A Noneventful Social Movement:
The Occupy Wall Street Movement's Struggle Over
Privately Owned Public Space

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Why did the Occupy Wall Street movement settle in Zuccotti Park, a privately owned public space? Why did the movement get evicted after a two-month occupation? To answer these questions, this study offers a new tentative framework, spatial opportunity structure, to understand spatial politics in social movements as the interaction of spatial structure and agency. Drawing on opportunity structure models, Sewell's dual concept of spatial structure and agency, and his concept of event, I analyze how the Occupy activists took over and repurposed Zuccotti Park from a site of consumption and leisure to a space of political claim making. Yet, with unsympathetic public opinion, intensifying policing and surveillance, and unfavorable court rulings privileging property rights over speech rights, the temporary success did not stabilize into a durable transformation of spatial structure. My study not only explains the Occupy movement's spatial politics but also offers a novel framework to understand the struggle over privatization of public space for future social movements and public speech and assembly in general.

Keywords: Occupy Wall Street movement, privately owned public space (POPS), spatial opportunity structure, spatial agency, spatial structure, event

Collective actions presuppose the copresence of "large numbers of people into limited spaces" (Sewell, 2001, p. 58). To hold many people, such spaces should, in principle, be public sites that permit free access to everyone. The Occupy Wall Street (OWS) movement, targeting the engulfing inequality in the age of financialization and neoliberalization, used occupation of symbolic sites to convey its message. Since its emergence on September 17, 2011, the movement has garnered worldwide attention, and the tactic of encamping in high-profile places is inspired by and inspiring other movements. The physical occupation in a symbolic site, Zuccotti Park in New York City's financial area, almost forced the initially silent mainstream media to cover the movement. It also catapulted online discussion to unprecedented volumes (Massey & Snyder, 2012).[1] Space, therefore, is central in OWS because it is a movement not only "organized in space" but also "about space" (Hammond, 2013, p. 501).

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[1] I use the uppercase *Occupation* and *Occupier* in the context of the Occupy Wall Street movement in New York City.

While several studies have discussed the significance and caveats of OWS's spatial politics (Hammond, 2013; Marcuse, 2011; Sassen, 2012), few have questioned why and how OWS settled in Zuccotti Park, a privately owned public space (POPS). This study argues that the activists chose to occupy Zuccotti Park because they were constrained and enabled by the spatial structure of POPS. Privately owned public space was created out of New York City's 1961 Zoning Resolution, which aimed to use market mechanisms to offer public goods. The resolution encourages property owners in high-density commercial areas to offer open, accessible public space on their ground level in exchange for bonus space. In other words, POPS is owned by a private party, yet used for public purposes. This oxymoronic status has led to ambiguities in both the management and uses of these spaces. The Occupiers perceived and took advantage of the uncertainties in POPS when they were turned away from both public and private sites. During the two-month occupation in Zuccotti Park, the Occupiers attempted to alter the spatial structure through their creative uses of the space. Nevertheless, the private owner, law enforcement, and court rulings put increasingly more spatial constraints on such transformative uses, which finally led to the eviction of OWS. After the Occupation, further privatization of POPS imposes even more austere spatial rules that may stifle future protests and assemblies in such spaces.

This article analyzes OWS's spatial politics by delving into how the movement engaged the spatial rules and routines of POPS and why they failed to revolutionize the old spatial structure. Building on three strains of literature—opportunity structure models, Sewell's concept of spatial structure and rules, and his concept of event—I offer a new tentative framework—spatial opportunity structure—to understand the contentious spatial politics during OWS's occupation of Zuccotti Park. Specifically, I provide a detailed analysis of how Occupiers, through their spatial agency (e.g., identifying legal and regulatory ambiguities and employing creative uses of space), grappled with the spatial structure of POPS (e.g., legal and management control and routine uses and conceptions of space). The Occupation's temporary success in repurposing the space from a consumption site to a political forum seemed to point to a new spatial structure that burst out of the premovement spatial stricture. Yet the brief success did not stabilize into a spatial structural transformation. While the failure to transform the old spatial structure indicates heightened privatization of space in the post-Occupation era, the inconsistencies left in the court rulings call for more initiatives to change the legal and policy framework in regulating space, both in the courts and on the streets. Reclaiming public space is important not only for future collective actions but also for public speech and assembly in general.

Spatial Opportunity Structure

Social movements are fundamentally communicative acts that use symbolically mediated actions to bring about social change through influence (Cohen & Arato, 1992). Because communication must reside in space, social movements involve an inevitable spatial dimension. Although spatial concerns are not absent in social movement studies, such research either seldom makes an explicit attempt to theorize space (Martin & Miller, 2003) or is too abstract to be empirically useful (Tilly, 2000). Linking macrolevel spatial analyses to microlevel social movement practices, I build a tentative middle-range framework, spatial opportunity structure, to account for spatial politics in collective actions. I draw upon three strains of previous research—opportunity structure models, Sewell's dual concept of spatial structure and agency, and his concept of event—to develop spatial opportunity structure.

From Political Opportunity Structure to Spatial Opportunity Structure

To explain why Occupy Wall Street settled in Zuccotti Park, opportunity structure models can be a useful starting point. Since the 1970s, various opportunity structure models have been developed to account for structured contexts that contribute to social movements' emergence and development. One branch of opportunity structure research emphasizes how the given "structures" shape movements' courses; the other line highlights how activists identify and produce movements' conditions of "opportunity." Both strains of research, however, focus too much on the substantive dimensions, and critics have questioned their usefulness. Spatial opportunity structure can complement these models by articulating an always-present yet implicit "formal" dimension to structural contexts.

