

Demanding public rights in private spaces: lessons of the Starbucks controversy

More and more “public” space is under corporate control. That affects how we interact as citizens.

By Bradley L. Garrett | May 29, 2018, 8:50am EDT



Protesters march past the Starbucks in Philadelphia's Center City, where two black men were arrested for loitering. | NurPhoto/Getty Images

THE BIG IDEA

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The “crime” committed by Rashon Nelson and Donte Robinson — the two 23-year-old African-American men whose **arrest at a Starbucks** in Philadelphia led the entire chain to close for an afternoon for racial sensitivity training — was trespassing.

According to a Starbucks manager who has since been fired, Nelson and Robinson failed to purchase a drink while waiting for a colleague to arrive — and even had the nerve to ask to use the bathroom. For this, they were led off in handcuffs.

I’m originally from Los Angeles but spent nearly a decade living in London, where I studied for a PhD in social geography and became interested in the tensions between public and

private spaces in cities. Often when my friends from back home would come to visit me in the UK, and we were out on the town, I would pop into a pub to use the bathroom. Inevitably, my friends would freeze at the door, imagining being confronted by staff for attempting to do this without paying for anything.

I always found this amusing, the pub being, well, a *public* house and all. Americans, it turns out, are indoctrinated to react differently to “public” spaces owned by private entities, even when truly public spaces are nowhere in sight. In those 10 years, I was only confronted once by bar staff, who I politely suggested might contact local politicians to ask that they remove the fee barriers at train station bathrooms, so that his establishment would not be obligated to step in to fill those social functions. While he mulled that over, I beat a hasty retreat.

In the US, you have to be more creative. A friend told me that her strategy, when she made an incursion into private facilities, was to say that she was pregnant, at which point businesses almost assuredly became more sympathetic.

These sorts of everyday exchanges are absurd and revealing on two levels. First, they bring into sharp focus the fact that in many cities, the obligation to provide public services, like bathrooms, has been so utterly abandoned that we must rely on private businesses to fill the gaps. Second, the negotiations that then take place, in which we feel obligated to make a commodity exchange just to live our lives, is demeaning and frustrating for all parties.

The privatization of public spaces exacerbates inequality

But perhaps more important than both of these things is the idea that a key social contract — that the state provide equal access to public spaces for everybody, regardless of social, personal, or material circumstances — hits a bottleneck when public provision passes into private hands.

In a world dominated by Walmart, McDonald’s, and Starbucks, Alexis de Tocqueville’s insight into American democracy in 1835, that “no novelty in the United States struck me more vividly during my stay there than the equality of conditions,” reads as satire. In today’s “global” cities, if you can’t pay, you’re not invited to participate.

The treatment of these two men at Starbucks, as well as the social backlash that followed, raises an important issue about what rights we should have as citizens in private spaces that, increasingly, are the closest thing we have to public spaces.

At different times in the past, and in other parts of the world, our public lives would take place in squares, gardens, beaches, and parks. Often now, when we seek those spaces, what we find instead are spaces built only for consumption.

“An environment is also an inward reality,” the social critic James Baldwin once wrote. “It’s one of the things which makes you, it takes from you and it gives to you, facts which are suggested by the word itself.” Baldwin would undoubtedly be concerned today about how the increasingly privatized environment in which many of us live our lives is shaping our actions, expectations, and desires.

One can imagine Baldwin at the scene of the “crime” in Philly, musing over how this environment looks accommodating on the surface until some manager on a power trip calls the police to frogmarch black business executives off the property for not buying a latte.

Even Jean Chardin’s 17th-century descriptions of Persian coffee houses paint them as more liberal spaces than the Starbucks of today. In these preindustrial social hubs, people would play games, read poetry, have political debates, and settle arguments. In other words, as in the pubs of England, people just hung out there. Perhaps post-sensitivity-training Starbucks will become a more tolerant environment that more resembles historical prototypes.

In today’s distinction between the public and the private, time seems to be a crucial factor. In truly public spaces, people linger, they bring their lunch, they take their time, meet with friends. They might even take a nap, the pinnacle of offenses in so-called privately owned public spaces, sometimes called POPS.

