex at the base of Bear Butte has been from the perspective of protecting Native American Spirituality. I'm compelled to simply speak out as an outraged White Guy. While we are all sympathetic with issues of Native Americans, this is also "our" issue. A LOCAL issue. I don't oppose commercial ventures or rights of property owners to use their property as long as that use doesn't infringe on rights of neighbors or violate any laws. I do strongly oppose commercial desecration of a LOCAL Landmark…**This proposed Bar is clearly something that is just not appropriate at the base of Bear Butte. It would also not be appropriate to place it at the base of either the Washington Monument or Mt. Rushmore. <u>It is simply a bad location.</u> I wish Jay Allen all the success he deserves but I also wish he was building his campground a few miles further away from Bear Butte as are the existing Glencoe and Buffalo Chip Campgrounds and the Full Throttle Saloon.** I'm also very concerned with Jay's invitation to have 30,000+ bikers in his campground where as he puts it they will be "<u>free from a policed environment</u>." This isn't something I consider to be in keeping with local Community standards….
> **Let's keep Bear Butte from becoming Beer Butte or Bare Butte.** . . . Simply think . . . **BAD LOCATION BAD LOCATION BAD LOCATION BAD BAD!** [emphasis in original][162]

Others protested the "unrecognized" costs of this type of venue on the local infrastructure, or objected only to the uses proposed.

> Meade County does not receive revenue from state alcohol taxes. However, law enforcement costs skyrocket during rally time and local taxpayers must foot the bill. County alcohol citations for DWI, as well as drug charges keep rising each year. Total arrests are up from 405 to 448 in 2005. Policy makers may find these figures insignificant, but they become very important when a drunk driver kills a relative or friend. In addition to law enforcement costs, who is going to pay for additional cleanup? Trash, refuse, beer containers, liquor bottles, oil and other contaminants would be in full view and litter the landscape. The bar like behavior that is extending beyond the boundaries of the city of Sturgis during the rally is becoming an unruly burden for all area residents. Those residents who cherish a peaceful, wholesome environment for their families will be subjected to even more lewd behavior. We do not think the answer is to give this behavior a wider berth. …. There are already a sufficient number of adult entertainment venues that rally goers can participate in--the market is saturated. Red Bear (n.d.)[163]

The Sturgis County Line proposal also apparently renewed some of the debate in Meade County about the Sturgis motorcycle rally. Jesse Levin, a non-Indian rancher who lives 30 miles east of Sturgis, told the commissioners that she is disgusted by the trash, dust and drunken bikers that she has seen at her place.

'When is enough going to be enough for us in Meade County?' she asked the commissioners. (Daly, 2006, p.1).

The development of this project is underway while the contestation continues.

Rainbow Bridge (National Monument)

Another sacred site example is Rainbow Bridge (National Monument). Like the Taos Blue Lake example the controversies surrounding this site pit recreation and resource management against the preservation of natural landscapes and sites and the performance of sacred observations. Additionally, this site also raises questions between different users groups of who has what kind of access. Unlike the Blue Lake example this site pits Native

Americans from several nations against non-native visitors. Similar to the Little Bighorn site, the Rainbow Bridge site includes controversies surrounding how the site is interpreted and who is in control of the interpretation that is presented. This site is also a good example of federal laws and management policies in conflict.

Rainbow Bridge (National Monument) is adjacent to lake Powell and the Glen Canyon Recreation Area in Utah, it is the worlds largest natural bridge (see Figure 41) spanning across 275 feet including the river, and is 290 feet high (taller than the Statue of Liberty), and the top of the arch is 33 feet wide and 42 feet deep. While Rainbow Bridge has been known and treasured as a sacred place by tribal people for many centuries and was undoubtedly seen by some non-native prospectors and cowboys. It was not really "known" to the Euro American world until 1909 when two different groups – one headed by a university dean and one by a federal government surveyor – went it search of it. It was then designated as a national monument in 1910[164] and includes an area of 160 acres bounded on three sides by the Navajo Nation Reservation. Although it is considered a separate unit of the NPS it is adjacent to the Glen Canyon National Recreation Area which is also administered by the NPS. The NPS website does note that the "neighboring American Indian tribes" consider this place sacred and later asks people to "Please visit Rainbow Bridge in a spirit that honors and respects the cultures to whom it is sacred."

Historical Evidence of Rainbow Bridge's Use and Importance

There is clear archeological evidence as well as ethnohistorical (oral history) evidence that this part of the southwest has been inhabited by various American Indian cultures for thousands of years. The area around Rainbow Bridge National Monument (RBNM) is full of various sites of inhabitation over time. Ruins like these provide

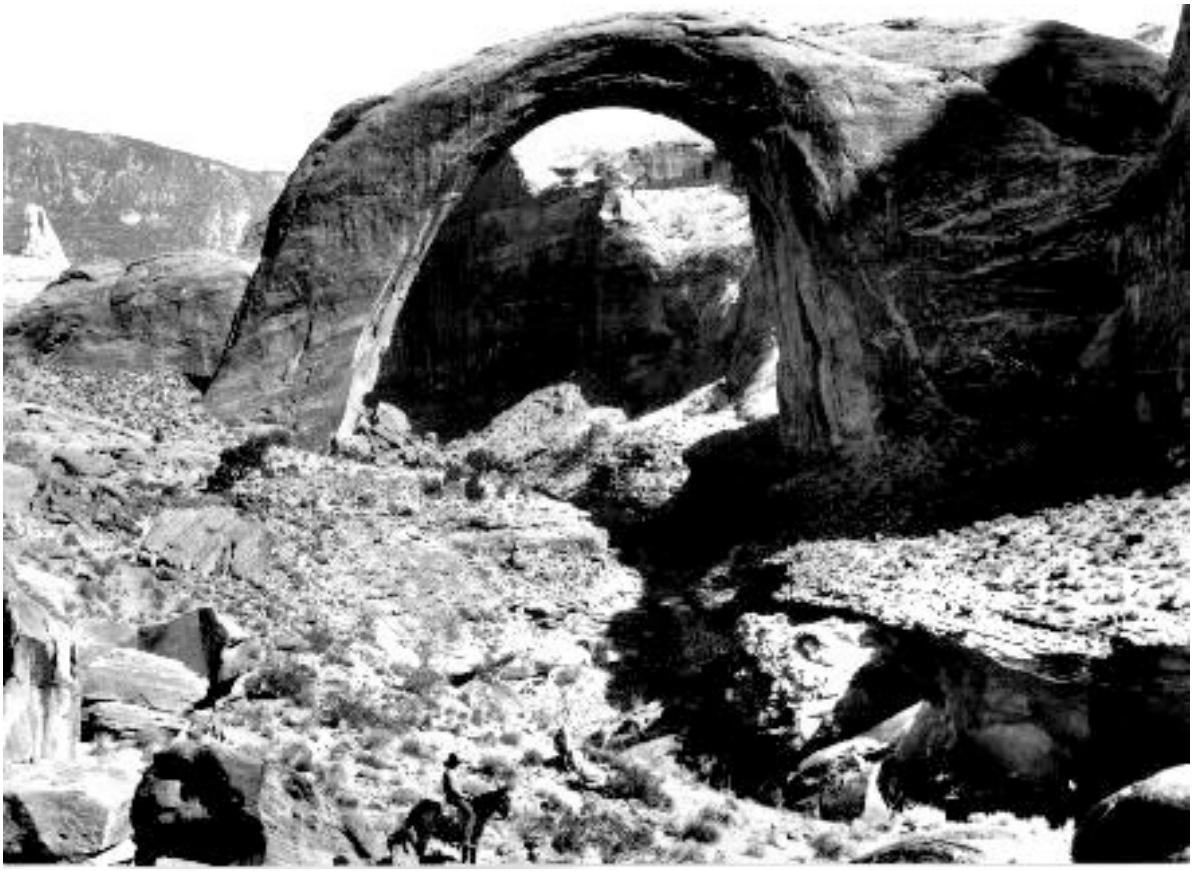


Figure 41. Rainbow Bridge adjacent to the Glen Canyon Recreation Area

empirical information regarding the importance and use of the Rainbow Bridge site for centuries. These groups include the Hopi the Navajo (Diné) and the Southern Paiute. Although there is controversy regarding whether and when the Navajo might have migrated into the southwest there is archeological data, remains that are clearly Navajo/Diné from the 12th century. The Paiute probably inhabited some parts of this area by the 16th century. In the 50's when some archeological surveys were conducted to document all the areas that would be flooded with the creation of the dam over 11 sites were found in Forbidding Canyon alone. Early Euroamerican visitors to the site of Rainbow Bridge mention an altar located at the foot of eastern leg of the bridge – although it no longer remains nor was it

ever documented or verified by contemporary archeologists as it disappeared at some point after the 1930's. It is interesting to note that after some severe heavy rains in 1994, which caused a lot of erosion, a very old hearth structure was revealed. In November of that year emergency excavation and documentation had to be made of this ruin because there was evidence of the structure being vandalized by visitors. Oral history also indicates that there was a sacred spring located in a cave in the canyon just below the Bridge where holy men came to pray and perform rituals.

Rainbow Bridge is one of many religious sites or shrines in this area for both Hopi and Navajo (Diné) people. Contemporary scholars (non-native) argue on the basis of archeology that the bridge has been a source of worship during the last 1,500 years. It figures strongly into the Hopi's origin stories and is particularly connected to the Snake Clan. It is also a large part of the Navajo (Diné) story of their emergence into this level or world. The Navajo (Diné) belief system is strongly place based and the relationship of spirituality to place is central, the origin and hero-stories all have events that occur in specific places that are recognizable in modern places and geography, and spiritual activities and prayers are the same and must be done in specific locations or places.

Rainbow Bridge is also a key location for various sings or ceremonies; this is perhaps why in one of the current contestations about Rainbow Bridge a suit was filed by a group of Navajo (Diné) singers (holy or medicine men). It is also important to understand that traditionally the Navajo (Diné) have a clan based cultural and political structure traditionally there was no central form of government. Today's council or centralized form of government is based initially on an imposition of the US federal government. This history may help to explain why even though the Navajo Nation may have eventually

agreed to exchange land with the federal government for example, other Navajo (Diné) may sue the federal government regarding the use and management of Rainbow Bridge and its surrounding area. For Navajos (Diné) Rainbow Bridge and its surrounding Canyons is also important as a place of sanctuary. Many Navajos (Diné) hid out in this area during the fighting with Kit Carson and the Bosque Redondo War and to avoid being marched and exiled to Fort Sumner in 1863/4 where much of the Nation remained for four years until a treaty could be negotiated to return them to their ancestral lands.

Early Access and Management of Rainbow Bridge

At the time of its designation the Rainbow Bridge was very difficult to get to and even the current NPS acknowledges that "What Teddy Roosevelt and his contemporaries witnessed-evidence of the significance of Rainbow Bridge to early and present day Native American cultures-is difficult to discern today." This is in large part due to the fact that the site is now much more accessible. This is primarily due to the creation of the Glen Canyon Dam and Lake Powell. As part of the Colorado River Water Storage act the Bureau of Reclamation and the NPS create a memorandum of agreement (1956) and by 1958 the Secretary of the Interior designates the NPS as the administrative agency for the newly established Glen Canyon Recreation Area[165], and Congress passes a law (P.L. 85-868) to transfer land between the NPS and the Navajo Nation. Authorized in 1956 and completed in 1963, the lake and the dam flooded the canyon lands and made access to the bridge much easier. In fact, access was facilitated even more by a memorandum of agreement with the Navajo Nation that allowed lake water into the monument boundary, and the addition of the first floating dock in 1965. On its website the NPS notes that the rising waters of Lake

Powell in conjunction with the increasing numbers of visitors has resulted in the loss of much archeological evidence at Rainbow Bridge.

Rainbow Bridge, Water Rights and Sacred Places

Apparently no one disputes or doubts that Rainbow Bridge is a special or sacred place for a number of cultures. The contestation seems to be more one of what that means with regard to access and use. It is probably true that the Navajo/Diné as well as the Hopi among other tribal nations, might prefer that Rainbow Bridge and its surrounding areas were not open to anyone else, and that the dam and lake had not been built and the bridge was not so visible to others, and the area was still extremely difficult to get to. However, at this point one could not really restore the place to its pre-dam condition. What most of the American Indians would like is to control some of the various behaviors of non-native users. It is of course hard to reconcile a spiritual or ceremonial demeanor with a recreational one – is this place for praying? or for playing? The indigenous groups would like others to respect their special or sacred space by refraining from walking under or through the bridge opening, climbing on or trying to walk across the Rainbow Bridge. Additionally visitors need to learn not to disturb any offerings left in the space, and similar to Blue Lake they would like to close the area (visually as well as physically) for short time periods during ritual observations.

In 1974 in an attempt to preserve important religious sites that were being inundated by the rising water level of Lake Powell, a group of Navajo tribal members filed a suit against the heads of the NPS, the Bureau of Reclamation and the department of the Interior. The court ruled against the Navajo. The court's position was that the need for water storage outweighed the tribal members concerns. Although the Native American Freedom

of Religion Act is finally signed into law in 1978, the Tenth District Court of Appeals still rules in 1980, "that to close Rainbow Bridge, a public site, for Navajo religious ceremonies would violate the U.S. Constitution which protects the religious freedom of all citizens" (Sproul 2001; http://www.nps.gov/archive/rabr/adhi/adhi5a.htm, p. 3). By 1980 visitation to the Rainbow Bridge site is recorded as over 100,000 people.

Resource Management for Utilization versus Preservation: The Environmentalists and RBNM.

While I have been speaking above mostly about the sacred use issues and the contestations between native and non-native users. During this same time period there was also a contestation between 1948 and at least the 1970's regarding "environmental" issues. In this case between what can be seen as a preservationist ethic regarding resource management of public lands – especially national parks and monuments – and a more utilitarian approach to resource utilization. Water is an enormously important and political issue in the western states, who owns the right to what water resources frames many controversies. As communities and lands both above and below Rainbow Bridge were developing and growing – especially post World War II the concern over having access to enough water was one of the biggest drivers of The Colorado River Storage Project. The mandate for the BLR which was more utilitarian and the NPS, which was more preservationist, came into conflict here. Additionally preservationist or ecological groups such as the Sierra Club mobilized an all out fight to stop the dams and lakes from going into national parks. The political in-fighting on this got so bad that the NPS went through three national directors from 1950-1955, and Conrad L. Wirth who was director in 1955 made it clear to all NPS employees that they were not to criticize either the CRSP or the Secretary of the Interiors policies about reclamation in general. This controversy also put

more pressure on Glen Canyon as the Echo Park part of the CRSP was being so heavily lobbied against by preservationist forces around the country. Concerns regarding preservation in the RBNM were not idle. It was clear that regardless of the NPS stand on whether to dam Glen Canyon or not it would be done, and it was equally clearly known by at least 1954 that parts of RBNM would be flooded whenever the lake was within 100 feet of capacity[166]. So the NPS worked with the Bureau of Reclamation during 1955 to devise ways to mitigate or prevent waters from entering RBNM including a barrier dam below the bridge, a diversion tunnel above the bridge that would send the water to another canyon, and a catch basin at the tunnel outlet.

Rainbow Bridge mid 50's-1993.

Although the NPS did a Mission 66 plan for the RBNM most of the trails, visitor center and restrooms and any concessions proposed would have had to be on Navajo Reservation land as the NM site itself was too limited and this required working out cooperative agreements with the Navajo Nation. The NPS was so busy with issues of CRSP and protecting the bridge that all that was done was to improve the land trail from the Rainbow Lodge at the foot of Navajo Mountain to the Rainbow Bridge. Most of this trail fell outside of the monument boundaries. The Lodge was at the time the only accommodation for visitors and the owners and managers understood the economic potential of the development of the GCNRA and felt they must make the land access to the bridge equally desirable as that from the water if they were to compete. Goldwater, who was a senator at that time, and who owned the primary interest in the Rainbow Lodge, was able to lobby the Department of the Interior to get both the funding and the approval for one of the largest trail improvement projects at that time (1959) and the Navajo Nation also

agreed, imposing only two stipulations: one was to use a Navajo work force and the other was that the improvements be limited to the boundaries of the trail. At that time the NPS did not actually negotiate any permanent right-of-way grant or easement with the Navajo Nation so when it became time to authorize the funds for the improvements. The NPS needed to negotiate an agreement about the legal status of lands that would be much more valuable in a few years when the dam was completed and take was open for visitation and recreational use – a fact not lost on the Navajo Nation. Between the completion of the dam and 1993 most of the contestation was between the NPS and the Navajo Nation in terms of coming up with an interpretation of the 1958/59 agreement in terms of managing and operating recreational facilities along what was now the lake shore side, while more traditional Navajo/Diné contingents brought suits to limit and protect land uses and interpretation at the site. It also saw the development of the, or a, new General Management Plan. Also during this time the Bureau of Reclamation concluded in 1985 that Lake Powell was not contributing to any structural impairment of Rainbow Bridge, and in 1989 Rainbow Bridge National Monument was nominated as a World Heritage Site, although it has not yet been designated as such. Additionally in 1982 the Department of the Interior issued the Native American Relationships Policy (NARP) which was a clear statement about the intended relationship of the Agency with Native Americans in the future. "…the Park Service will seek to involve concerned Native Americans to the maximum extent possible in the development of General Management Plans and in interpretive programs which speak to their group history and prehistory." It went on to stipulate that greater Native American involvement sought for interpretive programs should include:

> …the developing of signs and exhibits; the recounting of stories which figure in an interpretive exhibit; the appropriate display or non-display of cultural objects; the proper identification and protection of significant sites; and concerns of the contemporary Native American community. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm pg 7).

Contemporary Contestations.

By 1993, the National Park Service adopted a new General Management Plan for RBNM, which the park service felt involved much public input. As part of that process the park service held a meeting in October of 1993 to which members of ten contemporary Native American nations with cultural or spiritual ties to the site were invited. The purpose was to create a consultation committee that would work with the NPS to provide input into the implementation of the interpretive goals set forth in the GMP for RBNM. Five of those Nations (the Navajo, Hopi, San Juan Southern Paiute, Kaibab Paiute, and White Mesa Ute) chose to participate and formed the Native American Consultation Committee (NACC). The committee then worked to create a MOA Memorandum of Agreement with the NPS to help address issues of concern regarding natural and cultural resources at RBNM. As a result of this the NPS and the NACC along with the Utah State Historic Preservation Office and the Advisory Council on Historic Preservation created a Programmatic Agreement among themselves. This Programmatic Agreement designated the NACC as the official group for the NPS to consult with regarding advice and interpretation regarding the monument.

The Programmatic Agreement in part codified a respectful relationship between the NPS and the five tribal entities regarding the administration and interpretation of the site. It also included limitations to general access to the bridge site itself – requiring that an NPS interpreter be in every tour boat to the Rainbow Bridge site, that the NPS discourage actual

physical contact with the bridge (it stopped short of saying that this contact should be prohibited trail improvements stop 250 feet northwest of the bridge at a wayside exhibit and viewing platform with a low wall to be erected across the visitor access trail but the trail itself would be left intact. The NPS felt that this PA made Native American concerns over the sacred nature of the place part of the NPS management philosophy of the site and gave native peoples an official voice in the interpretation[167]. From the NPS perspective this PA accomplished (was a resolution at some level of the contestation) "the kind of pluralism the tribes and the Park Service had always desired" but had " mostly eluded them (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm pg. 2). While they were working on the PA the NPS was going ahead with the implementation of signage to meet their interpretive goals, only one sign created contestation with the NACC.

Superintendent Joe Alston notified the signatory tribes regarding new signs for Rainbow Bridge. Installed in May of 1995, the initial sign read:

> American Indians consider Rainbow Bridge
> a sacred religious site.
> Please respect these long-standing beliefs.
> Please do not approach or walk under Rainbow Bridge.
> (Sproul, 2001, http://www.nps.gov/archive/rabr/adhi/adhi8.htm p.2)

What is really interesting here is the statement about respecting the input and achieving an interest in pluralism with tribal nations and then the quote above (these statements appear in the same relationship in the original NPS document), which indicates that the Park Service is making the signage decisions and then after they are installed "notifying" the NACC or signatory tribes of the signage for what then appears to be a rubber-stamping of the NPS decision. After the tribal input the new sign installed two months later read:

Neighboring American Indian tribes believe
Rainbow Bridge is a sacred, religious site.
Please respect these long-standing beliefs.
Please do not approach or walk under Rainbow Bridge
(Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 2)

Just two months later in August of 1995 a group of Navajo (Diné) who felt that the NPS would never be willing to make good on the PA stipulation regarding unrestricted and private access to the Rainbow Bridge, took control of the bridge for 4 days of cleansing ceremonies. This group, who called themselves the Protectors of the Rainbow, did not have the backing of the Navajo Nation Tribal Government, which the NPS first checked as per the PA. Following that the NPS met with the Protectors of the Rainbow "to negotiate a non-violent resolution to the situation." (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p 3).

In the end the NPS decided to simply let the group "appropriate" the site for the four days and kept it closed to others during that time. The NPS reports it in this way:

> The decision to diffuse the situation by acceding to the Protectors' demands ensured the support and cooperation of the PA signatory tribes. It also evidenced the renewed commitment of the Park Service to fulfilling its intended mission at Rainbow Bridge – the protection of sensitive natural and cultural resources at almost any expense. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 3)

It was also in 1995 that the contestations of climbers and Native Americans seeking to protect another sacred space at Devils Tower in Wyoming resulted in a suit against the NPS. I will discuss this contestation next but it is important to see two outcomes from that contestation that also had ramifications for RBNM. In May 1996 President Clinton executed Executive Order 13007 – also known as the Indian Sacred Sites proclamation that says in part:

> Section 1. Accommodation of Sacred Sites. (a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 3)

Even though this Executive Order in essence is in support of the NPS' approach at RBNM, the Devils Tower lawsuit made the NPS very nervous about its support of Native American spiritual beliefs. Because the NPS feared a similar lawsuit they approached the NACC to reconsider the signage discussed above with the intent of stressing the voluntary nature of the restriction of access to the Rainbow Bridge. In 1997 they replaced the previous signs with ones that read:

> To Native American tribes/nations,
> Rainbow Bridge is a sacred, religious site.
> In respect of these long-standing beliefs,
> we request your voluntary compliance
> in not approaching or walking under
> Rainbow Bridge
> (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 3).

These signs were in place as recently as 2003. Also in Between 1998-2000 the management of the site by the cooperative effort of the NPS and the NACC was apparently working in the sense that contestation was greatly subsided. Additionally the NPS conducted visitor surveys in 1998 and 1999 and received high ratings of satisfaction of visitors on their interpretive programs, and according to the reporting of this survey only one comment that was critical in regards to their limiting or discouraging access to the Rainbow Bridge beyond the viewing area. The Park Service was pleased with this as more people were visiting the site but fewer people were coming into close physical contact with the Bridge and yet they were reporting relative satisfaction levels that were still reasonably

high, and there were fewer complaints from Native American groups about other visitor's access and use of the site.

The Rise of Anti-Native American Proponents of Rainbow Bridge Interpretation.

As noted previously NABS and their most visible spokesperson Stan Jones was not reticent to let the NPS know when he thought the NPS was being to sensitive or supportive of the Native American point of viewpoint. This group considered such a point of view as tantamount to the state supporting a religion - what is often referred to as the "Establishment Clause" of the First Amendment.

Jones compiled clippings from the newspaper, personal and professional correspondence and comments that documented restrictions on the behavior of others based on requests for respect of Native American spiritual or religious beliefs – that is, preventing physical access to the Bridge- what he considered "illegal" policies and actions. Jones and his group considered that the NPS was proselytizing Navajo religion at the Rainbow Bridge and compelling the public through boat and park fees to pay for it.

While they objected to both the lack of access and the interpretation (although of course the two are not mutually exclusive but highly linked) it is the interpretation they attack most strongly. I was talking about this with a Hopi friend of mine who reminded me of a really appropriate old Hopi saying that I had not really thought about during this work, but should have. The English translation goes something like this: "The one who tells[168] the stories[169] rules the world." This is really interesting. The contestation in the RBNM case includes, like the Little Bighorn National Monument case an issue of control over the "story" and how it is told and interpreted. It also is like Blue Lake because the control of

access and use is being contested. Here is a case where a group has been without voice and without power for a long time challenges the status quo, gains a voice and some power and control over both, and then at least part of the group of the public who are used to being in power and control of course object to the loss of their former privilege or status, and they do it by claiming at some level that for them not to have all the power and control is to be treated unfairly by the formerly powerless, now slightly more empowered, group.

The NPS was very concerned about this point of view and so in 1999 they instituted a re-examination of their interpretive practices. They began developing a Comprehensive Interpretive Plan (CIP) intended to guide the monument's interpretation over the next ten years. The intent was to achieve a "more balanced approach to interpreting the bridge beyond its spiritual connection to Native Americans." (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p.6) The NPS reports their position in this way when recounting the history that was the impetus for the new CIP:

> The Park Service had walked a fine line up to the 21st century, trying to balance environmental, archeological, and cultural concerns at the Bridge. … Concerns such as those expressed by the NABS were never dismissed out of hand. After all, the NABS represented a constituency of the paying public and their concerns were as valid as those of Navajos and Europeans. But for the NABS the issue was more than just about paying for access. Groups such as the NABS represent the view that National parks and monuments are traditional cultural properties which are as important to American citizens as sacred sites are to Native Americans. Non-secular perceptions of sites such as Rainbow Bridge hold as much validity to the philosophical underpinnings of the national park system as religious perceptions do to affiliated Native American groups. The CIP was the Park Service's attempt to once again gauge what the public wanted and needed at Rainbow Bridge and to develop an interpretive plan that responded to those concerns. This CIP was an internal planning process that solicited input from identified interest groups and stakeholders. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm Pg 6).

These last few sentences are important as they illustrate the desire to resolve the contestation – and assume that the positions of the various stakeholders are a) equal, b)

fixed and c) not mutually exclusive. It is also interesting for how it tries to identify the contesting groups – including implying that Native Americans are not American citizens.

In 2000 the NABS did indeed file suit in district court against the NPS administration. Some NPS personnel thought a suit was inevitable because the NPS' strategy to involve more input from Native Americans in decisions regarding policy was bound to incite a negative response from someone. The suit essentially revolved around the claim that Park Service policies which prevented visitors from approaching the Bridge unless those visitors were Native Americans or engaging in Native American ceremonial (religious) activities, was a violation of the Establishment Clause of the First Amendment and the Due Process Clause of the Fifth Amendment. The suit was very similar to the earlier one at Devils Tower: that one group of users was privileged over another not only in physical access which was impaired with an artificial barrier (the low rock wall around the viewing area) but also that Native American viewpoints were allowed to form a part of the policy making.

> NABS argued that it was the direct allocation of funds to interpreting Rainbow Bridge as a sacred site that violated the Establishment Clause. Whether or not the program of interpretation constituted endorsement of a Native American religion was the contested part of the claim. NABS also indicted NPS because of the Park Service response to the Protectors of the Rainbow seizure in 1995. NABS argued that the decision to "allow" Navajos to conduct rituals was tantamount to supporting a religion. The fact that the Park Service did not allow public access during those four days compounded the problem and undermined the Park Service's position. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm , Pg. 7)

The NPS of course argues that at Glen Canyon and Rainbow Bridge they were not pursuing some kind of ad hoc Native American consultation meant to impact constitutional rights negatively, or even blind to constitutional rights issues but rather they were following federal mandates to facilitate increased involvement of Native Americans in the

management and interpretation of land declared a national monument which was a place that had been part of various Native American Nations' aboriginal homelands for thousands of years. The NPS does not report nor could I find a source to comment on this litigation from the perspective of tribal Nation sovereignty issues, that is in terms of the supposed nation-to-nation status of tribal Nations with the US government. This litigation was still underway in mid 2001. In 2002 the court ruled in the NPS' favor. Regardless of the outcome of this one lawsuit, Rainbow Bridge has been the subject of various controversies and contestations for many years and this seems likely to continue into the future as the rights of various groups of the public or various public(s) contest their rights to understand and use the site as they believe it should be used.

The lawsuit and issues at the Rainbow Bridge site were both influenced by and an influence on contestations and lawsuits at another sacred site: Devils Tower in Wyoming.

Devils Tower (National Monument) in Wyoming

Devils Tower National Monument also involves issues of Native American sacred space and access and use by other groups of the public. In this case the major contestation involves recreational uses, specifically rock climbing.

Devils Tower is the Euroamerican name for a huge rock monolith, made of a very hard stone related to volcanic activity called phonolite porphyry, which rises out of the great plains just beyond the Black Hills in Wyoming (see Figure 42). Apparently it was named this by a Colonel in the US Army who was part of the military escort for a USGS party to the Black Hills in 1875. He got the following translation (although there is no record of the tribal affiliation of his guide and translator), when he was leading an expedition into the Black Hills- "The Bad God's Tower", which he shortened to the current

label. American Indians know it by many other names – the Kiowa call it Tso-i-e ("standing on a rock") or *Tso-aa* ("Tree rock"), the Shoshone, Lakota (Sioux), the Cheyenne (*Tsististas*) and the Arapaho (*Inuna-ina*) all have names that involve the bear, "Bear's House", *Mato Tipila* ("Bear Lodge"), *Na Kovehe* ("Bear's Lodge"), and "Bear's Tipi".

Figure 42. Devils Tower in Wyoming

Devils Tower was the very first National Monument to be named after the Antiquities Act was passed in 1906 because the president was captivated with the lone rock and considered it a natural wonder as well as an object of both historical and scientific interest. Today the NPS records over 400,000 visitors a year come to the 1,347 acre site, and approximately 5,000 register to do climbing on the Tower. The visitors center with interpretive exhibits that cover the geologic, ecologic and as well as the social and cultural background of the Tower is open from April to November and then closes for the season. Campground and picnic areas are open through October if weather permits. The Administration office remains open all year making restrooms and basic information available year round. Activities indicated on the NPS website for the Tower in addition to

visiting the visitor center include camping, hiking – seven miles of trails, one of which circumnavigates the Tower – as well as climbing.

This area has been inhabited for around 12,000 years. More that twenty different tribal groups have a cultural connection with this place and geographic feature. Six different American Indian Nations have a direct geographical tie to this place, having lived near or around it at some point in their history: Arapaho/*Inuna-ina* Cheyenne/*Tsististas*, Crow/*Apsaalooke*, Kiowa/ Lakota (one group of the Sioux), and Shoshone. As part of these Nations' cultural and spiritual ties to the Tower and place, it figures prominently in their creation or origin narratives, and in their hero and other stories. There are several stories or versions of stories that explain the Tower itself. In several of these children climb on a rock to escape a bear, and the rock grows up to lift them beyond the bear's reach, and the angry bear claws at the rock in an attempt to reach them, leaving the deeply scored surface that makes the Tower such a compelling place for contemporary rock climbers, in some stories someone is transformed into a bear (see Figure 43).

Contemporary American Indian cultures still conduct various individual and group pilgrimages and rituals on and around the Tower, while the months of May through August are heavier times for these activities the most important times and rituals occur in June.

This area that includes Devils Tower was promised by treaty to the Dakota in 1868. In 1874 Custer led a reconnaissance mission into the Black Hills and discovered gold and as they say the rest is history. The federal government attempted to "buy" the Hills at that point (as they have at a number of other points since then), but the tribes consider this sacred land and will not accept money in their place. Negotiations broke down in 1875 and the troops withdrew and the area was flooded with miners and settlers which led to a

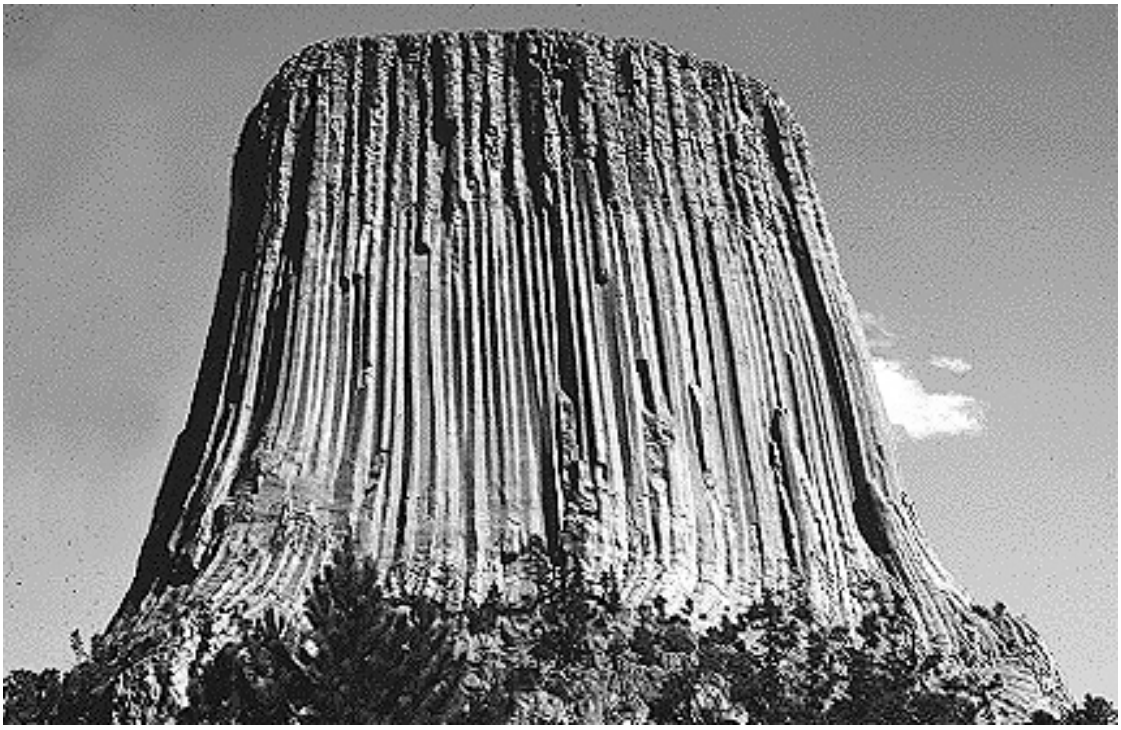


Figure 43. Detail of Devils Tower with "cracks" or "claw marks" clearly visible

number of contestations in the general area. Bt the end of 1800's the area was "heavily" settled with a mix of small-scale family farmers and some large scale commercial operations. The federal government had stepped in and rejected all applications for titles to land that the Tower sits on as well as those that were adjacent. So that designating the area as a national monument was not difficult in terms of EuroAmerican ownership. First a tract of land of about 60.5 acres was set aside as temporary Forest Reserve Land (1891). In that same year a bill was introduced to make 18.75 square miles or 11,974.24 acres a National park. There was not too much public support for this and so it remained in Timber Reserve status until after the 1906 Antiquities Act was passed and then it was designated a National Monument. However no NPS personnel for oversight were provided until 1930. Apparently, although the Indians contested all this encroachment into the sacred Black

Hills, there does not seem to be much record of contestation between any of the various settler groups. Although according to early NPS historians sometime between 1908 and 1919 a Wyoming paper ran a story about souvenir hunters damaging the tower by chipping out pieces to take home. By the time the story reached the east coast papers in New York city and Washington, D.C. it included fears that the tower would soon be destroyed if immediate measures were not taken. Since the local land office was charged with looking after the site at that time these newspaper accounts resulted in the Commissioner of the General Land Office giving instructions to "place warning signs on the monument asking people not to molest the Tower".

Although it was designated as a national monument in 1906, it was a long time before there was any development of the site. One congressman worked from 1911-1916 lobbying for various things – including an iron stairway to be erected from the foot to the summit! It was 1916 before a road was constructed into the site, in 1922 a minimal log shelter was built, and it was 1928 before a bridge was built across the Belle Fourche. Visitation numbers rose consistently through the 20's and 30's and there was some early contestation regarding the development of the Monument. The Park Historian reports that there was a lot pressure from both individuals and companies to build concessions (restaurants, gas stations, hotels and recreation facilities are specifically mentioned) at the Monument. However, the NPS (which was given jurisdiction of DTNM when the service was formed in 1917) took the position that all such permanent development should occur outside of the monument's boundaries not within it. However during the 30's, using CCC money and labor, extensive development was undertaken – and these facilities were still in place at the time when the NPS began its Mission 66 program. These facilities included

camping and picnic areas, roads and trails, water and electrical systems, employee residences and maintenance shops and a log cabin for a museum. The late 1930's also saw the beginnings of the Tower as a site for recreational rock climbing.

Climbing at Devils Tower.

The first record of a formal ascent to the top of the tower was as part of the 4th of July festivities in 1893. Two local ranchers William Rogers and Willard Ripley made a 350 foot "ladder" to the top by driving two to two and one half foot wooden pegs into a continuous vertical crack, which were secured to a continuous wooden strip. This was apparently a highly advertised activity and drew a large crowd. They went up the "ladder" ahead of time to plant a flagpole on top. At the event Rogers was the climber and carried a flag with him and after about an hour of climbing was cheered when he reached the top and hung the flag on the flagpole. Rogers's wife was the first non-native woman to climb the "ladder" in 1895. Estimates indicate that about twenty-five people reached the top of the Tower in this way. Although much of the ladder has been destroyed there are a few remaining portions (Mattison 1955, http://www.nps.gov/archive/deto/first50.htm pg. 6). Then in 1937 the first ascent solely by rock climbing techniques was made by three climbers from New York who went up the southeast side, this side is still one of the favorites for climbers although there are now many established routes all over the Tower. This was the beginning of one of the most contentious issues at the site during contemporary times (Dustin, Schneider, McAvoy, Frakt, 2002). As of 1995 the NPS has a climbing management plan for DTNM which is meant to provide direction for managing all the climbing activity such that the NPS can protect the natural and cultural resources. The CMP was updated in 2006 to reflect improved climber education programs, safety

standards, and climbing access routes, and continues the June voluntary climbing closure. As part of the CMP an environmental impact assessment study was done which indicated that impact levels were generally low.

The Tower is considered by rock climbers to be one of the premier "crack" climbing locations in North America. Over the years quite a few climbers have been badly hurt or killed[170]. Some Native Americans believe that this is because they should not be doing this, climbing, – it is disrespectful and they are being punished for their disrespect. All climbers are required to register before and after climbing. It is noted that registration is used for climber safety and as part of a historical database that has been maintained since 1937, and that it also provides documentation of the Tower as a climbing resource. Although the information on safety and rescue services might indicate that the NPS is not supportive of climbing as an activity, the website also notes that from April through October "… The [climber registration] office is open seven days a week in an attempt to better serve the climbing community." It goes on to note "Regulations are essential in order to protect the natural climbing environment, the heritage and culture of the American Indians, climbers and the general public. Therefore, we ask all climbers to act responsibly and observe park regulations."

Although climbing has been seen as a concern from the American Indian perspective since it began in the 50s, their concerns have not been part of any written record until the 1970s. While Native American religious observations take place from May through July. June is the one of the peak times. Native peoples tried to make the argument to the NPS to ban climbers during this time. Of course climbers also consider this one of the peak times for climbing as the weather is nice and it is vacation time for many. For a

short period in the early 90s the NPS did try to ban climbing on the tower during June. The NPS rationales included not only the accommodation of American Indian sacred uses but environmental concerns for endangered nesting rapter species, and climber safety.

