

Guest Editors' Introduction

Contesting the Streets: Vending and Public Space in Global Cities

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Cities around the world increasingly offer their residents better opportunities for employment and income. As a result, we have witnessed a long-term trend of migration and immigration to urban centers, with the result now being that the majority of people live in cities for the first time in human history (UN-Habitat, 2010). This spatial demographic shift means that the number of people and the varieties of uses vying for urban spaces have multiplied; competition for urban space is more intense than ever before.

The growth in the size and complexity of urban areas has led to increased attention to the institutions, laws, and norms that govern the city. Academics and others have long observed that many of the recent human settlements and economic activities in rapidly urbanizing areas fall outside the prevailing formal economic and social arrangements. The questions of the viability, importance, and legitimacy of current informal social and economic arrangements have drawn the attention of many scholars. While earlier scholarship framed a dichotomy between formal and informal sectors (Guha-Khasnabis, Kanbur, and Ostrom, 2006; Portes, Castells, and Benton, 1989), subsequent scholarship has presented a more ambiguous gray zone, especially as various levels of government and state actors tacitly support degrees of informality and regulations (Kim, 2015; Valenzuela, 2014). Governance is now conceived of as institution-building continually in progress, evolving and reforming to changing conditions, with the emergent literature now seeking practical institutional reforms and municipal policies and programs that can incorporate these populations and settlements into a more functional and comprehensive urban system (Cross, 2000; Peñalver and Katyal, 2009; Roy, 2005).

Street vending in many ways epitomizes the challenges of contemporary urban governance and its evolving policy considerations. In many cities, existing formal businesses call on government to curb street vending because they view vendors as unfair competitors who are not paying the same

costs of doing business. At the same time, some advocates and practitioners in the international economic development community view vendors as legitimate informal sector microentrepreneurs who need support. Vending similarly can be seen as private capture of public space that involves significant costs. In addition to its representing a violation of municipal codes, vending's presence in locations lacking an infrastructure meant for such commerce means it can be an impediment to traffic flow and contribute to congestion and other negative externalities, including pedestrian and consumer safety. Vending, however, can also contribute to civic vitality, economic development, employment, and services and product provision. To realize these benefits, some call for new models of public space that accommodate commercial activities such as vending into city plans. These types of competing narratives have made street vendors the focus of intense scrutiny, with governments and even administrations within the same government, reaching different conclusions on their legitimacy and the appropriate level and manner of regulatory oversight.

The issues about the legitimate use of public space, the right to the city, and local ordinance enforcement or dereliction are further complicated by class conflict, the street vendors' diverse ethnic and racial backgrounds, and their migrant or immigrant status. As a result, recent street vendors' challenges and protests have been important catalysts with far-reaching political implications about the future of our urban societies. One only needs to be reminded that the Arab Spring began as a street vendor's protest to his constricted livelihood and poor relations with local police.¹

These issues were the topical focus of *Contesting the Streets II: Vending and Public Space in Global Cities*, a conference held at the Sol Price School of Public Policy at the University of Southern California on October 2 and 3, 2015. The conference was jointly sponsored by the Price School's Spatial Analysis Lab and Judith and John Bedrosian Center on Governance and the Public Enterprise and by the César E. Chávez Department for Chicana/o Studies at the University of California, Los Angeles. The conference was a sequel to the first *Contesting the Streets* conference held in 2010.²

It was particularly poignant to be holding the conference in Los Angeles, a few miles from the city council that was in the midst of debating whether to lift its ban on vending, a way of livelihood for a reported 50,000 people in the city. Far beyond the United States, however, vending is a hotly debated issue in major cities around the world. So, to gain comparative insights, we extended the geographic focus of this second conference's inquiry beyond (while still including) the Americas to a global perspective. From this work, we should better see the scalar forces at play and a clearer view of our historic moment of urbanization. We also hoped to learn from a larger pool of policy developments and experiments from other countries. The intention was that consideration of vending worldwide would illuminate ways in which varied urban societies have sought solutions that serve a broad range of interests.