Opportunity structure models point out that social movements take place under structured contexts that may facilitate or impede their emergence, development, and outcome. Because social movements usually make direct or indirect claims to states, scholars first attended to how political opportunity structure can shape movements' success and impact. Political opportunity structure refers to the political institutional rules and configurations of power (e.g., the openness or closeness of the state to insurgents' challenges) that shape the options left to social movements (Tilly, 1978). Modeled on political opportunity structure, many types of opportunity structures have proliferated, such as economic opportunity structure (Wahlström & Peterson, 2006), legal opportunity structure (Andersen, 2005), and issue opportunity structure (Yang, 2016).

Although these models stress the objective given contexts under which social movements unfold, opportunity structures become opportunities only after movement actors perceive them (Meyer & Minkoff, 2004). Since the late 1990s, an interpretive turn in the opportunity structure studies began to emphasize how activists' agency turns structural conditions into favorable context for movements. In Ferree's (2003) study of anti-abortion activism in the United States and Germany, activists constructed different movement frames vis-à-vis the two countries' dominant cultural climates to develop public and media resonance. In other words, they actively created different discursive opportunity structures to facilitate the movements' acceptance to the mainstream society. Likewise, Cammaerts's (2012) mediation opportunity structure emphasizes how structures are actively constructed via media and communication processes. In sum, these agency-oriented opportunity structure models highlight how activists mold movements' context and environment via subjective interpretation and production processes.

Each of the opportunity structure models delves into a single aspect that is believed to make or unmake the movement. Attending to substantive dimensions of opportunity structure, however, can lead to conceptual ambiguities, because each model explains both too much by reducing all relevant factors into one variable and too little by limiting each model's explanatory power on a case-by-case basis (Goodwin & Jasper, 2004). To avoid the caveats, opportunity structure studies should delve into the formal dimensions of structured contexts—for example, space.[2] By "formal," I mean the built-in features that are present in all cases. Since all social movements take place in definite spatial settings, be it

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[2] Another formal dimension of structured context is the temporal frame. Due to the focus of my research, I leave this dimension aside in this article-length study.

physical or virtual, spatial opportunity structure can explain the always-present yet inarticulate spatial context in which social movements unfold and of which they actively construct. Articulating spatial opportunity structure hence can overcome the case-specific limitation of the substantive opportunity structure models mentioned. As a formal feature, it can also work in tandem with these substantive structures. For instance, political opportunity structure and shifting spatialities may conjoin to pose different contexts for movements; and activists can mobilize political, economic, and cultural opportunities in one locale to create opportunities in other locations. Hence, spatial opportunity structure can inform other opportunity structures by making visible the implicit spatial assumptions in all social movements and point to the conjunctional effects of formal and substantive opportunity structures.

But how should spatial opportunity structure be defined? In accordance with opportunity structure models' two different focuses—structure and opportunity—spatial opportunity structure also consists of spatial structure and spatial agency that produces opportunity. Spatial opportunity structure, therefore, is the context, processes, and outcome in which spatial structure and spatial agency interact with and co-constitute each other. I use Sewell's dual concept of spatial structure and spatial agency to further illustrate spatial opportunity structure's two dimensions.

Spatial Structure and Spatial Agency

Building on and critically synthesizing the works by human geographers, cultural studies scholars, and sociologists, Sewell proposes the dual concept of spatial structure and agency to analyze spatial politics in collective actions. Aligning with human geographers' revolt against the positivist conception of space as abstract and quantifiable containers of social activities, Sewell emphasizes the concrete and lived nature of social space. In other words, space is socially produced and culturally significant (Sewell, 2001). Yet Sewell's formulation of spatial structure and agency also differs substantially from human geographers' conceptualization of space.

Human geographers (e.g., Lefebvre, 1991) overall take a negative view toward abstract space, seeing it as totally deformed by capitalist accumulation. Lefebvre, in particular, underemphasizes how abstract space is also produced in struggles, not merely the result of "capital as a means of social control" (Hammond, 2013, p. 500). Sewell (2001), however, does not want to abandon the abstract space concept, because he considers it "hard to imagine a geography entirely shorn of abstract and metrical conceptions of space" (p. 54). Therefore, he reconstructs abstract space and lived space into a dual concept of spatial structure and agency.

Critically extending on Soja's (1996) triadic concept of "firstspace" and "secondspace," Sewell (2001) sees spatial structure as spatial rules and principles that "determine or at least tightly constrain social action" (p. 54) and as resources that enable people to reproduce or, more rarely, innovate rules.[3] In other words, spatial rules and resources have both material and ideal dimensions. Examples include

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[3] Soja (1996) builds his trialectics of spatiality from Lefebvre's (1991) triadic notion of perceived, conceived, and lived space. In this way, Sewell's spatial structure and agency concept also indirectly uses Lefebvre's framework.

buildings and roads, functional segmentation and areas, city planning and design, patterns of activities attached to particular space, symbols and schemas that prepare people for certain types of interaction in certain space, and space-specific media and communication infrastructures. While spatial structure is durable and taken for granted, it is not immutable reified existence independent of social practices. Rather, it is "simultaneously the *medium* and the *outcome* of social action" (Sewell, 2001, p. 55, emphasis in original).