In 1995 a suit was filed by a group representing the climbers[171] suing the NPS over its decision to ban climbing during June based on the premise that the NPS was privileging Shoshone religious beliefs as the rationale behind the ban and therefore violating the "Establishment Clause" of the First Amendment. When the NPS made the ban "voluntary" – merely asking climbers not to climb during this time (June) out of respect – the NPS were able to circumvent this claim and the Tenth Circuit Court of Appeals then ruled that the NPS policy did not violate the First Amendment. The rangers and NPS interpreters could discourage climbers but could not prevent them from climbing. President Clinton's Executive order 13007 –the Indian Sacred Sites Proclamation, which was discussed above, followed almost immediately in 1996 on the filing of this lawsuit – the Court did not actually rule on it until 1998. With this ruling in their favor the NPS felt that

> … they had successfully bridged the gap between Anglo and Native American needs … Even the Court recognized the delicate line the Park Service had to walk, noting the Devils Tower policy was 'a policy that has been carefully crafted to balance the competing needs of individuals using Devils Tower National Monument while, at the same time, obeying the edicts of the Constitution'. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 4)

The NPS did, and still does ban climbing along certain routes at different times based on a nature or environmental issue. Devils Tower is a nesting site for may different species of raptors – but Prairie Falcons are the primary species that nest on the tower. The park staff monitors

It is interesting that in one case ecological or protection of endangered species is seen as a legitimate reason for limiting certain uses (rock climbing) where religious

tradition and beliefs are not. Or more correctly infringing on the rights of people to climb because of nesting birds can not be argued as an infringement of their constitutionally guaranteed rights while being prohibited based on respecting the spiritual beliefs of another group can be. In addition to this the NPS mandate calls for balancing the environmental needs (preservation) with the recreational access (a kind of utility as we have discussed it before). Moreover, most of the raptors are fairly territorial and thier responses are very defensive so the NPS can honestly claim that the closure of the routes is for the climbers' own safety since defensive raptor behavior is potentially very dangerous to a climber.

This year marks the 100th anniversary of Devils Tower being designated as a National Monument, and the controversy between climbers and Native Americans is ongoing.

While there are a number of other sites we might use to examine the issue of sacred space for one (or more) group(s) versus other views of the same space, the final example we will look at is Petroglyph Park in Albuquerque N.M. This example is important because it highlights contestation that arises as growth and change occur. In many ways it seems to be similar to many urban and suburban examples where public spaces are demolished or reconfigured as part of urban renewal schemes, transportation changes, as well as changing ownership or perceived needs and desires.

Petroglyph Park in Albuquerque New Mexico

History and background.

Petroglyph Park National Monument is the Piedra Marcadas ruin (formerly known as the Zuris-Mann site) part of extensive ridgeline of volcanic terrain and basaltic escarpment that most contemporary Albuquerque, New Mexico residents think of as the

West Mesa. The eleven and half acre Petroglyph Park site is considered by anthropology scholars to be the former site of one of the largest villages of the Classic period (A.D. 1300-1600) of the Middle Rio Grand Valley, but it includes some petroglyphs from the Archaic period (ca. 5500 B.C.-A.D. 400/600). Although these historical groups can not be associated precisely with particular existing Pueblo communities it is well accepted and documented in both the written western scholarly literature and in the Pueblo oral histories that these peoples were the ancestors of contemporary Pueblo peoples. Before colonization the area also included Navajo/Diné and Apache forebears (although the date of their occupations are the subject of more debate, especially when comparing the written western scholarly literature and their oral histories). Anschuetz, K., Ferguson, T., Francis, H., Kelly, K., & Scheick, C. (2002) established that over 23 Native American groups that have cultural ties to this site, and many Latino/Hispanic people also identify with the area. Most of these consider this place sacred or a place of power, in addition to the petroglyphs many sacred plants (medicine) or medicinal plants grow in this area. The site of the Petroglyph National Monument is quite unique. The ancient civilizations of this place must also have considered it fairly significant to have invested it with over 20,000 petroglyphs.[172] The site is a palimpsest of rock markings (see Figure 44) that record this long-standing inhabitation of the region, as well as a including a 1,000 room pueblo ruin. It can be argued or postulated that there is a physical record of ancient contestation here in this site as there are a number of markings that overlap or overlay one another or have been altered over time. Crosses and images of conquistadores on horses are superimposed on older icons and images. Many of the NPS Rangers who work at this site often refer to it as “The park of

perpetual commotion." What makes this fairly small area (as park service sites go) so contentious?

Figure 44. Example of petroglyph.

When Albuquerque was first founded it was located quite a distance from the rocky outcropping or escarpment containing all the pictographs. It is likely that at the time the city founders never envisioned the city coming anywhere near this area. However, like much of the southwest Albuquerque has grown enormously and also similarly to much of the west this growth has been very suburban in nature resulting in sprawl and a city that covers a great deal of area. As the city has grown bigger it has gotten closer and closer to the site of the monument leading to increased tensions regarding its continued presence and use. In 1995 Albuquerque was more than double its 1960 population of 200,000. Blocked from growth to three sides with the Sandia mountains on the east the Sandia Reservation on the north and Kirkland Airforce Base located on the south Albuquerque has only one direction to expand to the west.

This land use pattern has engendered a need for roads and a great deal of traffic as people travel greater distances from these suburban developments into the center city as

well as to other destinations around town (Brooke, 1998). The city is actually at the point where portions of it wrap around the monument site Petroglyph Park has become an island of open space surrounded by housing. However, unlike large parks in some cities which might be seen as a valuable resource that people and businesses want to be adjacent to and which raise property values, many residents in these newer areas as well as other city inhabitants are beginning to see the monument as an obstacle or impediment as they seek to reduce the time and distances they drive. In part that may be because it is not a recreation venue as a typical large city park might be, but it is also probably because while most of those large parks have the bulk of travel directed around rather than through them – many parks do in fact offer options to drive through the space although often at a slower more leisurely "less efficient" way, which is not true of Petroglyph Park National Monument. This has led to the major ongoing contestation regarding the monument. Many of the citizens of Albuquerque – particularly those who live on the "farside" of Petroglyph Park from downtown feel that a major transportation artery should be provided through the monument. They realize that some portion of the cultural resources (petroglyphs and plants) would be lost.

The area Congress designated for the monument site is approximately 7,200 acres but various governmental groups only own a small portion of this –initially only 575 acres, but the standing agreement includes purchasing an additional 1,976 acres in land acquisitions as part of the site being made a National Park Service (NPS) National Monument site in 1990. In 1991 250,000 people visited the PNM (Kanamine 1992). Before being named a NPS site it was state land, it was named an NPS site in part to protect it from development/development pressure. The site includes from this previous

time one of the main power lines of Public Service of New Mexico (PNM). These lines come from the four-corners area and supply power to a very large section of the city of Albuquerque. One of the reasons for making this site a national monument was to help preserve the petroglyphs – to protect them from being used for target practice and contemporary graffiti. While for some it was about protecting and preserving some remaining open space (Kanamine 1992). For others it was about the preservation of sacred space.

> Petroglyphs are to the Pueblos what the Vatican library is to Catholics,' says Phillip Lauriano, 72, a Sandia Pueblo spiritual leader. 'They were put here to declare this a place (for) prayers,' he says. 'They are sacred landmarks …. so our customs, rituals, religious ceremonies would be everlasting.' (Kanamine 1992)

The Contestation.

On the other side of the controversy are people who are opposed to the very concept of a road, major artery or not, through the site. They fall into two major groups – one group argues against this on the basis of the desecration of a sacred site which has been and is still in use. The other argues against it for the precedent such a decision could set for many other similar parks and open areas (c.f. Albuquerque Journal articles: "Babbitt backtracks", 1995; "City may be talked", 1995; "Groups vowing", 1997; "Highway plan through", 1998; "Mayor asks", 1995; "Petroglyph group", 2000; "Road warriors", 2003; "Spending for parks", 1995; "Unser Blvd.", 1998; Anchuetz, 2002; Kenworthy, 1993). Again we can see an argument somewhat similar to the Rainbow Bridge National Monument between the "preservation" and "utilization" orientations, but in this case the utility is not resources (Blue Lake), nor recreation (Devils Tower National Monument, and Rainbow Bridge

National Monument), but connection or transportation. Issues of privacy or differential access issues that have been made at the other three sites have not been made here.

As early as 1992 there was discussion and contestation regarding the expansion of two city roads through the Petroglyph Park National Monument site (Kanamine 1992). Plans for such roads include extending *Paseo del Norte,* a 6-lane highway, which would require removing a piece (300-foot-wide, quarter-mile-long) of the escarpment destroying between two and ten petroglyphs (New York Times, 1995). While native leaders do not support this, many prefer that option to one in which those petroglyphs would be moved or relocated. (Washington Post, 1998). Native leaders also object to suggestions to tunnel under the site due to beliefs in their creation stories which include emergence from below into the current land plane (Brooke,1998). In addition to the destruction of parts of the site and the petroglyph record many native religious leaders are concerned about the impact and disruptive nature of the traffic noise on the remaining site related to their religious traditions. (New York Times, 3/5/1995).

> One article reports that at one point, two options were under consideration a
>
> …$12 million, …1.6-mile extension including 1,300 feet through the Petroglyphs [which] is favored by City Hall over an Interior Department alternative estimated to cost between $39 million and $47.6 million. (NYTimes, 1995 p, 21)

The executive director of Five Sandoval Indian Pueblos Inc., a coalition of tribes from neighboring Sandoval County, said the city should reconsider the other alternative.

> In the Anglo world, a busy road can bump into a golf course and it will stop,' said the executive director, Bill Weahkee. 'We don't understand why this road can't stop at the petroglyphs. Being here is like going to church.
>
> (New York Times, 1995, p. 22).

The article goes on to quote the mayor of Albuquerque, Martin Chavez as saying that the area's long term needs are more important and that "This is not Indian land, this is public

land, … There is a big distinction there.' 'They [the Pueblo leaders] say it's a 17-mile-long church. Well, the Vatican has a road going through it. I respect their concerns, probably more than any other group. But again, nobody ever envisioned it as a 17–mile barrier to Albuquerque's orderly growth." (New York Times, 1995, p. 22).

In addition, in 1995 the city planners approved a new subdivision to be located on the land of the alternate route, an action that prompted then NPS superintendent of the monument Stephen Whitesell to be quoted as saying:

> The city had the ability to decide which route to pick. They made their choices. Now there may not be any alternative except to go through the monument, and that might not be an alternative.(New York Times, 1995, p. 22)

Also in 1995 Interior Secretary Bruce Babbitt and Pete Domenici a republican US Senator from NM wrangled over the issue of the road through the monument. (Albuquerque Journal January 28th and 31st 1995).While the Mayor of Albuquerque suggested that an overpass be considered and suggested that the pueblos might consider contributing "some of their proposed gambling revenues to pay for it" (Albuquerque Journal January 31, 1995). By 1998 (Washington Post) Domenici is still arguing that the highway's path through an eight and a half acre corner of the monument site and the loss of some of the park's petroglyphs (frequently sited as about a half dozen or two to ten of the parks 15-20,000 petroglyphs) will do little harm.

> I think everyone knows that I am the one who created this monument and I am who wants to preserve it,' said Dominici, a former Albuquerque mayor, 'But it is time to give Albuquerque the choice to build the road if they want to.' (Washington Post 1998).[173]

Sometimes the contestation at Petroglyph Park NM is cast as an issue of parks and open spaces and the "paving" of them versus a city's desire to grow (or sprawl depending on

your perspective). While others have framed it as a conflict of clinging to the past to the detriment of the future. Others frame it more racially as an issue of American Indian concerns versus Anglo ones where speed of commute and golf courses are valued above religious or sacred needs and places. Or more broadly it is framed as a larger conflict between indigenous attitudes towards land use and western EuroAmerican colonizer attitudes (Brooke, 1998). Others define it as a NIMBY problem where existing subdivisions and neighborhoods are fearful of residents of newer more distant suburbs using their neighborhood roads as commuting shortcuts:

> Those who support the quarter-mile highway extension include residents who fear motorists in the new 60,000-person subdivision will otherwise use existing back roads through their neighborhoods. "We are not going to allow 40,000 cars to go through our neighborhood." Said Larry Weaver, president of Paradise Hills Civic Association. (Washington Post, 1998)

Some proponents (characterized as 'developers' by some) of the road extension(s) have framed the issue as indigenous people trying to limit the use of public lands by others.

> Developers say that Indian objections to the highway are only the visible tip of a hidden agenda to block wider public use of the park. Indeed, last August lawyers for the Sandia tribe filed a civil rights complaint against the Federal Government to block construction.

Since I have presented contestation in public space as in part contributing to our social construction of reality, I think it is also interesting to note that all these contestations do have impacts and alter in some cases the expectations regarding space. For example in some locations the NPS management policies and approaches are changing with regard to acquisition and development of a new national park – in fact it is to be called a National Historic Site as opposed to a park or a monument although the NPS will manage it. The site of the Sand Creek Massacre[174] on the eastern plains of Colorado has long been in private

ownership. In fact, although the site is authorized (PL 106-465 in 2000) by the federal government, who has acquired land agreements for 920 acres within the authorized boundary, it will not be officially established until it acquires additional lands that are currently still under private ownership. Similarly to private –public partnerships for the joint management of urban parks and other space types the NPS and the Cheyenne and Arapaho Nations have been negotiating a shared management and policy agreement which includes the right of the tribes to close the area off from public access at various times for private ceremonial observations before allowing the land to be designated park land.

Also one of the reasons for designating it as a Historic site is to hopefully avoid some of the problems that have arisen in other places such as those above in terms of on site recreation. The overall mission or mandate of the NPS still remains oriented to what is seen or defined as providing the greatest good for the majority or the greatest good for greatest number of people.

While the preceding cases all revolve around American Indian sacred sites and the potential for limiting site use to some group of the initiated, and are on the more rural or wilderness side of the spectrum of sites, these are also just examples (perhaps extreme in some ways) of space appropriation of one group to the exclusion (intentional or not) of others and this is one of the main issues of public space contestation across all spaces purported to be public which can be seen across the board in spaces from rural to densely urban population centers. This desire or need of a particular group or sub-group to sometimes limit a public space to one group is not unique to these religious or ceremonial uses and this type of appropriation is quite frankly done quite often in numerous spaces that are publicly owned and managed. That is we deny or limit some uses and or some users for

the benefit or support of another particular use or user groups needs. The issue often becomes who or what is denied and who or what is supported. Examples of this run the full spectrum from mining, logging and grazing (which profit some groups and uses while negatively effecting or limiting others) to the Thai community's use of the Washington Mall reflecting pool for their Loy Kratong celebration, to closing streets for local block parties or community events such as the San Gennaro festival, or parades. Management strategies and appeals to tolerance are seen as two of the primary strategies or proposed resolutions for dealing this type of contestation.

While consensus is usually privileged and valued with "resolution" seen as "the pot at the end of the rainbow", controversy does not mean something is necessarily bad or wrong. Rather it indicates that people are passionate about something, that it is important, and that the boundaries of our socially constructed reality(s) are being tested, pushed and negotiated. A space's ability to host or hold protests is an important illustration of the importance of contestation to truly public space. Things -whether ideas, issues, behaviors or actions that are the subject of protests are things about which there is a clear sense that there is no single or uniform cultural stance or position, which are being negotiated and debated.

Art in Public and Public Art as it contributes to a theory of Contestation in Public Space

The memorials at Little Bighorn and many other memorials can be seen as a type of both public art and art in public. The new Indian Memorial maybe a better example of the former than the Custer and 7th Cavalry obelisk which by most would be seen as simply art in public, if we follow Miles (1997) definition which requires true public art to take a

position concerning some issue regarding society and culture. This kind of art can be seen as a prime example itself of contestation or it can create the contestation.

For example the work of several artists' is focused on raising awareness of issues or one side of societal issues being currently debated. The Guerrilla Girls (who are anonymous by wearing gorilla masks and taking on the names of dead women artists) do art that most often is in the form of posters and billboards – and while the billboards might be "official" and their placement sanctioned – most of the posters, like graffiti, are plastered on walls, buildings, poles, etc. like so many advertisements and posters of lost pets. Also, like those other advertisements and posters the Gorilla Girls posters are often found underneath the words NO BILLBOARDS or NO POSTING. The content of both the posters and billboards is quite often related to women, and other minorities in the arts – expressing their frustration with not being recognized by the "art establishment". In later work they have also branched out to include other issues important to women that are often ignored by those in power (to see their work and read some of their positions go to www.guerrillagirls.com).

Krzysztof Wodiczko's Public Art.

Krzysztof Wodiczko's, public art work could also be described as work that can create or is intended to create dis-ease or dis-comfort among viewers. For example he designed a homeless mobile shelter and shopping cart which was treated like high design and displayed in a gallery (Wodiczko, 1999). He has also created a number of temporary public art works that are images projected on existing buildings. The buildings are not random they are usually public or semi-public edifices that are in high-traffic areas and that are related to the projected image. The projected image may be a commentary on high

consumption in the U.S. while other nations' peoples are starving, or with issues of immigration, or freedoms which are restricted etc. The image might be projected onto a public governmental building like a state capitol, or the INS offices or it might be projected on public sculptures or memorials. The unexpectedness of the piece, its temporary nature (which adds to its surreptitious or subversive feeling), and its layered or overlay quality with related innuendo all contribute to the works' power (Wodiczko, 2000).

Barbara Kruger's Artwork.

Barbara Kruger's work often looks like corporate and consumer advertising and is placed in similar locations, but then you read the text and find that she is addressing controversial or contested issues of the day. For example she has done a series of bus posters showing men that address issues of pregnancy and abortion (Aperture, 1991) and a flag with oppressed group quote painted on the large garage door:

> Look for the moment when pride becomes contempt. (White letters on small blue square in upper left hand corner.) Who is free to choose? Who is beyond the law? Who is healed? Who is housed? Who speaks? Who is silenced? Who salutes longest? Who prays loudest? Who dies first? Who laughs last? (White letters on a red background). (Kruger, B. "Untitled- (Who is Free to Choose?)" Mary Boone Gallery New York 1/5-1/26 1991)

Graffiti as Contestation.

Some people have argued that in some cases graffiti can be seen as an example of public art because "tagging", in addition to being a kind of personalization, has also been interpreted as a kind of "dissing" of the original object, place or message on which it is placed. That is, when a graffiti "artist" tags over another artist's work it is an act of disrespect in that community. So some have extended this out to say that tagging done on

or across corporate advertising can be interpreted in the same way (see Figure 45 and 46), (Grody, 2007).

Figures 45 and 46. Graffiti on corporate signage and on "official" city sign for a community garden.

Public art can also be part of the telling or interpretation of the story or stories of a place. Not only can the art play a role in creating or making a commentary on the stories of a place, but how the artwork is treated can also play a role in creating or making a commentary on the stories of a place. Two examples of this are the obelisk and mass grave for General Custer and the 7th Cavalry at Little Bighorn and the statue of Juan Oñate in a park in New Mexico.

Consider the 1988 placement of the AIM plaque at Little Bighorn just discussed. While this action can be seen or labeled as both protest and vandalism (and it was labeled as both as discussed above) the object itself once removed from atop the mass grave, was treated as art and was prominently displayed at the dedication of the new Indian Memorial in 2003. Originally it sent a message about the power of non-sanctioned "interpretation" and memorialization. Only by officially sanctioning the "interpretation" and memorialization would the government, through the NPS, have any control over such expressions, and the "other side of the story" could no longer be ignored without penalty. The "voiceless" had found at least a small voice through the rise of grass roots protest and

democracy begun in the 60's and the rising of identity politics. It was then on display in the Visitor's Center- Interpretation Museum at least from the time of the Indian Memorial competition announcement forward. None of the Rangers I spoke with could tell me when it was first displayed –but all of them agreed that it did not go on display immediately after the original incident in 1988.

Don Juan de Oñate Statue.

Another example of how art, or how the artwork is treated can play a role in creating or making a commentary on the stories of a place, can be found in a small park in northern New Mexico. This site and its artwork can also be seen as an example of the same place having different stories over time or different stories and meanings for different users, or as another good example of the contested story of a place.

The site is near the first settlement Don Juan de Oñate, a conquistador, established in the new territory in a town now called Alcalde, New Mexico. Don Juan de Oñate was the first successful colonizer of the American Southwest. He was searching for the gold and silver that other Spaniards had found in Meso-America and Mexico. In 1598 he established the first Spanish capital of San Juan de los Caballeros at the Tewa village of *Ohke* north of present-day Espanola. When they first arrived at this pueblo they then named San Juan Oñate's followers were upset not to find gold and silver for the taking. He had to quell a mutiny by executing two of the most vocal and rebellious leaders.

Located in the heart of the pueblo lands, in an area now shared by the descendents of those indigenous people and the descendents of the Spanish conquistadors as well as anglos is the Oñate Center in Alcalde (also known as Cleveland Square). The site includes some exterior picnic or eating areas, a spanish colonial orchard, a visitor's center or small history

museum and library with meeting space, restaurant, gift shop and small gallery, museum or interpretation space. The focal point of the site includes a large bronze equestrian statue or monument to Oñate, (see Figure 46, 47, and 48) visible from the highway which runs along side the site. The statue was described as follows in a public relations and tourism brochure produced after the site was proposed but before it was completed:

> The monument, "Don Juan de Oñate, Pathfinder of the Southwest 1598", (over three stories high) will be the largest equestrian bronze in the nation. It will depict the colonizer mounted on his rearing Andalusian stallion before the ford of Río Grande in the El Paso area. The colossal bronze will commemorate the introduction of Hispanic settlement and the horse to the nation. It also will recognize the First Thanksgiving, as well as the establishment of the Camino Real, or Royal Road, which became the main artery of communication and commerce between the province of New Mexico and Mexico City.

Figure 46. Oñate statue on site.

Figure 47. Oñate statue on site.

Figure 48. Oñate statue on site.

Histories (of both sides) are not terribly positive about Oñate and when the statue was commissioned the artist had no actual images to work from as none were ever made during his explorations and colonization of Texas and New Mexico. Apparently neither his own men, the priests who accompanied him to convert the Indians, and certainly not the Indians themselves had much positive to say about him. His most notorius or infamous act occurred in 1598 when Oñate crushed what he saw as a nascent rebellion in the Acoma Pueblo. After an Indian attack that killed some of his soldiers, Oñate retaliated in what some historians have considered the waging of a war while others have considered it a massacre of the weak by the strong. After a three-day battle about 800 indigenous people had died, and hundreds of women and children were enslaved. All the surviving men over the age of 25 had one of their feet cut off before they were enslaved. Since the Acoma culture still exists today it is clear that some men and women were able to escape (either the battle and or the slavery) to continue their life in the pueblo atop the mesa (Seefeldt, 2005).

As soon as the center and especially the statue were proposed they were met with opposition. Pueblo people objected to the commemoration and perhaps aggrandizement of a man they felt tried to destroy their people and culture. Proponents countered that

> … 'We're not glorifying the individual, we're recognizing the history,' Houser [the sculptor] said. Antonio Pina, president of the XII Travelers of the Southwest, Inc., which is raising money for the project, said it's difficult to judge history anyway. …. Nick Houser, the sculptor's brother, … said Oñate also introduced the horse, which is as much a subject of the statue as its rider. (Negron, Aug. 22, 2001).

Although the website of the group raising the money for the statue does not include the information about the mutilations of the puebloans, the sculptor was quoted as saying the statue would include a plaque which would "tell both sides of the story".

> Although Houser and Pina said the statue is not meant to glorify Oñate, the image of a man on a rearing horse, holding aloft the 'Toma', the papers giving Spain possession of lands north of the Rio Grande, cannot help but send that impression, argue opponents. (Negron, Aug. 22, 2001).

In 1998 – the Cuatrocentenario or 400th Anniversary of the arrival of Oñate - many "celebrations" were planned throughout the state to mark anniversary. The year began with the "befooting" of the statue in Alcalde. One morning the front-page story in the local paper – which was eventually picked up in whole or part by papers as far away as Denver (Greigo, 1998) reported that during the night one of the feet of the bronze Oñate statue was sawn off (see Figure 49). Although a note was left, the message was not lost on anyone and there was a flurry of newspaper editorials from both sides – not unlike the contestation that originally occurred about the statue. The note said:

> "We took the liberty of removing Oñate's right foot on behalf of our brothers and sisters of Acoma Pueblo. We see no glory in celebrating Oñate's fourth centennial, and we do not want our faces rubbed in it." (as reported in the High Country News in an article by Gundars Rudzitis)

Figure 49. Oñate statue minus a foot

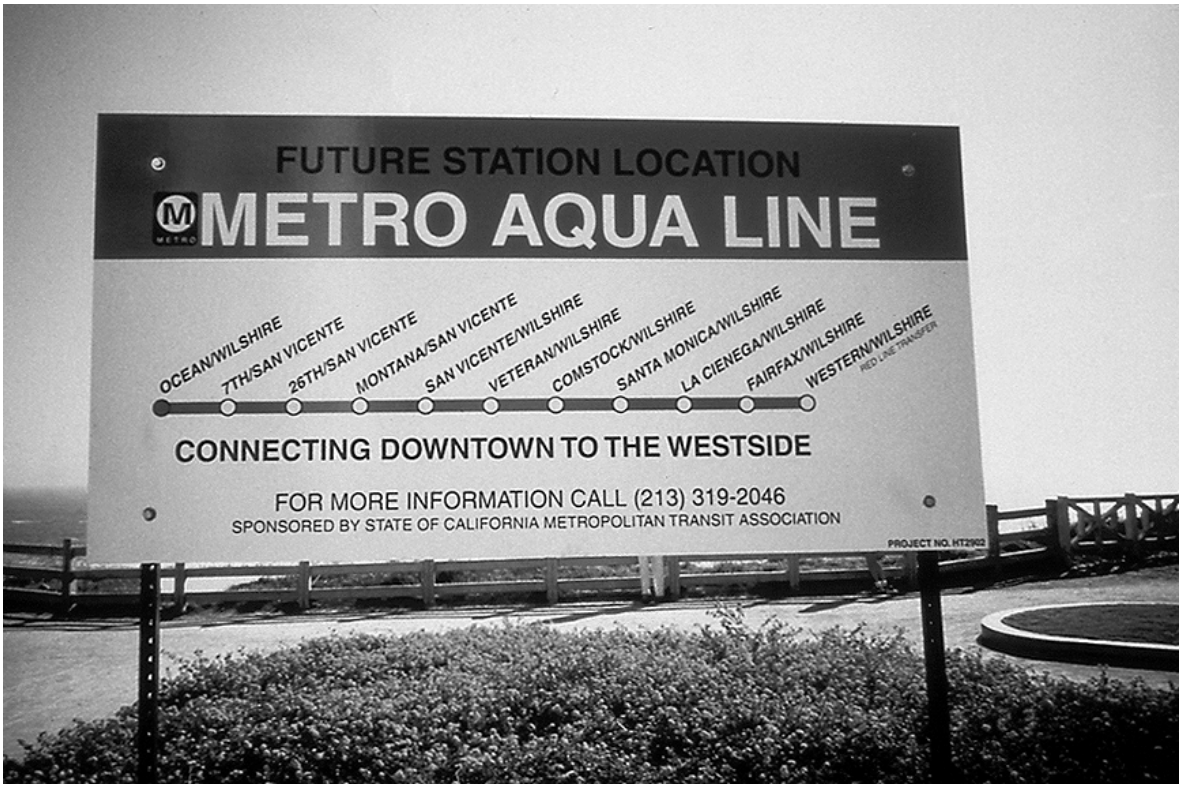
No culprit was ever identified – some would declare no one ever tried to find the culprit. End the end the sculptor and the original funding group recast the foot and repaired the statue (see Figure 50). Opponents however still enjoy recounting the story.

In fact the planning of a number of celebrations surrounding the 400th anniversary raised more documented archival contestation than did the proposal and creation of the original statue in Alcade. Perhaps this was because these plans got wider press coverage based out of Albuquerque, or perhaps this was because briefly a second statue of Oñate was proposed for Albuquerque.

Figure 50. Oñate statue with restored foot

Marmol Radziner and Associates - Another Example of Art Installations as Protest.

The incident with the Oñate statue can be seen as a kind of protestation against "public art" and there are many examples of that, perhaps the most well known example is that concerning Richard Sarra's Tilted arc sculpture in the city hall plaza in New York City (c.f. Degnore, 1987). Another example of art as protest – which I am sure could also be seen as a kind of vandalism are some examples, done at the time anonymously, by the architectural design firm of Marmol Radziner and Associates in Los Angeles, in the office they refer to these designs as "Heavy Trash" projects. These pieces of art or "environmental interventions" were stealth or guerilla pieces – that is they were placed in their sites without permission, secretly and anonymously. Each piece also makes a political commentary about an issue or situation within the built environment.



Photos Used Courtesy of Marmol Radziner and Associates

Figure 51. Spoof metro station construction sign in Los Angeles

This first example (see Figure 51) is of a billboard made to simulate those actual ones in use by the California Metropolitan Transit Association to mark subway construction. However there is no proposed "Aqua" line and no station planned for this location. The point of this artwork is to provide a critique of who and where in the city will not be served or "connected" by the new subway system. The firm placed several of these in various locations and according to Radziner[175] they created quite a stir. The number on the billboard is the correct number for CMTA who received quite a few calls regarding the proposed lines and stations. Additionally, due to the size and complexity of the organization it took quite a bit of time for them to determine that these were not their signs and they were not really planning these lines and stops, so the signs remained in place for sometime!

Another example (see Figures 52, 53, and 54) were pieces created as commentary regarding gated open space, which were purported to be public. Overnight the firm created physical access to the site.

Photo Used Courtesy of Marmol Radziner and Associates

Figure 52. Marmol Radziner creates overnight access in to the gated site very visibly

Photos Used Courtesy of Marmol Radziner and Associates

Figures 53 and 54. Marmol Radziner creates access in to the gated site very visibly

Memorials

In some ways the Indian Memorial at Little Bighorn can be understood as a kind of protest art as well as a memorial, and I made the argument that it has the opportunity to provide a platform for multiple voices and points of view in the space and therefore could help to continue the varying dialogue or contestation at this site. Another example that is very similar in many ways and also achieves this in an urban venue is the square in Tel Aviv where Rabin was assassinated and is memorialized. I have also written about this site with Karen Franck in our chapter about spontaneous memorials (Franck & Paxson, 2006). We discuss there how spontaneous memorials provide one example of how urban public space can be "loose", allowing a different kind of engagement with public space and how

this type of use provides or enables and supports individual and diverse perspectives to be expressed. This inclusive quality of spontaneous memorials promotes participation, allows and respects difference and permits opposing views. They allow and support contestation in other words and because of that not only can disagreement occur but so can some conflict. We conclude that what spontaneous memorials also allow, for perhaps very brief periods, is an opportunity for active participatory and inclusive democracy.

Yitzhak Rabin Memorials.

On the evening of November 4th 1995 there was a peace rally that was held in the Kings of Israel Square in downtown TelAviv. This square in the city center was the result of an architectural competition (1947) which was meant to create a square which would be "a representative space in the centre of the city" (*Yediot Iryat Tel Aviv 1947*, cited in Azaryahu 1996 p.504). It was a site to serve civic functions and is estimated to be able to hold 80,000 people. The square is also bounded by what was at the time a new municipal building on its north side. Typically the events held in the square include such activities as celebrations of Independence Day, mass political rallies, as well as events such as the annual book fair. However the square's history as the site of choice for large rallies and protests was a well established part of its use long before the gathering in November of 1995. "Embedded into the mythology of the square, these rallies were instrumental in transforming the square into a national centre for the duration of these major public events." (Azaryahu 1996 p.504). At the conclusion of this rally, which was organized in order to support the peace process and eradicate verbal and physical violence, Israeli Prime Minister Yitzhak Rabin was assassinated – shot in the back as he left the rally.

This established history of the space as an important place for gathering and demonstration is clearly the reason the peace rally was held there in 1995. It is also important to note that the square is also already the site of a memorial – which was not envisioned as part of the original 1947 design – a holocaust memorial which was added in 1975- although this memorial is not considered particularly powerful or well-loved by any segment of the public, and was, as is more typically the case for an institutional or formal memorial, designed and placed in the site by the public officials.

. In contrast to these official, often static, monuments of the past one author notes that

> this public place has witnessed the formation of a new kind of memorial – a stage for democracy, a place for public communication and action. The geography and the civic and symbolic nature of the site have nurtured the formation of a living memorial, a vital meeting place for political exchange and commentary. (Engler, 1999, p. 9)

while another has described the events that followed the assassination, as

> … an array of uncoordinated and unregulated ritual activities that effected the spontaneous transformation of Tel Aviv city square into a prominent site of national mourning and remembrance (Azaryahu 1996 p. 501).

In order to effect such a transformation the memorial expressions went through a number of phases. Beginning with graffiti and rituals. The graffiti was both painted, written, taped or pasted to the wall. (see Figure 55).

Figure 55. Photos of graffiti in Rabin Square 1997 Courtesy of Mira Engler.

One interesting ritual described by Engler was performed by "Groups of people, mainly youngsters who were later called "children of the candles," formed circles, recited poems and sang songs for peace around puddles of memorial candles, flowers, posters and portraits of the slain leader, The circles started at the point of assassination and spilled over to the main square area." (Engler, 1999, p. 4) She further notes that the portraits and candles came first and were often arranged in symbolic forms like the star of david or a peace symbol or as letters spelling out words, and that this use of space or expression in space was not limited to the square but was also happening at Rabin's grave site, home and "many other urban centers". A spontaneous "monument" was also constructed during this time Israeli authors Azaryahu and Engler both compare the construction to the historic tradition of the *gal'ed* or a pile of stones perhaps in some ways similar to the tradition of a cairn. (See Figure 56).

Figure 56. The *Gal'ed* memorial created to honor Rabin. Photo courtesy of M. Engler

At a memorial rally held on the 12th – the day which concluded the customary Jewish week long mourning period - the square was formally renamed after the slain leader - *Kirkar Malchei Yisrael/Kirkar Yitzhak Rabin*. Some scholars have held that this marked the return of the square to its more normal function, a transformation of the space from the national focus of ritual morning and "an uninterrupted domain of unregulated social activities, to its normal condition as domain under official control." (Azaryahu, 1996, p. 509). However others have indicated that this phase of spontaneous commemoration actually continued for a month, roughly coinciding with the traditional time frame at which the gravestone is revealed in the Jewish faith, and that much of the graffiti collage and the *gal'ed* remained in place and was rearranged and added to for most of the entire first year

following the death. During the following year new political organizations used the square as venue for activities supporting the peace process and protesting violence, with debates and meetings, petitions and distribution of materials allowing for the creation of new political alliances. This type of activity was happening on a regular weekly basis – although the groups and participants varied (Engler 1999). Based on certain expressions of memorialization (identified as being more typical of various jewish subgroups most noteably Moroccan Jews (Azaryahu 1996, p. 503) as well the visible occupation of the site for these gatherings and so on by involved Israeli youth (Azaryahu, 1996; Engler,1999) , indicated a wide breadth of different sectors of the public being included in this public expression. Engler describes the square as both a "container and an anchor for mass [community] commemorative activities" and also as "a scroll and canvas" (Engler 1999).

Like other spontaneous memorials the grassroots Rabin memorial illustrated the appropriation of space certainly without official sanction both for the various aspects of memorial objects themselves, including the graffiti but also the appropriation of space for memorial actions such as the "children's circles".

> …[T]he boundaries between the popular and the official, the private and the public were blurred to a substantial extent. Thus while official approval was mandatory, the square as a shrine was constructed and operated by the public, a fact that was a substantial source of its evocative power and emotional appeal (Azaryahu, 1996, p. 512).

Allowing the graffiti to remain even after the official memorial was constructed is a very unusual case of extended appropriation. By the end of the first month of mourning

> … horizontal surfaces stretching halfway into the square were covered with candles, posters, flowers, and personal offerings with only narrow paths cutting though. […and] Every vertical surface within the boundaries of the square, including signage, rails, benches and the Holocaust Memorial, became canvas for a collage of text and images. (Engler, 1999 p. 5)

After the first month and throughout the first year city officials sought to restore the site to its pre-memorial status by trying to clean the layers of wax off surfaces removing offerings from the pavement and cleaning and painting over the text graffiti. However there were many citizens equally intent on maintaining a level of activation of the site as a legacy of Rabin and so most of the graffiti and the *gal'ed* remained intact and many walls that were cleaned were re-covered with fresh messages. Engler attributes this to the "constant presence and pressure of groups that began taking ownership over the place" (p.5) In some sense it also became a palimpsest and perhaps even a dialogue with layers of engagement evident in both the textual collage that started near the actual shooting site and flowed out from there, and in the layers and evolution of the participation in the making and remaking or adding to of the *gal'ed*.

During this time there was also an awareness of the importance of creating some kind of "official representation" of the memory of this event, and many were very cognizant of the long-term effects that the values represented in such an undertaking would have. Almost immediately the city government began receiving spontaneous proposals for such a permanent official memorial. Many of these were physical but some of them were advocating the establishment of a loose space – a type of Hyde Park in Rabin Square .

> This suggestion is based on a fear that the abyss rent open by the killing would lead to a cultural battle and on a conscious perception of the need to reinforce the core of democracy, to allow divergent views to coexist along with openness and communication. (from the Catalogue of the exhibition "Map of Memory, Spectrum of Commemoration in Memory of Rabin," Batia Donner editor Eretz-Israel Museum: Tel Aviv November 1996, as reported by Engler, 1999, p. 11)

However, the process undertaken for the actual formal memorial was closed and controlled. The night before the dedication of the permanent memorial, authorities removed the *gal'ed*, indicating that it would be saved and exhibited in some future museum

dedicated to Rabin. Even after the official Rabin memorial was completed, visitors continued to add their messages (graffiti) to the walls of the adjacent City Hall. When the walls were painted over, new messages protested: "The walls, witnesses of the murder, cannot and will not be silenced" (Engler 1999 p.9). The texts "were deliberate acts of public participation and communication; they offered a way for people to… take a stand, to fuel the democratic process that became threatened" (Engler 1999, p.9).

Franck and I take the position that spontaneous memorials can provide individuals opportunities to express opinions in public without prior preparation, and without as many (limiting) assumptions about the format that such expression should take. Because sites of mourning are themselves often seen as deserving of respect and attention that in turn lends value to the expressions made there, this often helps create a public forum for those who are regularly marginalized and often silenced, something that is advocated by the communicative democracy theorists and endorsed by many as a requirement for truly free expression in the public sphere (Fraser, 1997; Haney, Leimer & Lowery,1997; Young 1997b, 2000).

> The difference between vernacular and official ways of memorializing correspond to Abramson's distinction between memory and history: "Memory privileges the private and the emotional, the subjective and the bodily. Against history's rationality, the reveries of memory rebel. Against history's officialism, memory recalls hidden pasts, the lived and the local, the ordinary and the everyday" (1999: 78). One might add that while memory is fragmented, contradictory, contested and messy, history is unified, organized, and neat. These sets of distinctions also correspond to two opposing views of the ideal public sphere: one that prizes unity and homogeneity, achievable only by the assimilation or exclusion of those who are different and another that prizes difference and heterogeneity because these conditions encourage the participation of groups who are different and maintain their differences (Young 1990). (Franck & Paxson, 2006, p.148-149)

We also see some of the same kinds of issues in the "counter" or "anti"- memorial movement, some of the best known examples may be those directed to aboriginal and gay

rights issues (N.Z. Davis & Starn, 1989, S.Ware personal communications May 24, 2002, August 3, 2005).

