



Do malls contribute to the privatisation of public space and the erosion of the public sphere? Reconsidering the role of shopping centres



Francesco Chiodelli ^{a,*}, Stefano Moroni ^b

^a Gran Sasso Science Institute, GSSI Cities Research Unit, L'Aquila, Italy

^b Department of Architecture and Urban Studies, Milan Polytechnic, Milan, Italy

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ABSTRACT

Shopping malls are often criticised as a cause of the privatisation of public space and the erosion of the public sphere. Some authors argue that to fight these negative processes, shopping malls should be considered equivalent to public spaces, and therefore entail the same rules enforced in public spaces (for instance, the right to free admission and to free speech). In our opinion these approaches are unsound. In this paper we argue that: 1) shopping malls do not necessarily entail a privatisation of public space, nor necessarily any erosion of the public sphere; 2) because they *are not* public spaces, they cannot be considered equivalent to them; 3) they are highly open access (compared to many other kinds of both private and public spaces), and the limits they impose on *some* political activities are, under certain conditions, acceptable. This does not mean that the owners of private spaces are completely free to act as they choose; it means that they cannot be equated with public entities that manage spaces that belong to the public.

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Introduction: blaming the shopping malls

Shopping malls are often criticised in the academic literature. In particular, they are imputed with fostering the privatisation of public space, and the erosion of the public sphere. These alleged side-effects are moreover judged to be closely linked: public spaces are considered the material basis for the public sphere; as a consequence, the erosion of public space entails the erosion of the public sphere too. Therefore, shopping malls – together with other kinds of private spaces, in particular some types of homeowners associations, such as gated communities – are imputed with the privatisation of public space and the contraction of the public sphere. This process is particularly condemned because it purportedly endangers the fundamental traits of urban life, which is epitomised by public spaces as loci of public discussion

and civic engagement. In brief, for their critics, more shopping malls perforce means less public space, a weaker public sphere, a less vibrant and fertile urban life.

This alarm over the spread of shopping malls is accompanied by the demand to limit their right to enforce restrictions of access and restrictions of conduct within their spaces: this would ensure free access to and within shopping malls, and protect the right of free speech (e.g., the right to political expression), thereby making such spaces “more public” and stemming the erosion of the public sphere.

From our point of view, for several reasons these ideas and claims are problematic. We argue that: from an *empirical* point of view, the spread of shopping malls does not necessarily entail a privatisation of public space, nor does their success necessarily and inevitably endanger the public sphere; from a *normative* point of view, shopping malls cannot be subjected to exactly the same access and behaviour rules appropriate for public spaces (even though *some* public rules must nevertheless apply here too) (section 3). In this paper we

* Corresponding author. Gran Sasso Science Institute, L'Aquila, Italy. Tel.: +39 0862 4280245; fax: +39 0862 4280248.

E-mail address: francesco.chiodelli@gssi.infn.it (F. Chiodelli).

do not refer exclusively to the situation in the United States, but to a more general condition regarding Europe as well. In any event, the context is assumed to be a liberal-democratic system in which certain individual rights are recognised as fundamental to society (e.g., freedom of speech, the right of ownership and self-management), and we will investigate the instances (presumed or real) of friction and conflict among them.

Descriptive issues: privatisation of public space and erosion of the public sphere

First issue: shopping malls and the privatisation of public space

According to many observers, the privatisation of public space is currently under way and increasingly widespread. As Kohn (2004, p. 4) writes, “it is practically a truism to say that the disappearance of public space is caused by privatisation”. Some analysts even talk in terms of a looming “end of public space” (Low, 2006; Mitchell, 1995; Sorkin, 1992). Heading the list of causes are shopping malls, widely considered one of the main engines of this privatisation process (Voyce, 2006).

To us, this charge is partially misplaced.

Essentially, to privatise means literally to transfer ownership and control from public to private hands. The spread of shopping malls does not *automatically* implicate any privatisation of public space: usually, no publicly owned spaces are converted into privately owned space in the creation of a mall. On the contrary, the mall itself involves a degree of “collectivisation” of private spaces. What happens in the creation of a shopping mall is simply that a space that is privately owned (e.g., by a developer) is transformed into a space open to all the customers of the shopping mall. In sum, we may state that not only do shopping malls not necessarily entail any privatisation of spaces that were publicly owned before,¹ but on the contrary – and indeed in many cases – they also endow citizens with new “collective” spaces.

This is not only true with reference to the physical spaces of malls properly devoted to retail. It is likewise true of some of the mall-related spaces not directly linked to retail: a number of shopping malls – in particular in the U.S. – provide spaces for activities not strictly connected to consuming, such as community rooms for non-profit organisations’ events, cultural centres, walking circuits, etc. (Crawford, 1992;

Staheli & Mitchell, 2006).² The rationale of these spaces is obvious: first, the availability of a special space in the mall for community functions can generate a loyalty to the place; second, while individuals are making use of the mall for community or civic aims, they may also do some shopping there (Staheli & Mitchell, 2006). Nonetheless, this does not alter the fact that shopping malls provide spaces open to citizens – whatever their underlying rationale is, and whatever our cultural opinion with reference to these spaces may be.

Many discussions about “public space privatisation” risk muddling the issue, and confuse the (usually non-existent) reassignment of previously public spaces to private hands, with the social and cultural transformation process that actually affects *the space as a whole* (Moroni & Chiodelli, 2013).

A different way of viewing the issue of “privatisation” is to use the term to indicate a situation in which the public actor is reducing its provision of certain services, facilities and infrastructure, while the private actor enlarges its sphere of action. In this case, however, the problem is the public actor’s inability to provide certain spaces and services, not that private bodies step in to supply new spaces and services in their stead.

Second issue: shopping malls and the imputed erosion of the public sphere

The diffusion of shopping malls is considered a negative process also because of its presumed negative consequences on the public sphere³: the decline of public space and the new role of private spaces are usually bracketed with a decline in civic spirit and collective dialogue (Banerjee, 2001).

A large part of the literature on the city continues to see public space as central to nurturing and furthering the public sphere. For many, public space is the physical arena in which the public sphere develops: “[public spaces] are spaces within which the ‘public sphere’ is formed, policed and contested” (Blomley, 2001, p. 3; See also Mitchell, 2003, p. 182). According to this point of view, public space *overlaps* with the public sphere: a public sphere centred on values such as diversity and pluralism can develop only in public spaces, because public spaces are the only ones that present real opportunities “for discussion, deliberation and unprogrammed, spontaneous encounters with those maintaining diverse

¹ Clearly, it is logically possible that land transformed into a mall might be purchased from the public domain, but such cases are extremely rare, and certainly cannot be taken as exemplary.

² For instance, the Mall of America in Bloomington, Minnesota, contains an amusement park (the largest indoor one in the US), several hotels, 50 restaurants, a 14-screen cinema, an aquarium, dental clinics, banks, infant care facilities, and offers 400 free annual events.

³ According to Habermas’s well-known definition (1974, p. 49), the public sphere is “a realm of our social life in which something approaching public opinion can be formed”.

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