Private spaces, in contrast, demand a purchase and then the clock starts ticking, as if you’ve fed a parking meter. A disciplinary order sets in, in which we buy ourselves more time by sipping drinks slowly, leaving a cold pool collecting dust at the bottom of the paper cup, or setting up a meeting two hours into our time — at which point, we hope, the clock resets because we “referred a friend” to the goods on sale.

While these behavioral modifications may seem trivial at a glance, they are part of the general acceleration of our lives. Americans already surrender many of their rights from 9 to 5 at work, but now this trend is being pushed into our personal time as we work from everywhere, at all hours, on laptops and smartphones. Even the devices on our wrists ping

us to “move,” adding to the collective attention deficit disorder produced by the need to be on demand and on the go 24/7.

There is a clear, if not at first glance obvious, link between the devices demanding we stay on grid and the reengineering of urban space into a zone of commodity: Both corral us by replacing personal choices with reactions to demands and constraints created by corporations.

Protesting a “public” park owned by a corporation

In 2016, just before I left London, the journalist Anna Minton and I rallied about 100 citizens to take a stand against the privatization of public squares. On a cold, wet winter morning next to City Hall in London, we gathered, just few meters from where hundreds of thousands of methodically interlaced paving stones marked an important sociopolitical boundary: They were a transition zone in which a public park morphed into privately owned pseudo-public space managed by a Kuwaiti-owned corporation called More London.

The corporation had bought 13 acres of land in 2014 for a staggering \$2.3 billion and turned it into a “POPS.” This space, which indeed looks like a tidy outdoor public square, is governed by private rules created by the More London corporation. Anyone who pulls out a camera, rides a bike or skateboard, loiters, plays music, gathers in a group, or pays too close attention to anything will trigger a reaction from the security staff.

So in response, we staged a mass trespass, storming over the paving stones and converging on the Scoop, a private outdoor amphitheater on the More London property in view of Tower Bridge, where we proclaimed it a public agora and held an unsanctioned, free two-hour seminar about the importance of public space. The response from police and security was ... silence. They knew, as we did, that they had no chance at all of stopping this democratic assembly.

Back in the US, national parks boundaries are shrinking and public parks are seen as convenient places to put private pop-up shops that never seem to pop down. And when new space is opened to the public, it tends to be space controlled by the owners of adjacent buildings, just as with More London.

Given the state of our contemporary political landscape, I have no illusions that we the people are going to get any movement in the direction of increasing public space at the state or federal level. But I do want to suggest that we shouldn't really care about that, because democratic politics is often more effectively enacted at small scale in any case.

Interventions such as the one Minton and I helped lead — and, far more significantly, the protests on behalf of Nelson and Robinson — force those stemming our rights into a defensive position. Those forces often retreat, ceding important rights back to citizens.

Corporations won't cede us rights in these spaces, and government won't create them. Citizens must assert them.

Democracy, as any of you who took civics or Greek history classes will recall, was not equal at inception. But after the great civil right battles of the past century, we should expect that the demos — the people — must mean everyone, without qualification.

When we come together as a diverse whole, we create political moments, especially in cities, where we are harder to control. Reimagining and recreating public-private spaces requires recognizing the problems they pose and addressing them as a collective. We need neither legislation nor state sanction to assert our rights to space.

If we imagine political power as stemming from democracy as an ongoing event, as what the philosopher Baruch Spinoza called *potentia*, or the “power the create,” then we can create democratic moments regardless of “ownership.” That was precisely what happened in London during our mass trespass — and at that Philly Starbucks when the story broke and fuming citizens flooded the store.

Starbucks has made the decision that **anyone may now hang out in its stores** or use the bathrooms without making a purchase, which I maintain is not inconsequential. Democracy is never a finished product; it is an ongoing moment of contestation and conflict. That is why it's so important that these two men stood up for their right to sit in a chair without buying anything.

What we should learn from this whole exchange has less to do with blame or revenge — as Nelson and Robinson recognized when they settled their lawsuit against Starbucks for \$1 each — and more to do with the fact that democracy depends on dissent.

As James Baldwin wrote in a letter to Sol Stein in 1957, “The place in which I'll fit will not exist until I make it.” We should all be place-making as hard as we can, because democracy doesn't get made in Washington — it gets created through moments just like these.

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