Some people favor working towards official or formal memorials which are open to this kind of individual expression, diversity, debate and contestation. Engler proposes uncensored graffiti walls, steps and platforms that would support speaking and debating and thinks "The city government … should reap the opportunity to use the emotional energies to reinforce democracy and civic life…" (1999, p. 11). We can compare this to the ongoing current debate about NYC's 9/11 memorial. Some have suggested a similar place supportive of difference and contestation "… the noisy democracy of ephemeral street commemorations suggests that the model for a memorial to 9/11 should be a place that guarantees the rights to express, disagree, assemble, claim and collectively own" (Haskins & DeRose, 2003, p. 383). While these ideas are diametrically opposed to the present operation of the "viewing fence" that surrounds the site now and the official memorial plans. Many groups including victim's families and rescue services unions seem to believe that contested views and any discussion or broadening of the discussion to related social issues (such as historic and contemporary struggles for freedom etc.) would be disrespectful because it would undermine a sense of unity that they feel it is necessary for the memorial to embody.[176] I think that this view of difference and debate as disrespectful and even unpatriotic is another example of the privileging of unity and harmony, it reflects the idealization of "the public" as a singular homogeneous body, and fails to recognize that this ideal can only be realized if persons, acts, ideas and issues deemed other or different are excluded.

Summary

As these additional examples indicate the issues raised by the two case study sites are not unique. All of the examples help to build a case for various aspects of contestation that can help to make a case for the value of using contestation as a way to understand public space differently. Certainly these examples show various aspects of negotiating the social construction of public space, public behavior and public life.

DISCUSSION:

The research and case studies in this research demonstrate that the concept of public space is very interesting and not at all simple – it certainly can not be reduced to a simple dichotomy of private or public, a trichotomy like private-parochial-public, a continuum from private to public, or even a continuum from less public to more public. It is rich and complex concept involving many variables. Over the course of this work I have acknowledged the role that ownership, access, openness, greenness, safety, control, and other aspects contribute to our understanding of public space, but I have focused on how contestations between people and groups is the true test of whether a space is truly public.

Many of the contestations that are documented here are centered around these same issues, especially ownership, access, safety, comfort and control, and how they are treated and handled by those that design, manage, and use these spaces.

A variety of contestations or contestation in a variety of spaces have been critically examined. Looking at these examples and contestation in public space challenges some of the ideas and long held beliefs about inhabitants and users of space and about public spaces while supporting others perhaps in slightly different ways. Although most research on public space has been concentrated on the urban environment, we can find some of the same issues in national parks and wilderness areas. This research, through numerous examples, has shown that issues of access and ownership, while certainly important to a framework of classifying and understanding public space are perhaps not as central as previous researchers have believed, and that contestation is a more critical feature needed to create and maintain a space as truly public.

In this chapter I discuss a few of the issues related to contestation that this research has uncovered such as the role control plays in contestation, issues of identity and power related to contestation, how public art can play a role in contestation, and how contestation can support heterogeneity or homogeneity. I am a proponent of the positive value that a certain amount of contestation in public space can provide. Therefore I contend that contestation should not be seen as a problem to be solved, but rather as an indicator of difference. Difference should at the very least be acknowledged and at best be tolerated if not precisely celebrated. It seems clear that the current dominant culture's privileging of individual ownership rights and of mainstream business and commerce will continue to make owners, and what are understood to be their rights, and the concerns of business and commerce is be strong opponents in the contestations over public space whether that space is located in an urban area or a wilderness area.

In the last section, in each of the examples it was important to attempt to identify all of the parties who might be stakeholders or potential stakeholders involved in the various contestation examples. It became apparent, especially in the two case studies, that being recognized or having the contestation recognized is also important. If the contestation is ignored, or if one group or side of the contestation can effectively inhibit or control the other side thereby stopping or limiting the contestation, or limiting some other groups participation in the contestation[177], this will limit the questioning of the boundaries and the public quality of the space. In addition to identifying or recognizing all the parties engaged in the contestation, identifying what is being contested is important. Is it users who are being contested, for example the homeless, or particular uses, like climbing at Devils Tower, or other issues regarding the space, such as what or

how the story is told as in the Little Bighorn and the Juan Oñate examples? In this regard it is also important to examine and understand how the contestations are being framed, as well as the differences in how they are framed by or from different groups and points of view. How is the contestation interpreted and explained by different points of view is also an important consideration. Examining what is invoked as a causative scheme or an agent of resolution is also important. That is what do different groups propose as the X in statements like: "if only *x* changed (or had not changed) then there would be no contestation"? As we have seen in the examples it is also important to understand how various groups are able to control these various aspects of contestation and to consider how contestations may change or vary over time.

Contestation and Control

Control is intimately linked to contestation. Control at any number of levels is often the goal of contestation, control is often what is being contested. The literature review indicates that many researchers have noted the importance of control in public space (Carr et al. 1992, Francis 1989, Whyte 1980b). For the most part these researchers have seen control as positive and have largely focused on the control individual users have over public space and on ascribing the right to control to various stakeholders. But what is being controlled? One way to look at the issue of control is to ask; Control of what?

- Control of both use and users, or who is in a given space and what they are doing.
- Control of the story or stories and meanings of a place.
- Control of the maintenance and management of a place and its life and behavior.
- Control over making and enforcing the "rules".

- Control's relationship to the status quo (supports it, questions it, or denies it).
- *Who* controls, is given or takes the right of control over various facets of public space, life and behavior and what is the basis for claiming or establishing such a right.

These aspects of control often form the basis of contestations as illustrated in the case studies and examples. Blue Lake is a good example of contestation over the users and the uses of space and over control of the maintenance and management of space. Much of the contestation at Blue Lake centered around issues regarding the basis for claiming or establishing their rights to control the space. Little Bighorn is an excellent example of contestations over the right to control the interpretation or stories of a place. It is also a good example of how contestation can challenge control that was working to maintain the status quo.

Not all contestation is equal. How contestation is framed and where contestation happens matters. In addition, as part of a theory of contestation and public space one can ask the more complex question: Who controls the framing of contestation and what types of contestation are "acceptable" and or "appropriate" in terms of where, when, and how they can occur and what the response to contestations can be.

How contestation is framed is an important part to understanding the constructed reality being tested. For example, consider the Blue Lake case and several of the cases in the preceding section, -- the Petroglyph Park case in Albuquerque, Bear Butte in South Dakota, and Devils Tower in Wyoming. One way to frame these cases is as part of an historic conflict over different ideas of ownership and use stemming in part from an abrogation of traditional ownership and use through colonization. Another way to frame these cases is as part of a larger conflict between Indian or indigenous attitudes toward

land use and those derived from western European attitudes. In these framings Indian or Indigenous attitudes are largely categorized as religious while their counterparts are categorized as utilitarian. The utility varies – recreational, resource creation or use (mining, timbering, etc.), transportation, or other development. For others these contestations are seen simply as valuing short term monetary gain over some other longer term goal. These two arguments –or the space uses they are made to support- often cannot be seen as compatible within a time-share frame (the different groups use the space for different purposes at different times). The incompatibility of these two framings is a problem at some level for those arguing from the "utilitarian" point of view, since even western European based ethics tend to privilege the sacred. Therefore the framing of this contestation requires that those on the utilitarian side of the argument disprove, or dis-allow the spiritual or sacred claims of the other side. Since currently the lack of acceptance of another's sacred or spiritual beliefs is a difficult strategy for some from the "utilitarian" point of view, another strategy they have opted for is the majority rule strategy. Under this strategy rather than disprove the sacred claims of the other the contestants claim that when differences arise the only, final or highest ranking value is to serve the greatest number of people. Since those making the spiritual claim represent a small (and less powerful) number of all potential users, the interests of the larger number of people outweigh those of the smaller even when their claim is spiritual.

This framing of contestation, while it may be found more in the western part of the U.S. and in non-urban sites, is not so different from those cases in more urban areas where incompatible, competing uses arise or where issues of greater monetary value for different stakeholders frame the contestation. Therefore to use contestation as a way of

understanding public space more thoroughly, one important aspect that must be understood is not simply that there is contestation but how do different groups of stakeholders understand and describe the contestation.

Contestation can be both a source of discomfort and a reaction or response to discomfort. For example, I can be made uncomfortable when two or more groups of people are contesting the appropriate use of a space, or because I feel that the use that someone or some group is engaged in is inappropriate for the space and time. On the other hand, I can create contestation about, or in, a site that has made me feel uncomfortable. Contestation can be centered around attempts to control, erase, or contain discomfort or even just potential discomfort. Contestation may also be related to attempts to assign blame, or rationalize, or identify the sources of discomfort. However, contestation can also result from the purposeful creation of discomfort.

While the two case studies are good examples of all three of these, there are many other examples as well. At the Little Bighorn site Native Americans experienced discomfort and felt unwelcome at the site when those in control of the story focused on the Cavalry and Custer as brave and noble and presented the Indians as vicious and savage, and this was part of the contestation. When AIM contested this interpretation, it purposefully created a lot of discomfort for other users. In the contestation over Blue Lake what the NFS conceived as appropriate uses and users ultimately were seen as so uncomfortable and incompatible to the Tiwa that they felt that both the users and the uses had to be erased from the site.

Both the literature and in the case studies illustrate that there are many groups that are often considered “undesirable” in public space, e.g. teenagers especially in groups,

"the homeless", or young Chicanos/Hispanics/Latinos "hanging out" and socializing in small town Iowa squares, as well as others. Regardless of the rationale given, attempts to control or remove them are really based on the fact that they are believed to make other users – ones who may be considered more desirable – uncomfortable. Below we will discuss further how many scholars have noted that people are searching for a bit of undesirability, so in fact these policies may have more to do with managers and policy makers discomfort with certain users or uses rather than the discomfort of other users themselves.

Sometimes it is the intent of certain users, as well as owners and managers, to cause discomfort to other users. Consider for example pro-life or anti-abortion protestors outside of a women's clinic, or a group playing music very loudly or engaging in activities in such a way as to appropriate control of the space by driving others away. In addition, many groups realize that just their attempt to claim identification in public will cause discomfort in others. This used to be more true for women and African Americans (as well as other groups of color) and is still true for the gay community. One response is to claim that identity very publicly in the way that we now describe as "in your face." Rosa Parks might be an example of this but the Gay Pride Parade, the Mothers of the Disappeared in the Plaza de Mayo and the Million Man March are more contemporary ones.

Public art is often geared to raising people's consciousness regarding various issues; this is done sometimes through humor but also in ways that can cause discomfort for some users. One might include "NO" lists or signs limiting behavior as a very mild example of creating discomfort. Those "mayors" of public space that Holly Whyte

(1980b) sees as extremely positive are often a management policy specifically intended to make certain uses and users uncomfortable within the space.

The issue of comfort and ease and conversely dis-comfort and dis-ease in public space as well as the public realm and public life is important. A great deal of contestation arises regarding comfort and ease or its lack, or one could say a great deal of contestation arises as we negotiate comfort and discomfort or whose comfort or discomfort as we continually test the boundaries of our construction of reality.

Lofland (1998) among others believes that a city's public spaces (since she was dealing solely with urban public space) must, at least occasionally, generate mild fear, but such spaces must not be viewed by people as too dangerous. That is to say, she supports a little dis-comfort in public space. Lofland also says that "the less frequently we are exposed to the rough and tumble of the public realm diversity, the more we are likely to be upset when exposure does occur and the greater the probability we will avoid the public realm if we can" (p. 22). If this is true then to support public life and public space one must support a little discomfort. Fear of such discomfort is at the root of the privatization and sanitization of urban public space. Karen Franck goes a little farther to say that the discomfort of uncertainty may not only drive us to eradicate public life and space but also any difference or differentiation of place (Franck, 2001)

Contestation does often inject some amount of uncertainty: if the rules, or the use, or the occupation of the space is being contested, there is most certainly some sense of uncertainty. Rosalyn Deutsche (1996) places uncertainty both at the center of democracy and public space. Since what and who is legitimate in public space (or not) is not a given provided by a king, the state or god, and is therefore not fixed but needs to be continuously

negotiated and possibly contested, uncertainty in a democracy should be the inevitable outcome. Her position is that all the false absolutes, or you could say the things one takes for granted, might have to give way. One can no longer make statements like "if a park is a park it must not be a home and therefore the homeless should not sleep in it…"

The desire to eliminate uncertainty (and perhaps also contestation) often leads to the design of spaces with fixed uses. This approach is also antithetical to an understanding of the fact that space and use changes over time in all built forms. The French political philosopher Claude Lefort's (1988) concept of power in democracy was that the place from which power derives its legitimacy in a democracy was "the image of an empty place". Therefore the use of a space (and perhaps the users as well) would not be predetermined but negotiated, that democracy was to be found in such negotiation. This is related to Owens (1988, 1993a) and also Childress' (1993, 2000) ideas about "hang-out" spaces for teenagers and Rivlin and Windsor's (1986a, b) "found spaces" ideas. However the concept of open, or at least not totally fixed, should not be interpreted as the lack of any design or support. Consider the horror of emptiness and the unused space unwelcoming space. The barren emptiness and un-usability of plazas in New York in the 1960s, prior to the work of William Whyte which led New York City to institute zoning changes and guidelines to create plazas for people that were welcome in an effort to transform urban public life in many US cities. But how far do we go? When is the "filling up" inviting and when is it exclusionary?

It seems that society will always need both -- public spaces that are "full" and those that are "empty" -- those that delimit uses and those that are open to a great many possibilities. It is possible that a single place might have different areas within such that it includes both of these two types of space even within the same "place." However, most

importantly a culture needs spaces where multiple publics will be able to engage in contestation and redefine who and what we are as an evolving culture?

The many contestations discussed in the examples as well as what many people whether formally or informally said indicates that discomfort does not automatically lead to avoidance of places. In fact sometimes people actively seek some discomfort. This can be seen as a positive thing when we consider that public spaces which support or enable contestation then have elements or aspects of discomfort. Whenever you are testing a boundary it is potentially a little uncomfortable. What makes it good that people also seek discomfort?

Since the early days of the field of environmental psychology and social science, social science researchers berated architects and others responsible for the creation of built space to be more sensitive and provide more comfortable and more supportive or enabling space. What is perhaps one of the most challenging aspects of purporting that contestation is a necessary and critical aspect of our public realm and public space is that it means we are supporting at some level the dis-comfort or dis-ease of users or inhabitants. This does not mean we condone or advocate spikes and glass on potential sittable space or armed conflict and melees in spaces. It does mean however that in truly public spaces a wider range of the potential publics will be using the space although most if not all may not always be totally at ease.

The early work of environmental social science was primarily concerned with the discomfort created for users by unaware, uninformed, or uncaring architects and perhaps sometimes included equally unaware, uninformed, or uncaring managers, whether private or institutional. So it is perhaps disconcerting for a dissertation in environmental

psychology to espouse a finding which indicates that people actually seek discomfort *in addition to* seeking comfort, and that discomfort is not all negative. I do not mean to indicate that everyone is seeking abuse in public space but rather that there is a quality or an aspect of the sublime that they seek through discomfort. In saying this I am also not intending to imply that this early work is either unimportant or untrue. These issues and concerns explored by early environmental social scientists are important, but incomplete.

Public spaces often serve as stages for dramas that define and continue to re-define the relationship of space, life, and behavior. Using a theatre analogy we can say that people go to the theatre for many reasons: to escape, for catharsis, to look at beautiful things, and so on, but they also go to the theatre to experience the grotesque, the horrible, the exotic, the strange, or the unmentionable. Notice that in this analogy people are not going to the theatre only to see one or other but for both. It is not a question of either beauty or the grotesque, but it is both, and they are both important.

Theatre productions explore both eternal questions as well as transitory questions. Or perhaps it is more correct to say that even if we treat them as transitory and passing, as love is often dealt with, actually the questions are eternal. By drawing on social memory whether through acting in or in the writing of the play, the actor or the playwright is trying to achieve or create for others the experience of time-less-ness or that quality of being outside-of-time

If a culture is always dealing with or asking the same questions in the plays and in life --Why go to the theatre? Why leave home at all? These questions are equivalent to asking one of the central questions of this work: Why ever leave the potential comfort

and predictability of home to go into the potential dis-comfort and unpredictability of public space?

Just as in the theatre example, even though people may actively seek discomfort that does not mean that comfort is not important. It is. Again it is not a question of either comfort or discomfort but both, both comfort and discomfort – they co-exist. Comfort and discomfort exist as subtle gradations, shades of grey not merely as black-and-white or on-and-off. Home may be familiar, and predictable, it might even be comfortable, but neither of these means it does not also contain the grotesque, the horrible, or the unmentionable.

How do I know that people also seek discomfort? How does this work indicate that people also seek discomfort? In fact, much of the public space literature frames issues of public space precisely in terms of comfort. Well, people still are found in some of these public spaces, people do not just stay in their gated homogenous "safe" community(s). There are many literary examples about people setting out on adventures or setting out to explore the unfamiliar and therefore uncomfortable, from the *Buddha* story, and the *1001 Arabian Nights* tales, to the *Prince and the Pauper* among others. Even if people do spend their time in multiple "gated" or exclusive spaces they often have to travel through the inclusive, non-gated, filled with strangers and otherness areas to get from one exclusive area to another. That sounds more like people are forced to experience discomfort not like they actually seek it out. Why not just assign different days to different groups or different users or different uses to different spaces and remove the problem of different definitions or different users or different uses and different expectations of a space? In fact this is often done and I will discuss it shortly.

How do I know that people actively seek discomfort or how does this work indicate that people seek discomfort? People go for adventures – they go to the street, the plaza, the vest-pocket park, the city park, the garden, the farmers market, the national parks etc., sometimes they go to these spaces as a destination and sometimes as a by-product of reaching some other destination. Some are seeking out both comfort and discomfort and the two co-exist. During both the formal and informal interviews for this work and in other research in public space some people in public spaces say they are uncomfortable at some level, and sometimes say they have come for the excitement that the discomfort, and unpredictability provide (informal and formal interviews conducted at Little Bighorn; Burton, 1990; Childress, 2000; Dovey, 2001; Forrest et al. 1979; Gumpert & Drucker, 1996, 1997, 2002; Lawrence, personal communication October 2001; Nager & Wentworth personal communication fall of 1979; Owens 1993a; Whyte 1980b and its accompanying video tape).

Some people do say or admit that they are seeking the excitement of discomfort, but many do not and need or provide a cover story, If you do need a cover story then that in itself is important – it is not trivial that people need a cover story, its equally important to consider whether people are aware of or admit their need of a cover story. If you need a cover story and do not know it, can it be revealed to you by peeling away at the excuse or cover story? If you need a cover story and know it, can it be revealed, or is it revealed through pressing the issue? And what does it say if you do not need a cover story?

The playwright writes the play that is all about what you say you want, for example Shakespeare's *As You Like It*, but pokes fun at this stated desire and the play is really entirely tongue-in-cheek. By using this device the playwright includes the audience

as aware of and complicit in poking fun at what people say they want. In this way he indicates that we the audience also know what is really true or really going on or really at issue in this play whether we are willing to acknowledge it or not.

Consider these examples from the archival work and the case studies which underscore or illustrate this search for discomfort. Skate-boarders skate where they know they are not wanted or where they are not supposed to skate. It is in part the active appropriation of space by a voiceless powerless group - taking control of a space through use and doing an activity that is patently not sanctioned. Some communities develop "skateparks" to segregate and perhaps ghetto-ize this user group or type and further justify their restriction and removal from other spaces, especially other shared and other often more visible spaces.

One could also make the argument that in-line skating and skate-boarding – as well as trick bike riding – are considered extreme or dangerous sports or activities such that the mere engagement in them is at some level to seek out discomfort. Also one might consider that these sports, like "hotrodding" to an earlier generation (see JB Jackson 1957), are about seeking to create discomfort. In this case they may seek to make others experience discomfort. To force those who are other and often in power and control, to recognize them – or at least make it harder to ignore them – by engaging in activities that are not approved or sanctioned, often not assigned space, and not under the control of the powers that be.

Related to the danger aspect one might also consider these uses as part of a contemporary form of self-mutilation or self-flagellation in public. While this interpretation of this activity might be atypical, public self-mutilation or self-flagellation

is not a behavior type without historic precedent – consider the Penitentes groups in the southwestern United States and Mexico. This is an activity that also takes place in private – so from this perspective it is similar to other behaviors discussed earlier that a culture or society considers private or domestic and therefore inappropriate in public. [178]

A similar example of this might be an example of kids break-dancing in the skywalks. (Minnesota Star Tribune, June 21,1989). In this case young people were arrested for break-dancing in the skywalk. This would have been an example of "triangulation" if Whyte (1980b) had been filming the scene, as a group of young people took a typical "street performance" up a level to the new venue of pedestrian movement, and attracted an interested audience, however in this case it was found unacceptable behavior and they were arrested. This example also includes the consideration or the variables of class and or race since the break-dancers were all African-American and most of the pedestrians as well as the commercial owners along the skywalk were not, and they displayed openly the "hat" into which spectators could (or should) leave a donation. In order to not dismiss this as merely an inappropriate activity, or a blockage of passage for which this space can be said to be properly used, or as a desire to eliminate all forms of panhandling and begging, it is necessary to understand that there are times when the use of this space is designated for other activities. For example playing "golf" in the skywalk to raise money for charity was perfectly acceptable. Is it then only about whether or not you have permission? What is the process or what are the requirements to obtain permission? Or perhaps it is about how the proceeds from the activity will be used? Another class example was discussed earlier when I described my own varying experiences in the entry court of the Villard Houses and the Hotel – I could stand and

wait (loiter) undisturbed in this space when dressed in business attire, but not when dressed as a construction worker. Behaviors that are deemed inappropriate depending on the identity of the person performing them are not solely about class and race but about gender and age as well.

Public Art, Discomfort, and Contestation

There are many contestations regarding art in public and public art[179]. Some of this contestation about public art (if not most of it) revolves around issues of comfort/discomfort, ease and dis- or lack of ease. In addition to the examples mentioned in the previous section consider the arguments against the well-known example of Richard Serra's "Tilted Arc" in City Hall Plaza many of which revolved around the ease of entering and exiting the building or the circulation through or across the plaza, and the discomfort or lack of ease created by not being able to see around or through the artwork (c.f. Degnore, 1987; Glazer & Lilla, 1987; Miles, 1997). Or for example contestations about Maplethorpe's photography being shown in public museums supported by public monies, because of the discomfort viewers felt regarding the appropriateness of the imagery. This work could also be seen as contestable because it can be defined as a private behavior in public (similar to eating, sleeping, bathing, and kissing and other intimate behaviors).

Another example that can be considered in this same area is tagging and graffiti. There is some disagreement (or contestation) about this however. Those who have postulated that tagging and graffiti are about contestation (Grody, 2007) note its placement, especially or primarily on corporate or governmental identities, advertisements and signs. Pointing out that this is an act of overwriting or disrespecting

these powerful voices in public arenas with their own. Those who have studied tagging and graffiti agree that in the community of graffiti artists and taggers, that tagging over (or full fledged painting over) of someone else's art work is definitely considered a show of disrespect (Grody, 2007). However, some of these researchers take exception to or over the analysis of this phenomenon as a class, or subculture protest of "the establishment" whether that be corporate America, the government, or another segment of the public.

Many public artists (and I include a high percentage of graffiti practitioners here) seek out discomfort. Or perhaps I should say their art and or its execution appears to be a response or in response to their discomfort with aspects of public space. Additionally as in the skateboarding examples above they often seek to create discomfort or at least call attention to issues that others might wish to ignore or not call attention to. For example the corporate control of public space (and taste) is often challenged or contested through graffiti and public art. Examples of this would be tagging which often is done on advertisements and claims of identity in public space

In the previous section the Oñate statue and park can be analyzed similarly, as can Barbara Holtzer's, Krysztof Wodisczko's, and the Gorilla Girls' artwork. Both the Little Bighorn and the Oñate statue example included instances where public art could play a role in site interpretation or the telling of the stories of a space while at the same time potentially provoking some discomfort in some users. Protests in general are often about creating discomfort, because protestors are trying to get others to see a different point of view and perhaps question an accepted status quo.

Are these examples really about seeking out discomfort? Or are they really about seeking otherness or difference, seeking out the exotic, the strange, and the stranger? Are these two – discomfort and difference —actually the same? Perhaps it is all about seeking to protect one's self from otherness or difference? These are certainly questions to be pursued further in future research.

In fact, as a culture sometimes we do just segregate difference. By assigning different days to different groups or different users or different uses to remove the problem of difference (different definitions, different users, or different uses, and different expectations of a space). Examples include parades such as the St. Patrick's Day and the Gay Pride parades. They may both be on held on Fifth Avenue but they do not want to be in each other's parade or combine them. Well, actually that is not quite true – the organizers of the St. Patrick's Day parade may not want to have gay Irishmen (or women) in their parade but the reverse has not been tested and the Gay Pride parade might just want to have some straight Irish folks join in.

This helps illustrate another important finding of this dissertation. Contestation in public space can provide the opportunity for groups without power, or voice, or those in the minority in society at large, to be heard and to become a thorn in the side of the majority, or those in power and control.

In another way contestation is wholly in support of the longstanding tenets of the field of environmental psychology, which advocates for the powerless and marginalized. Voiceless users and inhabitants of space from the early works on asylums and mental health institutions, to children and youth, the differently abled, and minorities of a variety of types are a few examples of groups of the powerless and marginalized whose interests

environmental psychology has advocated. Blue Lake and the Little Bighorn case studies as well as many of the other examples illustrated this. In addition, we saw that groups with the traditional or currently recognized powerbase (e.g. the majority, the governmental groups and representatives, or those with resources and influence) may use the same strategies to reclaim control of space. Consider the Rainbow Bridge National Monument as particular example.

Contestation and Commodification of Space and Identity

Many of the examples in the previous chapter underscored the use of public places and the contestation in and about them for groups to establish public identities. Establishing identities in part relies on the acknowledgment of difference and on the acknowledgment of subordination or domination[180]. Contestation can keep those differences from being denied or erased under the pretense that we all share a single common ground, and we should leave our different or uncommon qualities to the private or parochial realm. Harrison and Montoya (1996) draw a clear connection between commodification, advertising, and identity:

> Advertising squeezes out old meanings of words, injecting them with new associations. Commercial-speak suctions out pejorative representations replacing them with acceptable and seductive ones. Subtly but inexorably, the language of commerce affects perceptions, alters attitudes, and reframes understanding. Capitalism's need to expand markets and increase sales co-opts images, vocabulary, and historical experience. This cooptation can be critiqued from the perspective of the Right as well as that of Progressives. To the dismay of the Right, diversity is portrayed as elegant, chic, and desirable; to the dismay of the Progressives, it is historically transparent and ideologically neutral. Advertising and other forms of popular culture also form, deform, reform, and conform identities. … Are all identities up for grabs[?] … Is it useful to search for the relationship between popular culture's construction of identities and its creation of desire and meaning, or the construction of identities of studied peoples by ethnographers, or, more directly, for our purposes, the construction of identities of clients by lawyers during the process of legal re/presentation? How does legal discourse resemble and emulate commercial-speak in masking historic forms of subordination? (Harrison & Montoya, 1996, p.389-390).

Embedded within this work is a contestation itself, a contestation regarding the use of language, both to describe various contenders and the contestations themselves (Harrison & Montoya, 1996; McLaren & Gutierrez, 1994). This dissertation uses the acceptable convention of a logical, rational argument, although illustrated with narratives as opposed to a narrative alone or any other language tradition. How can and do design, policy, use, as well as maintenance and management "languages" allow for both "subordination and domination" and its obverse or critiques of "subordination and domination" as well as other oppositional aspects to be present, or to co-exist simultaneously in public space? Allowing and supporting contestation and the variation in "language" types that such contestation includes, is perhaps one way.

Contestation is not a symptom of disease but rather of health especially as regards diversity, because contestation provides a stage for the marginalized, the invisible, the powerless, to get to the table, for the voiceless to gain a voice, for alternate history(ies) to be imagined.

While Blue Lake and Little Bighorn are certainly good illustrations of this, the contestation in public space that accompanied the civil rights movement and the way that the Gay community and Gay activists have used public space to establish a public identity (or in some sense legitimize a private one) are additional illustrations. The impact that these two phenomena have had on language, or on the language of contestation seems important as well, they have provided us with a number of terms which other groups may continue to build on such as: "passing," "outing," and "camping." "Passing" — a term which came out of the pre-civil-rights time period, was used by light skinned "negros" who could "pretend" to be white and "pass" in white

society. A friend of mine tells of her grandmother and her sister who moved up to Chicago from the South — the sister who was dark skinned had to pretend to be "the maid" of the other lighter-skinned sister. In contrast gays who are "outing" are in fact playing up rather than playing down their differences and "camping" is an even more outspoken, "in-your-face" kind of public identity.

This use of language indicates similarities but also differences in the contestation or the kind of contestation. One kind of contestation was more invisible and private a well kept secret. The other was more visible — in your face — in the public realm — under public scrutiny; and has a quality that is about tongue-in-cheek, more macho than macho, two girls on every arm, for example.

With these groups we also see a thread of a particular kind of contestation that makes use of public spaces. That is to say the civil rights marches etc. (i.e. the March on Selma and others and more recently perhaps the Million Man March in Washington) are the very public claiming of rights to a public identity and acceptance of that public identity's validity — in the public realm under public scrutiny. In some ways these become the contestation of individuals (or groups) against not only others but those others as they are codified into "authority" or the "government" — or against the law(s) as they stand. This same kind of march-in-the-streets contestation is involved in the "gay pride parade" and while that is now considered an acceptable use of the public way, we find a different ruling on the inclusion of gays intermixing with non-gays in a contestation over the right to participate in the same activity as part of the St. Patricks's day parade. Parades have been ruled as a private groups' use of the public space for a day in which they had the right to exclude whomever they wished. Such rulings along with

concerns regarding the protection of free speech has resulted in parades with counter or oppositional parades taking place simultaneously. The "Columbus Day" parade and it oppositional counterpart from the American Indian community in Denver is one good example of this.

Some of these examples about diversity are about establishing a public identity, and some of these are about contesting or debating actions or activities — like right-to-life pickets and demonstrators outside planned parenthood clinics. So some of these are issues of establishing public identities for contested users; some of them are about contesting activities or behaviors. The issues above are about contestations of behaviors — where only the contestations are occurring in the public realm not the contested behavior itself. Examples of contested uses that are actually occurring in public spaces might include: holding hands, kissing, spitting, eating, smoking, sleeping, and washing.

This idealizing of sameness in the U.S. we can certainly see in operation in the astounding popularity of fast food restaurants and hotel chains where the same decor, the same food, the same manner of presenting and serving must be maintained in excruciating detail throughout the country. Although some differences are tolerated when these chains are exported to other countries. The sameness of these places and of retail outlets such as MacDonalds, the Gap or Banana Republic certainly contribute significantly to the repetitive appearance of public urban space, from one city to the next. This contributes to an increase in the predictability of public space until someone contests it.

The valuing of sameness over difference is becoming more apparent in legal decisions in cases of discrimination. In a recent New York Times article entitled "Making the Case for the Right to be Openly Different", the author makes the point, based on the

work of Law professor Kenji Yoshino, that as overt discrimination becomes unacceptable, the pressure to assimilate replaces it. For example an African-American woman fired because of wearing her hair in cornrows becomes unacceptable, but women are denied promotion for being insufficiently aggressive, that is failure to assimilate and to act like one of the boys and this is still seen as acceptable at some level. Professor Rick Hills notes:

> Equal protections doctrine has never been very good at dealing with the claim that difference should be recognized and respected. What courts usually say is that differences - like race and gender - should be ignored. So claim that accommodation should be made for differences does not sit well in the equal protection tradition. (Hills, 1987)

This is because of the difficulties in proving that the conduct is essential to your identity.

I. M. Young argues, that acceptance of difference is difficult as then there may not be sufficient shared understandings to appeal to. Moreover: "If discussion succeeds primarily when it appeals to what the discussants all share, then none need revise their opinions or viewpoints in order to take account of perspectives and experience beyond them" (1997b, p. 66).

Also, when participants aim at unity, being expected to leave behind particular experiences and interests,

> … the perspectives of the privileged are likely to dominate the definition of that common good. The less privileged are asked to put aside the expression of their experience which may require a different idiom, or their claims of entitlement or interest must be pushed aside for the sake of a common good whose definition is biased against them. (Young, 1997b, p. 66)

The "common good" may represent only the interests of those with power or those in the majority. This is clearly the case in arguments over the redevelopment of public space when the needs of something called the "public" or the "community" do not include the

needs of those who are homeless or those who may have needs and activities not recognized as part of the "community" (skateboarding in Marcone Square).

The first amendment to the Constitution embodies the importance of our cultures' view of a government based not on consensus or fiat but rather on contention - that is the concept of the free exchange of ideas, the conflict between multiple opinions and visions that are eventually "resolved" by secret ballot. An integral part of this concept is not just the vote, but the concept of access to ideas, information and expression of opinions that influence this decision making. The use of the public landscape or public spaces for the exercise of these rights seems critical to our vision of social construction and government as well as current debates, both social and legal, regarding the definition of what activities occur in what spaces. Examples of such debates include: pro-life and pro-choice debates in parks, streets and sidewalks; the questions raised over who should be included and or allowed in the NYC St. Patrick's Day Parade (1992); squatter housing for the homeless in parks and other "public" spaces" (e.g.Thompkins Square Park, NYC).

Aspects of Contestation for a Taxonomy or Framework

If we look at the literature, our case studies and this limited number of archival cases we can begin to construct a taxonomy or framework of aspects about contestation emerging. In addition to the issues of identifying what is being contested and issues of control, comfort and ease, and discomfort and dis-ease which I have discussed above the following additional issues should be considered as part of such a taxonomy or framework:

- Are users or participants recognized as the contenders or contestants? How about non-users? Just one or the other or both? Another way to frame this might be are the stakeholders in the contestation local or absentee? Are there unstated or assumed contenders or contestants? Or are all the

contenders or contestants identified? Is the contestation about establishing a public identity for contested users? In relation to issues of control for each of these questions it is possible to add "by whom" are they recognized, framed, identified etc.

- How does the contestation relate to uniformity and homogeneity as opposed to diversity and heterogeneity? i.e. Is the contestation about maintaining uniformity or diversity or if we see these as ends of a continuum where is the place now and in which direction is the contestation pulling it?

- How does contestation illuminate or conceal issues regarding established or existing boundaries?

- Is the contestation about maintaining the status quo or continuity? Or is it about making a change or supporting succession? Are the contestations in support of a majority or a minority? Does the contestation include an advocacy role?

- Is contestation interpreted, and by whom, as a symptom of health or disease? That is, is there support for ongoing contestation and negotiation, or only for resolution or closure? What is the economic component or the economic ramifications (and for whom) of either continuing contestation or resolving it?

- What is invoked as an explanatory or causative scheme or agent of resolution for the contestation? That is, something like: "if only *x* changed, (or had not changed) then there would be no contestation?"

- Is the explanatory or causative scheme or agent of resolution:

    - economic?
    - physical design quality(ies)?
    - technological change?
    - growth?
    - the media?
    - religious?
    - ethics?
    - political realities?
    - aesthetics?
    - historical forces?
    - education, knowledge or research ("if only we knew more…")?
    - laws and rules (democratic/autocratic)?

Future Work

This dissertation is an initial foray into this topic. Much additional work remains to be done to understand more precisely the nuances of contestation and its role in public space. Looking at different types of contestation in additional types of public spaces will be important in that effort.

Many stories of contestations are yet to be told. In both telling and listening to these stories it is important to try to unpack critically the nature of the contestations. Researchers and designers will need to ask questions such as:

Who are the contested users? This can also be stated as: Who are all the parties engaged in the contestation? To understand this issue completely it is also important to ask who is allowed and who is perhaps not allowed to be part of the contestation. By framing this question in this way it becomes clear that it is also important to ask and understand whom it is that is in control of allowing and or recognizing contestants or potential contestants and their issues.

What are the contested uses?

What issues are being contested?

Where and what are the contested spaces?

What and whose history is visible? and What and whose history is not?

What are the explanations given for the contestation? and By whom?

How is the contestation being framed by various groups or from various points of view?

Who is in control of these various aspects of contestation?

Such research will also require investigations to more fully understand the roles that comfort and discomfort, ease and dis-ease, and safety play in public space. In the

process of exploring these issues, researchers and designers will continue to refine the concept of contestation I have developed here.

By asking such questions, other interested researchers can help refine the understanding of contestation presented here and more fully determine how it functions in public spaces, public life and public behavior. Understanding contestation(s) in its many forms should in turn help researchers, designers and society better support diversity and heterogeneity, that is true publicness, and public space.

Summary

Contestation is not a singular quality but one with a wide range of aspects that can help to better understand conceptions of public and publicness. I have proposed a way of framing some of these aspects of contestation – proposing what are the questions to be considered to understand contestation about spaces. I have also linked contestation with issues of control and looked closely at contestation's relationship to ease and comfort as privileged or valued qualities in public spaces. Additionally, I have underscored the potential for contestation to help groups develop a public identity and to provide the opportunity for groups without power, voice or control to potentially achieve some degree of each of these.

Not only is contestation apparent and definitive to public space (where there is contestation it is public) but contestation also shapes public spaces in a number of ways. D. Harvey's (1985) contention that town plans, monuments and most other spatial forms are generated as a result of conflicting geopolitical forces is very similar to the point I am making. It is the contestation in and about them that shapes our truly public places and

our perception and experience of them. Power relationships are expressed in their making and management and are contested in their use.

CONCLUSION

Based on the two in-depth case studies as well as the additional examples I examined, I conclude that the evidence indicates that, as I stated in my hypothesis, contestation in public space, rather than being a negative quality, creates better public space. Public spaces are better not necessarily according to aesthetic, economic, or biological criteria but better in terms of social justice. Without contestation, truly public space is impossible, because debate is the basis for democracy. The data support the hypothesis that contestation is necessary for truly public space because it supports multiple voices or multiple points of view, often challenging the status quo or traditional power hierarchies. Contestation, like anxiety or crowding, can be seen as positive up to a point; beyond that point it crosses over to become violence, terrorism, or open warfare. Contestation, therefore, is especially beneficial where it involves dominant versus oppressed or unrecognized groups.

To elucidate this idea, I critically examined the work of previous scholars. Most previous research has either overlooked contestation or considered contestation something negative, as a problem to be solved. The scholars who see value in contestation and conflict are primarily philosophers interested in issues of deliberative or communicative democracy (cf. Fraser, 1997; Young, 1990) and whose focus is more on the public or civic realm rather than on public space.

For this dissertation I worked within the framework of social construction. I chose this approach because culture and the world we inhabit are negotiated realities. Negotiation requires active dialogue, and since reality is not completely fixed and static but rather constantly

evolving, the act of negotiation is itself a constant. The examples I examined showed that contestation is one type of such negotiation.

I also used a narrative method that, while not typical in environmental psychology, is a respected method in psychology and other social sciences (Sarbin, 1986; Gergen 2001). Narrative is one of the key underlying structures of social constructionism. The dialogic quality of a narrative method made it particularly appropriate for the exploration of contestation. The narratives or stories allowed me to understand and present contestation and its role in public space by illuminating how various people construct their realities and their worlds, in relation to others who share their physical world if not their socially constructed world. I found this to be a very useful method for this work and recommend it for greater use in environmental psychology, especially for similar types of topics.

I am not the first to argue that *public* is not singular but plural, i.e., that *the public* is not a homogenous mass but a number of heterogeneous publics**.** As American culture moves away from the concept of society as a melting-pot to one of society as a salad bowl, issues of diversity, multi-culturalism, and plurality also have become more important in public life, public behavior, and public space. As a result, many scholars have discussed the exclusive versus inclusive qualities of places purported to be public spaces, calling into question their definition as public (M. Davis, 1990; Deutsche, 1996, 1999; D. Mitchell, 1995, 1998, 2003; Paxson, 2000; Sorkin, 1992). The conflict and contestation that arises from the inclusion rather than exclusion of a variety of peoples and activities in spaces is evident in the case studies and other examples.