If space is socially produced, then spatial agency is social agents' capacities, competences, and performances of constructing social spaces. It implies a generalized capacity to mobilize material and cultural resources from its environment to act and fulfill a certain goal. Because "specific forms [of] agency . . . vary enormously" (Sewell, 2001, p. 144), it is impossible to enumerate all instances of spatial agency. Overall, it has a spatial-discursive dimension (e.g., claims and counterclaims to spatial regulations) and a spatial-practical aspect (e.g., uses of space) that social actors conceptualize, negotiate, use, and transform social spaces.[4]

Spatial structure and spatial agency co-originate and mutually support and constrain each other. On the one hand, spatial structure constrains and enables spatial agency by patterning the built environment into rules and resources for actors. In social movements, spatial structure can be utilized by and constrain both insurgents' and countermovement forces' agency. On the other hand, spatial agency (re)produces and transforms spatial structure through social agents' symbolically mediated actions. Spatial structure and agency interact within a bounded social movement arena whose processes and outcome movement and countermovement actors struggle to shape. Yet this structuration theorization of spatial structure and agency suffers a fatal stasis flaw: It cannot explain how change to spatial structure is possible.

Spatial Event as a Turning Point in Spatial Structure

Sewell's (2005) concept of event can explain how structural change can take place, even against spatial structure and agency's continual mutual validation. *Event* is the creative and "rare subclass of happenings that significantly transforms structures" (Sewell, 2005, p. 100). To be counted as an event, three features are integral: ruptures, recognition of ruptures, and durable change effected by such ruptures.

While all social happenings are more or less contingent, ruptures deviate radically from expected courses of interaction—for example, a public protest without applying for a permit. An event consists of "a ramified sequence of occurences" (Sewell, 2005, p. 228). For instance, the occupation of Zuccotti Park culminated when a range of ruptures intersected—from overnight occupation to living continually in a protesting site—all of which did not conform to a traditional conception of social movements' use of space. Second, the transformative potential of such ruptures must be recognized by movement actors. As discussed below, the occupation of Zuccotti Park was possible only when activists recognized the spatial

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[4] I thank one of the reviewers for suggesting these two categories of spatial agency. They obviate an (impossible) enumeration of examples of spatial agency.

rules' ambiguities and opportunities in POPS regulation. Finally, while social life may experience a myriad of ruptures during rapid change periods—that is, in social movements or revolutions—only a few of them can transform preexisting structure permanently. In other words, a spatial event must change current spatial rules durably. My analysis demonstrates that the Occupation in New York City fits the first and second features of an event, but it fails to meet the third criterion. Hence, it is noneventful in transforming the spatial structure of privatizing space. Drawing on OWS's websites and social media pages, activists' blogs, digital archives of OWS, media reports, policy documents, and scholarly sources, my analysis reconstructs how spatial structures and agency interacted to co-create the spatial opportunity structure of the Occupy movement yet failed to bring about a spatial event in the end.

Spatial Opportunity Structure in Occupy Wall Street: The Making and Unmaking of a Spatial Event

Inspired by the Arab Spring, OWS viewed occupation of public squares and plazas as both its tactic and target of the contention. Yet privatization of space in the United States in general, and in New York City in particular, poses serious impediments to the search for a movement site. Using OWS in New York City as an example, I discuss the constitution and evolvement of the spatial opportunity structure in this movement. I choose Occupy Wall Street because its visibility makes it one of the most reported Occupy movements and because it sets an example for Occupiers and policy makers in other cities. In the ensuing sections, I first account for the pre-OWS spatial structure that seemed to forestall all possibilities of the Occupation. Then I trace how the Occupiers took advantage of the ambiguities of POPS management and settled the movement in one such space, Zuccotti Park. Yet after the two-month Occupation, activists were evicted from the park as countermovement forces further privatized the POPS.

The Spatial Structure Before Occupy Wall Street: Privatizing Public Space

In the past two decades, neoliberalization of metropolises and cities has made urban space increasingly commodified and privatized (Brenner & Theodore, 2002). In global cities that are both sites and object of capital accumulation, the municipal government increasingly uses market mechanisms and relies on private-public partnerships to offer publicly accessible space (Németh, 2009). POPS is an example of such a zoning policy that rewards private developers with bonus space when they offer public space. Simultaneously, genuine public space not only diminishes gradually but also falls prey to heightened surveillance and control. This ominous spatial structure seems to antagonize the rise of social movements.

In 1961, New York City renovated its Zoning Resolution and began enforcing a new set of standards that set bulk and height limits for buildings. The central provision is to set different floor-area ratios for buildings in different functional districts. *Floor-area ratio* refers to the percentage of a building's total area in proportion to its lot area. In addition to the hard requirements, the city carved out a special category: privately owned public space. POPS purports to use zoning concessions to encourage private developers to offer more public space on the ground level. Private property owners are offered 4 to 10 higher floor-area ratios or are allowed to exceed height or bulk limits as long as they use some of the bonus space to build plazas, expanded sidewalks, or other publicly accessible and usable space (Kayden,

New York City Department of City Planning, & Municipal Art Society of New York, 2000).[5] Because the space is still owned and managed by private owners, it is termed *privately owned public space*. Unlike purely public or private space, this mixed space leaves ample ambiguities in its regulation and management. Its public accessibility and usability depend on evolving policies, maintenance and management by private property owners, and the public's perception and uses.

