The responsibility of public space management in democracy, Mexico’s situation

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Introduction

The arrival of the French Revolution in 1789 brought the conception of citizenry based on liberty principles, plurality of interests is recognized, equality as a rule and fraternity connected and reconciled social classes who lived within a space of social life.

The exercise of these historical achievements brought on the need to maintain public spaces of liberty, although it is convenient to recognize that contemporary societies have become increasingly complex because of different economic, political and mainly technological factors. Said complexity means an increasingly urgent need to manage public space to guarantee citizens can freely live, circulate, associate, acquire and participate within it.

In that sense, this essay will analyze the way public space has been managed in Mexico based on the State and its legal and political spheres, which have been implemented, among other purposes, to take on said responsibility. This essay is divided into 3 sections; the first one mentions the existence of different spaces: social, economic, political, physical and the one which has slowly emerged with great strength, the virtual one. The second section deals with the idea that public space in democratic societies is citizens’ responsibility. The last section analyzes Mexico’s situation, the instituted order evokes space management, that is, it is responsible for its fulfillment.

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Public spaces and society

Firstly, Nora Rabotnikof\(^1\) points out that the notion of public space has been given three meanings:

- That which is common to everyone; general interest over particular interest.
- That which is visible or evident and not dark or obscure
- That which is open and accessible to all, to those who enjoy citizen status, and not closed.

These ideas suggest that public space is the dimension, physical and non-physical space (virtual, economic, political and social) where physical people or bodies (legal persons) can co-exist freely and where general interests flourish over particular interests.

 Nonetheless, that which is public is not only circumscribed to the State, several public spaces have been identified; they are related to it, but have their own characteristics. Please see the following table:

### Table 1. Public Spaces

<table>
<thead>
<tr>
<th>Public space</th>
<th>Promoters</th>
<th>Beneficiaries</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social</td>
<td>All of its members except marginalized sectors</td>
<td>Society in general</td>
<td>Diversity of particular infraspaces (family, school, church…)</td>
</tr>
<tr>
<td>Economic</td>
<td>Producers/Entrepreneurs</td>
<td>Consumers/Clients</td>
<td>Market</td>
</tr>
<tr>
<td>Political</td>
<td>Rulers/Representatives</td>
<td>Ciudadanos/Usuarios</td>
<td>Power</td>
</tr>
<tr>
<td>Physical</td>
<td>Civil authorities</td>
<td>Population in general</td>
<td>Public square</td>
</tr>
<tr>
<td>Virtual</td>
<td>Cybernauts</td>
<td>Cybernauts/Consumers</td>
<td>Cyberspace</td>
</tr>
</tbody>
</table>

Source: developed by the author.

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Physical public spaces are the verification of freedom as consolidated right, not only of citizens but also of the people. Society enjoys and consolidates itself in public spaces which are vital for peaceful coexistence and their political and cultural development, the preservation of their customs and even to maintain the health of the city dwellers through green areas that improve the environment and help people that cannot pay for a gym.2

In traditional cities, Public Space is what gives identity and character to the city; it allows the latter to be recognized and lived through urban settings: natural, cultural and heritage. And even though local governments managed it through regulation, legislation and urban projects in the 80’s they could not prevent or correct the constant and frequently tolerated private invasions which affect quality of life and the environment. Globalization in the 90’s, urban policies’ lack of continuity, the growth of poverty and unemployment affected local management which did not prevent or correct the constant and frequently tolerated private invasions of the public which greatly affected the quality of life, security and environment of many Latin American cities. 3

The appearance of exclusive housing developments is a symptom of minorities’ accumulation of wealth. These exclusion areas break social integration which the city previously allowed. Recently, private property shopping malls have spread, given its business use, they appear to be public spaces; this is false, private property allows its owners to obstruct or prohibit the use of spaces they do not consider convenient. Thus, they are not free spaces, they are public ones while their owners allow it.

Virtual space

Virtual space has been created by the most advanced social sectors of some countries; it has grown limitlessly, unlike local public space

2 City dwellers need spaces to routinely practice some exercise to maintain their health. The population’s illnesses may represent additional costs to the public sector. Current trend is 100% general health service coverage, this means governments have to have greater budget items which affects public spending and the health of the population is of general interest.

which has physical limits and its deterioration limits its use. Lost dimensions do not permit people make free and constructive use of it. Virtual space grows if used; as long as new computers connect themselves to it.

Virtual space is a place (cyberspace which has two main elements: Internet and virtual reality⁴) created by the mind in simulated scenarios. An imaginary place with new ways of communication and social relationships. From this point of view, there is a clear difference between public tangible space and virtual public space: the nature of its origin, creation and access.

New information and communications technologies have created new virtual public spaces which have inevitably affected other tangible spheres. On the other hand, it has tried to be managed by implemented legislations derived from physical reality.

Virtual space is the perfect example of interaction and coexistence. It has social, economic and political spaces within it; people can shop, make online payments, political campaigns or organize social movements as well as create web pages or be part of social networks to express themselves freely.

Right now it is difficult to imagine universal legislations to regulate the conduct of those who participate in cyberspace; nonetheless, it is necessary to appeal to the conscience of users.