Contestation is related to difference, deviance, and power and resistance, and as such can be seen as an important right. It follows that contestation in public

space should be the expected norm rather than a fault to be corrected. In fact, a lack of contestation should be the atypical condition of public space, indicating a loss of democratic disputation or the exclusion of difference - and experience of difference - in public. In such cases, the absence of contestation may indicate that the dominant culture has adopted a tyranny of either the majority or the powerful, thus maintaining the illusion of a more singular public. However, both the current dominant paradigm regarding public space and most critiques of that paradigm continue to privilege the unity of public space, a concept that requires the erasure of public differences, and the struggles they cause. Yet spaces that are substantially protected from particularity and differentiation, otherness and heterogeneity, and that are without conflict, can only be achieved through exclusion. Unity requires exclusion and the erasure of the traces of exclusion. This is true even when the arguments and rhetoric used to support exclusion refer to accessibility and openness and inclusion. Such exclusion would appear to be especially problematic in societies that purport to value democracy and democratic principles.

Contestation is the critical indicator of publicness because it reveals the presence of multiple voices or points of view, and it suggests that there is a recognition of these differences by various contending groups or points of view. The evidence indicates that contestation is enabled or constrained by policies and design.

Contestation is concerned with division, disintegration, and separation — actions that imply struggle. Although contestation can certainly be applied to the visible struggles that, as I have shown, often occur within public spaces, contestation can also be applied to the hidden struggles that produce and maintain

all public spaces. If societies value public life and public behavior that occurs under public scrutiny, it would seem imperative to increase the visibility of all of these struggles.

This dissertation, therefore, reinforces some current theories that reexamine democracy, particularly that of deliberative and communicative democratists. My work is also in line with scholarship that values environmental justice and rights, in part because the contestations examined concern the conflict of various publics over issues of environmental justice and rights.

As a culture, Americans are in the midst of a redefinition of space(s). Based on my research, I conclude that there are spaces being called public that do not function as such. The concealment of the true functioning of these spaces that purport to be public when they are not must be made explicit so the citizenry can decide whether such spaces – and the policies that create them — are in the interest of multiple publics.

As this exploration illustrates, contestation can be understood as what makes truly public space what it is: public. Truly public spaces are those in which a society's members negotiate the boundaries of public life and public behavior. This dissertation shows the importance of the concept of contestation and how it can be used to create a more robust understanding public space.

Given the preceding examination of contestation itself, as well as the specific contestations in and around public spaces, it is clear that the concept of public space is deep and multi-faceted. This dissertation also indicates that contestation can be used and refined as a means to analyze and evaluate existing public space. In addition, if the concept of contestation can be used to understand existing spaces, then it should also be

useful in the creation of programs or briefs and policies that foster the creation of future space that is truly public and supports or enables publicness through contestation.

ENDNOTES

Introduction:

[1] The original discussions and some of the original work in this area included Alan Forrest, James Grecni, and later Wendy Mesnikoff and Christine Hoffman.

[2] First Nations are one of several terms used to refer to North American and Alaskan native or indigenous peoples, what used to be called "Indians". Other terms in use include First Americans, American Indians, Native Americans and Indigenous Americans. There is no universally acceptable term for these groups. Their preference is to be referred to by the appropriate name for their individual Nations such as Ho-chunk, Dine', and Lakota. I have used these various terms: First Americans, American Indians, Native Americans, indigenous and native interchangeably in order to underline the contentious nature of this labeling.

[3] At least, historically, they have been physically located in space and time. Some have argued that in the future they will be mediated or virtual.

Literature Review

Public Space:

[4] As a final indication of the myriad way some of these terms are used the journal *Places* adjusted its name as of its Spring 1996 issue to *Places: Design for the Public Realm*. The chief editor then provides this definition:

> ….'Design for the Public Realm' states our intent to focus attention on the design of places that are publicly accessible, whether created by individuals, corporations, or public agencies. The impact of our environment is cumulative and extensive, and the consequences of design are not bound by the limits of ownership or interest. Individual projects create, in their entirety, the realm through which we all move, the realm in which we embed both private and corporate actions – the collection of places in which we build community." (Lyndon, p. 2)

[5] Some public spaces, in part because of their perceived or perceptual anonymity, as well as certain bounded and identified time frames, such as carnivals and other rituals of release, allow individuals to spoil their identity in public, or to enact fantasies of spoiled identities, without losing or contaminating a "clean" identity. Another example is crying in public by adults with the expectation of anonymity (Rivlin, 2002; Rivlin & Windsor, 1986a, 1986b; Westin 1967).

[6] I think in this day and age, in truly urban, diverse places it varies in the *same* place i.e. different groups have different "rules" and definitions of what is civil and what is not civil. Perhaps Lofland does not "see" or notice this because she is white and middle class – part of the group (power majority) that makes and enforces most of the rules and definitions. I realize Lofland is not also male, but since she disagrees with seeing women

as being a different (unequal) group in public space, as that would be for her equal to "accepting" victim status, she is entirely within the majority group (Lofland, 1984).

[7] When dealing with it as a group or body of people.

[8] "Separation of one thing from another in order to privilege one -- self over environment, city over landscape, theory over practice -- characterizes the planning of a modern city. The zoning of the modern city, at one time related to fear of corruption by the 'miasma' of the poor (Wilson, 1991, p. 37-9), strangely links with an increasing concern for the free circulation of traffic as a means to healthy growth. ... Urban spatial and cultural boundaries became clear by the eighteenth century, and "boundary maintenance became a concern of the rich, who were anxious to protect themselves from disease and moral pollution." (Sibley, 1995, p. 53)

> The poor were seen with similar distaste to the sick, ... Sibley relates the zoning of the city to sanitation, and sets out a two-stage model of difference in which the bourgeoisie, having developed a sense of self which excluded bodily residues, could differentiate themselves from the 'smelly' working class; the notions of dirt and disease applied to the poor could then be used in colonial societies to construct images of immigrants" (Sibley, 1995). (Miles, 1997, p. 31)

This was at a time when most people were close to being recent immigrants.

[9] Though ostensible "preserving" the past, the undertakings of preservationists and gentrifiers alike may be more accurately described as rewriting or inventing the past since buildings and districts are renovated, restored or rehabilitated to correspond to ideal visions of the past and to satisfy contemporary needs and tastes by incorporating new technologies, floor plans and more. To give just one among a multitude of examples, the "restoration of the Old Town in Quebec City resulted in an assemblage of buildings which had never existed at the same time before. (Ellin, 1999 p. 82-83)

See also Relph, 1987, p.223.

[10] Of course many proponents of New Urbanism would say they are trying to increase density in a palatable or acceptable way (Duany. et al., 2000).

[11] Lofland starts with the very typical lay definition of persons unknown personally to one another (what is sometimes labeled "biographical strangers" in the scholarly social science literature) and adds on Georg Simmel's (1955) concept of a stranger --for which the term is more typically reserved in social science—that of the "cultural stranger" or someone who occupies a different culture, subculture or symbolic world than we do. "As will become apparent, a crucial dynamic of the public realm emerges from the fact that not only do many of its inhabitants not "know" one another in the biographical sense, they often also do not "know" one another in the cultural sense. The public realm is populated not only by persons who have not met but often, as well, by persons who do not share "symbolic worlds" (Lofland 1998, p. 8). Stanley Milgrim (1970) pointed out a

kind of person we do see as a stranger – the '"familiar stranger". This category would include people seen on a regular or frequent basis but who are not known to the observer.

[12] Habermas postulated his theory at a time when there was, or was intended to be, a clear separation of the state and the newly privatized market economy. Habermas thought that this would enable public discussion that was free of private interest. I.M. Young (1977; 1989; 1990; 1997; 2000) argues in much of her work that public discussion free of private interest is not possible; therefore it is preferable to admit private interests and work within that framework. Similarly it is interesting to note that Fraser (1997) relates that Habermas felt the conditions he proposed for the public sphere "eventually eroded *as nonbourgeois strata gained access to the public sphere*. Then "the social question" came to the fore; society was polarized by class struggle; *and the public fragmented into a mass of competing interest groups*. Street demonstrations and backroom, brokered compromises among sectional interests replaced reasoned public debate about the common good." [emphasis added] (Fraser, 1997, p. 72-73)

[13] One presumes that the "classical" here is meant to indicate the greco-roman tradition.

[14]

> [I]n the case of elite bourgeois women, this involved building a counter civil society of alternative women-only voluntary associations, including philanthropic and moral reform societies; in some respects, these associations aped the all-male societies built by these women's fathers and grandfathers, yet in other respects the women were innovating because they creatively used the heretofore quintessentially "private" idioms of domesticity and motherhood precisely as springboards for public activity. … for some less privileged women, access … came through participation in supporting roles in male-dominated working-class protest activities. … others found public outlets in street protests and parades. Finally, women's rights advocates publicly contested both women's exclusion from the official public sphere and the privatization of gender politics. (Fraser, 1997, p. 74-75)

[15] While an alternate public sphere based in religious institutions seems diametrically opposed to the liberal bourgeois public sphere model of publicity which grew out of a secular-enlightenment set of normative values, which would have denied the possibility of these spaces as a site for the public or civic sphere or realm, African -Americans "published national newspapers and held national conventions. …. denounced U.S. racism, criticized state and federal government policies, and debated antiracist strategy" (Fraser, 1997, p. 75). At an even earlier time there were many places where poor black and white women found a *public* arena such as communal laundry areas along river banks, and shared wells or other water gathering locations.

[16]

> On the contrary [to a single bourgeois public or public sphere], virtually contemporaneous with the bourgeois public there arose *a host of competing counterpublics*, including nationalist publics, popular peasant publics, elite women's publics, black publics, and working-class publics. Thus, *there were*

> *competing publics from the start*, [emphasis added] not just from the late-nineteenth and twentieth centuries, as Habermas implies. (Fraser, 1997, p.75)

[17] Random House Webster's Unabridged defines 'open', an adjective, as follows: without a covering; unprotected; unenclosed; exposed; having no means of closing or barring; relatively free of obstructions to sight, movement, or internal arrangement; exposed to general view or knowledge; existing, carried on, etc., without concealment; without restrictions as to who may participate; accessible or available, as for use; without effective or enforced legal, commercial, or moral regulations. (Random House, 2001).

[18] There are outdoor spaces that are also open socially. Just as we acknowledge the differences in outdoor and indoor spaces, there are also differences in spaces that vary about access. Therefore, although open is in some sense defined by its opposition to closed, in this work it does not necessarily relate to the built versus unbuilt, covered versus uncovered, interior versus exterior dimension. Open may also refer to undifferentiated space.

[19] This choice may be made because biological or cosmological models may seem to indicate a more stable or unchanging quality, or perhaps because the details of the cultural, political, and social forces are less present in remaining physical forms or existing documentation, or perhaps because these models seem more objective, neutral or value free.

[20] E.W. Burgess (1921, 1974) felt that the outstanding fact of modern society was the growth of cities - he first proposed a mapping or modeling of a city's growth as concentric rings like a biological model with no consideration of the underlying landscape (both topographic as well as historical and cultural). Miles (1997) notes:
"... the language of the natural sciences is used to situate urban development beyond human agency .. a means to make a specific form of city development seem inevitable... The ring model is, however, ideological, mirroring a model of ever-expanding economy and centralised power" (p.36).
In either case they are both illustrations of social production and neither may prove an accurate description. (Harvey, 1990; Hayden, 1995; Low, 1999b, 2000; Miles, 1997; Mumford, 1961; Rykwert, 1988; Soja, 1980a,b, 1989).

[21] The focus here on urban is based on that of Hayden, who like Lofland sees urban as inseparable from public, rather than my own understanding of public space as potentially occurring or applying at all scales of settings, but with cities often having a special claim to a broader diversity.

[22] Public space is defined in environmental psychology in terms of its physicality as a relatively fixed framework or common ground within which public activities are carried out (Carr, et al., 1992; Sampson, 1990). It is seen as a stable physical reminder – of activities, of people, of history, one's own and the larger group's, fostering connections (Carr, et al., 1992), as a place to experience strangers and

> their differences without the compulsion to be like them or as a place to be entertained, or to learn (Brill, 1989). There is an extensive literature which debates public space in terms of location, access, use, control and meaning. None presume public space exists without people yet there is a sense, and statements, of public space as the potential *setting* for people's activities. Public space as setting is criticized as assuming "absolute space" or space as container which in turn, according to Smith and Katz (1993) presumes private property and homogenous culture. (Gee, 1996, p.21 [emphasis in original])

[23] For Lofland (1998) the sine qua non aspect of urban or urban-ness is that the "… *city provides, on a permanent basis, an environment composed importantly of persons who are personally unknown to one another – composed importantly of strangers."* p.xi.[emphasis in the original].

[24] Also see Low's (1999) work which creates a distinction between social production and construction in this regard.

[25] I would add that mapmakers, and I include designers within that group, always 'privilege' the presentation of certain information over other information. Miles goes on to talk about ideal city planning and desires to erase past places and aspects of the city - often trying for the clean slate approach. Perhaps the urge for a new city derives also from a desire to purge the unclean, abolishing the mess and complexities of the past or the "other". Or as

> "deCerteau writes, using the term 'scriptural' to mean how society writes its 'script', that revolution 'represents the scriptural project at the level of an entire society seeking to *constitute itself* as a blank page with respect to the past, to write itself by itself' (deCerteau, 1988, p. 135). The desire to make new by abolishing the past is taken to an extreme by Le Corbusier." (Miles, 1997, p.27).

Miles' footnotes deCerteau's term *script* and quotes deCerteau's notion that modern western culture considers the *oral* as still related only to the magical world of voices and tradition and therefore as not contributing to progress.

[26] I would note that in our time they are interstates of military power and efficiency of mass movement of consumers and the military.

[27] Even in *modern* cities people appropriate spaces for their own needs – although this appropriation is often considered to be misuse (see Carr, et al., 1992; Gold, 1972,1974; Lindsay, 1977 and especially Rivlin & Windsor, 1986a, 1986b).

[28] Lofland maintains that most classic ethnologies of city life have been about the parochial rather than the public realm.

> Thus, in what follows, we shall be concerned not only with the private and public realms, but with *parochial realms* as well. Following Albert Hunter (1985), I will define the private realm (order in his terms) as *characterized by ties of intimacy among primary groups members who are located within house-holds and*

> *personal networks*, and the parochial realm (or order) as *characterized by sense of communality among acquaintances and neighbors who are involved in interpersonal networks that are located within 'communities'.* [emphasis in original]. To oversimplify a bit, the private realm is the world of the household and friend and kin networks; the parochial realm is the world of the neighborhood, workplace, or acquaintance networks; and the public realm is the world of strangers and the 'street'. (Lofland, 1998, p. 10)

[29] Lofland feels that we have difficulty on the whole identifying the 'parochial realm' and that we often make mistakes here because

> . . . other [parochial realm] territories may appear, on the surface, to be fully public. ….[and] many of us [especially researchers] never think to look below the surface. This is, in part, because of our unfamiliarity with the very idea of 'parochial realm.' We are members of a cultural group in which a conceptual distinction between private-public is an unquestioned given, but as Albert Hunter notes, '[b]ecause it moves out of the household, the parochial social order is often defined as but another variant of the public order and against the private social order.' Such definitions are, in Hunter's view simply wrong because the 'parochial order is qualitatively distinct from the public order' (1985, p. 235). ….Hunter argues that the parochial realm (again, 'order' in his terms) may in contemporary American cities be *the* most problematic territory in terms of effective social control. [emphasis in the original] (Lofland, 1998, p. 46)

For Hunter and Lofland is 'social control' equivalent to **no** contestation, not even *'civil'* contestation? Perhaps part of the definitional or conceptual problem that Lofland and Hunter describe above is because most researchers not only often come from a singular cultural group or sub-group, but in any case through their education are "enculturated" as participants within a particular, or singular, and privileged cultural or sub-cultural group with an assumed clear definition of public and private (which is both time and culture based) as a dichotomy which heavily relies on ownership, and the domestic as private within the home, etc. for its definition.

[30] Slaves of course could be in the space as part of their service role, and as such they would have been as "invisible" as service workers are in current environments.

[31] Brill uses the term *intrusions*, but is careful to discuss it as non-pejorative including both positive and negative aspects.

[32] The original discussions and some of the original work in this area included Alan Forrest, James Grecni, and later Wendy Mesnikoff and Christine Hoffman. Forrest & Paxson (1979) further refined the definition of publicness as involving inclusiveness, plurality, mutuality and democratization in contrast with privateness, exclusiveness, singularity, individuality and gentrification. Paxson's (cf Francis et al, 1984; Francis et al, 1985; Franck & Paxson, 1989; Hecht et al, 1990, 1992; Hoffman & Paxson, 1979; Paxson, 1992; 1993a; 1993b) work went on to refine this to include the value of face-to-face interaction, diversity of activities, behavior and users – including "otherness" or

"fringe" as a criteria; tolerance and respect; negotiation, freedom and choice; comfort, control, and order, as well as the concept of a system or network of spaces; obviously accessibility underlies achieving many of these aspects.

[33] Korosec-Serfaty's (1982) work showed that the comprehensive acceptance of others was a component of her subjects' images of public space.

[34] Typologies of activities and participants can also be described as categories of *use* and *users.*

[35] Researchers at the CUNY Graduate School and University Center in NYC while conducting research considering the school's move to a location on 5th and 34th from 42nd Street between 5th and 6th, found that just the view of Bryant Park was an important and highly appreciated amenity of the old site that was severely missed in the new location. Respondents were clear to note that being able to see into the park was an important value as many noted that they rarely actually went into the park itself. (Rivlin, personal communication 7/2002)

[36] Grace Plaza (Burton 1990) in Manhattan is a good example of this.

> The building and plaza were designed by Gordon Bunshaft of the architectural firm of Skidmore, Owings, and Merrill. According to the architect, the developer included the plaza solely as a means of obtaining a zoning bonus from the city, which at that time allowed the addition of 20 percent in floor area to a building. The architect also stated that the developers wanted to avoid attracting "bums" to the plaza from Bryant Park and Times Square, so he was discouraged from including any amenities in the plaza (It was not until 1975 that New York City began requiring certain amenities in midtown plazas.) (Burton, 1990, p. 9)

Part of the 1975 revision required plaques or signage that "advertised" or "labeled" public places as such. In addition when I worked in private architectural practice in Manhattan I was asked to choose the "street furniture" for the original AT&T building plaza (53rd & Madison-now renovated as the SONY plaza). The client's explicit criteria were that it be: durable, uncomfortable - especially over time, too heavy to be moved easily by one person - although it wasn't going to be fastened down, and with no surface long enough for a person to lie down on. A number of other examples could be given but this seems sufficient to illustrate the idea.

[37] In many instances they literally did not "see" or understand it as used.

[38]

> How public are the public spaces? On many plazas you will see a small bronze plaque that reads something like this: PRIVATE PROPERTY. CROSS AT THE RISK OF THE USER AND WITH THE REVOCABLE PERMISSION OF THE OWNER. It seems enough. It means that the plaza is the owner's, and he has the right to revoke any right you may have to use it. Whether or not a floor-area bonus was given, most building managements take it for granted that they can bar activity they believe undesirable. Their

> definition of this, furthermore, goes beyond dangerous or antisocial behavior. Some are quite persnickety. When we were measuring the front ledges by the sidewalk at the General Motors Building the security people rushed up in great consternation; we would have to desist unless we could secure permission from public relations. ... What does "accessible" mean? A commonsense interpretation would be that the public could use the space in the same manner as it did any public space with the same freedoms and the same constraints. Many building managements have been operating with a much narrower concept of accessibility. They shoo away entertainers, people who distribute leaflets, or give speeches. .. This is a flagrant violation of the zoning intent, ... Not only are plazas used as public spaces, in most cases the owner has been richly, rewarded for providing them. He has not been given the right to allow only those public activities he happens to approve of. He may assume he has, and some owners have been operating on this basis with impunity. But that is because nobody has challenged them. (Whyte, 1980b p.64-65)

[39] It is important to ask whether the privatization of public space, involving inequities in the ability of different groups to exercise control over their spatial rights, belongs in a democratic society. If 'public' plazas developed by private interests cannot meet the needs of all members of the public who wish to use them for legitimate purposes (as defined by society, not as defined by a small segment of society), then these private interests should not be rewarded for providing such plazas. There is something ironic in the fact that those individuals who have the least opportunity to seek alternative settings (i.e., homeless persons), are the ones who are least welcome in certain public spaces. (Burton, 1990, p. 32)

[40] Whyte therefore not only considered granting right of access, but additionally the provision of a public amenity, not simply paving over the building entry, as a requirement, not an option.

[41] It is unlikely that anyone would think it is problematic in the case of theatres - we understand these spaces as *public* gathering spaces at some level but we know they fall toward the more private end of this continuum. Museums are a similar type of phenomena even though some of them purport to having only a *free will donation* or a *suggested donation*. However the increasing and number of types of spaces that require admission fees have broadened considerably. Take playgrounds as a typology for example, ***Leaps and Bounds***, a McDonald's venture, and ***Discovery Zone Fun Centers***, owned by Blockbuster Video, are two examples of playgrounds which require an admission fee. Of course there are the more subtle ones which require you to pay rent or mortgage to have access - but those are a slightly different issue. While both of these examples are indoor or interior play spaces, I don't think anyone would try to suggest that they are primarily to accommodate children's play needs in inclement weather. They both play on parents' fears by providing an environment where, for a small admission fee,

their children are allowed to play in a colorful and controlled space - one where they will be reasonably safe from gunfire, drug dealers, and others who might do them harm. In these private playgrounds children are also protected from those other children whose parents can't afford to pay admission!
Another example of a *public* space typology that often requires an admission fee are *public* observation decks. New York City previously retained two of these the one at the top of the World Trade Center tower and the still remaining one at the Empire State Building, and Chicago has the one on the Sears tower. Metropolis (Neuwirth & Robbins, 1997) documented a number of these spaces - now demolished, languishing, or totally privatized. The piece - entitled *Lost Horizons* - led off with the sentence: "Once every great New York skyscraper had a public observation deck. Now, only two remain, along with a dim collective memory of access to the city at its most intimate and panoramic." (p.27). The authors also noted the loss of the deck on top of the RCA building at Rockefeller Center, now known as 30 Rockefeller Plaza. They did not make note of access fees or other filters, although I know that both the WTC, and the Empire State building, as well as the Sears Tower, have charged an admission fee for no less than 30 years. Also, while the issue of 'intimacy' from several hundred feet up might be questionable one would have to agree that these spaces have to do with public scrutiny at some level.

[42] Francis (2003) defines user needs in urban public open spaces as "those amenities and experiences that people seek in enjoying public open spaces. Needs provide the basic level of support and function in open space; they are the prerequisite for having an enjoyable landscape experience and provide the basis for much design criteria…Put more simply, user needs may include the ability to walk into a space and find a comfortable place to sit and relax without being hassled." (p.4)

[43] Mozingo 1989 uses 'psychological' comfort, in her discussion of women using public space.

[44] Control closest to a personal level could also be classed as territoriality (Sommer, 1969). This is similar to the concept of *claim* as discussed by Carr et al. (1992), or the idea of exclusive use. This type of control is not unusual even in public space: i.e., "my bench" -at least while I am sitting on it. This territoriality may or may not extend to defense (Edney, 1976). Manipulation, and elements that invite manipulation may help to create control through use and participation.

[45] In contrast Cohen, S.; (1973) postulates that if an individual perceives that they are always the one <u>being</u> controlled, and not the one <u>to</u> control, they may take action to feel control in a situation, even if the means are considered deviant or illegal. Cohen uses vandalism as an example. It is important to note that certain actions under Carr et al.'s (1992) spatial right of "change" will be defined negatively by others as vandalism. Burton (1990) comments that

> Whether made consciously or not, Unwelcome Users' decisions about where to urinate at Grace Plaza created territorial markers. The odor was strongest at

> the inner corner of the L-shaped bench. Three Welcome Users complained about the smell of urine, and said that it affected where (or if) they sat at Grace Plaza (p. 23, 24).

The smell of the space was unpleasant and made these users uncomfortable, or reduced their level of comfort while using the space. This raises several questions: Whose comfort? Who gets to define what comfort is? Perhaps the real issue is a question of individual and group definitions of what is a "homey" or comfortable place or smell – soap, or urine, or cigarette smoke. A convincing argument can be made that no one actually finds the smell of urine "comfortable" – however, if you perceive your ability to exercise other control mechanisms as limited this may be one at your immediate disposal which produces the desired effect. In this example the desired effect is keeping others, especially non-accepting strangers, at a distance. Others might argue that it is not territorial, claiming or controlling behavior, rather it is simply indicative of another problem - a missing design feature - no publicly available restrooms.

[46] M. Miles (1997) argues that many scholars, as well as lay persons, perceive cities to be in crisis, and this crisis is primarily described in terms of safety. Miles, who considers public space and public life to be primarily, if not entirely, an urban issue, thinks that this perception of the city is at least in part due to "increasing encroachment on public space by corporate and consumer interests". He feels

> … an agenda for urban renewal is pressing, and entails a re-visioning of how and by whom the form of a city is determined, whether that form is designed to be permanent or to be mutable. This includes interrogating even seemingly progressive or 'liberal' ideas such as the 'liveable city', which is a construction by professionals for their supposition of the benefit of users, its underlying agenda perhaps being the same stability that characterizes the rational city, and its content containing a possible contradiction between a desire for a more democratic society and a resort to nostalgic notions of urban history, as if a model of conviviality once existed; but it also arises from ecological concerns and a reaction against the dehumanising effects of consumerism. (Miles, 1997, p.17).

[47] The purpose is not to indicate that physical issues of safety and freedom from crime are not important in public space. Issues of safety and freedom from crime are important, and for many users, especially women, it effects their willingness and ability to use public space (Boyer, 1994, 1996; Celik, 1996; Ewing, 1979; Franck & Paxson, 1989; Hayden, 1984; Mozingo, 1989; Wekerle 1981) although Lofland (1984) thinks this is overstated and makes women into a class of victims.

[48] Metropolis (Dec. 1993) ran a cover story about fear and its commodification, "The Marketing of Fear" by Carrie Jacobs. In the article she reported on a widely spread rumor that Patricia A. Turner had documented concerning the seeping out of gang violence into the suburbs. The rumor held that a gang, the name varied by city, would be having an initiation and as part of this process prospective gang members would be sent out driving in the suburbs at night with their lights off. The rumor went on that when a driver of an

oncoming car would do the courteous thing and flash their own lights as a warning - the gang hopeful would supposedly do a u-turn, follow the car and murder its occupants. The rumor

> reinforces the message that if you extend even the most basic courtesy to a stranger, you are putting yourself at risk. And this is the most dangerous fear of all, because it signals a withdrawal from community. More and more, fear of crime engenders isolation, and isolation engenders fear ... Fear has spawned a new industry, one that caters to consumers who believe it is still possible to insulate themselves from the world around them. ...This is fear as a design problem. (C. Jacobs, 1993, p. 34)

[49] I would hypothesize that there is an implication that it is often the fear of those who look, act, or smell, different versus the truly dangerous, for they have often learned to pass.

[50] Some writers have noted that a part of the excitement of cities and of moving in a city's public space is the sense of a loss of complete control. This is also postulated as part of the reason why many people reject cities for the "safety and security" of the suburbs (Sennett, 1970). According to Lofland (1972), "The urban dweller is unable to anticipate and thus be prepared for and protected against any inappropriate conduct on the part of others and hence, reciprocally, on his own part". (p. 45).

[51] Claiming space through use, regardless of ownership.

[52]

> These plazas, the result of the importation of a social order imposed by the colonizers and meant to illustrate 'civilization' through the dual hierarchy of Church and State, represent a manifestation of local social order of the relationship between citizens and the authority of the state that reflects social and racial domination. Nineteenth century historical accounts show conflicting descriptions. The plaza as a setting for ritual formal promenading and the plaza as the center of disorderly conduct (by unemployed vagrants and idlers, the police and military. This conflicting imagery is also found in descriptions of the urban contexts of these plazas, as either centers of elite society in a pastoral landscape or crowded urban centers with people doubled up in housing and sleeping in the street. (Low, 1988, p. 6)

[53] I should clarify that he was an advocate for the provision of public rest rooms in public spaces as a key to increasing the use of public space, not that he supported these behaviors taking place indiscriminately in any space.

[54] "The best way to handle the problem of undesirables is to make a place attractive to everyone else." (Whyte, 1980b, p. 63) "...its amenities, the merchandise lines offered, the level of entertainment -- all these help determine the people who will choose to come, and it is not necessarily a bad thing if a good many of the people are educated and well-

off. But there should be other kinds of people, too, and, if there are not, the place is not truly public." (Whyte, 1980b, p. 79).

[55] Whyte notes as the one example of a serious problem relating to crime and safety in his work on small spaces:

> . . . a plaza on which pot dealers began operating. The management [corporate owners, in response] took away about half the benches. Next, it constructed steel-bar fences on the two open sides of the plaza. These moves effectively cut down on the number of ordinary people who used the place, to the delight of the pot dealers, who now had it much more to themselves and their customers. (Whyte, 1980b, p. 63)

Although he doesn't say so here he is talking about the Exxon Plaza. One of the researchers involved related the following commentary to me in a fairly amused way. The corporate owners were very upset about the drug dealing and spoke of the dealers' "customers" in most derogatory tones insinuating that they were servicing a low life urban population of people that had no reason or need to be in this area or their plaza in particular. However, the research observations showed that most of the drug buyers were "white collar office workers" many of whom the researchers noted were going into the Exxon building!

[56] This is not to imply that for many their "entertainment" value was unintentional or unwelcome.

[57] Burton (1990) concludes, "Grace Plaza is characterized by a low degree of publicness in comparison to the Library Plaza. This lack of publicness was also exhibited in the lesser diversity of users (e.g., in terms of age) and behaviors at Grace Plaza, in comparison ... and in the greater intolerance of Grace Plaza users toward both the presence of Unwelcome users and the performance of certain behaviors." (p. 29).

[58]Burton (1990):

> The distinction between Welcome Users and Unwelcome Users, [undesirables] suggested in the public space literature and the Authority interviews, was validated in the interviews with, and observations of, users. The distinction between these groups was found to exist both in the minds of users (many of who held the opinion that Unwelcome Users should not use the plaza) and in the life of the plaza (the behavior of Unwelcome Users, including their control-related behavior, differed in some ways from the behavior of Welcome Users).... The category of Unwelcome Users was found to be composed primarily of drug users/dealers and homeless persons. ... it is likely that these two groups were labeled as Unwelcome Users using different criteria. ... drug users/dealers ...by means of behavioral cues. They were usually dressed casually, which made it difficult to distinguish them using visual cues from tourists and other Welcome Users. In contrast, homeless persons ... were not identified as Unwelcome Users through behavioral cues alone, since Welcome Users performing the same behaviors were not prevented from doing so. Rather, homeless persons were

> identified as Unwelcome Users using a combination of visual and behavioral cues. In addition to determining who was identified as Unwelcome Users (and how they were identified), it is also important to ask why certain groups are so identified and not others. A simple answer is that people who perform undesirable behaviors are labeled as Unwelcome Users, but this ignores the fundamental question of who determines what desirable and undesirable behaviors are. This answer also cannot explain why non-behavioral cues were used to identify homeless persons as Unwelcome Users. The behaviors that the Authorities for Grace Plaza considered undesirable included sleeping and drinking alcohol. There is nothing inherently illegal or inappropriate about these behaviors; instead, they may have been singled out because homeless persons tend to do them in public spaces. I believe that the rules against these and other behaviors exist as an excuse (or subterfuge) to remove such persons from public space because they do not fit Authorities' image of appropriate users (e.g., office workers)"... Later he indicates that who was identified as Unwelcome had to do with both physical, cultural and historic context. ... A similar study done in a different time and place may find that other groups (e.g., teenagers) are identified as Unwelcome Users. (Burton, 1990, p. 29-31)

While this is a good illustration of a group in control displacing through exclusion it is also is a bit unsophisticated in terms of the use of the label drug-users as a kind of code for anyone not like us - where the line gets drawn between those that are in or out (or where "in" ends and "out" begins) is continually being renegotiated.

[59] See endnote 1 in the introduction.

[60] Gee notes that "Some authors today (Whyte, 1988) seem to praise public space when they observe a diverse group in parallel play, that is, many people seemingly engaged in similar activities playing and enjoying themselves and *not in conflict*." [emphasis added]. (Gee 1996, p. 21)

[61] I. M. Young argues, that acceptance of difference is difficult as then there may not be sufficient shared understandings to appeal to. Moreover "If discussion succeeds primarily when it appeals to what the discussants all share, then none need revise their opinions or viewpoints in order to take account of perspectives and experience beyond them." (1997b, p. 66).

[62] The elderly are sometimes not a welcome group for other reasons; they may be seen as a litigation risk due to potential concern of their being too prone to accidents.

[63] While some of the current work in economics indicates that in fact teenagers are responsible for decisions about how a much larger percentage of resources are spent, this change in understanding of "economic clout" has had more impact on the film, gaming and clothing industries than on increasing their "power" or voice in the creation and use of the spatial environment.

[64] Eventually this work led to many advocacy groups as well as research networks in this area. One of the largest as well as most well known of these groups in the U.S. (although it includes members world wide) is the *Children and Youth Environments Network*, which was formerly known as *Childhood City Network*. This name change is indicative of the increasing focus or awareness of the spatial needs of older children, teenagers and young adults.

[65] In part I believe this is related to the public-private, civic-domestic separation that we discussed in an earlier section. They are relegated primarily to the realm of neighborhood spaces (primarily in defined and designated "play spaces") these spaces, in terms of a continuum of public to private, fall mostly in the region of semi-public or semi-private. Issues of safety are most often paramount in the discussions of spaces for this group, and they are quite often very exclusively defined and limited for use by the groups itself. It is interesting to note that even when such spaces are located in larger spaces which are defined as "public" either by an ownership standard or subject to our standard of supporting contestation, these spaces are infrequently contested (and when they are it is most often by older children and teens, who "mis-use" provided equipment- this being the only group over which teens may be seen as having some slight power).

[66] They are in the mall but are not spending money-or is it that they are just not "shopping", they are in the square, plaza, or park, but they are not sitting, promenading, or engaged in organized sports, they are dancing, kissing and skateboarding (Anthony, 1985; Beal, 1995; Childress, 1993, 1995, 2000; Hall, 1992; Jones & Graves, 2000; Korpela 1992; Males, 1996; Owens, 2001; Valentine, 1996; White, 1993; Woolley, 1999).

[67] See also Childress' comments which take the opposite point of view in the 'Found versus Designed Spaces' section.

[68] White's (1993) and Woolley's (1999) work indicates that teens make strong use of many neighborhood open or public spaces as well as of those publicly accessible spaces located in what might be considered the downtown or the Central Business District for a range of activities from shopping and eating to meeting and spending times with friends as well as a variety of leisure or 'sport activities'.

[69] Additionally she noted that this space provided for other unplanned or programmed activities such as games of Petank (a French form of Bocci) by men during office breaks.

[70] The following statement about teens could also be said to apply to many marginalized users or groups, in spirit if not actually by law:

> Teenagers live in much more proximate contact with institutions, because they don't have the resources that allow us to cushion the blow. Every place they use is owned by someone else. They cannot build places. They cannot purchase places. They typically cannot modify places. They can only inhabit places, which means to be subject to someone else's rules. They feel the curfew, they feel the closing

> time at the beach or the no-loitering laws at the convenience store, they feel the capriciousness of bells that tell them when and where to move through their days at school. If rules are the logical extension of mistrust, then rules about teenage behavior are doubly so, because we are certain that they don't share our assumptions. We fear and loathe teenagers as we do any foreigners. (Childress, 2000, p.270)

Although Childress is not the only one to have pointed this out (Miles, 1996), it's scary that this can be written, and there is a truth to it that we recognize, even within a rubric of the U.S. as free, and tolerant of individuality, and filled with differences, etc.

> Teenagers are defined through our civic, legal and educational institutions as a class -- minors-- and that class status intrudes on almost everything they try to do. ... To class someone as a minor is to charge them with incompetence, with volatility, with the inability to manage their own affairs. (Childress, 2000, p.270)

[71]

> Sociologist Galen Cranz has traced a 150-year development of the American Concept of public recreation, in which the nineteenth-century idea of the park as a slice of undisturbed (or more properly, reconstructed and perfected) nature within a city was gradually replaced by an increasing emphasis on structures and scheduled activities for groups segregated by sex and age. This conceptual move was pushed along, she believes, by an increasing need to see all problems as essentially quantitative in nature: able to be carefully defined, neutrally measured, statistically analyzed, and professionally administered. (Childress, 2000, p. 242-243, 254)

> … Roy Rosenzweig, has captured the inevitable conflict between definers and defined in his history of the parks in Worcester, Massachusetts at the turn of the 20th century. Every use of the parks by Worcester's working-class Irish and Eastern European immigrants horrified the Yankee community managers. Loafing, loitering, and drinking were one class of offense; but the opposite and equal offense was "rowdyism", "vandalism" and "disorder". Baseball playing was called a "dreary amusement" by local officials, sporadically and ineffectively outlawed. Recreation planners worked with police to ensure correct park behavior ("peaceful", "inoffensive" and "quiet") and to eliminate incorrect behavior ("rude and boorish", "disorderly and obscene"); they continue to do so, not only in New York's Central Park and San Francisco's Golden Gate Park but also in Curtisville's Founder's Park. (Childress, 2000, p. 242)

The nineteenth-century term "rude and boorish" is the analog of our twentieth-century term "anti-social", of course, and both come from a particular cultural narrative that has never been shared by all park users. In our own time, the urban design analyst Paul Groth (1991) reports that, whereas the middle-class park visitor expects supremely framed specimens of preserved wilderness that he or she might contemplate in quiet, the working-class or "vernacular" park user anticipates something quite different:

> Automobiles, trucks, loud radios, or a motorboat (in the case of water) were usually considered essential.... The easy juxtaposition of everyday activities with a naturalistic background reveals an attitude among those users that does not separate culture from nature--at least not nearly so much as do the people who design official parks...In their own minds, vernacular users are not desacralizing the park. For them, it was never particularly sacred in the first place. Any definition of correct recreation behavior ensures conflict when the definers are socially isolated from the defined." (pp.136).

[72] Active game playing (in Central Park in the early part of the 19th century) abuses and causes maintenance problems with the ground cover.
Skateboarders and rollerbladers abuse and cause maintenance problems with stairs, rails, concrete plinths, benches and other surfaces.
Rough games (as opposed to strolling, riding sedately, reading or sketching) in Central Park are dangerous and lead to other unacceptable behaviors and lack of safety.
Skateboarding and rollerblading are dangerous if someone gets hurt they will sue the city, the government or the public and encourages other non-acceptable behaviors (similar to JB Jackson's 'hotrodders').

> …The city I lived in ... was a member of an insurance pool which refuses to offer coverage for skateboarding. Not only could the city not build an often-requested skate park, they couldn't even officially tolerate skating on sidewalks and in parks. The city's skateboarding ordinance prohibited skateboarding on sidewalks only as they are specifically listed, pursuant to City Council action. But every time a skate spot got popular, the Council passed a resolution adding that spot to the official list of forbidden skateboard areas, *and the list grew monthly*. (Childress, 2000, p. 270)

The words emphasized here do not appear in the final print version, although they were part of the pre-press review version on page 284. Jones & Graves (2000) and Eubanks Owens (personal communication May 2000) indicate that interestingly this concern and difficulty seems to have lessened recently and more segregated and specialized skate parks have resulted.

[73] This may be related to restrictions on eating in front of others who are not, because eating in restaurants which are at least a semi-public (or parochial realm as defined by Lyn Lofland) was perfectly acceptable.