The 1961 Zoning Resolution sets the foundational legal framework for the sanction and oversight of POPS. In the approval process, various government agencies evaluate developers' applications and decide whether to grant them permits. Once approved, POPS is subjected to different design and operational requirements, such as dimensions, configuration, circulation, amenities, and hours of access. The stated purpose of creating POPS is to facilitate circulation, leisure activities, and public interaction. Since the mid-1970s zoning reform, POPS has been increasingly subjected to stricter requirements. POPS built after the reform usually has to go through certification processes that involve public inputs. Once built, the implementation of the guidelines and maintenance are largely at the discretion of private owners. Because it is impossible to demolish the bonus space or withdraw the benefits, the most the city can do is penalize the owners by confiscating their performance bond or closing the POPS temporarily.

Driven by profits, private property owners try to minimize POPS's public uses and appropriate the spaces for commercial purposes. Because there is no uniform rule on the operation of POPS, private owners have much leeway in granting, restricting, or denying access. Some POPS management companies post subjective or false signs to restrict hours or limit access to people who make purchases on their properties. Other POPS have been privatized for profits as owners build cafés and other unauthorized commercial fixtures. Still others have been turned into uninviting spaces with surveillance cameras and security guards (Németh, 2009). In other instances, the public has been denied access either because of illegal blockades or due to prolonged periods of maintenance (S. Schmidt, Németh, & Botsford, 2011). By and large, instead of prohibiting public uses of POPS outright, private property owners intentionally and secretly use design features or soft means to filter undesirable people or activities from this space (Smithsimon, 2008). These filtering practices tend to valorize consumption and leisure over political deliberation and gathering. Combined with the ineffectiveness of government oversight, the management of POPS has effectively screened out the nonconsuming public, activists, and the homeless from this space.

If privatized public space seems unlikely to fulfill public functions, does genuine public space offer a public forum for dissension? Although scholars do find that publicly owned and operated spaces are more likely to offer a space for contention (Mitchell, 2003), such spaces are not only shrinking but also subjected to increasing levels of time, place, and manner public forum control. The austerity measures that aimed to reduce government spending led to waves of budget cuts in public good provision in the past decade. Many public park plans were suspended (Németh, 2009). Instead, private-public partnerships are considered a viable substitute for genuine public space. The cumulative effect is less public space that is required to offer a public forum for political expression and dissent.

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[5] This article does not discuss privately owned collective space (POCS), such as shopping malls and restaurants. Although the boundary between POCS and POPS can be fluid, the former does not get bonus space and has no obligation to fulfill public good.

Not only is genuine public space diminishing, but its use for political expression is increasingly subjected to policing. Since *Hague v. Committee for Industrial Organization* (1939), the U.S. Supreme Court affirms public speech and assembly rights in public space—such as public parks, streets, and sidewalks—and in privately owned spaces that serve public functions (*Marshall v. Alabama*, 1946). Since the 1970s, however, court rulings have increasingly favored restricting free expression at public sites (Stein, 2008). In *Clark v. Community for Creative Non-Violence* (1982), the court established that government agencies are allowed to impose reasonable, content-neutral, and narrowly tailored restrictions on the uses of public space. These restrictions later crystallized into the time, place, and manner restrictions that give the government the legal basis to regulate speech in public sites. The restrictions have been enforced more extensively over the years as the government has increased police presence and surveillance in public space (S. Schmidt & Németh, 2010). After the 1999 antiglobalization protests in Seattle, police capacity for repressing mass demonstration in public venues has been honed and enhanced through training, technology updates, and tactical deployments across the United States (Roberts, 2012). In the meantime, dissent is increasingly treated as quasi terrorism (see M. Schmidt & Moynihan, 2012).

This analysis indicates that the pre-OWS spatial structure did not open any opportunity for contention. While publicly owned and operated space has been diminishing and increasingly restricted, hybrid POPS, in the absence of government oversight, has been turned into consumption sites that discourage political expression. Yet the constitution of spatial opportunity structure includes not only spatial structure but also actors' agency to perceive and transform resources in the spatial structure to facilitate contention. The next section surveys how the Occupiers tried to transform this seemingly closed spatial structure.

Spatial Agency: Turning the Privately Owned Public Space Into a Public Contentious Site

Although the September 17 occupation in Zuccotti Park is widely seen as the beginning of Occupy Wall Street, several attempts had been made to occupy high-profile sites in New York City during the summer of 2011. These occupations did not survive more than a few days. Yet from these attempts, the OWS activists learned the spatial constraints and openings in New York City. This section traces activists' pre-Occupation initiatives to understand how the Occupiers' spatial agency first cracked open the rigid old spatial structure.

Pre-Occupation

The search for a place to accommodate the movement was a central yet difficult task. From Bloombergville to the general assemblies in Bowling Green Park to the one-day sleep-in near Wall Street, activists made several attempts to occupy public space and experienced increasing levels of policing in public sites. With the curfew enforced in New York City's public parks, the grim spatial structure blocked almost all possible options to occupy public space. Ultimately, activists were forced to resort to an alternative space.

In April 2011, an Adbusters poster called for an occupation of Wall Street (Gitlin, 2012). In the poster, a ballerina dances on top of the bronze Charging Bull statue that symbolizes Wall Street, the

target of the movement. Below the image, #occupywallstreet is accompanied by the date of the proposed occupation. Yet, except for the symbolic mentioning of Wall Street, no specific venue information is provided. In the following five months, activists attempted several occupations before finding a place to accommodate the movement.

