CHAPTER 1

“Against the Law in this City”: Public Space in New York City

In the 1980s, the very nature of society was contested in the streets and on the sidewalks of New York City. One of the ways this occurred involved the homeless, whose numbers had ballooned to levels unprecedented since the Great Depression, and Mayor Ed Koch’s response to this growing crisis of homelessness. When homeless crowds began gathering in Grand Central Station and other public locales to escape inclement weather and avoid possible violence, it became an official embarrassment. Something, certainly, had to be done. Instead of expanding social services to ameliorate this problem, Koch set about defining the homeless as the problem. According to Tim Cresswell’s *In Place, Out of Place*, Koch’s initial gambit was legislative: he passed anti-loitering laws empowering the New York Police Department (NYPD) to “remove the homeless from public space.” In criminalizing homelessness, Koch defined public spaces as sites where “what is right, just, and appropriate” is adjudicated in favor of middle-class New Yorkers, who found encounters with homelessness disruptive and disturbing. Beyond the consequences for the homeless being rousted out of their temporary refuges, Koch’s legislation challenged traditional conceptions of public space. Instead of being defined through accessibility to all citizens, public space became where and about what Koch carried out this campaign. Implicitly, he advocated a class-based vision of society through the policing of public space. When the State Supreme Court struck down this law as unconstitutional, Koch turned to propaganda and continued to assail the homeless. In a speech to the American Institute of Architects in 1988, for example, he publicly railed against them: “They’re sitting on the floor, occasionally defecating, urinating, talking to themselves.” Become increasingly ideological, his argument was the same: he was trying to “defend” middle-class society by excising the homeless from public space.
One year later Koch, along with other public officials, was uncomfortably present for another instance of social definition being contested in public space. On December 10, 1989, parishioners of St. Patrick’s Cathedral in New York City were confronted by “more than 4,500 AIDS and reproduction rights activists staging a ‘STOP THE CHURCH’ protest.” This protest was organized by AIDS Coalition to Unleash Power (ACT UP), which dedicates itself to acts of civil disobedience that (1) intend to draw attention to concerns about homosexuality, AIDS, discrimination and (2) to do this through irreverent appropriation of public space. Originating from Cardinal John O’Connor’s remarks about the immorality of homosexuality and abortion, ACT UP’s protest was “a carnival-like performance of guerrilla theater”: protestors costumed as clowns, Catholic bishops, and nuns cavorting in the streets; a male Virgin Mary carrying a sign reading “This Mary believes in safe sex education”; a giant condom labeled “CARDINAL O’CONDOM.”

Most significant in terms of this argument, however, were ACT UP’s “die-ins”: while many protestors paraded around the cathedral with mock tombstones, hundreds of others lay on the street as if dead. Bodies were outlined in paint and chalk to stress “the deadly effects of social indifference to AIDS” and literalized the premise underlying the protest: the rewriting of public space through contestation. Literally and figuratively, protestors transformed this site into an interrogation of conservative definitions of belonging. Not only did Mayor Koch and future mayor Rudy Giuliani get caught up in this fight over identity politics and social justice, but so too did parishioners and passersby: they became audience and actors in this distinctly urban drama. Although public officials, including Koch, decried the protest, it ironically mirrored Koch’s campaign against the homeless: the ACT UP protest made its own argument about society through contesting public space.

Different experientially and existentially, of course, homelessness and homosexuality nevertheless became complementary flashpoints in the 1980s about conservative definitions of society. Behind Koch’s campaign was the ambition, contends Cresswell, of using “space and place . . . to structure a normative landscape.” That is, his criminalization of homelessness sought to defend not only the public spaces of New York City but further the middle-class society that frequented such spaces against that which was judged wrong or inappropriate. Note the language employed by Koch when talking about the homeless publicly: it generally defines homelessness through degeneracy, marking the homeless as different from and dangerous to the middle class in ways similar to Victorian anxiety about poverty. In Cresswell’s reading, Koch’s campaign demonstrates the ways that spaces can be ideologically contested toward definitions of society itself: the public spaces Koch was policing were both where and what about society that was being defended. Behind