[74]

> Up the road at the Arco mini-mart, the Stoners also sat on top of the picnic tables, not in the seats facing one another. By sitting on top, they were able to shift from side to side, to participate in a number of small conversations instead of all facing inward to be a part of one larger one. They could jump down in an instant response to the arrival of food and friends and music, and subtly redefine their allegiances with a turn of their shoulders.
> From outside, this often looked inappropriate. Picnic table seats, for example, were covered with puddles of spit and spilled soda after kids left. Inconsiderate behavior, perhaps, but it reflected their use of the table: they sat on the top and used the seats as footrests, and spitting on a footrest is no

sin. As teenagers learn to do, they had taken an object made for one purpose and reinvented it to serve another. (Childress, 2000, p.141)

The school as an organization is concerned with vandalism and theft, and these things do occur. But vandalism and theft was almost unknown in these highly re-invented [personalized] rooms, because the students recognized the things within them not as "school property" belonging to some unknowable bureaucracy, but as Mr. Jacobs' things, or Mr. Weimer's things, or Mrs. D's things. Curtisville's kids showed a remarkable respect for property as long as that property belonged to a real person. An act against a desk or a wall was aimed at nobody and everybody, against faceless and unfaceable power. But an act against Mr. Jacobs' room would have been very explicitly an act against Mr. Jacobs, and it just didn't happen. (Childress, 2000, p. 147)

[75] [Our Film] showed clearly that the people using the street were the people who worked and shopped in the area. But some retailers saw undesirables—"hippies", in particular. While I was talking to one shop owner, she noted several young people in blue jeans who were out in the street taking notes. "There they are," she said, pointing to our observers. (Whyte, 1980b, p.123)

We were asked by then commissioner Richard Clurman to undertake a study of the troubles at Bethesda Fountain [in Central Park]. It had become the central rendezvous for Hispanic teenagers and there were problems [defined by the parks commissioner] with dope and vandalism. ... found that most of the time the teenagers were making a good use of the fountain area, however raucous they might seem to the tourists who came up to gawk at them." (More on this work is reported in Nancy Lindsay's "Drawing Socio-economic Lines in Central Park: An Analysis of New York's Cultural Clashes" in Landscape Architecture, November 1977.) (Whyte, 1980b)

[76] I have experienced this type of "hair as indicator of otherness" experience in work related contexts, although, so far I have never been excluded from "public" space on these grounds. I have, however, experienced an attempt to exclude based on being inappropriately "greñudas"* by a "policing agent."
*Here I use "greñudas" as Montoya (1994) uses it, uncombed or untidy as an indicator of otherness. This use includes the subtext or unspoken content that the world is divided and the majority, in her case "They-Who-Don't-Speak-Spanish", will see you as different and will judge you based heavily on appearance, and find you lacking.

[77] See Martha Minnow, The Supreme Court 1986 Term – Foreword: Justice Engendered, 101 Harvard Law Review. 10, 14-15 (1987).

[78] Montoya understands that she speaks of what is perhaps a special case of what is generally true for everyone as Shakespeare noted in As You Like It, in the sense of an inner or private self that is masked by a public face or persona and she notes that ,

> Figuring out how to present yourself in public has elements of a theatrical performance for everyone." (p.15). Quoting Weigert et al. (1986) "Problematic situations are characterized by a sense of being personally "on stage." When an individual feels "on," the taken-for-granted and un-doubted self-consciousness of one's presented identity is lost, and a dramaturgical consciousness emerges … Stigmatized persons necessarily learn to develop skill in handling problematic situations … [M]ental patient's, closet homosexuals, ethnics who pass, transsexuals who emerge … constitute a constituency highly skilled in the universal tasks of dramaturgical effectiveness. Those type of persons are explicitly skilled at what we all learn to do more or less well and without forethought; present, negotiate, and control multiple identities in a reasonable, organized hierarchy. (1994, p. 58-60)

Montoya then concludes with

> At unexpected moments, we fear that we will be discovered to be someone or something other than who or what we pretend to be. Lurking just behind our carefully constructed disguises and lodged within us is the child [the part of herself which is wholly outside or other prior to the understanding of a need for a public dominant culture mask] whom no one would have mistaken for being anything other than what she was. (p.14)

[79] The term programming is used in a slightly different way by architects and designers to describe those qualities, aspects and activities that designers will use as a guide to develop any new design project.

[80] Examples of diurnal redefinitions are Seeley Street (Francis et al, 1981, 1984), and Pippert's Tire Store (Childress, 2000). Weekly or monthly transformation examples include spaces such as spaces transformed from memorials, traffic islands, plazas, playgrounds, or parking lots to farmer's markets or flea markets seasonally or throughout the year, while spaces transformed for a specified amount of time at a specific time of the year include examples such as the garden section of New Orleans during Mardi Gras, the streets of Little Italy during San Gennaro Feast, 9th Ave. (NYC) for the international Food Day Celebration, Flatbush for Brooklyn's Black Book Fair or the streets that are closed for a marathon.

[81] "American Cruise Night", as well as "Saturday cruise night" (Childress, 2000, p. 51-53).

[82] Examples of parades, and festivals, which involve the temporary redefinition of public space, such as a street and its use, where the particular redefinition; parade and anti– or counter-parade, demonstration and counter-demonstration, is itself the focus of the contestation range from the inclusion of gays in the St. Patrick's Day Parade in NYC, the Columbus Day-Italian American Parade and the "Anti-Columbus"-Native American Parade in Denver, and KKK and Anti-clan marches in the South.

[83] Both Whyte's report and Burton's (1990) below clearly indicate that these are issues of who has the power to define and enforce or control behaviors.

> "Grace Plaza's Authorities attempted to extend their spatial control onto the sidewalks bordering their plaza. For Example, security guards tried to discourage food vendors from setting up their stalls on the plaza side of 43rd Street when they began arriving in the spring, even though it is the city that decides where vendors can set up. The vendors temporarily moved across the street, but returned to the plaza side after two weeks. In addition, when the guards first began patrolling the plaza they tried to discourage certain activities (e.g., panhandling) on the sidewalks and even the street that were not allowed in the plaza. They had little success, however, and soon gave up these attempts." (p. 21)

[84] Although the definition of what constitutes vandalism varies widely.

[85] However, for all spaces one can delineate one important group that can potentially lead to another understanding of a space; these are the non-users.

[86] Generally I am speaking here of white anglo-saxon, especially protestant influenced, culture.

[87] Childress characterizes Cranz' analysis of this in this way:

> … parks administrators have always been dually motivated by a concern for 'the problem of finding something to do for every person to whom idleness is an irksome and deadening problem' [or whose idleness is a problem for others] … [and to] 'control by diversion' those social groups who are seen [by "society"] as potentially dangerous [or problematic]. (Childress, 2000, p. 240-242)

[88] Burton (1990) notes the following:

> The Authorities for Grace Plaza actively discouraged a variety of behaviors, including panhandling, sleeping (or lying down) anywhere in the plaza, entertaining for money, and the use of alcohol and drugs. They also attempted, with limited success, to discourage food vendors from setting up on the plaza side of 43 Street. Their policy regarding most of these behaviors was spelled out on signs placed in the middle of the plaza. The restriction of behavior by Grace Plaza's Authorities was often arbitrary and/or selective in its application. It was arbitrary because the three guards who patrolled the plaza used different criteria in determining if a behavior was allowable or not." (p.18)

[89] Burton (1990) notes:

> In addition to actively discouraging behavior, Authorities may also influence the freedom of behavior on a plaza by providing, or failing to provide, the potential for the behaviors to occur. Some evidence suggests that less potential exists at Grace Plaza ... a common complaint found among Grace Plaza's users is that it did not meet their behavioral needs (e.g., "I don't see what I can do here" and "The

> way it is built it is not conducive to activities you'd like to do here"). This is not surprising since, according to the architect, the managers of Grace Plaza desired to make their plaza unattractive to potential users. (p.19)

[90] *Gardens* have been studied by Cooper-Marcus & Barnes (1999), Cooper-Marcus & Francis (1998), Francis and Hester (1999), Francis et al. (1984). *Parks by numerous recreational planners* French, (1980), Heritage Conservation & Recreation Service, HCRS, (1978), National Council on Urban Recreation (NCUR, 1980), Epp, (1971), Gans, (1968), Halkett, (1978), Hill & Shechter, (1978), Klausner (1976), Knetsch, (1969), and by others including PPS (1981a,c, 1982), Cranz (1981; 1982), Rosenzweig (1979, 1992), Heckscher & Robinson (1977), Brower, (1974, 1977), Gold, (1972, 1977) Guggenheimer, (1969a,b), Jackson, (1979), Clay, N. (1971, 1979), Nager and Wentworth (1976, 1979), Hall, (1992), Rutledge (1971), or others who have looked more at 'green' or 'open' spaces, Arbanel, (1977), Christy, (1979), Francis et al, (1981, 1984), Gabrect, (1976), Linn, (1968, 1979); as well as small ones being included in Whyte's work (1980b). *Malls* have been studied by Gruzen, Brown, Sijpkes, & Maclean, (1986), Jacobs, J. (1984), and Anthony, (1985); and *arcades, atriums and interior pedestrian spaces* have been the focus of Benjamin (1999), Bednar, (1989), Blake, (1966), Brown, (1985), Kanar, (1979), Geist, (1985). A number of researchers and designers have also considered *streets* including Appleyard, & Lintell, (1972), Brower, (1971,1977), Kornblum, (1978), PPS (1988), Vernez-Moudon, A. (1991), Francis (1991). Whyte's (1980b) work on small urban spaces included many plazas and *plazas* have continued to be studied by a number of people including: Chidister, (1985, 1986a, 1986b, 1988, 1989a), Rutledge, (1971,1985), Clay G (1978), Clay N. (1971) Gade, (1976), Linn (1968), Korosec-Serfaty, (1982), Burton (1990), and most recently by Low (2000), others include town or village greens, squares,(Seymour, 1969).

[91] Wigley states that "Buildings are mechanisms of representation - systems of organizing things - and in that sense they are political constructions" (Wigley, 1995).

[92] The communication aspect of design or the designed environment as a communications system has been considered by a number of people including Gumpert and Drucker in their many works (Drucker, 1997).

[93] Benedikt (1987) would caution us not to conflate the messages or the communication role of the places we make.

[94] The exclusion of the feminine, and exclusion of women from the public realm, mirrors the purification of the Enlightenment city and operates on two levels: women are marginalised in the professions and the public spaces of modern urban life -- denied the public realm; and representational spaces are marginalised by the dominant conceptualisation of the city. … Illich describes the exclusion of odours, such as the smell of the dead from the city (Illich, 1986); Sibley refers to the link between purification and abjection: 'we can anticipate that a feeling of abjection will be

particularly strong ... difference will register as deviance, a source of threat to be kept out through the erection of strong boundaries, or expelled' (Sibley, 1995, p. 78).

[95] The ultimate effect of [conceptual or abstract] descriptions … is either that everything becomes indistinguishable or else that rifts occur between the conceived, the perceived and the directly lived -- between representations of space and representational spaces. The true theoretical problem, however, is to relate these spheres to one another, and to uncover the relations between them (Lefebvre, 1991, p. 298.)

[96] I am discussing here the professional practice of design and place-making. This is not to negate either the position that spaces are not static and are continuously being modified and remade, nor the role of all users and inhabitants of places in this process of place-making, both positions being well-accepted in the field. (Schneekloth, 1995).

[97] Decision-making issues include not only questions of who by virtue of their positions have the effective freedom or authority to make what sorts of decisions, but also the rules and procedures according to which decisions are made. (Young, 1990, p.22).

[98] Where it is, what it *replaces*, what *events* or other historic aspects are connected to it and so on.

[99] That is, what it is labeled, what is or are the driving force(s) behind its provision, and what its overt and hidden program or programs are expected to be.

[100] "… that's what places are about -- enhancing a self-image, enriching a self-narrative-- and belonging and group identity are a strong part of any social place." (Childress, 2000, p. 107)

[101] "…deliberate democracy conceives of democracy as a *process that creates a public*, citizens coming together to talk about collective problems, goals, ideals, and actions. Democratic processes are oriented around discussing this *common good* rather than competing for the promotion of the private good of each." [my emphasis added] . (Young, 1997b, p. 61)

[102] See Fraser's (1997) comments on whether bracketing is even possible.
Insofar as the bracketing of social inequalities in deliberation means proceeding as if they don't exist when they do, this does not foster participatory parity. On the contrary, such bracketing usually works to the advantage of dominant groups in society and the disadvantage of subordinates. In most cases, it would be more appropriate to *unbracket* inequalities in the sense of explicitly thematizing them – a point that accords with the spirit of Habermas' later "communicative ethics. (p. 78-79)

[103] "A theory of communicative democracy that attends to social difference, to the way that power sometimes enters speech itself, recognizes the cultural specificity

of deliberative practices and proposes a more inclusive model of communication." (Young, 1997b, p. 63)

[104] Since these institutions have styled their communication as debates or arguments which are competitive or agonistic, "parties to dispute aim to win the argument, not to achieve mutual understanding. Consenting because of the "force of the better argument" means being unable to think of further counterargument, that is to concede defeat." (Young, 1997b, p. 63).

[105] Montoya (1994) tells this story of her experience in the study of law in a predominately white, privileged, and patrician system:

> I remember the day one of the students was called on to explain [a particular case] … His identification of the salient facts, his articulation of the major and minor issues and his synopsis of the Court's reasoning was so precise and concise … He had already achieved and was able to model for the rest of us the objectivity, clarity and mental acuity that we all aspired to. The respect shown for this type of analysis was qualitatively different that that shown for contextual or cultural analysis. … rational objectivity trumped emotional subjectivity. What They had to say trumped what I wanted to say but didn't. … my voice was not heard … examining or explaining the life situations of either defendants or victims. Silence accommodated the ideological uniformity, but also revealed the inauthenticity implicit in discursive assimilation. … Issues of race or gender are never trivial or banal from my perspective. Knowing how or when to assert them effectively as others react with hostility, boredom or weariness can be a 'crazy-making' endeavor. Sometimes it seems that every interaction requires that I overlook the terms of the discourse or that I affirmatively redefine them. My truths require that I say unconventional things in unconventional ways. (p. 24-25)

[106] Legal scholarship produced by critical race theorists and feminists emphasizes the value of such cultural integration. Professor Mari Matsuda has proposed that Outsiders within the legal academy bring a "multiple consciousness" to bear on fundamental jurisprudential inquiries. Multiple consciousness allows Outsiders to operate "within the abstractions of standard jurisprudential discourse, and within the details of our own special knowledge." Mari J. Matsuda*, When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*. 11 Women's Rts. L. Rep. 7,0 (1989)." (Montoya, 1994)

[107] "When an argument proceeds from premise to conclusion, it is only as persuasive as the acceptance of its premises among deliberators. … [In situations where communicators do not share, or] face serious divergences in value premises, cultural practices, and meanings … [which can lead to conflict] … narrative can serve to explain to outsiders what practices, places, or symbols mean to the people who hold them." (Young, 1997b, p. 72)

[108] "Communicative democracy … justly requires a plurality of perspectives, speaking styles, and ways of expressing the particularity of social situation as well as the general applicability of principles. A theory of democratic discussion useful to the contemporary world must [encompass] the possibility of communication across wide differences of culture and social position. … [It] needs a broad and plural conception of communication that includes both the expression and the extension of shared understandings, where they exist, and the offering and acknowledgment of unshared meanings." (Young, 1997b, p. 73-74)

[109] How such information is labeled, i.e. guidelines, behavioral performance specifications, behavioral programming briefs, pattern languages, standards of similar terms is not as critical to me as their content.

[110] As noted in the Introduction the original discussions and some of the original work in this area included Alan Forrest, James Grecni, and later Wendy Mesnikoff and Christine Hoffman.

[111] These four assumptions are:

- The assumption that it is possible for interlocutors in a public sphere to bracket status differentials and to deliberate "as if" they were social equals; the assumption, therefore, that social equality is not a necessary condition for political democracy.
- The assumption that the proliferation of a multiplicity of competing publics is necessarily a step away from, rather than toward, greater democracy, and that a single, comprehensive public sphere is always preferable to a nexus of multiple publics.
- The assumption that discourse in public spheres should be restricted to deliberation about the common good, and that the appearance of "private interests" and "private issues" is always undesirable.
- The assumption that a functioning democratic public sphere requires a sharp separation between civil society and the state.

(Fraser, 1997 p. 76-77).

[112] This is of course especially true of Habermas concept of the liberal bourgeois model – but it is central to nearly all definitions.

[113] Young cites two examples of this:
Citizens in a rural Massachusetts town organize against a decision to site a huge hazardous waste treatment plant in their town. Their leaflets convince people that state law has treated the community unjustly by denying them the option of rejecting the plant (Young, 1983). Citizens in an Ohio city are outraged at the announcement that a major employer is closing down its plant. They question the legitimacy of the power of private corporate decision makers to throw half the city out of work without warning, and without any negotiation and consultation with the community. .... Schweickart, 1984.

These two cases concern not so much the justice of material distributions as the justice of decision-making power and procedures. (1990, p. 19-20).

Literature Review
Contestation:

114 "User conflicts in public open spaces often emerge when user needs are not met, or from conflicts between different user groups. Conflicts may result from lack of access to a space reinforced by restrictive management or over-design. They can also occur when different users have competing purposes and meanings they attach to public open space. Examples include conflicts between users of different ages, sex, or cultural background. Other problems result from a lack of user involvement in the design and management of spaces. A deeper understanding of needs and conflicts can aid designers and managers in creating more successful public open spaces." (Francis, 2003, p.4)

115 "The message was .... what is highly regarded in one society may not be highly regarded in another, but each society, whatever it rewards or punishes, works reasonably well as a coherent system." (Sarbin, 1982, p. 90). Benedict wrote, "It is clear that culture may value and make socially available even highly unstable human types. If it chooses to treat their peculiarities as the most valued variants of human behaviour, the individuals in question will rise to the occasion and perform their social roles without reference to our usual ideas of the types who can make social adjustments and those who cannot. Those who function inadequately in any society are not those with certain fixed 'abnormal' traits, but may well be those whose responses have received no support in the institutions of their culture. The weakness of these aberrants is in large measure illusory. [or one might say definitional]. It springs not from the fact that they are lacking ... but that they are individuals whose native responses are not reaffirmed by society. (1934, p. 270- 271)

Bendict goes on to tie this idea not only to differences between cultures but to differences within a culture over time (i.e. to changes in the same culture over time) by using the story of Don Quixote whose actions were deemed nonconformist and raving etc. but in an earlier time in that society these same behaviors and beliefs were seen as not only appropriate but expected and highly regarded.

116 ... maintaining order was probably the more important …(Rothman, 1971)….order, regularity, and predictability -- characteristics that were considered necessary for the smooth functioning of a rapidly growing economic and political system. (Sarbin & Juhasz, 1982, p. 78)

117 Sarbin argued that all people engage in adaptive actions to solve problems of living. Whether the conduct is good or bad, sane or insane, mad or rational is not inherent in the action itself, but is determined by powerful and relevant others -- the social reinforcers, so to speak. Thus, the attribution of madness follows not exclusively from the actions of the suspected madman, but also from the

> combination of actions and the judgments of appropriateness and propriety made by others who have been assigned the role of moral judge. ... Sarbin argued seriously that the diagnosis of mental illness is not a diagnosis at all, but a moral judgment expressed in ill-concealed moralistic language. (Sarbin & Juhasz, 1982, p. 99)

[118] In addition, because the maintenance of any social organization depends upon rules of conduct, the human being must locate [their]self in the ecology of norms, standards, and moral codes. (Sarbin & Juhasz, 1982, p. 100)

[119] Each person, each group, each society, must begin anew to recognize what limits, if any, should be placed on conduct, and what sanctions, if any, should be imposed on norm violators. In the context of cultural relativism, and its aftermath, it is vital that we look neither toward "normlessness" nor toward a new moral absolutism as salvation. The personal recognition that each of us operates from a moral system should embrace even our work as social scientists and/or historians. This recognition should lead to the acceptance of pluralistic perspectives and value systems. A pluralism that does not eschew moral commitment must flow from our understanding of ourselves and our social systems as they are, and not as our scientific or other fictions would have then be. (Sarbin & Juhasz, 1976, p. 104)

[120] The impact that these two phenomena have had on language, or on the language of contestation seems important as well; ..... "passing" — "outing" — "camping". "Passing" is a term which came out of the pre-civil-rights time period. It was used by light skinned "Negroes" who could "pretend" to be white and "pass" in white society. A friend of mine tells of her grandmother and her sister who moved up to Chicago from the South. The sister who was dark skinned had to pretend to be "the maid" of the other lighter-skinned sister. In contrast gays who are "outing" are in fact playing up rather than playing down their "differences" and "camping" is an even more outspoken, "in-your-face' kind of public identity. This use of language indicates similarities as well as differences in the *contestations* or the *kind of contestations*. One, passing, was more invisible, a well kept secret. The other, outing, is more visible, *in your face*, present in the public realm and under public scrutiny.

[121] This same kind of march-in-the-streets contestation is involved in the "gay pride parade" and while it is now considered a more acceptable use of the public way, we find a different legal ruling on the inclusion of gays intermixing with non-gays in a contestation over the right to participate in the same activity as part of the St. Patrick's Day parade. Parades have been ruled as a private group's use of the public space for a day in which the organizers, the private group, had the right to exclude whomever they wished.

[122] An example of a space that is identified for this type of behavior would be the Speakers Corner in Hyde Park.

---

[123] Conflict may initiate other types of interaction between antagonists, even previously unrelated antagonists. It also usually takes place within a universe of norms prescribing the forms in which it is to be carried out. Conflict acts as a stimulus for establishing new rules, norms, and institutions, thus serving as an agent of socialization for both contending parties. Furthermore, conflict reaffirms dormant norms and thus intensifies participation in a social life. As a stimulus for the creation and modification of norms, conflict makes the readjustment of relationships to changed conditions possible. (Coser 1956, p.128)

Literature Review - Conceptual Framework:

[124] Childress (2000) explains:

> "A word in current vogue among academics who look at this sort of interpretation is "narrative." To narrate is to give an account or tell the story, and this is not -- can never be--simply a recounting of cold facts. Narration is a creative act: choosing what to include and what to exclude, what to emphasize and how to order it all... the narrative includes the cultural frame within which one tells stories. For example, when telling the story of a homeless person, one narrator might talk about laziness, poor choices, and personal irresponsibility. All of these are choices about which parts of the story to relate, and are tied into a larger overarching narrative made up of things like sin, individualism, and free will. Another narrator might tell the same story in terms of chance events, harsh employers, and abusive parents. This is another set of choices about what parts of the story are important, and are tied to a competing narrative made up of things like power, fate and the limits to freedom. (p. 273)

One can of course argue if "cold facts" actually ever exist.

[125] Gergen maintains that "social psychological research is primarily the systematic study of contemporary history" (1973), and therefore he believes that we should not try to maintain such strict boundaries between history and other disciplines like sociology, psychology, economics and political science that contain an historical aspect. Gergen believes that traditional methods of history have value for the study of social psychology, and that historians could benefit from the more rigorous methods of the social sciences. In particular, he comments on the historian's sensitivity to causal sequences across time and on the functions of ongoing social psychological processes, thus providing information and theory regarding 'the interrelationship of events over extended periods of time'.

Literature Review - Research Methods:

[126] Narratives are, of course, shaped by and reflect the perspectives of the narrators who produce them, and constructionism explicitly acknowledges and sanctions the differential perspectives in the observation and interpretation of social phenomena. The logic of constructionism fosters the introduction of multiple perspectives to counter the positivist supposition of a uniform and objective social reality. The response to this sanctioning of

> the relativism of multiple realities has generated some markedly political constructionist research agendas. Asserting that mainline psychological and sociological studies have been biased and shaped by positivist theory and methodology, constructionists have been activated to propose alternative (sometimes stated as "more complete") narratives that give voice to members of politically, economically, and culturally disenfranchised groups (Sarbin, 1994).

[127] I pointed out previously that approximately one-third of the publicly owned and administered land in the US is *rural* or *wilderness* land and it is mostly concentrated in the western contiguous states and Alaska (Altman & Zube, 1989).

[128] Considering this conceptualization it may be important to expand the concept of contestation to include an understanding that is broader than just contestation between people.

[129] Pipestone National Monument, Pipestone, Minn. Palma Wilson NPS Supt. Feb. 1996 personal communication. This issue was confirmed as happening in other National Park sites across the northern plains states by Ken Raithel, Acting Chief, Professional and Employee Development, National Park Service, Denver Service Center, Feb. 1996. This example, which includes appropriate apparel or dress, is of particular interest in that 'attire' is still frequently used as an indicator or stereotype of class, and or as a way of identifying belonging or otherness.

Results

[129] Although often referred to as "General," even in writings about this particular battle, his rank at the time was Lieutenant Colonel. He had been made a Brigadier General and won a second star during the Civil War, so he was a Major General by brevet in the Regular Army, although only a Captain in the Army. However, after the Civil War the Regular Army was reorganized and his new rank was determined to be Lieutenant Colonel and he was assigned to the 7th Cavalry Regiment. Even though he was only a Lieutenant Colonel, the Colonel of the Regiment was kept on detached service for ten years making Custer the de facto general of the regiment and leader at the time of this incident.

[129] As Custer came close to the camp along the Greasy Grass or the Little Bighorn, he split his men into three groups: one group under Major Reno, one under Captain Benteen and one under himself. Benteen split off first and his command did not meet up with warriors and when he heard the sounds of battle behind him he doubled back. There he met up with the slower-moving pack train and a messenger from Custer to bring the packs up (for more ammunition). As they all moved in that direction they saw the last of Reno's men retreating from a series of disastrous encounters to regroup on a bluff (now referred to as Reno's Hill). Benteen and much of the pack train joined Reno on the bluff. Even with that much reinforcement, the group was still besieged until nightfall when the warriors retired for a victory dance, while the troopers dug shallow defenses. The siege was resumed in the morning at first light and continued until early afternoon when the

Indians set the prairie grass by the river on fire and behind the smokescreen packed the camp and moved off towards the Bighorn mountains. The next morning the second of the original three groups of cavalry — the one under General Terry arrived at the Reno-Benteen battlement, and they were shortly to discover the fate of the Custer force (Utley 1994).

[129] Sheridan sent out three groups, each group started from a different location and would take a different route to Little Bighorn. One group was under the command of General Crook and two were under General Terry. Of these two groups Terry himself would command one while one would be under Custer's command. Sheridan did this because he feared they would miss the "hostiles" otherwise, who had a habit of eluding the cavalry (Utley, 1969, 1971, 1994).

[129] The "hostiles" were made up of several tribal nations including the Lakota, seven bands that formerly were often referred to as the Teton Sioux — the *Hunkpapa*, *Ogalala*, Brule (*Sicangu*), Sans Arc (*Ita zipcola*), Minneconjous (*Mni coujou*), Two Kettles (*O'o'he numpa),* Blackfoot (*Siha sapa*); the *Santee* (Dakota); and their allies the Cheyenne (primarily the Northern *Tsististas*); and the Arapaho (*Inuna-ina*).

[129] It is apparent from much of the existing literature (Utley, 1969, 1971, 1994) that the Army believed that at most the "hostiles" — those Indians not staying on or within the confines of the agency land set up for them and which they were ordered to stay on — amounted to fewer than 800 fighting men. Further the Army believed that a force of that size should be able to be subdued by any single column of the three that were sent out. (Hannah, 2002; Hardorff, 1991, 1993; Michno 1997, Stands in Timber & Liberty, 1967, Utley, 1969, 1971, 1994)

[129] Images include paintings by Remington, Paxson (no relation!), and others. Arguably the most famous of the hundreds of paintings of the "Last Stand" is Casilly Adams' "Custer's Last Fight " (1895) which was the basis for a lithograph that Otto Becker did for the Anheuser-Busch Brewing Company. Ultimately a million copies of this image rolled off the presses to grace the walls of saloons and other venues. On the other hand there are also images from other perspectives, not only William Leigh's version of the event from the Indian's point of view but also a number of Native American images, done primarily in the ledger style such as that by Yellow Nose (Cheyenne).

[129] National cemeteries like Arlington exist around the country and are designated for soldiers and when possible their spouses and children.

[129] The entire camp was packed up and ready to move out quickly as the tribal nations were clearly aware that military presence in the area would soon be increasing. They had fought with the remaining soldiers under Reno-Benteen's command until they saw the dust which indicated the approach of more soldiers and then they left, going up Lodge Pole Creek towards the White Rain Mountains. (Utley 1969, Gall's Account, pp. 52-62).

[129] The Little Bighorn National Monument archival and museum collection of over 7,000 pieces is considered by many to be one of the most impressive in the NPS system. It is unclear if this is solely a question of the number of pieces or their quality, but a substantial portion of this collection is archival materials. Other materials include recovered uniform pieces, equipment, and weapons from both sides of the conflict.

[129] Joe Medicine Crow, received an M.A. in anthropology from University of California at Berkeley, then returned to work for the BIA in Crow Agency. His grandfather was one of Crook's scouts and his step-grandfather was a scout for Custer. He was involved in promoting the Indian Memorial on the Little Bighorn site.

[129] Personal Communications, both informal conversations and formal interviews with Native Americans from a number of tribal backgrounds including: *Apsaalooke*/Crow, *Tsististas*/Cheyenne, Dakota (all three groups –Dakota, Lakota, and Nakota), *Anishanabe*/Chippewa/Ojibwe, Diné/Navajo, Oneida, Ioway, Potawatomi (Pottawatomie), Gros Vente, Hidatsa/Mandan, *Ho-chunk*/Winnebago, Omaha. Some of these conversations included those with people who have become part of the NPS as rangers, historians, and interpreters. See also Plainfeather (1988, and quoted in Jordan, 1986), Jackson (1987) Josephy (1971), and Linenthal (1991).

[129] Keep in mind that at that time and through the 80s the site was called the Custer Battlefield National Monument

[129] On February 5, 1975 John Warner, National Director of the American Revolution Bicentennial Administration (ARBA) met on the Little Bighorn site along with Crow tribal leaders and then Superintendent Hart to discuss plans for the centennial. However, at this meeting it was decided to postpone the reenactment until 1977, because of "its potential for explosiveness". So a potential use or activity on the site is banned or avoided because of the contestation it might create. This is taken from the March and April 1975 letter addressed to association members from Rich Rambur, executive secretary, Custer Battlefield Historical and Museum Association, Inc. Parmly Public Library Pamphlet files, Billing, Montana.

[129] It is unclear, even today, at what point [the] National Park had decided not to sponsor an elaborate commemorative service for the Centennial. At any rate, this move abolishing the Centennial Committee certainly cleared the way of any interference from the Association. The fact that the Association's own board of directors approved of this move emphasises [sic] the control that the Historian had established. (Koury, 1978, p. 17)

[129] Though the program called for the introduction of Distinguished Guests, retired Lieutenant Colonel George Armstrong Custer III was not introduced. That is a rather strange turn of events for the **Custer** Battlefield." [emphasis in original]. (Koury, 1978, p. 22)

[129] Many of the speeches of the program from non-native non-AIM members included themes of reconciliation, learning from past mistakes and doing better in the future and

striving for understanding. Koury has reprinted many of them in his book including those by Sterns, Utley, and Hart. Conspicuously missing from this collection are any of the speeches by American Indians or AIM members.

[129] Koury elaborates on this in several places in his book including in this passage:

> On the 24th of June, the American Indian Movement appeared in force. To their credit, National Park had taken every precaution possible, short of the stationing of troops. They had their own special Strike team, as well as a large number of FBI agents present. Explosive sniffing dogs roamed the crowd, and helicopters flew overhead. Roving armed patrols covered the area around the Battlefield. Perhaps this obvious preparedness averted violence. The situation, though at times tense, never got out of hand. (Koury, 1978, p. 22)

[129] From a year-end report letter addressed to association members from Rich Rambur, executive secretary. Custer Battlefield Historical and Museum Association, Inc. on the occasion of the Custer Battle Centennial. Dated July and August [with 1976 handwritten in] Parmly Public Library Pamphlet Files, Billings, Montana.

[129] Extract from an article in the *Monroe Evening News*, Monroe Michigan, Wednesday, June 30, 1976. (By permission of the editor) as printed in *Little Big Horn Associates Newsletter* 1976-8 August Vol. X no. ISSN. In a section called "Centennial Celebration Comments" p. 14
One assumes this is the editorial staff's contribution as no byline appears (Literary Editor: John McCormack; Asst., Literary Editor: John J. Cronin; Editorial Board: Jim Schneider, Chairman; Paul Hedren; Donald H. Westfall)
The extract continues with:

> Some 1,000 visitors gathered at the outdoor amphitheater adjacent to the Custer Battlefield Museum to hear Hal Sterns, Montana bicentennial director, discuss the country's birthday.
> Russell Means, Sioux head of the American Indian Movement, spoke on various aspects of Indian affairs. While the U.S. Army played the National Anthem there were no members of the military on the platform, Dr. Frost reported. The dignitaries were primarily Indian representatives and National Park Service people.
> The pendulum swings wide Dr. Frost said. As late as four or five years ago the character of the program was completely different. This year was an obvious attempt to play down the Army losses and emphasize the Indian victory.
> Following the ceremony Col. George Armstrong Custer III of Pebble beach, Calif., a great-grandnephew of the general and a Monroe native, and his son George A. Custer IV, laid a wreath at the base of the obelisk on Custer Hill. Inscribed on the wreath were the names of the five Monroe Custer men who died in the battle. Dr. Frost made a few remarks for the 150 persons who had come to the monument. The marker bears the names of all the men under Custer who died there." (p. 14).

Please note: LBHA is not equal to Custer Battlefield Historic and Museum Association (CBHMA) although there seems to be a number of members in common and several board members of each have apparently served on both, either concurrently or sequentially or at various different times. The purpose of LBHA as stated by a candidate for the Board of Directors on page 2 of the 1990-8 September Vol. XXIV newsletter: "…. The purpose of the LBHA – to seek the truth about all aspects of the life of George Armstrong Custer. …" Frost was a long time member of the LBHA, possibly one of the founding members and served on the Board at least once.

[129] I found no later documentation of the Sioux warrior being done and such a figure is not presently part of the exhibit, this might in part explain one aspect of the final Indian Memorial proposal that was chosen.

[129] Part of comments made by Russell Means during the dedication ceremonies for the new Indian memorial on the battlefield site.

[129] All NPS sites have independent associations who manage the onsite concessions (food, books, souvenirs).

[129] From the minutes of the Annual Meeting of the Custer Battlefield Historical and Museum Association June 20, 1976, 10:30a.m.-11:45 a.m.) Parmly Public Library Pamphlet Files Billings, Montana.

ReNaming Ballot

___ Little Big Horn National Battlefield Site and Custer National Cemetery

___ Custer Battlefield National Monument and Cemetery

-- - - - --- -- - - -- - - - - -- -- - -- -- -- -- -- - - - - - --- -- -- - - ---- - - - - - - - -- - -- -

___ Little Big Horn Historical Association

___ Custer Battlefield National Historical and Museum Association

[129] That is the actual village location, which is only a portion of what might be considered their "reservation" or the lands currently recognized as "in trust" for them with the U.S. federal government.

[129] This is of course very interesting in relationship to issues of ownership and historical use. If the U.S. government did not consider or recognize this land to have been under the use (exclusively or not) of a tribal nation it seems unlikely that a suitability study would have been needed. I did not find record of a similar study prior to the establishment of the first land designated to Carson Forest.

[129] Originally Carson, which was established in 1904, surrounded Taos National Forest, but later Taos National Forest was subsumed by Carson.

[129] Agreements concerning appropriate uses and including certain exclusive tribal use stipulations.

[129] One wonders at some level if Ehrlichman's support was help or hindrance as he reportedly first characterized the contestation as a "cowboys and Indians thing" and Nixon reportedly responded that he considered himself "more of a John Wayne man". Apparently Ehrlichman then indicated that he saw their involvement in the Blue Lake cause as "more of an esthetic matter rather than a political matter" which the President, who considered himself a pragmatist, found rather disturbing but commented that having come this far they had better just finish it. (See Nabokov 2006).

[129] Most of the 'religious' (ceremonial might be a better term) observances and celebrations, which take place in the central plaza gathering space, begin and end in the kivas. Kivas are mostly underground ceremonial rooms or chambers and are the site of cultural training and initiations, especially for boys. Taos Pueblo has six kivas and each kiva is maintained by its own clan or kiva society. These activities take place throughout the year.

[129] In reference to the "dance files", Nabokov (2006) writes that they were rumored to contain;

> …. sensationalistic accounts of Hopi handling rattlesnakes, debauchery at Blue Lake, and Pueblo clowns running around half naked and performing mock copulations. In 1923, Indian Affairs Commissioner Charles H. Burke updated the old list of 'Indian offenses' for which Indians could be punished, highlighting polygamy and ritual self-torture; Burke suggested maypole dances as a more positive substitute…. apparently oblivious to the fact that they [maypole dances] were survivals [sic] of European pagan fertility dances around phallic icons. (p.78-79)

[129] It is reported that one of these businessmen owns a gun manufacturing company, while another is an ammunitions manufacturer.

[129] An e-mail copied and sent to the Minnesota Indian List Serve by Andy Hollander from Joe Rice March 30 2006. Earlier (March 15th) Rice forwarded another e-mail from Hollander which noted:

> …Construction has already started with grass being stripped from the base of Bear Butte. ….The various local, county and state agencies have stated that since there is no zoning in Meade County, nothing can be done to stop this project. I must strongly disagree with this statement." and he goes on to call for people to come and speak out at a public hearing regarding the liquor license for the site saying that people should try to stop this development in whatever ways they can, the implication being that it will not be developed as proposed if they cannot obtain a liquor license. Hollander then includes the following description of the development from the owner's webpage and gives the address as www.sturgiscountyline.net: "…He [Allen] originally planned to call his

> campground "Sacred Ground" and build an 80 foot tall statue to honor American Indians. He modified those plans somewhat due to an outcry from local people and Tribal representatives. However, among the attractions still listed as being built on his 600 acre campground include in his words: 'Hot women, … parking for bikes and tractor trailers, a… saloon, a stage and amphitheater to accommodate … world class rock acts using Bear Butte standing in the background as if it were the crown of a King, an 1800's school house with the teachers serving ice cold beer, a campground and RV Hookups.' Other than [these uses] …'We want to leave the rest of this beautiful property untouched so you can sit back and drink a cold one while watching a Bear Butte Sunset . . . it doesn't get any better than that." In summary his site states: "...hundreds of acres to party...free from a policed environment...ice cold beer...kick-butte music and oh yea, hot hot women!'…

Now while most of this information is still currently found on his website, the order is somewhat different and so is the tone. [On 4/4/06 the Rapid City Journal printed an editorial from Hollander which contained a portion of this text.] The Meade County Commission did approve a beer license for this venue 'the new Broken Spoke Saloon and Sturgis County Line campground.' on April 4th 2006. Several articles and an editorial by the editorial board appeared in the Rapid City Journal on the 4th and 5th the editorial board had this to say;

> **Preserving Bear Butte**- The Meade County Commission unanimously approved a beer license for a proposed Sturgis rally bar and campground near Bear Butte on Tuesday. In doing so, commissioners ignored hundreds of demonstrators who marched outside the Meade County Courthouse, urging the commission to preserve the sanctity of Bear Butte, which is considered sacred ground by about 60 American Indian tribes. Tuesday's outcome was predictable. The commission had no reason to deny Allen a beer license because it has approved other license applications under similar circumstances.

They go on to say that those that want to control land uses around Bear Butte can buy it to preserve it as the Nature Conservancy and several Native Nations have.

"Allen has a right to use his land in a manner consistent with existing zoning laws. If groups want to protect Bear Butte from Allen's proposed Sturgis County Line bar, they can raise money and make Allen an offer he won't refuse."