¹ The Arab Spring democratic uprisings originated in Tunisia in December 2010 and arose independently throughout several countries in the Arab world in 2011.

² Similar to this conference, the earlier conference explored the intolerance to and restrictions on vendors and also examined the various policies and promising practices that different states, municipalities, local nongovernmental organizations, and others were promoting to stem some of the conflict and to make vending more expansive, efficient, and fruitful for vendors, consumers, and other stakeholders such as merchants, residents, and passersby. Still pressing are issues regarding the use of public space, the right to the city, and local ordinance enforcement and dereliction.

Therefore, a particular focus of this conference was to promote empirical research about vending both in the United States and abroad. This focus was chosen because, even though vending controversies are occurring in places with widely differing political institutions, legal and urban planning systems, economic situations, and cultural histories, the way in which the controversies are framed are surprisingly homogenous. Most often, such controversies are framed as being primarily between street vendors and storeowners who might feel threatened by unfair competition from those vendors who do not pay rent, taxes, and so on, and who, therefore, can undercut their prices. Other times, vending is purportedly an obstacle to the modern, world-class smart city that needs the sidewalk cleared for public safety, public health, and traffic flow. These claims are in need of evidentiary support. Is total sidewalk clearance really needed to achieve these good ends? Some have argued that vending creates a more vibrant street life that attracts customers to stores and eateries that complement the vendors. Because in our largest, densest cities, local governments, urban planners, and citizens must find new ways to plan, design, and govern the precious urban public space of the sidewalk and street, this conference particularly sought to shed light on these and other grounded questions, with the goal of pointing to possible futures and narratives that will supplant the old ones.

The conference's first day included keynote orientations from three leading scholars who view the city from different disciplinary perspectives and scales to offer some broad theoretical frameworks for the meeting. Each spoke to the contestations of public space and how claims and access to spaces varied across demographic, economic, and social strata. Presenting new research on the south side of Chicago, Ananya Roy placed a spotlight on how legal institutions around property rights often work to further disenfranchise the poor from space in the city, leaving them vulnerable to informal placemaking in a tenuous cycle. Her analysis pointed to the importance of local activism in the tradition of community organizing in the United States to claim rights that the formal structures are unwilling to impart. Her critique noted that institutions often do not acknowledge the imbalances in access and power that exist in their practices and processes.

Margaret Crawford focused her remarks on the question of who decides what public space is and who has primary claim to that space. She incisively critiqued the way our urban planning and design institutions have sought to implement aesthetic urban design visions that reflect the values of segments of society, even when these values implicitly result in the exclusion of other groups. Crawford noted that this effect is particularly acute regarding race and ethnicity; in some contexts, minorities and immigrants are assumed to "not belong" and can be subject to harassment and less freedom in public spaces. She reminded us of how the Black Lives Matter movement has brought to the American consciousness the intricate relationship between race and urban public space.

Finally, Saskia Sassen argued forcefully that indeterminacy and informality are essential qualities driving urban vibrancy and innovation that have consistently made cities a locus of growth. She challenged the audience to not define cities as places of density, as is done in many fields and contexts, but rather to see the city's essence as the complexity and chaos of less formal arrangements. Pointing to the data collection efforts of the U.S. National Security Agency as an example, Sassen warned that strong political interests exist to reduce or eliminate systemic indeterminacy and suggested that these efforts put the city and urban places at significant risk.

Capitalizing on bringing together these three distinguished scholars, we invited them to engage in a moderated public dialogue together. The keynote addresses and the dialogue conversation are available on line.³

The symposium section of this issue of *Cityscape* publishes 6 articles from the 10 original research papers presented at the conference. In many of our discussions of the papers, we returned to the importance of legislation and the entitlements conferred by the law that affect the legitimacy of street vending. Renia Ehrenfeucht critically examines three central underlying philosophies behind vending ordinances and regulations by examining cases from Albuquerque, New Mexico; New Orleans, Louisiana; and Chicago, Illinois. First, she argues that the notion of adjacent properties needing to be protected from street vendors and their customers belies the fact that they can often play complementary roles. Second, she disputes the notion that protection from pedestrian congestion is a reasonable justification for regulation by presenting evidence that street vending and walking can be compatible. Third, she argues that a drive to create explicit regulations that formally enable vending can result in complex laws that actually increase the difficulty of vending. She argues that a new approach to oversight—one that emphasizes community and participatory planning over regulation—would benefit all parties and increase welfare (Ehrenfeucht, 2016).