From June 15 to July 5, an activist group, New Yorkers Against Budget Cuts, took over the sidewalk across from city hall. This occupation, named Bloombergville, targeted New York City mayor Bloomberg's budget cuts on public schools and fire companies. Bloombergville was able to occupy the sidewalk because they managed to bypass the time, place, and manner restrictions in public space by leaving a narrow corridor for passersby. This strategic move took advantage of past court rulings regarding public space use and made overnight occupation possible. The occupation lasted for three weeks, during which Bloombergvillers organized teach-ins, set up libraries, and held assemblies. These innovative spatial practices were all later adopted by OWS. After the city council voted on the budget cuts, Bloombergville was demobilized. Although merely 50 core activists attended Bloombergville throughout, this occupation generated intensive media reports due to the takeover of a symbolic place. This first lesson of spatial politics made activists realize the significance of identifying openings in spatial rules.

On July 13, Adbusters sent another e-mail and again raised the issue of a September occupation. Intrigued by this idea, the Bloombergvillers joined the call and planned to hold a general assembly in Bowling Green Park, a public park where the Charging Bull statue is located. On August 2, Bloombergvillers, a number of union activists, and some anarchists led by David Graeber, a well-known anarchist anthropologist at the University of London, showed up in the park. Dissatisfied with the movement-as-usual tactics of speeches and marches, the anarchists decided to take over the rally and execute what they considered a real general assembly: decision making based on unanimous consensus in a decentralized manner (see Smith, 2011). The anarchists hence gathered other disaffected demonstrators and divided them into smaller working groups, such as outreach, facilitation, and action. Each group would decide the time and points of action for the next meeting. Finally, groups reassembled and negotiated future actions. The general assembly turned this public park into a political forum. Although it fell under the legal and policy framework of properly using public space, the general assembly immediately drew police attention that would put the Occupation under close surveillance.[6]

Based on the decisions reached at Bowling Green Park, the activists began to meet weekly in Tompkins Square Park. This park in downtown Manhattan was once considered a derelict space because of the presence of homeless people and drug dealers in the 1980s; it was later turned into a leisure-oriented public park. In the park, the working groups mainly drafted detailed plans for the September Occupation's logistics, information transmission, emergency solutions, and medical and legal support. A small team formed a Tactical Committee, which was tasked with choosing the location for the upcoming Occupation. Drawing on the advice of lawyers and learning from past protests, the Tactical Committee chose the site based on the following factors: visibility, symbolic significance, legal restrictions of the space, police repression, and the size and hours of operation of the place. Finally, they compiled a list of eight

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[6] Police across the country had kept close tabs on OWS in different locations (see Moynihan, 2014).

alternatives for the Occupation, along with a map listing the locations of these places as well as the pros and cons of each site (see Schwartz, 2011).

The candidate sites included five public parks, two plazas (POPS), and one private plaza. On September 1, 2011, emulating Bloombergville, a dozen activists tested the waters by sleeping on a public sidewalk on Wall Street. Immediately, the police detained nine protesters, yet later released them without charge. This conveyed to the activists that they could not duplicate the Bloombergville tactic, and police repression would be quick and heavy at the heart of the financial center. Furthermore, the city's park curfew required that all public parks close after 10 p.m. This made public parks and sidewalks unsuitable sites for the Occupation if sleep-ins and encampments would be used.

A week before the Occupation, activists decided to turn to the private One Chase Manhattan Plaza, which they mistakenly thought to be a privately owned public space. This plaza would be a great site since it houses JPMorgan Chase, a leading financial institution that many contend played a central role in the 2008 subprime mortgage crisis. Occupation in front of this building would disrupt the bank's normal operation and attract media attention. The plaza is also sufficiently large to hold thousands of protesters. Yet the plaza is private, and the owner can exercise full control over whether it is open to the public and how the space is used. After infiltrating the activists' mailing lists and monitoring their social media pages, the police learned that One Chase Manhattan Plaza was the Occupiers' top choice. Officers erected barricades and closed the plaza the night before the Occupation and deployed heavy police forces in the nearby area. This made the activists realize that their communications were closely monitored.

Through Bloombergville, the Bowling Green Park general assemblies, the Tompkins Square Park Tactical Committee, and the attempted sleep-in on Wall Street, activists' agency grew by trial and error. They gradually realized the (im)possible options for the final Occupation site. Creative uses of public space were also developed. These initial experiments paved the way for the final identification of the movement site and more radical transformation of that space.

Occupying Zuccotti Park: Changing the Old Spatial Structural Rules

Since both public and private sites were closed, the OWS activists had to find an alternative place immediately because protesters were already gathering around Wall Street. The decision to settle in Zuccotti Park inaugurated a two-month occupation that grabbed worldwide attention. This section describes how the Occupiers selected Zuccotti Park and how they changed the spatial routines from consumption to political discussion. I explain how the ambiguities of POPS created hesitation to evict the protesters among both the owner of the plaza and the police, which won precious time for the movement to gain momentum.

On the morning of September 17, seeing the closure of One Chase Manhattan Plaza, the Tactical Committee scouted several other places on the list. Zuccotti Park, a POPS plaza with 25,000 square feet, stood out as the preferred option. Zuccotti Park is a stand-alone plaza developed by United States Steel at the intersection of Liberty Street and Broadway. Originally named Liberty Plaza, it was completed in 1972 in exchange for bonus space. The developer went through the strict special permit process to get height

and setback concessions (Kayden et al., 2000). In compliance with the permit, the management of the building was asked to provide amenities to the public, including trees, benches, lighting, and 24-hour access. Any change to these requirements must be approved in advance by the City Planning Commission.[7] In 2006, the plaza was renamed Zuccotti Park after the then-management company chairman, John Zuccotti. Currently, Brookfield Office Properties owns and operates this space.