An earlier Journal article on 4/4/06 by Dan Daly commented that about 400 protestors showed up at the County Commissioners meeting (most of whom had to remain outside since the courthouse could only accommodate about 70 people max.) and that the Protestors had "marched from Sturgis Community Center to the courthouse in a procession led by an American Indian drum group." He notes "Protesters carried signs that read "The End is Near, Jay Allen is Here" and "Develop Your Mind, Not Sacred Sites." He reports that about 20 people spoke against the proposal in the meeting including religious leaders from the Cheyenne and the Lakota as well as "State Sen. Stan Adelstein, R-Rapid City, who chairs the House-Senate Tribal Relations Committee, also spoke against the measure, … [and] Bruce Ellison, a Rapid City attorney. Ellison said the United States was founded on the principle of religious freedom. 'We have to figure out a way in which we can co-exist,' he said."

[129] From the Protect Bear Butte internet petition site:
http://www.thepetitionsite.com/takeaction/843054051?ltl=1151531959

[129] It was the first National Monument designated after the passage of the Antiquities Act in 1906, which was the sponsoring act for all National Monuments.

[129] In 1972 Glen Canyon was officially recognized as a National Recreation Area when congress passed PL 92-593.

[129] From a written statement to Congress from the Utah Committee for a Glen Canyon National Monument as reported on the NPS' Rainbow Bridge National Monument web site:

> … the elevation of the maximum level of the proposed lake [behind the dam] is 3707'. According to the figures of the Bureau of Reclamation, this is 53' higher than the canyon bed at Rainbow Bridge, which is 3654' above sea level. This dam will result in the submergence of the lower end of the National Monument a hundred feet. Parts of Rainbow Bridge National Monument will thus be flooded whenever the lake is within 100' of capacity. (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi6.htm p. 4)

[129] The PA included stipulations for the Park Service to consult NACC on a variety of issues: interpretation programs, trail maintenance, construction of wayside exhibits, interpreter training, revegetation, visitor traffic control, and measures to reduce resource degradation. The agreement also *authorized unrestricted and non-permitted access to Rainbow Bridge for members of signatory tribes who wished to conduct traditional ceremonies*. *The agreement also stipulated that the Park Service would consider closing the monument at the request of any signatory tribe provided the reasons for the closure were compelling and the closure could be legally justified*. [emphasis added] (Sproul, 2001; http://www.nps.gov/archive/rabr/adhi/adhi8.htm p. 1-2)

[129] This word in Hopi includes as a single word both knowing and telling or teaching.

[129] One should keep in mind that stories here is used in the way I often do, with the underlying meaning of value such as of oral histories, not stories in the sense of tales, fish-stories or something make-believe or trivial.

[129] The NPS web site notes that:

> There is no professional rescue-team at Devils Tower National Monument. Make plans for self-rescue or get assistance from other climbers should an unexpected incident arise. …Available park staff will provide assistance to the limit of their abilities; however help may not arrive on-scene for several hours. …The closest medical facility which can treat significant trauma is 60 miles from DTNM . … The National park Service does not maintain anchors. Inspect all anchors and

> back them up if you think they are not adequate. The majority of serious accidents and climbing deaths on the Tower have occurred during rappelling. ...Watch for snakes, spiny plants, poison ivy, falcon attacks, wasps, and falling rocks while climbing on the Tower. (NPS; http://www.nps.gov/archive/deto/climbing.htm)

[129] The Bear Lodge Multiple Use Association

[129] Based on a recently completed inventory (2004).

[129] Some compared this willingness to lose this cultural patrimony to the unwillingness to consider an alternative route for the road that would have resulted in the loss of a few holes of the golf course in the nearby neighborhood of Paradise Hills north of PNM.

> William F. Weahkee, a Cochiti Indian on the monument's advisory commission, said in an interview: "In Albuquerque, major roads stop at golf courses. Are those sacred sites to you guys? What is the point of digging through the monument? People just want a shortcut." (Brooke NYT 1998). A quote very similar to one he gave to the NYTimes in 1995 see above).

[129] The Sandcreek Massacre was one of the events that led up to Battle at the Little Bighorn. In November of 1864 Col. Chivington and his Third Colorado Cavalry forces attacked an encampment of Black Kettle's Cheyenne and Arapaho. This incident was particularly heinous because the band had already surrendered to the garrison at Fort Lyon, but Chivington did not want prisoners he wanted the Indians dead and he and his men hunted down anyone trying to escape and killed and mutilated them.

[129] Personal communication September 2004.

[129] The web site for the organization "Take Back the Memorial," which fueled the controversy over the proposed inclusion of an 'International Freedom Center', stated there must be no facilities "that house controversial debate, dialogue, artistic impressions or exhibits referring to extraneous historical events" (NY Times 2005b).

[129] It is important to remember that contestations are not limited to only two opposing groups, they can involve multiple groups. These groups can form coalitions against another group or groups when their interests coincide and be oppositional at other times. As an example consider environmental groups which sided with Native Americans regarding certain issues at both the Rainbow Bridge and Devils Tower National Monuments and disagreed regarding other issues.

[129]See S. Jones (2000), P. Eubanks-Owens (1993, 1998), Wollery (1999)

[129] Refer to the literature review and Miles (1997) who takes the position that there is art that is in a public venue and public art, which he defines as art that takes a stance with

regard to issues of society and culture. Thus it would not be surprising for such art to be seen as controversial or to provoke some contestation.

[129] Blue Lake and Little Bighorn are examples of the establishment of recognized public identities as well as examples of contestation helping to see that issues of subordination and domination, as described by Harrison and Montoya below, do not get erased. The Juan Oñate case had this potential, and for a few months actually supported this as well. However, when the recast foot of the statue was replaced, especially in the absence of any other additional interpretative materials or continuing contestation, this potential was lost.

> …Plantations" and "colonies" cease being sites of enslavement, oppression, and degradation and become instead bucolic and nostalgic memories of sunset-colored retreats. The "primitive" and the "exotic" are broken from their histories of subordination. The coded images and mantras of the political Right: "Americana," "neutrality," "freedom of expression," and "endless opportunities" are insouciantly juxtaposed with "Diversity" and its hues of browns and black. Cultural and racial hybridity with their "mixing of cultures" and "ethnic looks" are stripped of their search and yearning for political and economic re/location and instead, fetishized, commodified, and re-defined as "natural," "better," and "at ease. (Harrison and Montoya, 1996, p. 389)

BIBLIOGRAPHY

Abarbanel, K. (1977). The national urban land program: Greening America's cities. *Foundation News, 18*(6), 11-17.

Abramsom, D. (1999, Fall). Make history, not memory. *Harvard Design Magazine,* 78-83.

Agrest, D., Conway, P., & Weisman, L. K. (Eds.). (1996). *The sex of architecture*. New York: Harry N. Abrams, Inc.

Alexander, C. (1972). The city as a mechanism for sustaining human contact. In R. Gutman (Ed.), *People and buildings* (pp. 406-434). New York: Basic Books, Inc.

Allen, G. (1974). High-rise office buildings: The public spaces they make. *Architecture Record, 155*, 127-142.

Altman, I. (1975). *The environment and social behavior*. Monterey: Brooks Cole.

Altman, I., & Low, S. M. (Eds.). (1992). *Place attachment*. New York: Plenum Press.

Altman, I. & Zube, E.H. (Eds.). (1989). *Public places and spaces*. New York: Plenum.

Anschuetz, K. F., Ferguson, T. J., Francis, H., Kelley, K. B., & Scheick, C. L. (2002). "That place people talk about": the Petroglyph National Monument ethnographic landscape report: prepared for National Park Service-Petroglyph National Monument.

Anschuetz, K. F. (August 13-16, 1998). A view from atop Tsi Mayoh: Reflections on Spanish colonial history; refractions of Pueblo history. Paper presented at the 1998 Pecos Conference. Pecos National Historic Park, New Mexico.

Anschuetz, K. F. (2000). The past is not a pickle: Use of archaeological resources in sustaining northern New Mexico community traditions. Paper presented at the 99th Annual Meeting for the American Anthropological Association. San Francisco, CA.

Anschuetz, K. F., and C.L. Scheick. (1998). Unveiling archaeological tierra incognita: Evaluating time, placemaking and tradition through a cultural landscape paradigm. Paper presented at the 63rd Annual Meeting of the Society for American Archaeology. Seattle, WA.

Anschuetz, K. F., R.W. Wilshusen, and C.L. Scheick. (2001). An archaeology of landscapes: Perspectives and directions. Journal of Archaeological Research, 9, 157-211.

Anthony, K. H. (1985). The shopping mall: A teenage hangout. *Adolescence, 20*(78), 307-312.

Appleyard, D. (1976). *Planning the pluralist city: Conflicting realities in Ciudad Guayana*. Cambridge, MA: MIT Press.

Appleyard, D., & Lintell, M. (1972). The environmental quality of city streets: The residents' viewpoint. *Journal of the American Institute of Planners, 38*, 84-101.

Arendt, H. (1958). *The human condition*. Chicago.: University of Chicago Press.

Arendt, H. (1987). The public realm: The common. In N. Glazer & M. Lilla (Eds.), *The public face of architecture*. New York: The Free Press.

Arendt, R., & Grantt, H. (2000). *Charter of the new urbanism*. New York: McGraw-Hill, Inc.

Armijo, P. (1998, March 12). Panel OKs Domenici Paseo bill. *Albuquerque Journal.*

Armijo, B. (2004, October 26). Long ride bumpy for road bonds. *Albuquerque Journal.*

Armijo, B. (2004, October 27). Group: A Paseo alternative exists. *Albuquerque Journal*, p. 1.

Arnstein, S. (1969, July). A ladder of citizen participation. *Journal of the American Institute of Planners, 35*(4), 216-224.

Ast, B., Underhill, M., & M. Orlowski. (1987). *Common grounds the built forms of public life.* Paper presented at the American Collegiate Schools of Architecture West Central Regional Meetings, Ames, IA.

Azaryahu, M. (1996). The spontaneous formation of memorial space: The case of Kikar Rabin, Tel Aviv. *Area: Institute of British Geographers, 28*(4), 501-513.

Babbitt backtracks on petroglyph issue. (1995, January 31). [Editorial]. *Albuquerque Journal*, p. 6A.

Bahr, H. M., & Caplow, T. (1973). *Old men drunk and sober*. New York: New York University Press.

Bradley, E., & Wolfe, M. (1987, May 29- June 2). *Where do the 64 year-old Jewish Latina Lesbians Live?: Diversity of people as an environmental issue.* Paper presented at the meeting of the Environmental Design Research Association, (pp. 157). Ottawa, Canada.

Bakhtin, M. (1994). The Bakhtin reader: Selected writings of Bakhtin. In P. Morris (Ed.), *The Bakhtin reader: Selected writings of Bakhtin, Medvedev, and Voloshinov*. London: E. Arnold.

Bal, M. (1985). *Narratology: Introduction to the theory of narrative*. Buffalo, NY: University of Toronto Press.

Barnes, T. J., & Duncan, J. S. (Eds.). (1990). *Writing worlds: Discourse, text and metaphor in the representation of landscape*. London: Routledge.

Barnett, J. (1974). *Urban design as public policy*. New York: Architectural Record Books.

Barnett, J. (1980). Onward and upward with the art of zoning. *New York Affairs, 6*(3), 4.

Barnett, J. (1984). Urban design as a survival tool. *Urban Design International, 5*(1), 26-29.

Barnett, J. (1986). *The elusive city, five centuries of design ambition and miscalculation*. New York: Harper & Row Publishers.

Barnett, J. (2003). *Redesigning cities: Principles, practice, implementation*. Chicago: Planners Press.

Barthes, R. (1975, Winter). An introduction to the structural analysis of narrative. *New Literary History, 6*, 237-272.

Barton, A. (1955). The concept of property-space in social research. In P. Lazarsfeld & M. Rosenberg (Eds.), *The language of social research*. New York: The Free Press.

Bartz, S. M. (1994). *Managing a 24 hour lifestyle*. Houston, TX: Schlumberger Corporation.

Basso, K. H. (1996). *Wisdom sits in places : Landscape and language among the Western Apache.* Santa Fe: University of New Mexico Press.

Batiuk, & Ayers. (1992). Universal Press Syndicate.

Battiste, M. (1998). Enabling the autumn seed: Toward a decolonized approach to Aboriginal knowledge, language and education. *Canadian Journal of Native Education, 22*(1), 16-27.

Battiste, M. (Ed.). (2000). *Reclaiming indigenous voice and vision*. Vancouver: University of British Columbia Press.

The Battlefield Dispatch, newsletter of the Custer Battlefield Association (1981, September). p. 3.

Baudrillard, J. (1983). The ecstasy of communication. In H. Foster (Ed.), *Postmodern culture* (pp. 126-134). Port Townsend, WA: Bay Press.

Beal, B. (1995). Disqualifying the official – an exploration of social resistance through the subculture of skateboarding. *Sociology of Sport Journal, 12*(3), 252-267.

Becker, F. D. (1973). A class-conscious evaluation: Going back to Sacramento's pedestrian mall. *Landscape Architecture., 64*(1), 448-457.

Bednar, M. J. (1989). *Interior pedestrian places*. New York: Whitney Library of Design.

Behnke, S. (2002). Alaska's contested rural landscapes and the subsistence claims of Alaska Natives. In K. A. Berry & M. L. Henderson (Eds.), *Geographical identities of ethnic America: Race, space, and place* (pp. 149-173). Reno: University of Nevada Press.

Benedict, R. (1934). *Patterns of culture*. Boston: Houghton Mifflin Company.

Benedikt, M. (1987). *For an architecture of reality*. New York: Lumen Books.

Benjamin, W. (1999). *The arcades project* (H. Eiland & K. McLaughlin, Trans.). Cambridge: Belknap Press of Harvard University Press.

Benn, S. I., & Gauss, G. F. (1983). The public and the private. In S. I. Benn & G. F. Gauss (Eds.), *Public and private in social life* (pp. 3-30). New York: St. Martins' Press.

Ben-Yehuda, N. (1985). *Deviance and moral boundaries: Witchcraft, the occult, science fiction, deviant sciences and scientists*. Chicago: The University of Chicago Press.

Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: a treatise in the sociology of knowledge.* Garden City, N.Y.: Doubleday.

Berman, M. (1986, Fall). Take it to the streets; Conflict and community in public space. *Dissent, 33*, 476-485.

Berman, M. (1988). *All that's solid melts into air: The experience of modernity*. New York: Penguin Books.

Blake, P. (1966). Shopping streets under roofs of glass. *Architectural Forum, 124*, 69-75.

Blake, P. (1974). *Form follows fiasco*. Boston: Little Brown.

Bloomer, J. (1993). *Architecture and the text: The scripts of Joyce and Piranesi*. New Haven, CT: Yale University Press.

The Blue Lake ceremonies: A glimpse of Indian religion. (1928). *American Indian Life* (13).

Bodine, J. J. (1967). *Attitudes and institutions of Taos, New Mexico: Variables for value system expression.* Unpublished Dissertation, Tulane, LA.

Bodine, J. J. (1973). Blue Lake: Struggle for Indian rights. *American Indian Law Review, 1*(1), 23-32.

Bodine, J. J. (1978). Taos Blue Lake controversy. *Journal of Ethical Studies, 6*(1), 42-49.

Bodine, J. J. (1979). Taos Pueblo. In *Handbook of North American Indians-Southwest* (Vol. 9). Washington, D.C.: Smithsonian Institution.

Bodine, J. J. (1988). The Taos Blue Lake ceremony. *American Indian Quarterly, 12*(2), 91-105.

Bohl, C., & Plater-Zyberk, E. (1996). Building community across the rural-to-urban transect. *Places: Forum of Design for the Public Realm, 18*(1), 4-17.

Bosselman, P. (1984). *Sun,wind and comfort--A study of open spaces and sidewalks in four downtown areas*. Berkeley: University of California Press.

Bourdieu, P. (1998). *Acts of resistance: Against the tyranny of the market* (R. Nice, Trans.). New York: New Press.

Bourdieu, P. (2005). *Pierre Bourdieu and democratic politics: The mystery of ministry*. Cambridge, UK: Polity Press.

Boutourline, S. (1970). The concept of environmental management. In H. M. Proshansky, W. H. Ittleson & L. G. Rivlin (Eds.), *Environmental psychology* (1st ed., pp. 496-500). New York: Holt Rinehart & Winston.

Boyer, C. (1994). *The city of collective memory: Its historical imagery and architectural entertainments*. Cambridge, MA: MIT Press.

Boyer, C. (1996). Crimes in and of the city: The *femme fatale* as urban allegory. In D. Agrest, P. Conway & L. K. Weisman (Eds.), *The sex of architecture* (pp. 97-118). New York: Harry N. Abrams, Inc.

Bradley, E. & Wolfe, M. (1987, May 29- June 2). *Where do the 64 year-old Jewish Latina Lesbians Live?: Diversity of people as an environmental issue.* Paper presented at the meeting of the Environmental Design Research Association, Ottawa, Canada.

Brill, M. (1987, May 29- June 2). *Transformation, nostalgia and illusion about public life and public environments.* Paper presented at the meeting of the Environmental Design Research Association, Ottawa, Canada.

Brill, M. (1989a). An ontology for exploring urban pubic life today. *Places, 6*(1), 24-31.

Brill, M. (1989b). Transformation, nostalgia and illusion about public life and public environments. In I. Altman & E. H. Zube (Eds.), *Public places and spaces* (pp. 7-29). New York: Plenum Press.

Broadbent, G. (1990). *Emerging concepts in urban space design*. London, UK: Van Nostrand Reinhold Co.

Brooke, J. (1998, January 25). Sprawling Albuquerque hopes to cut through monument. *New York Times*, p. 12.

Brooks- Higginbotham, E. (1993). *Righteous discontent: The women's movement in the black baptist church, 1880-1920*. Cambridge, MA: Harvard University Press.

Brower, S. (1971). Streetfront and sidewalk. *Landscape Architecture, 63*(4), 22-26 (364-369).

Brower, S. (1974). Outdoor recreation as a function of the urban housing environment. *Environment and Behavior, 6*(3), 295-345.

Brower, S. (1977a). *The design of neighborhood parks.* Baltimore, MD: Baltimore City Planning Commission Department of Planning.

Brower, S. (1977b). *Streetfront and backyard: Two ways of looking at neighborhood open space*. Baltimore, MD: Baltimore City Planning Commission Department of Planning.

Brower, S., Stough, R., Grey, L., & Headley, B. (1976). The design of open space for resident management. In Suedfeld & Russel (Eds.), *The behavioral basis of design: Book 1*. (pp. 275-284). Stroudsberg, PA: Dowden, Hutchinson & Ross.

Brown, D., MacLean, M., & Sijpkes, P. (1985, Fall). The indoor city- Can it be successfully integrated into the urban fabric? *City Magazine, 7,* 16-21.

Brown, D., Sijpkes, P., & Maclean, M. (1986). The community role of public indoor space. *Journal of Architecture and Planning Research, 3*, 161-173.

Bruner, J. (1986). *Actual minds, possible worlds*. Cambridge, MA: Harvard University Press.

Bureau of Indian Affairs, (2002). Federal register: Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs. 67(134) Section IV. pp. 46327-46333.

Buriel, R. (1984). Integration with traditional Mexican-American culture and socio-cultural adjustment. In J. L. Martinez & R. H. Mendosa (Eds.), *Chicano psychology* (2nd ed., pp. 95-130). New York: Academic Press.

Burton, W. B. (1990). *The publicness of public space: A comparison of two mid-town Manhattan plazas.* Unpublished masters thesis, City University of New York, New York.

Bryant Park Restoration Corporation & Project for Public Spaces Inc., (1980). *Intimidation or recreation, program development for increased park use.* New York: Bryant Park Restoration Corporation & Project for Public Spaces, Inc.

Cajete, G. (1995). *Look to the mountain: An ecology of indigenous education*. Durango, CO: Kikavi Press.

Caldwell, P. M. (1991). A hair piece: Perspectives on the intersection of race and gender: Analyzing Renée Rogers v. American Airlines, 527 F. Supp.229 (S.D.N.Y. 1981) *Duke Law Journal, 365*, 325-365.

Calhoun, C. (Ed.). (1993). *Habermas and the public sphere* (2nd ed.). Cambridge, MA: MIT Press.

Calloway, C. G. (1996). Army allies or tribal survival? The "other Indians" in the 1876 campaign. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 63-82). Helena, MT: Montana Historical Society Press.

Calthorpe, P., & Fulton, W. (2001). The regional city: Planning for the end of sprawl. Washington D.C.: Island Press

Canter, D. V. (1974). *Psychology for architects*. London: Applied Science.

Canter, D. V., & Lee, T. (Eds.). (1974). *Psychology and the built environment*. London: Architectural Press.

Canter, D. (1977). *The psychology of place*. London: Architectural Press.

Carlson, C. (2004, June 18). Ventana Ranch resident suggests suing city over Paseo. *Albuquerque Journal*.

Carmichael, D., Hubert, J., & Reeves, B. (1994). *Sacred sites, sacred places*. London: Routledge.

Carr, S., Francis, M., Rivlin, L. G., & Stone, A. M. (1992). *Public space*. New York: Cambridge University Press.

Carr, S., & Lynch, K. (1968). Where learning happens. *Daedalus, 97*(14), 1277-1291.

Carr, S., & Lynch, K. (1979). Open space: Freedom and control. In L. Taylor (Ed.), *Urban open spaces*. New York: Cooper-Hewitt Museum.

Cashdan, L., Fahle, B., Francis, M., Schwartz, S., & Stein, P. (1979). A critical framework for participatory approaches to environmental change In M. Francis (Ed.), *Participatory planning and neighborhood control.* New York: Center for Human Environments.

Castells, M. (1983). *The city and the grassroots: A cross-cultural theory of urban social movements*. Berkeley, CA: University of California Press.

Celik, Z. (1996). Gendered spaces in colonial Algiers. In D. Agrest, P. Conway & L. K. Weisman (Eds.), *The sex of architecture* (pp. 127-140). New York: Harry N. Abrams, Inc.

Chamberlain, A. (1966, Aug.28,1966). Bad days ahead for America's greatest loser. *Saturday Evening Post*, Aug.28,1966, 72.

Chamberlain, J. E. (1972). Oscar Wilde and the importance of doing nothing. *Hudson Review, 25*, 194-218.

Chatman, S. (1978). *Story and discourse: Narrative structure in fiction and film*. Ithaca, NY: Cornell University Press.

Chidester, D., & Linenthal, E. (1995). *American sacred space*. Bloomington and Indianapolis: Indiana University Press.

Chidister, M. (1985). *Plazas and the shape of public needs*. Unpublished manuscript.

Chidister, M. (1986a, Fall). The effect of the context on the use of urban plazas. *Landscape Journal, 5*(2), 115-127.

Chidister, M. (1986b, November). *Response or prophecy? American plazas.* Paper presented at the ASLA (American Society of Landscape Architects) Annual Meeting., San Francisco, CA.

Chidister, M. (1988). Reconsidering the piazza. *Landscape Architecture, 78*(1), 40-43.

Chidister, M. (1989a, August). Plaza puzzle. *Landscape Architecture, 79*(6), 62-67.

Chidister, M. (1989b, Fall). Public places, private lives: Plazas and the broader public landscape. *Places: A Quarterly Journal of Environmental Design, 6* (1), 32-37.

Childress, H. (1993, September, October). No loitering: Some ideas on small-town teenage hangouts. *Small Town, 24*(2), 20-24.

Childress, H. (1995, March 16-20). *Place image and narrative: A new approach to place attachment.* Paper presented at the Banking on design? 24th annual conference of the Envrionmental Design Research Association, San Antonio, TX.

Childress, H. (2000). *Landscapes of betrayal landscapes of joy: Curtisville in the lives of its teenagers*. Albany, NY: SUNY Press.

Christy, L. (1979). The greening of cities. In L. Taylor (Ed.), *Urban open spaces*. New York: Cooper-Hewitt Museum.

Chua-Eoan, H. C., & Papier, D. (1992, June 1). Along the wall, gifts from the heart. *People,* 109-111.

City may be talked into hogtying itself. (1995). [Editorial]. *Albuquerque Journal*, p. 16A.

Clay, G. (1969). Who controls neighborhood open-space design? *Landscape Architecture, 59*(4), 282-283.

Clay, G. (1978). What makes a good square good? *Landscape Architecture, 68*, 483-484.

Clay, N. (1971). Miniparks: Diminishing returns. *Parks & Recreation, 6*(1), 22-26.

Clay, N. (1979). Park design: Who makes the decisions? *Bronx River Current: Periodic News of the Bronx River Restoration, 2*(3).

Cleary, L. M., & Peacock, T. D. (1998). *Collected wisdom: American Indian education*. Boston: Allyn & Bacon.

Clement, J. (2004). *Social, restorative, and safe spaces: Strategies for small urban open space planning and design.* University of Florida Press.

Cobb, J. C. (2000). The Franklin D. Roosevelt Memorial, Washington, D.C. In W. E. Leuchtenburg (Ed.), *American places: Encounters with history: A celebration of Sheldon Meyer* (p. 398). Oxford, England: Oxford University Press.

Cohen, A. (1993). *Masquerade politics: Explorations in the structure of urban cultural movements*. Berkeley: University of California Press.

Cohen, J. (1989). Deliberation and democratic legitimacy. In A. Hamlin & P. Pettit (Eds.), *The good polity* (pp. 17-34). London: Blackwell.

Cohen, J. (1990, April). *Comments on Nancy Fraser's "Rethinking the Public Sphere"*. Paper presented at the meetings of the American Philosophical Association, New Orleans, LA.

Cohen, R. (1979, March). Neighborhood planning and political capacity. *Urban Affairs Quarterly*, 337-362.

Cohen, S. (1973). Property destruction: Motives and meanings. In C. Ward (Ed.), *Vandalism.* (pp. 23-54). New York: Van Nostrand Reinhold Co.

Cohen, S. (1985). *Visions of social control*. Cambridge, UK: Polity Press.

Connell, E. S. (1984). *Son of the morning star: Custer and the Little Bighorn*: Harper Perennial.

Cook-Lynn, E., (Editor). (1998). *Wicazo Sa Review, 13*(1). Special section on sovereignty.

Cooper, M. (1994). Spatial discourses and social boundaries: Re-Imagining the Toronto waterfront. *City and Society Annual Review*, 93-117.

Cooper, M. (1999). Spatial Discourses and Social Boundaries: Re-Imagining the Toronto Waterfront. In S. M. Low (Ed.), *Theorizing the city: The new urban anthropology reader.* New Brunswick, N.J.: Rutgers University Press.

Cooper-Marcus, C. (1970). Adventure playgrounds. *Landscape Architecture, 61*(1), 18-29, 88-91.

Cooper-Marcus, C. (1989). The future of urban open space. *Places: A Quarterly Journal of Environmental Design, 6*(1).

Cooper-Marcus, C. (2000). Looking back at village homes: Has New Urbanism thrown the baby out with the bathwater? *Landscape Architecture*, 128.

Cooper-Marcus, C., & Barnes, M. (Eds.). (1999). *Healing gardens.* New York: Wiley.

Cooper-Marcus, C., & Francis, C. (1987). Outdoor spaces for living and learning. *Landscape Architecture, 77*(2), 54-61.

Cooper-Marcus, C., & Francis, C. (Eds.). (1998). *People places: Design guidelines for urban open spaces* (2nd ed.). New York: John Wiley & Sons.

Copjec, J., & Sorkin, M. (Eds.). (1999). *Giving ground: the politics of propinquity*. New York: Verso.

Coser, L. (1956). *The functions of social conflict*. New York: The Free Press.

Cosgrove, D. (1983). Geography is everywhere: Culture and symbolism in human landscapes. In D. Gregory & R. Walford (Eds.), *Horizons in human geography* (pp. 188-135). London: Macmillan.

Cranz, G. (1981). Women in urban parks. In E. D. C. R. Stimpson, M. J. Nelson, & K. B. Yatrakis (Ed.), *Women and the American city* (pp. 151-163). Boulder, CO: Westview.

Cranz, G. (1982). *The politics of park design: A history of urban parks in America*. Cambridge, MA: MIT Press.

Crouch, D. P. (1979). The historical development of urban open space. In L. Taylor (Ed.), *Urban open spaces* (pp. 7-8). New York: Cooper-Hewitt Museum.

Crawford, M. (1995). Contesting the public realm: Struggles over public space in Los Angeles. *Journal of Architectural Education*, 49(1).

Curran, M. (2003). Dialogues of difference: Contested mappings of tourism and environmental protection in Butte, Montana. In S. P. Hanna & V. J. Del Casino (Eds.), *Mapping Tourism* (pp. 132-160). Minneapolis: University of Minnesota Press.

Custer Battlefield Historical and Museum Association (1976, June 20). Meeting minutes.

Custer buff fails in bid to oust battlefield boss. (1983, June 29, 1983). *Billings Gazette*.

Daly, D. (2006, May 4). "Beer Sales Get Unanimous OK" *Rapid City Journal*. Rapid City Journal on line. Retrieved May 7, 2006 from http://www.rapidcityjournal.com/articles/2006/04/05/news/top/news01.txt

Darnton, R. (1983). *Local knowledge: Further essays in interpretive anthropology*. New York: Basic Books, Inc.

Darnton, R. (1984). *The great cat massacre and other episodes in French cultural history*. New York : Basic Books,: Basic Books.

Darnton, R. (1995). *The forbidden best-sellers of pre-revolutionary France*. New York: W.W. Norton.

Darnton, R. (2003). *George Washington's false teeth: An unconventional guide to the eighteenth century*. New York: W.W. Norton.

Davidoff, P. (1976, November). Advocacy and pluralism in planning. *Journal of American Planning Association*.

Davis, I. (1980). Seven requirements determine the success of downtown revitalization projects. *Journal of Housing, 37*, 448-449.

Davis, M. (1990). *City of quartz: Excavating the future of Los Angeles*. London: Verso.

Davis, N. Z. (1995). *Women on the margins: Three seventeenth-century lives*. Cambridge, MA: Harvard University Press.

Davis, N. Z., & Starn, R. (Eds.). (1989). *Memory and counter-memory*. Berkeley, CA: University of California Press.

Day, K., Francis, M., Loukaitou-Sideris, A., Buss, S., Marans, R., Nasar, J. L., & Rivlin, L. (1998, March 4-8). *New perspectives on people and public space*. Symposium presented at the Environmental Design Research Assocation 29 - People, Places, and Public Policy, St. Louis, MO.

Day, K., & Horwitz, J. (2000, May 10-14). *Negotiating comfort: Men and public space.* Paper presented at the meeting of the Environmental Design Research Association, San Francisco, CA.

Dear, M., & Scott, A. (Eds.). (1981). *Urbanization and urban planning in capitalist society*. New York: Methuen Publishing.

DeCerteau, M. (1984). *The practice of everyday life*. Berkeley: University of California Press.

Degnore, R. (1987). *The experience of public art in urban settings.* Unpublished doctoral dissertation, City University of New York, New York.

Del Olmo, F. (1988, July 4 1988). Activists' plaque at Little Big Horn honors 'patriots' who beat Custer. *Los Angeles Times*.

Deloria, V., Jr. (1974). *Behind the trail of broken treaties: An Indian declaration of independence.* New York: Dell Publishing Co.

Deloria, V., Jr. (1990). Knowing and understanding: Traditional education in the modern world. *Winds of Change, 5*(1), 12-18.

Deloria, V., Jr. (1992). *God is red*. Golden, CO: North American Press.

Deloria, V., Jr. (1995a). The Bering Strait and narrow. *Winds of Change, 10*(1), 68-75.

Deloria, V., Jr. (1995b). *Red earth white lies: Native Americans and the myth of scientific fact*. New York: Scribner.

Deloria, V., Jr. (Featured Commentator) (2002). *In the light of reverence.* Christopher McLeod/ Earth Island Institute.

Deloria, V.,Jr. & Lytle, C. M. (1984). *The nations within: The past and future of American Indian sovereignty*. New York: Pantheon Books.

D'Emilio, J. (1992). *Making trouble: Essays on gay history, politics, and the university*. New York: Routledge.

Deutsche, R. (1991a). Alternative space. In B. Wallis (Ed.), *If you lived here: The city in art, theory, and social activism. A project by Martha Rosler* (pp. 45-66). Seattle: Bay Press.

Deutsche, R. (1991b). Uneven development: Public art in New York City. In D. Ghirardo (Ed.), *Out of site* (pp. 157-219). Seattle, WA: Bay Press.

Deutsche, R. (1992). Art and public space: Questions of democracy. *Social Text* (33), 34-53.

Deutsche, R. (1996). *Evictions:Art and spatial politics*. Cambridge, MA: MIT Press.

Deutsche, R. (1999). Reasonable Urbanism. In J. Copjec & M. Sorkin (Eds.), *Giving ground: the politics of propinquity.* (pp. 175-206). London, New York: Verso.

Deverell, W. (2004). *A companion to the American West*. Malden, MA: Blackwell Publishers.

Devils Tower National Monument. Climbing regulations. (2006, August 6). Retrieved October 14, 2006, from http://www.nps.gov/deto/climbing.htm

Dillinger, T. L. (2002). Coping with health care delivery on the Round Valley Indian Reservation. In K. A. Berry & M. L. Henderson (Eds.), *Geographical identities of ethnic America: Race, space, and place* (pp. 201-227). Reno: University of Nevada Press.

Dillon, D. (1998). *The Franklin Delano Roosevelt Memorial: Designed by Lawrence Halprin* (Vol. 7). Washington, D.C.: Spacemaker Press.

Dippie, B. (1976). *Custer's last stand: The anatomy of an American myth*. Missoula: University of Montana Press.

Dippie, B. W. (1994). "What valor is": Artists and the mythic movement. In *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 209-230). Helena, MT: Montana Historical Society Press.

Dixon, J. K. (2004). *The vanishing race, the last great Indian council: A record in picture and story of the last great Indian council, participated in by eminent Indian chiefs from nearly every Indian reservation in the United States, together with the story of their lives as told by themselves--their speeches and folklore tales--their solemn farewell and the Indians' story of the Custer fight*. Amsterdam: Fredonia Books.

Donner, B. (Ed.). (1996). *Map of memory, spectrum of commemmoration in memory of Rabin*. Tel Aviv: Eretz-Israel Museum.

Dorst, J. D. (1989). *The written suburb: An American site, an ethnographic dilemma.* Philadelphia: University of Pennsylvania Press.

Douglas, J. (1970a). Deviance and order in a pluralistic society. In J. C. McKinney & E. A. Tiryakian (Eds.), *Theoretical sociology: Perspectives and development.* (pp. 367-402). New York: Appletion-Century-Crofts.

Douglas, J. (1970b). *Deviance and respectability*. NewYork: Basic Books.

Dovey, K. (1985). *An ecology of place and placemaking: Structures, processes, knots of meaning*. Paper presented at the Place and Placemaking: Proceedings of the People and Physical Environment Research '85 Conference. Melbourne, Australia.

Doxiadis, C. A. (1974). *Anthropopolis: City of human development*. New York: Norton and Co.

Drucker, S., & Gumpert, G. (1996, June 12-16). *Contested space, contested uses, contested users: The role of 'contestation' in the creation and use of public and private space.* Paper presented at the meeting of the Environmental Design Research Association, Salt Lake City, UT.

Drucker, S., & Gumpert, G. (1997a, May). *Contestation between ghosts and the living: The Little Big Horn Battlefield, Toronto and Montreal, and Great Neck, N.Y.*

Iranians. Paper presented at the meeting of the Environmental Design Research Association, Montreal, Canada.

Drucker, S., & Gumpert, G. (1997b). *Placemaking in cyberspace II: Social implications of new information technologies for environmental design and research.* Paper presented at the meeting of the Environmental Design Research Association, Montreal, Canada.

Drucker, S. & Gumpert, G. (Eds.). (1997c). *Voices in the street: Explorations in gender, media, and public space*. Cresskill, N.J.: Hampton Press.

Drucker, S., & Gumpert, G. (2002, May 22-26). *Monuments, memories, and contestation.* Paper presented at the Environmental Design Research Association 33-Community: Evolution or Revolution, Philadelphia, PA.

Dryzek, J. (1990). *Discursive democracy*. Cambridge, UK: Cambridge University Press.

Duany, A., Plater-Zyberk, E., & Speck, J. (2000). *Suburban nation: The rise of sprawl and the decline of the American dream*. New York: North Point Press.

Duany, A., Plater-Zyberk, E., & Speck, J. (2001). *Smart growth, New Urbanism in American communities*. New York: McGraw Hill Press.

Dubin, S. C. (1999). *Displays of power: Memory and amnesia in the American museum*. New York: New York University Press.

Duncan, J. S. (1985). Individual action and political power: A structuration perspective. In R. J. Johnston (Ed.), *The future of geography* (pp. 174-189). London: Methuen Publishing.

Duncan, J. S. (1990). *The city as text: The politic of landscape interpretation*. Cambridge; UK: Cambridge University Press.

Duncan, J. S., & Agnew, J. (Eds.). (1989). *The power of place*. London: Unwin & Hyman.

Dustin, D. L., Schneider, I. E., McAvoy, L. H., & Frakt, A. N. (2002). Cross-cultural claims on Devils Tower National Monument: A case study. *Leisure Sciences,* 24(1), 79-88.

Eley, G. (1992). Nations, publics, and political cultures: Placing Habermas in the nineteenth century. In C. Calhoun (Ed.), *Habermas and the public sphere* (pp. 289-339). Cambridge, MA: MIT Press.

Ellin, N. (Ed.). (1997). *Architecture of fear.* New York: Princeton Architectural Press.

Ellin, N. (1999). *Postmodern urbanism*. New York: Princeton Architectural Press.

Elliott, D. (1979). Open space legislation. In L. Taylor (Ed.), *Urban open spaces* (pp. 21-23). New York: Cooper-Hewitt Museum.

Elshtain, J. B. (1974). Moral women and immoral man: A consideration of the public-private split and its political ramifications. *Politics and Society*, 453-473.

Engler, M. (1999). A living memorial: Commemmorating Yitzhak Rabin at the Tel Aviv Square. *Places, 12*(2), 4-12.

Epp, D. J. (1971). The effects of public land acquisition for outdoor recreation on the real estate tax base. *The Journal of Leisure Research, 3*(1), 17-27.

Espinoza, L. (1990). Masks and other disguises: Exposing legal academia. *Harvard Law Review, 103*(3), 1878-1886.

Ewing, B. G., & Wallis, A. (1979). Crime and vandalism. In L. Taylor (Ed.), *Urban open spaces* (pp. 104-107). New York: Cooper-Hewitt Museum.

Farbstein, J., Wener, R., & Axelrod, E. (2000, October 10). *Commitment to place: Urban excellence and community.* New York: Bruner Foundation.

Fein, A. (Ed.). (1972). *Landscape into cityscape: Frederick Law Olmsted's plans for a Greater New York City.* Ithaca, NY: Cornell University Press.

Feld, S., & Basso, K. H. (1996). *Senses of place.* Santa Fe, New Mexico: School of American Research Press.

Feldman, R. M., & Jaffe, M. (1992). Reformation and Counter Re-Formation. *Inland Architect, 36*(5), 62-67.

Ferreti, F. (1977, June 7). New Yorkers volunteer to maintain parks. *New York Times,* p. 1.

Ferreti, F. (1979, November 1). Private funds help park to get more loving care. *New York Times (Metropolitan Report)*.

Finnegan, R. (1998). *Tales of the city: A study of narrative and urban life*. Cambridge, UK: Cambridge University Press.

Flores, D. (1996). The great contraction: Bison and Indians in northern plains environmental history. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 3-22). Helena, MT: Montana Historical Society Press.