Sally Roever reviews some of the surprising global legal and policy developments that have increased the right to vend. Through rich qualitative and quantitative analysis across five countries, her article suggests that low-level harassment, merchandise confiscations, and periodic evictions emerge when ambiguous rules govern the economic right to use public spaces (Roever, 2016). It then documents developments in three case cities (Ahmedabad, India; Durban, South Africa; and Lima, Peru), where street vendors have contested their right to use public spaces for trading, and points to coordination among vendors as a necessary condition for successfully achieving a legal right to trade.

Vendor organizations are also the central focus in the article by Chia Yang Weng and Annette M. Kim, which explores two Taiwanese cases of vendor relocation from an informal street space into a formal public market. One effort was successful and the other failed even though, on the surface, the projects were similar. The article compares the two cases to understand the elements that result in relocation success (Weng and Kim, 2016). The authors find that a street vendor organization plays a critical role during the relocation process by reducing a multiagent dynamic game into a bilateral relationship in which negotiation and planning to achieve mutually beneficial outcomes can be more straightforward. The organization, however, needs to be incentivized and allowed the flexibility to capitalize on the new space, akin to the American shopping mall model.

John Taylor and Lily Song, who examine the experiences with relocating street vendors from the street to purpose-built public markets in three Indonesian cities (Jogya, Solo, and Jakarta), consider additional criteria. Most of the relocation initiatives they study failed, and the authors point to three reasons for those failures. First, relocation efforts placed too much emphasis on aesthetics rather than commercial infrastructure. Second, relocation processes failed to prepare vendors for free-market competition, resulting in their not being competitive in more formal settings. Finally,

³ <http://slab.today/2015/09/contesting-the-streets-2/>.

longer-term relocation planning and management failed to consider the emerging and fluid needs of vendors. They argue that a critical element is ongoing coordination and collaboration between governmental authorities and the vendor community (Taylor and Song, 2016).

Enforcement of laws and regulations is the focus of the article by Kathryn A. Carroll, Sean Basinski, and Alfonso Morales, which examines the often-overlooked issue of the public enforcement costs of fining vendors and highlights the fact that the levying of a fine does not always result in payment of the fine. Using data on citations given to vendors in New York City, New York, during 2010, the authors explore the violation-specific and situational factors associated with default in payment (Carroll, Basinski, and Morales, 2016). Key findings are that default is less likely when the violation pertains to a clear statute that is not subject to multiple interpretations and when the fine amount is lower. The authors argue that lawmakers and enforcement agencies should consider these facts to ensure that the prevailing regulatory structure is as efficient as possible.

In the final article, Robert Baird, David C. Sloane, Gabriel N. Stover, and Gwendolyn Flynn bring a novel lens to the appropriate use of public space by analyzing food vending's role in the larger public health effort to combat childhood obesity and make healthy cities. This study is a health impact analysis of a policy in Los Angeles banning all sidewalk vending in the context of poor public health among school-age children. Through empirical analysis, the authors find that the vending prohibitions are not significantly limiting access of students to vendors (Baird et al., 2016). They argue that vendors offer needed food services in poorer neighborhoods and neighborhoods where informal enterprises are culturally familiar and that a focus on food offerings in restaurants and convenience stores will be important if health improvements are to be observed.