As mentioned, no specific law or policy has stipulated the uses of this POPS, except the vague guideline of "normal public use."[8] According to the original special permit, Brookfield is obligated to open the space to the public 24 hours a day, seven days a week. Before the Occupation, Brookfield banned skateboarding, in-line skating, and bicycling. There was no rule about overnight camping or the erection of tents or other fixtures in this POPS. Finally, because it is private property, few police were present in the park, unless the owner called the law enforcement for help. Aware of the openings in the rules and regulation of POPS, the Occupiers considered it an optimal space for prolonged encampment.

In the afternoon of September 17, the Tactical Committee chose Zuccotti Park as the Occupation site. Realizing that the police were monitoring their online communications and might shut down the site, the committee decided not to use social media to send the location information. Instead, they circled Zuccotti Park on the map brochures they prepared and passed them out among the crowds. Through word-of-mouth and brochures, more than 1,000 people learned about the site and gathered in the park late in the afternoon. On the first day, more than 300 Occupiers stayed overnight. Undoubtedly, this first victory boosted the activists' confidence and helped the movement gain strength.

It should be noted, however, that this triumph came at the relative absence of suppression from the government, moderate resistance from the owner of the plaza, and the public's resonance with the movement agenda. Without legal basis to close a private property, the New York Police Department first pressured the owner, Brookfield, to expel the protesters on the basis that the Occupiers blocked the passage connecting Broadway and Trinity. Brookfield was cautious in handling the protesters because the park guideline did not forbid protest or overnight encampment. Any revision of the park use should be preapproved by the City Planning Commission, with a public hearing and comments from the community board. In early October, Brookfield issued a statement and noted that Zuccotti Park was intended for "quiet enjoyment."[9] Obviously, this mission was at odds with OWS's activist nature. Yet Brookfield denied that it tried to evict the Occupiers due to the political nature of their speech. Rather, Brookfield claimed that it endorsed "the rights of free speech and assembly," but disagreed with the "manner" of the Occupation. In this way, Brookfield seemed to see itself as a government body and Zuccotti as a strict public space by invoking the time, place, and manner restrictions to regulate activities in its POPS.

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[7] See the amicus brief by the New York Civil Liberties Union at
 https://www.nyclu.org/sites/default/files/releases/2011-2-
17%20Amicus%20Brief%20in%20Support%20of%20Motion%20to%20Dismiss%20%28FILED%29%20%2800004963%29.pdf
[8] See New York City Zoning Resolution § 37-752.
[9] See https://cbsnewyork.files.wordpress.com/2011/10/ows-notice.jpg

Realizing that the Occupation would not leave quickly, Brookfield soon turned to its private owner status and introduced new rules regarding the park's use. The new rules banned almost all protest-related facilities and activities, including tents, tarps, sleeping bags, camping equipment, large bags of any kind, and lying down. The list of prohibitions expanded as the activists conjured up new ways to circumvent them. Recognizing that these ad hoc rules might incur legal and regulatory wrangles, Brookfield justified the decision on the basis that the Occupation made it impossible to maintain the required health and safety standards in the park. The New York Fire Department backed up this claim by issuing a fire hazard notice. In mid-October, bypassing the City Planning Commission, Brookfield sent a letter to the New York Police Department asking for help to clear the park. To justify this move, Brookfield pitted the Occupiers against the general public and argued that the former has prevented the latter from enjoying the convenience and facilities provided in the park ("Brookfield Properties," 2011). The Occupiers responded to this accusation by thoroughly cleaning the park.

Finally, in the initial month of the Occupation, the general public showed support for the movement's claims. Public opinion polls found that more people supported than opposed the OWS cause (see Cooper, 2011; Montopoli, 2011). In New York City, Occupy Wall Street also found plenty of support among the voters (see "Occupy Wall Street," 2011). While reports by mainstream media paid scant attention to the movement during the first two weeks, the volume of media coverage increased substantially beginning in early October (see Pew Research Center, 2011a). Online attention to OWS also peaked in mid-October (Massey & Snyder, 2012). All these events indicate that the movement was thawing the previous inimical spatial structure to activism. It should also be noted that the activists did not exercise their agency in a rationalist, all-knowing way. Rather, they made their decisions amid partial information and uncertainties, which led to misjudgments and setbacks at times. These mistakes did not result in fatal consequence when other parties were also grappling with the changing spatial structure. The next section discusses how the Occupiers used creative tactics, such as encampments and human microphones, to alter the spatial routines and how other stakeholders responded to these new spatial practices.

Contentions Over the Space: Transforming the Old Spatial Routines

After taking over the space, the protesters transformed the consumption-oriented Zuccotti Park into an experimental field of direct democracy. The Occupiers first renamed the site Liberty Park and changed the spatial design to fit the protesters' needs. They debated during general assemblies and used human microphones to convey their messages. All these actions overturn the previous spatial structure and generate a radically new one. Yet these transgressive spatial rules and practices escalated the tension between the movement and the bystander public. This section examines the new spatial practices that turned this POPS into a genuine public forum, and how the public responded to them.

The Occupiers first changed the park into a 24-hour protest site. They established functional zones not only for protest activities but also for human needs. During the night, the Occupiers held general assemblies that everyone could participate in to discuss the movement and social issues on equal terms. The anarchists who constituted the main force of the movement valorized debates in the nightly assemblies as the quintessence of direct democracy since everyone was allowed to talk with, disagree with, or stop other discussants. Regular repertoires of protests were also employed, such as talks, rallies, slogans,

and banners. The ban on microphones forced the activists to use human microphones, repeating what was said by shouting it loudly so that people at the outer circle could hear it. A force of solidarity was also sensed when shouting the message together. These practices helped the multifocal, decentralized movement build a collective identity through collective activities and resuscitated the space from its past passivity.