Fludernik, M. (1996). *Towards a 'natural' narratology*. London: Routledge.

Forester, J. (1987a). *Critical theory and public life*. Cambridge, MA: MIT Press.

Forester, J. (1987b). Planning in the face of conflict. *Journal of the American Planning Association, 53*(3).

Forester, J. (1989). *Planning in the face of power*. Berkeley: University of California Press.

Forrest, A., Grecni, J., Mesnikoff, W., & Paxson, L. (1979). *For people's sake: A study in Grand Central Terminal.*Unpublished manuscript.

Forrest, A., & Paxson, L. (1979). *Provision for peoples: Grand Central Terminal/Citicorp. Study II.*Unpublished manuscript.

Foucault, M. (1965). *Madness and civilization; a history of insanity in the Age of Reason*. (R. Howard, Trans.). New York: Pantheon Books.

Foucault, M. (1973). *The birth of the clinic* (A. M. Sheridan, Trans.). London: Tavistock Press.

Foucault, M. (1986). Other spaces: The principles of heterotopias. *Lotus, 48/49*, 9-17.

Fox Jr., R. A. (1993). *Archaeology, history, and Custer's last battle: The Little Big Horn Reexamined.* Norman: University of Oklahoma Press.

Fox Jr., R. A. (1996). West River history: The Indian village on Little Bighorn River, June 25-26, 1978. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 139-166). Helena, MT: Montana Historical Society Press.

Francis, M. (1987a). Changing value for public spaces. *Landscape Architecture*, 54-59.

Francis, M. (1987b). Urban open spaces. In E. H. Zube & G. T. Moore (Eds.), *Advances in environment, behavior, and design* (Vol. 1, pp. 72-106). New York: Plenum Press.

Francis, M. (1989). Control as a dimension of public-space quality. In I. Altman & E. H. Zube (Eds.), *Public places and spaces* (Vol. 10, pp. 147-172). New York: Plenum.

Francis, M. (1991). The making of democratic streets. In A. Vernez-Moudon (Ed.), *Public streets for public use* (pp. 23-39). New York: Columbia University Press.

Francis, M. (2003). *Urban open space: Designing for user needs*. Washington, DC: Island Press.

Francis, M., Cashdan, L., & Paxson, L. (1981). *The making of neighborhood open spaces: Community design, development and management of open spaces*. New York: Center for Human Environments, CUNY.

Francis, M., Cashdan, L., & Paxson, L. (1984). *Community open spaces: Greening neighborhoods through community action & land conservation*. Washington D.C./Covelo, California: Island Press.

Francis, M., Goltsman, S., Iacofano, D., Klein, S., Moore, R., & Paxson, L. (1985, June). *Design & democracy: The process and politics of participatory decision making.* Paper presented at the meeting of the Environmental Design Research Association, New York, NY.

Francis, M., Goltsman, S., Iacofano, D., Klein, S., Moore, R., & Paxson, L. (1987). Design and democracy [Special issue]. *Journal of Architectural & Planning Research, 4*(4), 271-360.

Francis, M., & Hester, R. T. (Eds.). (1990). *The meaning of gardens: idea, place, and action*. Cambridge, MA: MIT Press.

Franck, K. (2001). *The place of and the place for difference.* Paper presented at the meeting of the Environmental Design Research Association, Edinburgh, Scotland.

Franck, K., & Paxson, L. (1989). Women and urban public space: Research, design, and policy issues. In I. Altman & E. H. Zube (Eds.), *Public places and spaces* (Vol. 10, pp. 122-146). New York: Plenum Press.

Franck, K. A., & Paxson, L. (2007). Transforming public space into sites of mourning and free expression. In K. A. Franck & Q. Stevens (Eds.), *Loose space: Possibility and diversity in urban life*. London: Taylor & Francis Books Ltd.-Routledge pp. 132-153.

Fraser, N. (1989). *Unruly practices*. Minneapolis: University of Minnesota Press.

Fraser, N. (1992). Rethinking the public sphere: A contribution to the critique of actually existing democracy. In C. Calhoun (Ed.), *Habermas and the public sphere* (pp. 109-142). Cambridge, MA: MIT Press.

Fraser, N. (1997). *Justice interruptus: Critical reflections on the "Postsocialist" condition*. New York: Routledge.

Freidland, R. (1980). Corporate power and urban growth: The case of urban renewal. *Politics and Society, 10*, 203-224.

Fried, M., & Gleicher, P. (1961). Some sources of residential satisfaction in an urban slum. *Journal of the American Institute of Planners*, 27, 369-371.

French, J. S. (1980). The decline and deterioration of the American city park. *Parks & Recreation, 5*(8), 25-28, 43-48.

Fried, M. (1963). Grieving for a lost home. In L. J. Duhl (Ed.), *The urban condition: People and policy in the metropolis* (pp. 151-177). New York: Basic Books.

Fulton, W. (1996). *The New Urbanism: Hope or hype for American communities?* Cambridge, MA: Lincoln Institute of Land Policy.

Furnivall, J. S. (1948). *Colonial policy and practice: A comparative study of Burma and Netherlands India*. London: Cambridge University Press.

Gabrect, L. (1976, June). *The utilization of inner-city green open space.* Paper presented at the proceedings of 30th International Conference on Architecture, Strashering.

Gade, D. (1974). *The Latin American central plaza as functional space.* Proceedings of the Conference of Latin American Geographers. 5, pp 16-23.

Gans, H. J. (1968). Outdoor recreation and mental health. In *People and plans* (pp. 108-126). New York: Basic Books.

Garnham, N. (1993). The media and the public sphere. In C. Calhoun (Ed.), *Habermas and the public sphere* (2nd ed., pp. 359-376). Cambridge, MA: MIT Press.

Gee, M. (1996). *Building a world: The political nature of public art.* Unpublished doctoral dissertation, City University of New York, New York.

Geertz, C. (1973). *The interpretation of culture*. New York: Basic Books.

Geertz, C. (2000). *The interpretation of cultures: Selected essays*. New York: Basic Books.

Gehl, J. (1987). *Life between buildings* (J. Koch, Trans.). New York: Van Nostrand Reinhold Co.

Gehl, J., & Gemoze, L. (1996). *Public spaces public life*. Copenhagen: Danish Architectural Press.

Geist, J. F. (1985). *Arcades: The history of a building type*. Cambridge, MA: MIT Press.

Gergen, K. J. (1973). Social psychology as history. *Journal of Personality and Social Psychology, 26*(2), 309-320.

Gergen, K. J. (1985). The social constructionist movement in modern psychology. *American Psychologist, 40*(3), 266-275.

Gergen, K. J. (1994). *Toward transformation in social knowledge* (2nd ed.). London & Thousand Oaks, CA: Sage Publications.

Gergen, K. J. (2001). *Social construction in context*. Thousand Oaks, CA: Sage Publications.

Gergen, K. J., & Gergen, M. M. (1984). *Historical social psychology*. Hillsdale, N.J.: Erlbaum Assoc.

Gergen, K. J., & Graumann, C. F. (Eds.). (1996). *Historical dimensions of psychological discourse*. Cambridge, UK: Cambridge University Press.

Gergen, M. (1994). The social construction of personal histories: Gendered lives in popular autobiographies. In T. R. Sarbin & J. I. Kitsuse (Eds.), *Constructing the social* (pp. 19-44). Thousand Oaks, California: Sage Publications.

Gillette, J. B. (1992). On her own terms. *Historic Preservation, 44*(6), 26-33, 84, 86.

Ginzberg, C. (1980). *The cheese and the worms: The cosmos of a sixteenth-century miller* (J. Tedeski & A. C. Tedeski, Trans.). Baltimore, MD: John Hopkins University Press.

Giroux, H. A. (2001). *Public paces, private lives: Beyond the culture of cynicism*. Lanham, MD: Rowman & Littlefield Publishers, Inc.

Glancy, D. (1997). *The West pole*. Minneapolis: University of Minnesota Press.

Glassie, H. (1991). Studying material culture today. In G. L. Pocius (Ed.), *Living in a material world: Canadian and American approaches to material culture* (pp. 251-256). St. John's, Newfoundland: Institute of Social and Economic Research, Memorial University of Newfoundland.

Glazer, N., & Lilla, M. (Eds.). (1987). *The public face of architecture: Civic culture and public spaces*. New York: The Free Press.

Glazer, N., & Moynihan, D. P. (1963). *Beyond the melting pot*. Cambridge, MA: M.I.T. Press.

Goffman, E. (1959). *The presentation of self in everyday life*. Garden City: Doubleday/Anchor Books.

Goffman, E. (1963a). *Behavior in public places*. New York: The Free Press.

Goffman, E. (1963b). *Stigma: Notes on the management of spoiled identity*. Englewood Cliffs, NJ: Prentice-Hall.

Goffman, E. (1971). *Relations in public*. New York: Basic Books.

Gold, S. M. (1972, November). Non-use of neighborhood parks. *Journal of the American Institute of Planners*, 38(6), 369-378

Gold, S. M. (1974). Deviant behavior in parks. *Leisure Today*.

Gold, S. M. (1977a). Planning neighborhood parks for use. *Ekistics, 43*, 84-86.

Gold, S. M. (1977b). Urban Parks: An endangered species. *California Parks & Recreation*, pp. 25-34.

Gomez, D. F. (1973). *Somos Chicanos: Strangers in our own land*. Boston: Beacon Press.

Gonzales, N. L. (1970, Winter). Social function of carnival in a Dominican city. *Southwest Journal of Anthropology, 26*(4), 328-342.

Goodman, P., & Goodman, P. (1960). *Communitas*. New York: Vintage Books.

Goodman, R. (1971). *After the planners*. New York: Simon & Schuster.

Goodsell, C. T. (1988). *The social meaning of civic space: Studying political authority through architecture*. Lawrence,KS: University Press of Kansas.

Gordon-McCutchan, R. C. (1991). *The Taos Indians and the battle for Blue Lake*. Santa Fe, NM: Red Crane Press.

Greene, J. A. (1996). A battle among skirmishes: Little Bighorn in the Great Sioux War. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 83-92). Helena, MT: Montana Historical Society Press.

Grey, A. L., Bonsteed, D. L., Winkel, G. H., & Parker, R. A. (1970). *People & downtown: Use, attitudes, settings*. Seattle: University of Washington, College of Architecture & Urban Planning.

Griego, T. (1998, Sunday June 21). Footnote to history: Amputation of N.M. statue underlines 400-year-old grudge. *Rocky Mountain News,* pp. 14A-15A.

Grody, S. (2007). *Graffiti LA: Street styles and art*. New York: Harry N. Abrams.

Groth, P. (1989). Nonpeople: A case study of public architects and impaired social vision. In Ellis, R. & D. Cuff (Ed.), Architects' People (pp. 213-238). New York: Oxford University Press.

Groth, P. (1991). Vernacular parks. In S. Wrede & W. H. Adams (Eds.), *Denatured visions: Landscape and culture in the twentieth century* (pp. 135-137). New York: Museum of Modern Art.

Groups vowing Paseo fight. (1997, June 27). *Albuquerque Journal*, p. 1.

Gumpert, G., & Drucker, S. J. (1999, June 2-6). *Celebration: Implementing a vision as the community evolves.* Paper presented at the meeting of the Environmental Design Research, Orlando, FL.

Guggenheimer, E. C. (1969a). Planning for parks and recreation behavior. *Journal of Leisure Research, 4*(2), 129-138.

Guggenheimer, E. C. (1969b). *Planning for parks and recreation needs in urban areas*. New York: Twayne Publications.

Habermas, J. (1971). *Knowledge and human interests* (J. J. Shapiro, Trans.). Boston: Beacon Press.

Habermas, J. (1989). *The structural transformation of the public sphere: An inquiry into a category of bourgeois society* (T. Burger & F. Lawrence, Trans.). Cambridge, MA: MIT Press.

Habermas, J. (1993). Further reflections on the public sphere. In C. Calhoun (Ed.), *Habermas and the public sphere* (2nd ed., pp. 421-461). Cambridge, MA: MIT Press.

Halkett, I. P. B. (1978). The recreational use of private gardens. *Journal of Leisure Research, 10*(1), 13-20.

Hall, L. (1992). *Teenagers in suburbia: A case study in Rohnert Park, California.* Unpublished masters thesis, University of California at Berkeley, Berkeley, CA.

Hall, P. (Fall, 2000). Retro urbanism: On the once and future TOD. *Harvard Design Magazine*(12), 30-34.

Hallum, R. S. (1994). Some constructionist observations on "anxiety" and its history. In T. R. Sarbin & J. I. Kitsuse (Eds.), *Constructing the social.* (pp. 139-156). Thousand Oaks, CA: Sage Publications.

Halprin, L. (1997). *The Franklin Delano Roosevelt Memorial / memorial designer, Lawrence Halprin*. San Francisco, CA: Chronicle Books.

Halprin, L., and Associates. (1968). *New York, New York: A study of the quality, character, and meaning of open space in urban design*. New York: City of New York, Housing and Development Administration.

Haney, C. A., Leimer, C., & Lowery, J. (1997). Spontaneous memorialization: Violent death and emerging mourning ritual. *Omega, 35*(2), 159-171.

Hannah, M. G. (2002). Varieties of Oglala Lakota resistance to displacement and control. In K. A. Berry & M. L. Henderson (Eds.), *Geographical identities of ethnic America: Race, space, and place* (pp. 117-129). Reno: University of Nevada Press.

Hannerz, U. (1980). *Exploring the city*. New York: Columbia University Press.

Hardin, G. (1976). The tragedy of the commons. In H. Proshansky, W. Ittleson & L. G. Rivlin (Eds.), *Environmental psychology: Man and his physical environment* (2nd ed., pp. 379-389). New York: Holt, Rinehart & Winston.

Hardorff, R. G. (Ed.). (1991). *Lakota recollections of the Custer fight: New sources of Indian-military history*. Lincoln: University of Nebraska Press.

Hardorff, R. G. (1993). *Hokahey! A good day to die! The Indian casualties of the Custer fight*. Lincoln: University of Nebraska Press.

Harrison, M., and M. Montoya. "Voices/Voces in the Borderlands: A Colloquy on Re/Constructing Identities in Re/Constructed Legal Spaces." Columbia Journal of Gender and Law 6 (1996): 387-442.

Hart, R. (1979). *Children's experience of place*. New York: Irvington Publishers.

Hartman, C. (1974). *Yerba Buena: Land grab and community resistance in San Francisco*. San Francisco, CA: Glide Publications.

Hartman, C. (1979, March/April). Displacement: A not so new problem. *Social Policy*.

Hartman, C., Keating, D., & LeGates, R. (1982). *Displacement: How to fight it*. Berkeley, CA: National Housing Law Project.

Harvey, D. (1985). *Social justice and the city*. Baltimore: Johns Hopkins University Press.

Harvey, D. (1990). *The condition of postmodernity*. London: Blackwell Publishing.

Harvey, P. (2001). Landscape and commerce: Creating contexts for the exercise of power. In B. Bender & M. Winer (Eds.), *Contested landscapes: Movement, exile, and place* (pp. 197-210). Oxford: Berg Publishers.

Hart, J. P. (1996). Contemporary perspectives on the Little Bighorn. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 271-286). Helena, MT: Montana Historical Society Press.

Hart, R. (1979). *Children's experience of place*. New York: Irvington.

Haskins, E. V., & Derose, J. P. (2003). Memory, visibility, and public space: Reflections on commemoration(s) of 9/11. *Space & Culture, 6*(4), 377-393.

Hass, K. A. (1998). *Carried to the wall: American memory and the Vietnam Veterans Memorial*. Berkeley, CA: University of California Press.

Hayden, D. (1984). *Redesigning the American dream*. New York: W.W. Norton.

Hayden, D. (1995). *Power of place: Urban landscapes as public history*. Cambridge, MA: MIT Press.

Hayward, D., Rothenberg, M., & Beasley, R. (1974). Children's play and urban playground environments: A comparison of traditional, contemporary and adventure playground types. *Environment and Behavior, 6*(2), 131-168.

Heritage Conservation & Recreation Service.(HCRS). (1978). *National urban recreation study*. Washington, D.C: Heritage Conservation & Recreation Service, U.S. Department of the Interior.

Hecht, P. R., Paxson, L., & Kreiger, M. (1992, April). *First amendment rights in public space.* Paper presented at the workshop of the meeting of the Environmental Design Research Association, Boulder, CO.

Hecht, P. R., Paxson, L., Rivlin, L. G., & Shields, J. (1990, April 1990). *Workshop - Challenging the privatization of the public realm.* Paper presented at the meeting of the Environmental Design Research Association, Champaign-Urbana, IL.

Heckscher, A. (1979). The management of open spaces. In L. Taylor (Ed.), *Urban open spaces* (pp. 19-20). New York: Cooper-Hewitt Museum.

Heckscher, A., & Robinson, P. (1977). *Open spaces: The life of American cities*. New York: Harper & Row.

Hedren, P. L. (1996). "Holy ground": The United States Army embraces Custer's battlefield. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 189-208). Helena, MT: Montana Historical Society Press.

Hester, R. T., Blazej, N. J., & Moore, I. S. (1999). Whose wild? Resolving cultural and biological diversity conflicts in urban wilderness. *Landscape Journal*, 18(2), 137-146.

Highway plan through N. M. Petroglyph Memorial rocks community. (1998, March 23). *Washington Post*, p. 5.

Hill, K. (2005). Shifting sites. In C. J. Burns & A. Kahn (Eds.), *Site matters: Design concepts, histories, and strategies* (pp. 131-155). New York: Routledge.

Hill, M., & Shechter, M. (1978). Multiple objectives in outdoor recreation planning. *Journal of Leisure Research, 10*(2), 126-140.

Hills, R., (1987). Justice engendered. Harvard Law Review, 10(1), 14-15.

Hoffman, C., & Paxson, L. (1979). *Provisions for peoples moves outside: Planning and piloting for a study in Washington Square Park*. Unpublished manuscript.

Hogan, L. (1995). *Dwellings: A spiritual history of the living world*. New York: WW Norton & Co.

Hogan, K., & Roth, N. L. (Eds.). (1998). *Gendered epidemic: Representations of women in the age of AIDS*. New York: Routledge.

Holston, J. (1989). *The modernist city: An anthropological critique of Brasília*. Chicago: University of Chicago Press.

Holston, J. (1991). The misrule of law: Land and usurpation in Brasil. *Comparative Studies in Society and History, 33*, 695-725.

Holston, J. (1995). Spaces of insurgent citizenship. *Planning Theory, 13*, 35-51.

Hubbard, W. (1987). A meaning for monuments. In N. Glazer & M. Lilla (Eds.), *The public face of architecture: Civic culture and public spaces.* (pp. 124-141). New York: The Free Press.

Humphreys, L. (1970). *Tearoom trade: Impersonal sex in public places*. New York: Aldine Publishing Company.

Hutton, P. A. (1996). "Correct in every detail": General Custer in Hollywood. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 231-270). Helena, MT: Montana Historical Society Press.

Illich, I. (1986). H_20 and the waters of forgetfulness. London:Boyers.

Indian etchings stand in way of a new road. (1995, March 5, 1995). *New York Times,* AP, p. 22.

Indians protest Custer Battlefield proposal. (1987, June 29 1987). *Billings Gazette*.

Jackson, J. B. (1957). The abstract world of the hotrodder. *Landscape Architecture, 7*(2), 22-27.

Jackson, J. B. (1979). The American public space. In N. Glazer & M. Lilla (Eds.), *The public face of architecture* (pp. 52-65). New York: The Free Press.

Jackson, J. B. (1979). The public park needs reappraisal. In L. Taylor (Ed.), *Urban open spaces* (pp. 34-35). New York: Cooper-Hewitt Museum.

Jackson, J. B. (1980). *The necessity for ruins and other topics*. Amherst: University of Massachusetts Press.

Jackson, J. B. (1984). *Discovering the vernacular landscape*. New Haven, CT: Yale University Press.

Jackson, J. B. (1985). Vernacular space. *Texas Architect, 35*(2), pp. 58-61.

Jackson, J. B. (1994). *A sense of place, a sense of time*. New Haven, CT: Yale University Press.

Jackson, R. G. (1987). *An oral history of the Battle of Little Bighorn from the perspective of the Northern Cheyenne descendants*. Laramie: University of Wyoming-National Park Service Research Center.

Jackson, W. (1994). *Becoming native to this place.* University of Kentucky Press.

Jacobs, C. (1993, December). The marketing of fear. *Metropolis.12*(12), pp. 25-29.

Jacobs, J. (1961). *The death and life of great American cities*. New York: Random House.

Jacobs, J. (1967). Maintenance in urban parks and open space. In H. W. Eldredge (Ed.), *Taming megalopolis* (Vol. I, pp. 547-549). New York: Praeger.

Jacobs, J. (1984). *The mall: An attempted escape from everyday life*. Prospect Heights,IL: Wavelength Press.

Jacobs, J. (1993). The city unbound: Qualitative approaches to the city. *Urban Studies, 30*, 827-848.

Jameson, F. (1981). *The political unconscious: Narrative as a socially symbolic act*. Ithaca, NY: Cornell University Press.

Jensen, R. (1979). Dreaming of urban plazas. In L. Taylor (Ed.), *Urban open spaces* (pp. 52-53). New York: Cooper-Hewitt Museum.

Jeppeson, M. S., & Pucci, E., Jr. (1991). Public memorializing in postmodernity: The Vietnam Veterans Memorial as prototype. *Quarterly Journal of Speech, 77*, 263-288.

Joardar, S. D., & Neill, J. W. (1978, November). The subtle differences in configuration of small public spaces. *Landscape Architecture,* , 487-491.

Johnson, R. D. A. (1979, March). The obsolescence of urban parks. *Urban Land,* , 3-4.

Jojola, T. S. (1997). Pueblo Indian and Spanish town planning in New Mexico: The Pueblo of Isleta. In B. H. Morrow & V. B. Price (Eds.), *Anasazi architecture and American design* (pp. 171-185). Albuquerque: University of New Mexico Press.

Jojola, T. S. (2000, October). *Indigenous planning.* Paper presented at the meeting of theInternational Association for the Study of Traditional Environments, Traini, Italy.

Jones, S., & Graves, A. (2000). Power plays in public space: Skateboard parks as battlegrounds, gifts, and expressions of self. *Landscape Journal: Design, Planning and Management of the Land (CELA Journal), 19*(1 & 2), 136-148.

Jordan, R. P. (1986, December). Ghosts on the Little Bighorn. *National Geographic, 170*(6), 803-804.

Josephy, A. M., Jr., (1971, July 2). The Custer myth. *Life, 71,* 52-55.

Josephy, A. M., Jr., (1996). Indian policy and the Battle of Little Bighorn. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 23-40). Helena, MT: Montana Historical Society Press.

Juhasz, J. B. (1983). Social identity in the context of human and personal identity. In T. R. Sarbin & K. E. Scheibe (Eds.), *Studies in social identity.* (pp. 289-318). New York: Praeger.sent e-mail

Juhasz, J. B. (1984). Architecture and social history of art. *Journal of Environmental Psychology, 4*, 253-263.

Kadushin, C., & Jones, D. (1992). Social networks and urban neighborhoods in New York City. *City and Society, 6*(58), 58-75.

Kahn, A. (Ed.). (1991). *Drawing/building/text: Essays in architectural theory*. New York: Princeton Architectural Press.

Kaliski, J. (1996). Reading New Urbanism. *Design Book Review*(37/38), 69-80.

Kanamine. (1992, July 28, 1992). Carved rock monument is in jeopardy. USA Today. p.8A

Kanar, T. (1979). *Users evaluation of Mid-Manhattan covered pedestrian spaces: Citicorp, Olympic Tower, Galleria*. Unpublished manuscript.

Katz, P. (1994). *The New Urbanism: Toward an architecture of community*. New York: McGraw-Hill, Inc.

Kayden, J. S. (2000). *Privately owned public space: The New York City experience*. New York: John Wiley.

Keegan, M. (1991). *Taos Pueblo and its sacred Blue Lake*. Santa Fe, NM: Clear Light Press.

Kenworthy, T. (1993, May 7). *Jujan's revolving door takes monumental spin: Ex-Interior chief lobbbies for developer.* Washington Post, p. A21.

Kermode, F. (1979). *The genesis of secrecy: On the interpretation of narrative*. Cambridge, MA: Harvard University Press.

Keuls, E. C. (1986). *The reign of the phallus*. New York: Harper & Row.

Kluge, A. (1981-1982). On film and the public sphere. *New German Critique*, 24-25, (Fall/Winter), p. 212.

Knetsch, J. L. (1969). Assessing the demand for outdoor recreation. *Journal of Leisure Research, 1*(1), 85-87.

Kornblum, W. (1978). *West 42nd Street study*.Unpublished manuscript.

Kornblum, W. (1979). The psychology of city space. In L. Taylor (Ed.), *Urban open spaces* (pp. 15-16). New York: Cooper-Hewitt Museum.

Kornblum, W., & Lichter, P. (1972). Urban gypsies and the culture of poverty. *Urban Life & Culture, 1*(3), 239-253.

Korosec-Serfaty, P. (1982). *The main square: Functions and daily uses of Stortorget, Malmoe: A case study*. Lund, Sweden: Institute of Art History, University of Lund.

Korpela, K. M. (1992). Adolescents' favorite places and environmental self-regulation. *Journal of Environmental Psychology, 12*, 249-258.

Koury, M. (Ed.). (1978). *The Custer centennial observances* (Vol. 10). Ft. Collins, CO: Old Army Press.

Kuhn, T. S. (1970). *The structure of scientific revolutions* (2nd ed.). Chicago: University of Chicago Press.

Kunstler, J.H. (1996). *Home from nowhere: Remaking our everyday world for the 21st century*. New York: Simon & Schuster.

Kuper, L. (1975). *Race, class, and power: Ideology and revolutionary change in plural societies*. Chicago: Aldine Publishing Company.

Kuper, L., & Smith, M. G. (Eds.). (1969). *Pluralism in Africa*. Berkeley, CA: University of California Press.

Laguerre, M. S. (1994a). Headquarters and subsidiaries: Haitian immigrant family households in New York City. In R. L. Taylor (Ed.), *Minority families in the United States: A multicultural perspective* (pp. 37-61). Englewood Cliffs, N.J.: Prentice-Hall.

Laguerre, M. S. (1994b). *The informal city*. New York: St. Martin's Press.

Landes, J. (1988). *Women and the public sphere in the age of the French Revolution*. Ithaca, NY: Cornell University Press.

Lang, J. (1987). *Creating architectural theory: The role of the behavioral sciences in environmental design*. New York: Van Nostrand Reinhold Co.

Larson, P. (1982, February 10). Maybe the Indians didn't shoot Custer. *Bradenton Herald*.

Larson, S. (2000). *Captured in the middle: Tradition and experience in contemporary Native American writing*. Seattle: University of Washington Press.

Laufer, R. S., & Wolfe, M. (1973a). *Privacy as a concept and as a social issue*.Unpublished manuscript.

Laufer, R. S., & Wolfe, M. (1973b). *Privacy as an age-related concept.* Paper presented at the annual conference of the American Psychological Association, Montreal, Canada.

Laurie, I. C. (1978). Overdesign is the death of outdoor liveliness. *Landscape Architecture, 68*, 485-486.

LaWare, M. R. (1997). "Welcome home brother!" (Re)membering masculine identities at the Vietnam Veterans Memorial. In S. J. Drucker & G. Gumpert (Eds.), *Voices in the street: Explorations in gender, media, and public space* (pp. 149-171). Cresskill, N.J.: Hampton Press.

Lawrence, D. (1992). Transcendence of place: The role of La Placeta in Valencia's Las Fallas. In I. Altman & S. M. Low (Eds.), *Place attachment* (pp. 211-230). New York: Plenum Press.

Lee, R. G. (1972). The social definition of outdoor recreation places. In J. W.R. Burch, N. H. C. Jr. & L. Taylor (Eds.), *Social behavior, natural resources and the environment* (pp. 68-84). New York: Harper & Row.

Lefebvre, H. (1971). *Everyday life in the modern world* (S. Rabinovitch, Trans.). New York: Harper TorchBooks, Harper & Rowe Publishers.

Lefebvre, H. (1991). *The production of space* (D. Nicholson-Smith, Trans.). Oxford: Blackwell Publishers.

Lefort, C. (1988). *Democracy and political theory* (D. Macey, Trans.). Minneapolis: University of Minnesota Press.

Le Gates, R. T., & Stout, F. (2003). *The city reader*. London: Routledge.

Lehrer, U. A., & Milgrom, R. (1996). The new (sub) urbanism: Countersprawl of repackaging the product. *Capitalism Nature Socialism: A Journal of Socialist Ecology*, 7(2), 49-65.

Lennard, S. H. C., & Lennard, J. L. (1984). *Public life in urban places*. Southampton: Gondolier Press.

Leuis, C.A. 1979. The sprouting of the inner city. *Psychology Today*, 13(1), 12-13.

Lewis, P. (1979). Axioms for reading the landscape: Some guides to the American scene. In D. Meinig (Ed.), *The interpretation of ordinary landscapes* (pp. 11-32). New York: Oxford University Press.

Liberty, M. (1996). Oral and written Indian perspectives on the Indian Wars. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 125-138). Helena, MT: Montana Historical Society Press.

Liebow, E. D. (1989). Category or community? Measuring urban Indian social cohesion with network sampling. *Journal of Ethnic Studies, 16*, 76-100.

Lindsay, N. (1977). Drawing socio-economic lines in Central Park. *Landscape Architecture, 67*(6), 515-520.

Linenthal, E. T. (1983). Ritual drama at the Little Big Horn: The persistence and transformation of a national symbol. *Journal of the American Academy of Religion, 51*(2), 267-281.

Linenthal, E. T. (Ed.). (1991). *Sacred ground: Americans and their battlefields* (1st ed.). Urbana: University of Illinois Press.

Linenthal, E. (1996). From shrine to historic site: The Little Bighorn Battlefield National Monument. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 307-319). Helena, MT: Montana Historical Society PRess.

Linenthal, E. T. (2001). *The unfinished bombing: Oklahoma City in American memory*. Oxford, UK: Oxford University Press.

Linenthal, E. T., & Engelhardt, T. (Eds.). (1996). *History wars: The Enola Gay and other battles for the American past* (1st ed.). New York: Metropolitan Books/Henry Holt and Co.

Linn, K. (1968, August). Neighborhood commons. *Architectural Design, 38*, 379-382.

Linn, K. (1979). Cultivating green communities. In *Urban open spaces* (pp. 122-123). New York: Cooper-Hewitt Museum.

Little Big Horn Associates Newsletter,14. (1976, August 8).

Little Big Horn Associates Newsletter, 11, 6-7. (1977, May 5).

Little Big Horn Associates Newsletter, 2-3. (1979, July).

Little Big Horn Associates Newsletter, Vol. XXIV, 2. (1990, September 8).

Lloyd, C. (1993). *The structures of history*. Oxford, England: Blackwell Publishing.

Lofland, L. H. (1972a, April 1). Self-management in public settings: Part 1. *Urban Life & Culture, 1*, 93-108.

Lofland, L. H. (1972b, July 2). Self-management in public settings: Part 2. *Urban Life & Culture, 1*, 217-231.

Lofland, L. H. (1973). *A world of strangers: Order and action in urban public space*. New York: Basic Books.

Lofland, L. H. (1984). Women and urban public space. *Women and Environments, 6*, 12-14.

Lofland, L. H. (1989). The morality of urban public life: The emergence and continuation of a debate. *Places: A Quarterly Journal of Environmental Design, 6*(1), 18-23.

Lofland, L. H. (1998). *The public realm: Exploring the city's quintessential social territory*. Hawthorne, NY: Aldine de Gruyter, division of Walter de Gruyter, Inc.

Lomnitz, L. A. (1977). *Networks and marginality: Life in a Mexican shantytown*. New York: Academic Press.

Lopes, S. (1987). *The Wall: Images and offerings from the Vietnam Veterans Memorial*. New York: Collins Publishers.

Love, R. L. (1973, July). The fountains of urban life. *Urban life and culture, 2*, 161-209.

Low, S.M., (1977). Urban public spaces as representations of culture: The plaza in Costa Rica. *Environment and Behavior*, *29*(1), pp. 3-33

Low, S. M. (1988). Urban public spaces as reflections of culture: the plaza in Costa Rica. In L. Duhl (Ed.), *Urban condition II*. Beverly Hills, CA: Sage.

Low, S. M. (1999a). Spatializing culture: The social production and social construction of public space in Costa Rica. In S. M. Low (Ed.), *Theorizing the city: The new urban anthropology reader* (pp. 111-137). New Brunswick, NJ: Rutgers University Press.

Low, S. M. (Ed.). (1999b). *Theorizing the city: The new urban anthropology reader*. New Brunswick, NJ: Rutgers University Press.

Low, S. M. (2000). *On the plaza: The politics of public space and culture*. Austin: The University of Texas Press.

Low, S. M., & Smith, N. (Eds.). (2006). *The politics of public space*. New York: Routledge.

Low, S. M., Taplin, D., & Scheld, S. (2005). *Rethinking urban parks: Public space and cultural diversity*. Austin, TX: University of Texas Press.

Luce, E. S., & Luce, E. S. (1955). *Custer Battlefield National Monument* (Vol. 1). Washington, D.C.: Government Printing Office.

Lyman, S. M., & Scott, M. B. (1972). Territoriality: A neglected sociological dimension. In R. Gutman (Ed.), *People and buildings* (pp. 65-82). New York: Basic Books, Inc.

Lynch, K. (1960). *The image of the city*. Cambridge, MA: MIT Press.

Lynch, K. (1968). The openness of open space. In *Open space for human needs*. Marcou, O'Leary and Associates. New York: The National Urban Coalition.

Lynch, K. (1979). Open space: Freedom and control. In T. Banerjee & M. Southwood (Eds.), *City sense and city design* (pp. 413-417). Cambridge, MA: MIT Press.

Lynch, K. (1981). *A theory of good city form*. Cambridge, MA: MIT Press.

Lyndon, D. (1996). Fronticepiece. *Places: Forum of Design for the Public Realm, 18*(1), 2.

Mackintosh, E. (1996, June 12-16). *Symposium comments.* Paper presented at the meeting of the Environmental Design Research Association, Salt Lake City, UT.

Males, M. (1996). *The scapegoat generation: America's war on adolescents*. Monroe, ME: Common Courage Press.

Malinowski, B. (1922). *Agronauts of the Western Pacific*. London: Routledge & Kegan Paul.

Mannheim, K. (1936). *Ideology and utopia*. London: Routledge & Kegan Paul.

Mannheim, K. (1952). *Essays on the sociology of knowledge*. New York: Oxford University Press.

Mannheim, K. (1953). *Essays on sociology and social psychology*. New York: Oxford University Press.

Mannheim, K. (1956). *Essays on the sociology of culture*. New York: Oxford University Press.

Mansbridge, J. (1990, Spring). Feminism and democracy. *American Prospect,* (1), 127.

Mansbridge, J. (1992). A deliberative theory of interest representation. In M. P. Patracca (Ed.), *The politics of interests: Interest groups transformed* (Vol. Spring 1990, pp. 32-57). Boulder, Colorado: Westview Press.

Marcou, O'Leary & Associates. (1978). *Open space for human needs*. New York: The National Urban Coalition.

Marcuse, H. (1964). *One-dimensional man*. Boston: Beacon Press.

Margolies, P. (1996). *Always remember: The Names Project AIDS memorial quilt: A selection of panels created by and for international fashion designers*. New York: Simon & Schuster.

Marquis, T. B. (1976). *Keep the last bullet for yourself: The true story of Custer's Last Stand*: Reference Publications, Inc.

Marshall J. M., III, (1996). A battle won and a war lost: A lakota perspective. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 115-124). Helena, MT: Montana Historical Society Press.

Marris, P. (1962). *Family and social change in an African city: A study of rehousing in Lagos*. Chicago: Northwestern University Press.

Marris, P. (1995). Knowledge and persuasion: Research at ICS. In G. Gench, T. Flower & K. Gavron (Eds.), *Young at eighty: The prolific public life of Michael Young* (pp. 75-83). Manchester: Carcanet Press.

Massey, D. (1993). Power-geometry and a progressive sense of place. In J. Bird, B. Curtis, T. Putnam, G. Robertson & L. Tickner (Eds.), *Mapping the futures* (pp. 59-69). London: Routledge.

Massey, D. (1994). *Space, place, and gender*. Cambridge: Polity Press.

Mattison, R. H. (1955).Devils Tower history: Our first fifty years. [Electronic Version] Last Retrieved January 4, 2007, from http://www.nps.gov/archive/deto/first50.htm (Updated December 22, 2004.)

Matrix Architectural Co-operative(Ed.). (1984). *Making space*. London: Pluto Press.

Matsuda, M. J. (1991). Voices of America: Accent, antidiscrimination law and a jurisprudence for the last reconstruction. *Yale Law Journal, 100*(5), 1329-1407.

Mayer, R. E. (2004). Should there be a three-strikes rule against pure discovery learning? *American Psychologist, 59*(1), 14-19.

Mayor asks for pueblo help on W. Mesa Road. (1995, January 31). *Albuquerque Journal*, p. 1C.

McChesney, F. S. (1990). Government as definer of property rights: Indian lands, ethnic externalities, and bureaucratic budgets. *Journal of Legal Studies, 19*(2), 297-335.

McConaghy, C. (2000). *Rethinking indigenous education: Culturalism, colonialism, and the politics of knowing*. Flaxton, ND: Post Pressed.

McDermott, J. D. (1996). Custer and the little bighorn story: What it all means. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 93-114). Helena, MT: Montana Historical Society Press.

McDonough, G. W. (1991). Discourses of the city: Policy and response in post-transitional Barcelona. *City and Society, 5*, 40-63.

Mead, M. (1928). *Coming of age in Samoa*. New York: W. Morrow & Company.

Meinig., D. (Ed.). (1979). *The interpretation of ordinary landscapes*. New York: Oxford University Press.

Merton, R. K. (1957). *Social theory and social structure*. Chicago: Free Press of Glencoe.

Michaelson, R. (1995). Dirt in the court room: Indian land claims and American property rights. In D. Chidester & E. Linenthal (Eds.), *American Sacred Space* (pp. 43-96). Bloomington and Indianapolis: Indiana University Press.

Michelman, F. (1986). Traces of self government. *Harvard Law Review, 100*, 4-77.

Michno, G. F. (1997). *Lakota noon: The Indian narrative of Custer's defeat*. Missoula, MT: Mountain Press Publishing Company.

Miles, M. (1997). *Art, space, and the city: Public art and urban futures*. New York and London: Routledge.

Milgram, S. (1970). The experience of living in cities. In H. C. Proshansky, W. H. Ittelson & L. G. Rivlin (Eds.).

Minnow, M. (1987). Justice engendered. *Harvard Law Review, 10*(1), 14-15.

Mitchell, D. (1995). The end of public space? People's park, definitions of the public, and democracy. *Annals of the Association of American Geographers, 85*(1), 108.

Mitchell, D. (1998). Anti-homeless laws and public space: I. Begging and the First Amendment. *Urban Geography, 19*(1), 98-104.

Mitchell, D. (2003). *The right to the city: Social justice and the fight for public space*. New York: Guilford Press.

Mitchell, W. J. T. (Ed.). (1992). *Art and the public sphere*. Chicago: University of Chicago Press.

Mock, F. L. (Writer) & T. Sanders & E. H. Norton (Producers). (1994). Maya Lin: A strong clear vision [Video recording]. USA: American Film Foundation.

Montoya, M. (1994). Mascaras, trenzas, y greñas:* Un/masking the self while un/braiding Latina stories and legal discourse. [*Masks, braids and uncombed, messy hair]. *Chicano-Latino Law Review, 15*(Spring 1994).