Although some readers might interpret these articles as favoring vendors (or advocates of vendors) in the contest for urban space, we believe that a careful reading of the research reveals a pragmatic and investigative position: vending is a global, widespread phenomenon that needs to be practically governed. This position makes no judgment on the specific location of that activity or the types of governance interventions. For example, several articles focus on vendor relocation efforts—programs to take vendors off the streets and place them in purpose-built commercial buildings—which implies that such efforts would be acceptable if done in a way that preserves vendor viability. Indeed, no article suggests that there is no role for regulation and oversight or that vendors should be able to operate wherever and whenever they wish. Rather, as editors, we pushed all the articles to seek evidence-based improvements to regulations that make them more practically enforceable, welfare maximizing, and politically inclusive. Overall, the orientation of the body of research presented here is that communities should find ways to incorporate the persistent employment and entrepreneurial energy of vendors and the benefits they can bring to consumers, civic life, and government.

At the end of the second day of the *Contesting the Streets II* conference, we concluded with a dynamic discussion among keynote speakers, authors, and discussants that included government officials, nongovernmental organizations, and activists. Two overarching observations emerged.

One observation is that a significant shift is occurring. Somehow, in the modern global liquid economy, the vendor now figures in the city not only physically but in the public imagination more than before. Unlike the derision of vendors in the first historic wave of urbanization at the turn

of the 20th century in the western world (Loukaitou-Sideris and Ehrenfeucht, 2009), many cities now highlight vending as an amenity in the visioning of a vibrant city, like kiosks in a shopping mall, a “vending urbanism.” Vendors are now part of our leading and ascendant global cities. Combined with recent landmark changes in law and policy in some cities in both the global north and south, we wonder if a new global norm is developing akin to how bulldozing squatter settlements is now generally politically untenable around the globe. The growing legal challenges, policy evolutions, and popular narratives appear to be entertaining street vendor rights to livelihood in public space. Engaging in government programs, policies, and research on this topic is therefore even more critical.

The second observation is that, as cities have been densifying, spatial contestation in practice regarding race and immigration has also been increasing. One’s race, class, and legal status significantly determine the range of activities and liberties that one seeks and can practice in public space. The issue of vending has to be understood amidst many of these larger thorny social debates. In the United States, the national discussions sparked by the events in Ferguson, Missouri, and the Black Lives Matter movement have raised the issues of the criminalization of the poor in public space and whether we have criminalized too much conduct. Instead of discussing optimal regulations in a color-blind and class-blind way, our discussions about regulatory design need to directly consider how they ameliorate or exacerbate this basic social problem.

We are grateful for the enthusiasm of all the participants and audience members of our conference. Many inquiries suggested we organize a third *Contesting the Streets* conference. If such a meeting should convene in the future, we hope that we would be able to report significant progress in both governance systems and the imaginations of an inclusive and vibrant public space.

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Tridib Banerjee, James Irvine Chair in Urban and Regional Planning, Sol Price School of Public Policy, USC (discussant).

Margaret Crawford, Professor of Architecture, University of California, Berkeley (keynote speaker).

Nicole Esparza, assistant professor and Director of Graduate Programs in Nonprofit Leadership and Management, Sol Price School of Public Policy, USC (discussant).

Rudy Espinoza, Executive Director, Leadership for Urban Renewal Network (moderator).

LeighAnna Hidalgo, doctoral student, César E. Chávez Department of Chicana/o Studies, UCLA (presenter).

Gregg Kettles, attorney at law and former deputy counsel for Los Angeles Mayor Antonio Villaraigosa (discussant).

Martin Krieger, professor, Sol Price School of Public Policy, USC (discussant).

Jessica Lockrem, doctoral student, Department of Anthropology, Rice University (presenter).

Darshini Mahadevia, Dean, Faculty of Planning, and member, Centre for Urban Equity, CEPT University, India (presenter).

Nithya Raman, founder of Transparent Chennai (discussant).

Ananya Roy, professor and Meyer and Renee Luskin Chair in Inequality and Democracy and Director, Institute on Inequality and Democracy, UCLA (keynote speaker).

Saskia Sassen, Robert S. Lynd Professor of Sociology and Co-Chair, Committee on Global Thought, Columbia University (keynote speaker).

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