The park was also turned into a living space on the night of September 17. The Occupiers set up facilities to make the place livable for continuous occupation. A kitchen was built to serve food for free on a 24-hour basis. After nearby restaurants refused to allow the protesters to use their bathrooms without purchasing, toilets and bathrooms were erected to meet sanitary needs. Medical help was also offered for free. A library was set up to facilitate the exchange of thoughts. All these actions revealed the protesters' vision to build an alternative mode of collective living—in contrast to the one based on commodity exchange under capitalism. They also showed the Occupiers' determination to stay in the park for a long period. These practices pointed to the emergence of a new spatial structure more favorable to public expression and contention. Yet the inchoate new spatial rules immediately encountered resistance from the old spatial conceptions and practices.

The 24-hour democratic talks generated din and upset a public that had become accustomed to quiet enjoyment of the park. As the Occupation proceeded, neighborhood residents began to complain about the noise, petty thefts, and other misdemeanors. Passersby resented the barriers and checkpoints newly erected by the police and blamed the Occupiers for the inconvenience. A resident living near the park said that she was "torn between wanting to support the protesters' rights and wanting to solve the quality-of-life problems they have brought to her neighborhood" (Shapiro, 2011, para. 15). Again, the Occupiers responded to the complaints by limiting the time for loud talks and drumming. Yet active speech and an expectation of passive enjoyment could not ultimately comport since the two activities follow fundamentally different logics.

The encampment was considered a serious nuisance from the beginning and was increasingly called into question. For the nearby residents, the camps were hotbeds of crime. Incidences of theft occurred both in the park and in the surrounding area. In early November, sexual assaults on several female protesters raised grave concerns among the Occupiers and the wider public. In response, OWS erected a women-only tent, organized a safety patrol team, and offered defense trainings as well as counseling. These efforts did not turn the situation around. The clash between the spatial rules of the old and the new continued and aggravated. These struggles would determine whether the new spatial rules would stabilize and crystallize into a new spatial structure.

Eviction: Assimilation of the Inchoate New Spatial Rules

In late October, the Occupiers encountered increasing inclement weather as well as ever-tightening spatial rules. With stricter POPS regulation by the owner, heavier policing, increasingly unfavorable court rulings, and declining public support, the newly emerging spatial rules were assimilated into the old structure. This section discusses how the unfavorable public opinion made the countermovement forces more determined, which led to the eviction of OWS. The ensuing court cases further smothered the likelihood of a spatial structural transformation.

Approaching November, public opinion of the movement deteriorated (Pew Research Center, 2011b). While still identifying with their agenda, more people began to doubt OWS's tactic of long-term encampment. Conservatives also began to mobilize opposition to the movement. A poll conducted by Douglas Schoen (2011), a regular contributor to Fox, appeared in the *Wall Street Journal*. The article criticized the movement for being "dangerously out of touch with the broad mass of the American people" (para. 3). Declining support emboldened other countermovement forces.

Brookfield and the New York Police Department became more determined to evict the Occupation under the pretext of ensuring safety and sanitation. Before taking action, Mayor Bloomberg promised that the Occupiers could reenter the park after the cleanup and protest in the manner stipulated by Brookfield. The protesters did not accept this offer, because Brookfield's new rules banned most Occupation tactics. In the early morning of November 16, the police department sent a Brookfield-endorsed notice to the Occupiers, urging them to leave immediately. Then police officers raided the park and evicted all the campers. Some 200 protesters were arrested in the raid, and many books and tents were confiscated. During the eviction, Judge Billings, a former civil rights lawyer, issued a temporary restraining order that would allow the protesters to go back to the park with their tents and other property. The police, however, refused to comply with the order. After the raid, the police deployed heavy forces in the surrounding areas. When the Occupiers attempted to take over another site near an Episcopal church, the police drove them away.

In the post-Occupation days, Zuccotti Park has been subjected to close surveillance and heavy policing. Brookfield made a long list of prohibitions on park use and reduced the hours of operation from 24 hours a day to 6 a.m. to 10 p.m.[10] Immediately after the eviction, Brookfield erected metal barricades and two checkpoints that substantially limited access to the park. Increased numbers of police officers and security guards would search people's belongings and ban anything that might lead to another gathering. In one instance, park users were asked to cut a pizza into smaller pieces before they were allowed to enter the park, in case food sharing would evolve into another public gathering (see Newman & Baker, 2011).[11] In 2012, the Occupiers made several attempts to retake the park, but only incurred more arrests and violence from the police and the owner.

The possibility of new spatial rules was further strangled by court rulings that gave owners of POPS more power to regulate this space. The court rulings during and after the eviction increasingly made clear that encampment and overnight sleep-ins are not protected speech in quasi-public sites, and POPS should be primarily considered *private* property. In the late afternoon of November 16, 2011, the trial court heard the case and reversed the temporary restraining order that had been issued that morning. In the four-page opinion, the court unhesitatingly affirmed Zuccotti's public forum status and applied time, place, and manner restrictions to the case. Despite the fact that Brookfield's new rules targeted the Occupation in particular and hence were not content-neutral, the court approved them because they were

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[10] See https://peopleslibrary.files.wordpress.com/2011/11/zuccotti-park-eviction-ru_n_1095843.jpeg

[11] The barriers and checkpoints were eliminated after the New York Civil Liberties Union appealed to the Department of Buildings to remove them (see https://www.nyclu.org/en/press-releases/city-removes-illegal-barriers-zuccotti-park-one-day-after-rights-groups-send).

thought to promote general public use, health, and safety. The ruling endorsed Brookfield's discretionary power to regulate this POPS without defining whether Brookfield would exercise the power as a private owner or as a quasi-state actor.