Moore, H. (1986). *Space, text, and gender: An anthropological study of the Marakwet of Kenya*. Cambridge, UK: Cambridge University Press.

Moore, R. C. (1978). Meanings and measures of children/environment quality: Some findings from Washington Environmental Yard. In W. E. Rogers & W. H. Ittelson (Eds.), *New directions in environmental design research, edra 9* (pp. 287-306). Washington, D.C.: Environmental Design Research Association.

Morawski, J. G. (1984). Historiography as a metatheoretical text for social psychology. In K. J. Gergen & M. M. Gergen (Eds.), *Historical social psychology* (pp. 37-60). Hillsdale, NJ: Lawrence Erlbaum Associates.

Morphy, H. (1995). Landscape and the reproduction of the ancestral past. In E. Hirsch & M. O'Hanlon (Eds.), *The anthropology of landscape: Perspectives on place and space* (pp. 184-209). Oxford: Clarendon Press.

Morrissey, T. F. (2000). *Between the lines: Photographs from the National Vietnam Veterans Memorial* (1st ed.). [Syracuse, NY: Syracuse University Press.

Morton, D. (1978). The gallery at Market East, Philadelphia, Pennsylvania: Suburban shopping downtown? *Progressive Architecture, 12*, 64-67.

Moule, E., & Polyzoides, S. (1994). The street, the block, and the building. In P. Katz (Ed.), *The new urbanism: Toward an architecture of community* (pp. xxi-xxiv). New York: McGraw-Hill, Inc.

Mozingo, L. (1989). Women and downtown open spaces. *Places, 6*(1), 38-47.

Mullings, L. (1987). *Cities of the United States: Studies in urban anthropology*. New York: Columbia University Press.

Mumford, L. (1961). *The city in history: Its origins, its transformation*. New York: Harcourt Brace and World.

Nabokov, P. (1982, September/ October). Running, power, and secrecy at Taos. *American West*, 20-29.

Nabakov, P. (2006). *Where the lightning strikes: The lives of American Indian sacred places*. New York: Viking Penguin.

Nager, A. R., & Wentworth, W. R. (1976). *Bryant Park: A comprehensive evaluation of its image and use with implications for urban open space design*. New York: Center for Human Environments, City University of New York.

Nager, A. R., & Wentworth, W. R. (1979). Lessons from a urban park. *Centerpoint: A Journal of Interdisciplinary Studies Graduate School and University Center, City University of New York, 3(2),*10.

National Council for Urban Recreation. (1980). *Recreation for urban America*. Washington, D.C.: National Committee for Urban Recreation (NCUR).

National Park Service. (2006, August 6). Devils Tower Climb. Last retrieved October 7, 2006, from http://www.nps.gov/archive/deto/climbing.htm

Negron, S. (2001). Oñate sculpture under fire: Reps question project; pass budget; erase museum fees. *Alcalde Gazette*.

Nelson, R. H. (1977). *Zoning and property rights: An analysis of the American system of land use regulation*. Cambridge, MA: MIT Press.

Neuwirth, R., & Robbins, S. (1997). Lost horizons. *Metropolis, 16*(7), 27-32.

Nevárez, J., Curran, R., & Brower, K. (2000, May 10-14). *Public space within the Post-modern polis: The juncture of revitalization, public-private partnerships, public safety, and aesthetics.* Paper presented at the meeting of the Environmental Design Research Association, San Francisco, CA.

Nichols, R. L. (2003). *American Indians in U.S. history*. Norman: University of Oklahoma Press.

Nietzsche, F. W. (1964). Complete Works: The first complete and authorized English translation. [Edited by Oscar Levy]. New York: Russell & Russell. (Original published in 1909-11)

Nietzsche, F. W. (2002). Beyond good and evil : Prelude to a philosophy of the future. (J. Norman., Trans.). Cambridge ; New York: Cambridge University Press, 2002.

Novak, M. (1971). *The rise of the unmeltable ethnics: Politics & culture in the seventies*. New York: Macmillan.

Novick, P. (1988). *That noble dream: The "objectivity question" and the American historical profession*. Cambridge, England: Cambridge University Press.

Ogilvy, J. (1995). *Living without a goal*. New York: Bantam Doubleday Dell.

Olson, R. (1993). *The emergence of the social sciences: 1642-1792*. New York: Twayne/Macmillan.

Ong, A. (1987). *Spirits of resistance and capitalist discipline*. Albany: State University of New York Press.

Otis, D. S., & Prucha, F. P. (1973). *Dawes Act and the allotment of Indian land*. Norman: University of Oklahoma Press.

Owens, P. E. (1988). Natural landscapes, gathering places, and prospect refuges: Characteristics of outdoor places valued by teens. *Children's Environmental Quarterly, 5*(2), 17-24.

Owens, P. E. (1993a). *Designing places for teens.* Paper presented at the CELA Public Lands/scapes conference proceedings., Eugene OR.

Owens, P. E. (1993b). *Valued outdoor places: A study of teen places in Sunshine, Australia.* Paper presented at the meeting of the Environmental Design Research Association, San Antonio, TX.

Owens, P. E. (2002). Recreation and restrictions: Community skateboard parks in the United States. *Urban Geography, 22*(8), 782-797.

Park, R. E., & Burgess, E. W. (1921). *Introduction to the science of society*. Chicago: University of Chicago Press.

Park, R. E., & Burgess, E. W. (1974). *The city*. Chicago: University of Chicago Press.

Parsons, T. (1951). *The social system*. Glencoe, IL: Free Press.

Paxson, L. (1979). *Gentrification/publicness and their relation to recreation in urban open spaces*.Unpublished manuscript.

Paxson, L. (1993a, October). *Celebration, demonstration and contestation in public space: Issues of 'publicness' and First Amendment rights and activities.* Paper presented at the Council of Educators of Landscape Architects Conference, Eugene, OR.

Paxson, L. (1993b, March/April). *Power by diversity.* Paper presented at the meeting of the Environmental Design Research Association, Chicago, IL.

Paxson, L. (1994, September 1994). *'Fringe' or marginalized history(ies) and culture(s): Native American peoples and the design field.* Paper presented at the Council of Educators of Landscape ArchitectsLong Beach, MS.

Paxson, L. (1996, September). *Once more around the circle: Native American architectural influence.* Paper presented at the American Institute of Architects Iowa Convention, Des Moines, IA.

Paxson, L. (2000, August 3-6 2000). *The changing cultural contexts of landscapes.* Paper presented at the meeting of the Council of Educators of Landscape Architects Conference, Guelph, Ontario, Canada.

Paxson, L. (2000, Oct.12-15, 2000). *Traditions and the spaces of resistance: Taos Indians' contestation for Blue Lake and an 'Indian memorial' at the Little Big Horn Battlefield.* Paper presented at the 7th annual International Association for the Study of Traditional Environments Conference, Trani, Italy.

Paxson, L., & Juhasz, J. B. (1996, June 12-16). *Contested space, contested uses, contested users: The role of 'contestation' in the creation and use of public and private space.* Paper presented at the meeting of the Environmental Design Research Association, Salt Lake City, UT.

Paxson, L., Juhasz, J. B., & Franck, K. (1992, April). *Diversity and it's importance to achieving equitable and sustainable environments.* Paper presented at the meeting of the Design Diversity: Equitable and Sustainable Environments, Boulder, Colorado.

Paxson, L., Organizer, Francis, M., Presenter, Hester, R., Presenter, Sanoff, H., Presenter, Jones, S., Presenter, Meyer, M. A., Presenter, et al. (1996, June). *Regarding participation: A historical review of the traditions and a discussion envisioning the future participation network plenary session.* Paper presented at the meeting of the Environmental Design Research Association, Salt Lake City, UT.

People-Environment Group. (1978, November). *The social benefits and assessment of local urban open space: Recommended program of environmental design research priorities.* Paper presented at the meeting of the Livable Cities - People-Environment Group, San Francisco, CA.

Perin, C. (1977). *Everything in its place: Social order and land use in America*. Princeton, N.J.: Princeton University Press.

Petroglyph group has changed name. (2000, March 30). *Albuquerque Journal,* p. 6.

Phillips, P. (1988, December). Out of order: The public art machine. *Artforum International, 27*(4), 93-96.

Pierotti, R., & Wildcat, D. R. (2000). Traditional ecological knowledge: The third alternative [Commentary]. *Ecological Applications, 10*(5), 1333-1340.

Pitkin, H. F. (1981). Justice: On relating private and public. *Political Theory, 9*, 327-352.

Plainfeather, M. (1988, October 1988). *Interpreting the Battle of the Little Bighorn: A Native American perspective.* Paper presented at the Montana State History Conference, Billings, MO.

Plattner, S. (1978, November/December). Public markets: Functional anachronisms or functional necessities? *Ekistics, 45*, 273.

Porter, J. C. (1996). Crazy horse, Lakota leadership, and the Fort Laramie Treaty. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 41-62). Helena, MT: Montana Historical Society Press.

Potteiger, M., & Pruinton, J. (1998). *Landscape narrative: Design practices for telling stories*. New York: John Wiley & Sons.

Presser, H. B. (2003). *Working in a 24/7 economy: Challenges for American families*. New York: Russell Sage Foundation.

Prince, G. (1982). *Narratology: The form and functioning of narrative*. Berlin: Mouton Publishers.

Project for Public Spaces. (1978). *Exxon Plaza study*. New York: Project for Public Spaces, Inc.

Project for Public Spaces. (1981a). *Bryant Park: Intimidation or relaxation?* New York: Project for Public Spaces, Inc.

Project for Public Spaces. (1981b). *Corporate public spaces: Design and use.* Paper presented at the streets of New York, NY.

Project for Public Spaces. (1981c). *Effective urban parks.* Paper presented at The streets of New York Conference, NY.

Project for Public Spaces. (1982). *User analysis: An approach to park planning and management*. Washington, D.C.: American Society of Landscape Architects.

Project for Public Spaces. (1984). *Managing downtown public spaces*. Chicago: Planners Press, American Planners Association.

Project for Public Spaces. (1988). *Improving how a street works for all users--A design and planning manual*. New York: Project for Public Spaces, Inc.

Project for Public Spaces. (2000). *How to turn a space around.* New York: Project for Public Spaces, Inc.

Proshansky, H. M., Fabian, A., & Kaminoff, R. (1983). Place identity, physical world socialization of self. *Journal of Environmental Psychology, 3*(I), 57-83.

Proshansky, H. M., Ittleson, W. H., & Rivlin, L. G., (1970). Freedom of choice and behavior in a physical setting. In *Environmental psychology: Man and his physical environment* (pp. 173-182). New York: Holt Rinehart & Winston.

Proshansky, H. M. (1978). The city and self-identity. *Environment and Behavior,* 10(2), 147-169.

Rabinow, P. (Ed.). (1984). *The Foucault reader*. New York: Pantheon Books.

Rambur, R. (1976). *Custer Battlefield Historical and Museum Association, Inc. on the occasion of the Custer Battle Centennial* (Year-end letter).

Ramirez, M. (1972). Identity crisis in the barrios. In E. Simmen (Ed.), *Pain and promise:The Chicano today*. New York: Signet pp 54-67.

Random House Webster's unabridged dictionary. (2nd ed.)(2001). New York: Random House.

Rankin, C. E. (Ed.). (1996). *Legacy: New perspectives on the battle of little bighorn*. Helena, MT: Montana Historical Society Press.

Rapaport, A. (1977). *Human aspects of urban form: Towards a man-environment approach to urban form and design*. Oxford: Pergamon Press.

Rapaport, A. (1980). Cross-cultural aspects of environmental design. In I. Altman, A. Rapaport & J. Wolhwill (Eds.), *Environment and culture* (Vol. 4, pp. 7-46). New York: Plenum.

Rapaport, A. (1982). *The meaning of the built environment*. Beverly Hill, Calif: Sage.

Raskin, J. D. (2002). Constructivism in psychology: Personal construct psychology, radical constructivism, and social constructionism. *American Communication Journal, 5*(3).

Reber, B., Arnold, L., & Sommers, R. (1978). *The United States Army and the Indian wars in the trans-Mississippi West, 1860-1898*. Carlisle Barracks, PA: US Army Military History Institute.

Red Bear, L. (n.d.). Protect Bear Butte National Monument Internet Petition Site Retreived March 2006, Last accessed January 4, 2007, from: http://www.thepetitionsite.com/takeaction/843054051?ltl=1151531959

Reed, R. E. (1979). *Return to the city: How to restore old buildings and ourselves in American's historic urban neighborhoods*. Garden City, NY: Doubleday and Co. Inc.

Reichel-Dolmatoff, G. (1996). *The forest within: The worldview of the Tukano Amazonian Indians*. Tulsa, OK: Council Oak Books.

Relph, E. (1984). Seeing, thinking and describing landscapes. In T. F. Saarinen, D. Seamon & J. L. Sell (Eds.), *Environmental perception and behavior.* (Vol. 209, pp. 209-223.). Chicago: University of Chicago Press.

Relph, E. (1987). *The modern urban landscape*. Baltimore: John Hopkins University Press.

Reps, J. (1992). *The making of urban America: A history of city planning in the US.* (2nd ed.). Princeton, N. J.: Princeton University Press.

Reyhner, J. (Ed.). (1992). *Teaching American Indian students* (Rev. ed.). Norman: University of Oklahoma Press.

Richardson, L. (1994). Writing: A method of inquiry. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 516-529). Thousand Oaks, CA: Sage Publications.

Richardson, M. (1980). Culture and the urban stage: The nexus of setting, behavior and image in urban places. In I. Altman, A. Rapaport & J. Wolhwill (Eds.), *Environment and culture* (Vol. 4, pp. 209-242). New York: Plenum Press.

Ricoeur, P. (1979). The model of the text. In R. Rabinow & W. Sullivan (Eds.), *Interpretive social science* (pp. 73-101). Berkeley, CA: University of California Press.

Rickey, D. (1967). *History of Custer Battlefield*: Custer Battlefield Historical and Museum Association.

Rivlin, L. (1982). Group membership and place meanings in urban neighborhood. *Journal of Social Issues, 38*(3), 75-93.

Rivlin, L. (1986). A new look at the homeless. *Social Policy, 16*(4), 3-10.

Rivlin, L., & Windsor, A. (1986a). *Found spaces and users' needs.* Paper presented at the International Association for People and their Physical Settings, Haifa, Israel., Haifa, Israel.

Rivlin, L., & Windsor, A. (1986b). *A study of found spaces*. New York: Graduate Center CUNY.

Rivlin, L., & Wolfe, M. (1985). *Institutional settings in children's lives*. New York: Wiley.

Road warriors rally for extension. (2003, June 8). *Albuquerque Journal*, p. 5.

Rodman, M., & Cooper, M. (1995). Housing cultural difference: Questions of power and space in developing Canadian non-profits and co-ops. *Canadian Journal of Urban Research, 4*(1), 93-111.

Rose, G. (1993). Some notes towards thinking about the space of the future. In J. Bird, B. Curtis, T. Putnam, G. Roberston & L. Tickner, *Mapping the futures.* London: Routledge, pp. 70-86.

Rosenberg, H. (1971). *Art on the edge: Creators and situations*. New York: Macmillan.

Rosenzweig, R. (1979, Fall). Middle-class parks and working-class play: The struggle over recreational space in Worcester, Massachusetts, 1870-1910. *Radical History, 21*, 31-46.

Rosenzweig, R., & Blackmar, E. (1992). The Park and the people: A history of Central Park. Ithaca, N. Y: Cornell University Press.

Rotenberg, R. (1995). *Landscape and power in metropolitan Vienna.* Baltimore, Maryland: The Johns Hopkins University Press.

Rotenberg, R. (1999). Landscape and power in Vienna: Gardens of discovery. In S. M. Low (Ed.), *Theorizing the City: The New Urban Anthropology Reader.* New Brunswick, N.J.: Rutgers University Press.

Rotenberg, R., & McDonough, G. W. (Eds.). (1993). *The cultural meaning of urban space*. Westport, CT: Bergin and Garvey.

Rothman, D. J. (1971). *The discovery of the asylum*. Boston: Little Brown & Company.

Rudofsky, B. (1969). *Streets are for people: A primer for Americans*. Garden City, NY: Anchor Press/Doubleday.

Russell, J. S. (1999, Fall). Crowding the Mall: The National Memorial dilemma. *Harvard Design Magazine,* , 32-37.

Rutheiser, C. (1993). Mapping contested terrains: Schoolrooms and streetcorners in urban Belize. In R. Rotenberg & G. W. McDonough (Eds.), *The cultural meaning of urban space* (pp. 103-120). Westport, CT: Bergin and Garvey.

Rutheiser, C. (1996). *Imagineering Atlanta: The politics of place in the city of dreams*. New York: Verso Press.

Rutledge, A. (1971). *Anatomy of a park: The essentials of recreation architecture, planning, and design* (1st ed.). New York: McGraw Hill.

Rutledge, A., & Molnar, D. J. (1986). *Anatomy of a park: The essentials of recreation architecture, planning, and design* (2nd ed.). New York: McGraw Hill.

Ryan, M. P. (1990). *Women in public: Between banners and ballots, 1825-1880*. Baltimore, MD: Johns Hopkins University Press.

Ryan, M. P. (1992). Gender and public access: Women's politics in nineteenth century America. In C. Calhoun (Ed.), *Habermas and the public sphere* (pp. 259-288). Cambridge, MA: MIT Press.

Rykwert, J. C. M. (1988). *The idea of a town*. Cambridge, MA: MIT Press.

Sampson, B. (1990). Ah Montreal! Reflections on differing views of public space, past and present. *Architecture & Behavior, 6*(4), 293-306.

Sanjek, R. (1990). Urban anthropology in the 1980's: A world view. *Annual Review of Anthropology, 19*, 1151-1186.

Sarbin, T. R. (1962). The present status of the clinical-statistical prediction problem. *Anthropology and Medicine*, 10, 315-323.

Sarbin, T. R. (1983). Place identity as a component of self: An addendum. *Journal of Environmental Psychology, 3*, 337-342.

Sarbin, T. R. (Ed.). (1986). *Narrative psychology: The storied nature of human conduct*. New York: Praeger.

Sarbin, T. R. (1993). The narrative as the root metaphor for contextualism. In S. Hays, L. P. Hays, H. Reese & T. R. Sarbin (Eds.), *Varieties of scientific contextualism* (pp. 51-65). Reno, NV: Context Press.

Sarbin, T. R., & Juhasz, J. B. (1982). The concept of mental illness an historical perspective. In I. Al-Issa (Ed.), *Culture and psychopathology* (pp. 71-109). Baltimore, MD: University Park Press.

Sarbin, T. R., & Kitsuse, J. I. (Eds.). (1994). *Constructing the social*. Thousand Oaks, CA: Sage Publications.

Sassen, S. (1996). Analytic borderlands. In A. King (Ed.), *Re-Presenting the city.* London: Macmillan.

Saunders, W. S. (1999, Fall). Constructions of memory: On monuments old and new. *Harvard Design Magazine*.

Savage, M., & Warde, A. (1993). *Urban sociology, capitalism and modernity*. London: Macmillan.

Schaefer, V., Rudd, H., & Vala, J. (2004). *Urban biodiversity: Exploring natural habitat and its value in cities*. West Concord, Ontario: Captus Press, Inc.

Scheibe, K. E. (1994). Cocaine careers: Historical and individual constructions. In T. R. Sarbin & J. I. Kitsuse (Eds.), *Constructing the social* (pp. 195-212). Thousand Oaks, CA: Sage Publications.

Scheppele, K. L. (1994). Practices of truth-finding in a court of law: The case of revised stories. In T. R. Sarbin & J. I. Kitsuse (Eds.), *Constructing the social* (pp. 84-100). Thousand Oaks, CA: Sage Publications.

Schneekloth, L. (1993, March/April). *The power of knowledge.* Paper presented at the meeting of the Environmental Design Research Association, Chicago, IL.

Schneekloth, L. H., & Shibley, R. G. (1995). *Placemaking: The art and practice of building communities*. New York: John Wiley & Sons, Inc.

Schneider, R. H., & Kitchen-Schneider, T. (2002). *Planning for crime prevention: A transatlantic perspective*. New York: Routledge.

Schopenhauer, A. (1942). Complete essays of Schopenhauer; seven books in one volume. (T. B. Saunders, Trans.). New York: Wiley Book Company.

Schutz, A. (1962). *Collected papers* (Vol. 1). The Hague, Netherlands: Nijhoff.

Schuyler, D. (1997). The New Urbanism and the modern metropologist. *Urban History*, 24(3), 344-358.

Schweickart, D. (1984, Winter). Plant relocations: A philosophical reflection. *Review of Radical Political Economics, 16*, 32-51.

Scott, D.D. (1994). Archaelogical perspectives on the Battle of the Little Bighorn. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 167-188). Helena, MT: Montana Historical Society Press.

Scott, D. D., & Fox Jr., R. A. (1989). *Archaeological insights into the Custer battle: an assessment of the 1984 field season*. Norman: University of Oklahoma.

Scruggs, J. C., & Murphy, K. (1992). *The wall that heals* (1st ed.). Washington, D.C.: Vietnam Veterans Memorial Fund.

Scruggs, J. C., & Swerdlow., J. L. (1985). *To heal a nation: The Vietnam Veterans Memorial* (1st ed.). New York: Harper & Row.

Scully, V. (1994). The architecture of community. In P. Katz (Ed.), *The new urbanism: Toward an architecture of community* (pp. 223-229). New York: McGraw-Hill, Inc.

Sebastian, P. (1998, July 23). *Wall Street Journal,* p. 1.

Seefeldt, D. (2005). Onate's foot: Histories, landscapes, and contested memories in the southwest. In *Across the continent: Jefferson, Lewis & Clark, and the making of America*. Charlottesville: University of Virginia Press.

Seefeldt, D., Hantman, J. L., & Onuf, P. S. (Eds.). (2005). *Across the continent: Jefferson, Lewis & Clark, and the making of America*. Charlottesville: University of Virginia Press.

Semali, L. M., & Kincheloe, J. L. (Eds.). (1999). *What is indigenous knowledge? Voices from the academy*. New York: Falmer Press.

Senie, H. F. (1999, Fall). Mourning in protest. *Harvard Design Magazine,* 23-31.

Senie, H. F., & Webster, S. (Eds.). (1992). *Critical issues in public art: Content, context, and controversy* (1st ed.). New York: IconEditions.

Sennett, R. (1970). *The uses of disorder*. New York: Vintage Books, division of Random House.

Sennett, R. (1977). *The fall of public man: The social psychology of capitalism*. New York: Alfred Knopf.

Sennett, R. (1990). *The conscience of the eye: The design and social life of cities*. New York: Alfred Knopf.

Sennett, R. (1994). *Flesh and stone: The body and the city in Western civilization*. New York: W.W. Norton.

Seymour, W. N., Jr. (Ed.). (1969). Small urban spaces: The philosophy, design, sociology, and politics of vest-pocket parks and other small open spaces. New York: New York University Press.

Shibley, R. (1994). Ways of knowing: The Pre-Modern, Modern and Post Modern. Lecture Given at Iowa State University, College of Design, Ames, IA.

Short, J. R. (1991). *Imagined country*. London: Rutledge.

Sibley, D. (1995). *Geographies of exclusion*. London: Routledge.

Silko, L. (1995). Interior and exterior landscapes: The Pueblo migration stories. In G. Thompson (Ed.), *Landscape in America*. Austin, TX: University of Chicago Press.

Silvetti, J. (1989). *Architectural and urban environments of Sicily*. Cambridge, MA: Harvard University Graduate School of Design.

Simmel, G. (1955). *Conflict* (K. H. Wolff, Trans.). Glencove, IL: Free Press.

Simmen, E. (Ed.). (1972). *Pain and promise: The Chicano today*. New York: New American Library.

Slater, P. (1976). *The pursuit of loneliness: American culture at the breaking point* (Revised ed.). Boston: Beacon Press.

Slotkin, R. S. (1996). Signifying on the Little Bighorn. In C. E. Rankin (Ed.), *Legacy: New perspectives on the Battle of Little Bighorn* (pp. 287-306). Helena, MT: Montana Historical Society Press.

Small, D., & Jaffe, M. (1991). *1492: What is It like to be discovered?* New York: Monthly Review Press.

Smith, N., & Katz, C. (1993). Grounding metaphor: Towards a spatialized politics. In M. Keith & S. Pile (Eds.), *Place and the politics of identity.* (pp. 67-83). London: Routledge.

Smitten, J. R., & Daghistany, A. (1981). *Spatial form in narrative*. Ithaca, NY: Cornell University Press.

Soja, E. (1980a). The socio-spatial dialectic. *Annals of the Association of American Geographers, 70*, 207-225.

Soja, E. (1980b). The spatiality of social life. In D. Gregory & J. Urry (Eds.), *Social relations and spatial structure*. London: Macmillan.

Soja, E. (1989). *Postmodern geographies*. London: Verso.

Solnit, R. (1999, Fall). The struggle of dawning intelligence. *Harvard Design Magazine*, 52-57.

Sommer, R., & Becker, F. D. (1969). The old men in plaza park. Landscape Architecture, 59(November), 111-114.

Sommer, R. (1989). Farmer's markets as community events. In I. Altman & E. H. Zube (Eds.), *Public places and spaces* (Vol. 10, pp. 57-82). New York: Plenum Press.

Sorkin, M. (Ed.). (1992). *Variations on a theme park: The new American city and the end of public space*. New York: Hill and Wand/The Noonday Press.

Spending for parks needs to be linked. (1995, July 13). *Albuquerque Journal*, p. 14.

Sproul, D. (2001). *A bridge between cultures: An administrative history of Rainbow Bridge National Monument*. Cultural Resource Selections No. 18. Denver: National Park Service. [Electronic version] http://www.nps.gov/archive/ rabr/adhi/adhi.htm (Last updated 07/Feb./2003). Last accessed 1/4/07.

Specter, D. K. (1974). *Urban spaces*. Greenwich, CT: New York Graphic Society.

Spencer, D. (1986). *Facing the wall: Americans at the Vietnam Veterans Memorial*. New York: Macmillan.

Spending for parks needs to be linked. (1995, July 13). [Editorial]. *Albuquerque Journal*, p. 14A.

Spirn, A. W. (1984). *The granite garden: Urban nature and human design*. New York: Basic Books.

Spirn, A. W. (1998). *The language of landscape*. New Haven, CT: Yale University Press.

Sprargens, T. (1990). *Reason & democracy*. Durham, NC: Duke University Press.

Stack, C. (1974). *All our kin: Strategies for survival in a black community*. New York: Harper and Row.

Stack, C. (1996). *Call to home: African Americans reclaim the rural South*. New York: Basic Books.

Stands In Timber, J., & Liberty, M. (1967). *Cheyenne memories*. Lincoln: University of Nebraska Press.

Stephans, S. (1978a, December). The market at Citicorp N.Y.C. *Progressive Architecture*.

Stephans, S. (1978b). Shopping malls: Introversion and the urban context. *Progressive Architecture, 12*, 49-53.

Sunstein, C. R. (1988). Beyond the Republican revival. *Yale Law Journal, 97*, 1539-1590.

Susser, I. (1982). *Norman Street*. New York: Oxford University Press.

Suttles, G. D. (1968). *The social order of the slum; ethnicity and territory in the inner city*. Chicago: University of Chicago Press.

Suzuki, D., & Knudtson, P. (1992). *Wisdom of the elders: Sacred native stories of nature*. New York: Bantam Books.

Suzuki, P. T. (1976). Germans & Turks at Germany's railroad stations: Interethnic tensions in the pursuit of walking and loitering. *Urban Life & Culture, 4*(4), 387-411.

Swentzell, R. (1997a). Conflicting landscape values: The Santa Clara Pueblo and Day School. In *Understanding ordinary landscapes*. New Haven, CT: Yale University Press.

Swentzell, R. (1997b). An understated sacredness. In B. H. Morrow & V. B. Price (Eds.), *Anasazi architecture and American design* (1st ed., pp. 186-189). Albuquerque: University of New Mexico Press.

Taos seeks justice. (1966). *Indian Affairs* (63), 1.

Tafuri, M. (1976). *Architecture and utopia*. Cambridge, MA: MIT Press.

Taylor, C. (1990). *Sources of the self: The making of modern identity*. Cambridge, UK: Cambridge University Press.

Taylor, L. (1979). *Urban open spaces*. New York: Cooper-Hewitt Museum.

Tillett, L. (1976). *Wind on the buffalo grass: The Indians own account of the Battle of Little Big Horn River, and the death of their life on the Plains*. New York: Crowell.

Tuan, Y.-F. (1974). *Topophilia*. Englewood Cliffs, N.J.: Prentice-Hall.

Tuan, Y.-F. (1977). *Space and place: The perspective of experience*. Minneapolis: University of Minnesota Press.

Tuan, Y.-F. (1979). *Landscapes of fear*. New York: Pantheon Books.

Tuan, Y.-F. (1982). *Segmented worlds and self: Group life and individual consciousness*. Minneapolis: University of Minnesota Press.

United States. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on National Parks, H. P., and Recreation. (1997a). *Oklahoma City*

National Memorial Act of 1997: Hearing before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, United States Senate, One Hundred Fifth Congress, first session, on S. 871. Oklahoma City, OK, July 3, 1997. (No. Y 4.EN 2:S.HRG.105-208). Washington, D.C.: U.S. G.P.O.

United States. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on National Parks, H. P., and Recreation. (1997b). *The Oklahoma Memorial, Clair Engle Lake, and Marjory Stoneman Douglas Wilderness: Hearing before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, United States Senate, One Hundred Fifth Congress, first session on S. 871. S. 895. S. 931. July 17, 1997.* (No. Y 4.EN 2:S.HRG.105-211). Washington, D.C.: U.S. G.P.O.

United States. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on National Parks, H. P., and Recreation. (2000). *DC area monuments and memorials: Hearing before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, United States Senate, One Hundred Sixth Congress, second session, on the status of monuments and memorials, and new policies that have been adopted for locating new commemorative works in and around Washington, D.C., March 23, 2000.* (No. Y 4.EN 2:S.HRG.106-578). Washington, D.C.: U.S. G.P.O.

United States Congress House Committee on Resources. (1997). *Addition to Franklin Delano Roosevelt Memorial: Report together with additional views (to accompany S.J. Res. 29) (including cost estimate of the Congressional Budget Office).* (No. Y 1.1/8:105-167). Washington, D.C.: U.S. G.P.O.

Unser Blvd. needs to be considered. (1998, December 2). *Albuquerque Journal*, p. 4.

Utley, R. M. (1969). *Custer Battlefield National Monument*. Washington, D.C.: Office Of Publications, National Park Service, U.S. Department of the Interior.

Utley, R. (1971). Custer: Hero or butcher?. *American History Illustrated, 5*(10), 4.

Utley, R. M. (1994). *Little Bighorn Battlefield: A history and guide to the Battle of Little Bighorn* (Vol. 132). Washington D.C.: Division of Publications, National Park Service, Department of the Interior.

Valentine, G. (1996). Children should be seen and not heard: The production and transgression of adults' urban space. *Urban Geography, 17*(3), 205-220.

Venables, R. W. (2004). *American Indian history: Five centuries of conflict & coexistence* (1st ed.). Santa Fe, New Mexico: Clear Light Publishers.

Vernez-Moudon, A. (Ed.). (1991). *Public streets for public use*. New York: Columbia University Press.

Vidler, A. (1987). *The writing of the walls: architectural theory in the late enlightenment.* Princeton, N.J. : Princeton Architectural Press.

Vidler, A. (1992). *The architectural uncanny: Essays in the modern unhomely*. Cambridge, MA: MIT Press.

Viola, H. J. (1999). *Little Bighorn remembered: the untold story of Custer's last stand*. New York: Crown Publishers, Rivilo Books.

Virilio, P. (1986). *Speed and politics: An essay on dromology* (M. Polizzotti, Trans.). New York: Semiotext(e).

Virilio, P. (1987). The overexposed city. *Zone: L'espace Critique, 1*(2), 14-31.

Waldman, C., & Braun, M. (1985). *Atlas of the North American Indian*. New York: Facts on File Publication.

Wallis, B. (Ed.). (1991). *If you lived here: The city in art, theory, and social activism - a project by Martha Rosler*. Number 6 in the Dia Art Foundation's Discussions in Contemporary Culture Series. Seattle: Bay Press.

Walton, J. (1993). Urban sociology: The contribution and limits of political economy. *Annual Review of Sociology, 19*, 301-320.

Walzer, M. (1983). *Spheres of justice: A defense of pluralism and equality*. New York: Basic Books.

Walzer, M. (1986). Measures and costs of urbanity. *Dissent*, 470-475.

Ward, C. (1987). *The child in the city*. London: The Architectural Press.

Warner, M. (1990). *The letters of the republic: Publication and the public sphere in eighteenth century America*. Cambridge, MA: Harvard University Press.

Washburn, W. E. (1975). *The assault on Indian tribalism: the general allotment law (Dawes Act) of 1887*. Philadelphia, PA: Lippincott.

Waters, F. (1950). *Masked Gods: Navajo and Pueblo ceremonialism*. Chicago: Swallow Press.

Weatherford, J. (1988). *Indian givers: How the Indians of the Americas transformed the world*. New York: Crown Publishers.

Weber, M. (1947). *The theory of social and economic organization*. New York: Oxford University Press.

Weigert, A. J., Teitge, J. S., & Teitge, D. W. (1986). *Society and identity: Toward a sociological psychology*. Cambridge, UK: Cambridge University Press.

Wekerle, G. R. (1981). Women and the urban environment. In C. R. Stimpson, E. Dixler, M. J. Nelson & K. B. Yatrakis (Eds.), *Women and the American city* (pp. 185-211). Chicago: University of Chicago Press.

Wekerle, G. R., & Whitzman, C. (1995). *Safe cities: Guidelines for planning, design, and management*. New York: Van Nostrand Reinhold.

Westin, A. F. (1967). *Privacy and freedom*. New York: Atheneum.

White, M. (2000). *Reflections on narrative practice: Essays and interviews*. Adelaide: Dulwich Centre Publications.

White, M., & White, L. (1960). The intellectual versus the city. Cambridge, MA: Harvard University Press and M.I.T. Press.

White, R. (1991). *The middle ground: Indians, empires, and republics in the Great Lakes region, 1650-1815*. Cambridge, UK: Cambridge University Press.

White, R. (1993). Youth and conflict over urban space. *Children's Environments, 10*(1), 85-93.

Whyte, W. H., Jr. (1969). *Street corner society*. Chicago: University Of Chicago Press.

Whyte, W. H., Jr. (1972, December 3, 1972). Please just a nice place to sit. *New York Times Sunday Magazine, 3,* 22, 30-31.

Whyte, W. H., Jr. (1974, July). The best street life in the world. *New York Magazine,* 24-35.

Whyte, W. H., Jr. (1980a). The humble street: Can it survive? *Historic Preservation, 32*(1), 34-41.

Whyte, W. H., Jr. (1980b). *The social life of small urban spaces*. Washington, D.C.: Conservation Foundation.

Whyte, W. H., Jr. (1981, March 9). How to make Mid-town livable. *The New York Magazine,* 24-30.

Whyte, W. H., Jr. (1988). *City*. New York: Doubleday.

Wigley, M. (1993). *The architecture of deconstruction: Derrida's haunt*. Cambridge, MA: MIT Press.

Wigley, M. (1995). "Fear not" interview. In P. Lang (Ed.), *Mortal city*. New York: Princeton University Press.

Wilcox, M. K. (2001, September 28-30). *Defensible public neighborhood parks: The relationship between built and landscape form, social fabric, and community.* Paper presented at the American Collegiate Schools of Architecture West Central Regional Conference, Lawrence, KS.

Wilcox, M. K. (2002, May 22-26). *The community fabric of formally configured public neighborhood parks.* Paper presented at the Community: Evolution or revolution, Philadelphia, PA.

Wilkins, D. E. (1997). *American Indian sovereignty and the U.S. Supreme Court: The masking of justice*. Austin: University of Texas Press.

Wilkinson, C. F. (1987). *American Indians, time, and the law: Native societies in a modern constitutional democracy*. New Haven: Yale University Press.

Willinsky, J. (1999). *Technologies of knowing: A proposal for the human sciences*. Boston: Beacon Press.

Wilson, E. (1991). *The sphinx in the city: Urban life the control of disorder and women*. Berkeley: University of California Press.

Wilson, P. J. (1974). *Oscar: An inquiry into the nature of sanity*. New York: Vintage Books.

Wirth, L. (1928). *The ghetto*. Chicago: University of Chicago Press.

Wirth, L. (1938). Urbanism as a way of life. *American Journal of Sociology, 44*, 1-24.

Wodiczko, K. (1999). *Critical vehicles: Writings, projects, interviews*. Cambridge, MA: Massachusetts Institute of Technology Press.

Wodiczko, K. (2000). Open transmission. In A. Read (Ed.), *Architecturally speaking: Practices of art, architecture, and the everyday*. London: Routledge.

Woolley, H. (June 2-6,1999). *Oligarchy in the Square?: Place attachment of skateboarders to Tudor Square in Sheffield.* Paper presented at the Environmental Design Research Association 30- The Power of the Imagination. Orlando, FL. (p. 251). Environmental Design Research Association: Edmond, OK.

"The work of Barbara Kruger". (1995, Winter) *Aperture. p.65-68.*

Worsley, P. (1997). *Knowledges: Culture counterculture subculture*. New York: The New Press.

www.guerrillagirls.com

Young, I. M. (1984). Justice and hazardous waste. In M. Brodie (Ed.), *The applied turn in contemporary philosophy*. (pp.177-183)Bowling Green, OH: Applied Philosophy Program, Bowling Green State University.

Young, I. M. (1989). The ideal of community and the politics of difference. In L. J. Nicholson (Ed.), *Feminism and Postmoderism* (pp. 300-323). New York: Routledge, Chapman and Hall.

Young, I. M. (1990). *Justice and the politics of difference*. Princeton, New Jersey: Princeton University Press.

Young, I. M. (1997a). Impartiality and the civic public: Some implications of feminist critiques of moral and political theory. In S. Benhabib & D. Cornell (Eds.), *Feminism as critique* (pp. 56-76). Minneapolis: University of Minnesota Press.

Young, I. M. (1997b). *Intersecting voices: Dilemmas of gender, political philosophy, and policy*. Princeton, N. J: Princeton University Press.

Young, I. M. (2000). *Inclusion and democracy*. Oxford, England: Oxford University Press.

Young, M., & Willmott, P. (1957). *Family and kinship in East London*. Middlesex: U.K: Penguin.

Zeisel, J. (1975). *Sociology and architectural design*. (Vol. 6). New York: Russel Sage Foundation.

Zisman, S. B. (1967). Open spaces in urban growth. In H. W. Eldredge (Ed.), *Taming megalopolis* (Vol. 1, pp. 286-296). New York: Praeger.

Zube, E. H. (Ed.). (1970). *Landscapes: Selected writings of J.B. Jackson*. Cambridge: The University of Massachusetts Press.

Zube, E. H. (1986). *Public landscapes and public values*. Unpublished manuscript.

Zukin, S. (1991). *Landscapes of power*. Berkeley: University of California Press.

Zukin, S. (1995). *The culture of cities*. Oxford: Blackwell Publishing.

Zukin, S. (1999, June 2-6). *Imagineering cities: the Disney company's portfolio*. Keynote Address presented at The Power of Imagination, edra 30, the Annual meeting of the Environmental Design Research Association, Orlando, FL. (p. 20). Environmental Design Research Association: Edmond, OK.

Zukin, S. (2000, November 9-12). *Rethinking Disney: Private control and public dimenstions*, Florida Atlantic University.