Private owners' power to regulate POPS was further consolidated in another court ruling, *People v. Nunez* (2012). The court found an Occupier, Nunez, guilty of trespass when he refused to leave Zuccotti Park during a police raid on November 16. The ruling, however, employed two conflicting rationales in determining the owner's right and the nature of POPS. On the one hand, in deciding whether Brookfield has the power to regulate this park, the court recognized its ability to withdraw access and to stipulate the proper use of this space. The court found that "unregulated access" required by the Zoning Resolution is "inconsistent with the concept of private ownership" (*People v. Nunez*, 2012, para. 22). This essentially acknowledged Brookfield's full legal property rights over the park. Yet the Zoning Resolution considers that POPS owners have "legally ceded significant rights associated with its private property" (Kayden et al., 2000, p. 21). Furthermore, the court affirmed that POPS in general is intended for "passive recreation, rather than for active recreation or sports activities" (*People v. Nunez*, 2012, para. 9). This approved Brookfield's ban on political speech in this particular park and gave tacit support for prohibiting political expressions in all POPS. In deciding the proper use of POPS, the court appealed to the general practices sanctioned by the POPS owners instead of the Zoning Resolution's requirement. This amounts to changing POPS from semipublic to private space. In other words, the ruling will antagonize contentious activities and political speech and assembly in the future.

Nevertheless, in addressing whether the eviction violated the Occupiers' First Amendment rights, the court used another rationale. The court now recognized Brookfield as the "custodian" of the space and employed the time, place, and manner regulation to justify the eviction. The court cited the precedent that affirmed public parks' control of conduct (*Clark v. Community for Creative Non-Violence*, 1982) and applied it to this POPS. This acknowledged Zuccotti Park as a public place and Brookfield as a quasi-state agency. Despite the fact that the ruling leaves undecided which line of the reasoning is more plausible for POPS regulation in the future, it gives private owners much more leeway in controlling the space and renders future collective actions much less likely in this type of space.

With growing unfavorable public reaction, more aggressive law enforcement, and private owners as well as court rulings privileging the owner's rights, the openings in the old spatial rules became closed off and an alternative spatial structure favoring public assembly was suffocated. Previously, it was the ambiguities of POPS that tied the hands of both government agencies and private owners. The gradual elimination of the ambiguities indicates that the space is now seen more as private property. All these factors work together to suppress Occupy Wall Street and to block the emergence of more favorable spatial structure for future contentions.

Conclusion

This study offers a new tentative framework, spatial opportunity structure, to analyze the Occupy Wall Street movement's spatial politics. Spatial opportunity structure builds on the opportunity structure models, Sewell's concept of spatial structure and agency, and his idea of event. It refers to the spatial

context, processes, and outcomes that spatial structure and agency interact. Using this framework to examine OWS, I survey how the spatial structure of privatization and surveillance in public and semipublic space before the Occupation pointed to an inimical, if not impossible, environment for sustained political contention in New York City. Privately owned public space, a hybrid form of space, is the product of private-public partnerships that uses market mechanisms to offer public goods. The ambiguous status of POPS led to the OWS movement's final settlement in Zuccotti Park, after being denied access in other public and private sites. Using general assemblies, human microphones, encampments, and free amenities, OWS's spatial agency temporarily transformed the old passive, commodified spatial structure to an active political space. The emerging spatial rules did not coalesce into a new spatial structure favoring public political speech and assembly due to unsympathetic public opinion, suppression from the police and private owner, and adverse court rulings. The failure to permanently transform the old spatial structure seems to indicate that OWS is not an *event* in the spatial opportunity structure sense.

Yet the unmaking of OWS does not mean another movement will not emerge. Although it seems that the spatial structure after the Occupation poses a worse environment for later movements, there still exist interstices in the POPS rules. In fact, the court rulings leave undecided several issues that may be utilized by later movements if activists can mobilize their agency to perceive the cracks and change the current spatial structure. For one thing, the court still cannot comport private owners' regulation with free speech rights. While the court wants to have it both ways, activists can take issue with the inconsistency and make further challenges. Additionally, there is a curious absence and silence on the part of the City Planning Commission and other government agencies that initially carved out POPS. Although it is not clear how they perceive the movement's strategies, the activists can take this silence as a starting point to pressure for policy changes. Finally, although public opinion helped unmake the movement in the final stage, OWS and the debates around POPS (this study included) raise the issue of private-public partnership of space in particular and privatization of public goods in general. This may generate a turnaround in public sentiment.

In 2014, there were more than 500 POPS in New York City and dozens in San Francisco and Seattle, where similar Occupy movements took place and were evicted. Fast-growing cities in the United States, such as Austin, Texas, and Tampa, Florida, are discussing the possibility of granting POPS (S. Schmidt et al., 2011). Internationally, metropolitan cities, like Tokyo, Hong Kong, and Taipei, have followed New York City's example and have been offering various forms of POPS (Dimmer, 2013). These are all public sites that used to carry important social and political struggles, and the public cannot surrender their rights in these places to the discretion of private owners.

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