According to Manuel Castells,⁵ Internet was born free, independent, a world that is everywhere, which has no boundaries, where bodies do not live, only thoughts which are its only limit; thus, its regulation through physical means will only damage its nature. Free access is a precondition of public space.⁶

That which prevails in virtual space is the thoughts of each and every cybernaut and every public, private and social organization; all of

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⁶ Cyberspace is similar to outer space, which according to current theories grows when matter expands inside it; that is, this space's limits are not stable, the universe is a balloon that has not stopped blowing up. Something similar happens with cyberspace, it grows each time more users log on and participate in it.
which create their own world, create and recreate who they want to be, carry out activities they conduct in the real world without their tangible physical bodies. Chat rooms, e-mails, social networks and virtual communities are the way people communicate and forge relationships; the information shared is digital.

According to Castells, despite its technological nature “throughout history […] states and churches have shown concern, non-democratic states have reacted with hostility, trying to reestablish administrative control of expression and communication. The execution of the statist project over the Internet has found considerable obstacles.”

On the contrary, democratic countries regard the Internet as an essential instrument which promotes expression and horizontal communication among people and which ensures constitutional and legal protection of liberties.

Castells considers that “the use of the Internet will generalize the information and knowledge regarding the critical social importance of the control of the Internet; the struggle for online liberty, including economic liberty of network access will spread beyond the current enlightened elite”.

Virtual space has a sense of community which breaks down physical spaces' obstacles such as gender, age, race and it “allows us to strengthen our ability to empathize […] social trust is based on empathy and it requires each other’s humanity in their own imagination”.

The development of this “sense of community” undoubtedly favors current democratic systems because it increases citizens' active participation and free expression; the best example and perhaps the most current one is the so called “Arab Spring”. And even though the role of these means is still being discussed and analyzed, it is clear that they promote rapid communication and the aforementioned sense of community; all of this gave uncommon characteristics to these revolts such as anonymity to the leaders and spontaneity to their actions. Egypt's population participated in these virtual spaces to such an extent that the use of Internet was banned.

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7 Castells (op cit).
8 Ibidem.
9 Ibidem.
10 León y Ramírez (op cit).
Virtual space has unimaginable potential, technological development cannot be stopped and much less creativity in society. The creation of new techniques within this virtual space can occur anytime, anywhere in the world with a connection and cybernauts’ creativity never ceases. We can expect the acceleration of both processes.

Virtual space and other spaces which existed before are different worlds although they are connected by their main actors: people. This is how protests are organized via the Internet and end up filling streets and squares.

**Public spaces in democratic societies: the responsibility of its management**

Living in society is complex and sharing public spaces is too; humanity, throughout time, has sought to solve its conflicts and establish rights and obligations among its members. From this perspective, “collective action problems go through the institutionalization of the State and the creation of law... a process of distribution of power, wealth and income among the participants which satisfies the main political goals of order, welfare, freedom and social justice. A society will be more civilized the more balanced it is and the closer it gets to these goals”.  

Adam Przeworski states that “when people live together they run the risk of having conflicts because of having different values or limited resources and end up killing themselves. The solution which historically sprung to prevent this was the State”. It can also be said that public space achieves its fullness as it becomes sanctuary of liberties.

Nonetheless, the State has become a manager of conflicts which arise in shared spaces in contemporary societies.

Thus, management of public space, derived from the aforementioned idea, is the State’s responsibility through its various institutions and its political and legal regulations.

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However, it is important to mention that the State should be the first one to address the subsistence of public space through management and another way inherent to it: public administration; it is important to differentiate between these two terms in order to understand their importance and the way they affect the future of public space.

Public management can be used in at least three senses: it refers to public employees’ and politicians’ activity; structures and processes (i.e. total quality) and the systematic study of activities, structures and processes.\textsuperscript{13}

Public management is the operational part, the one that fulfills public administration’s goals; that which is directly related to the tasks carried out by the State. On the other hand, public administration has always been considered as the enforcement arm of politics; however, it is well-known that public administration is not a neutral one; it takes part in politics, at least official politics. That is, public administration should endorse political trends of ruling parties’ programs and projects. It is worth highlighting that party politics should distance themselves from public administration; in fact, the legislations of some countries prohibit this marriage.

Public administration then means the set of agencies, bodies and public entities established to develop and enforce laws and government plans, programs and projects. Administration must, keep an all-embracing view of agencies and entities of government bureaucracy: the development of general plans of urban organization and strategic plans are legally reserved rights of public administrations in the three government spheres: federal, state and municipal.

Public administration has survived some centuries since modern age, unlike temporal trends that have sought to reorient it and make it more efficient.

Public management is an activity which contrasts with public administration because one stands for action and the other one stands for all of the phases that come before the execution of projects; public administration cannot be seen as an inconvenient standing close to management. On the contrary, they are interrelated activities and

management requires “the creation of an efficient and effective administration; that is, an administration that fulfills the real needs of citizens at the lowest cost”. 14

We need better public administration to have better public management and at the same time better public management leads to better public administration

The first assertion of public space, the res publica, includes everything that can be accessed freely, what belongs to the people, one for all, what is out there and publicized, guaranteed or affirmed by public law.

This is related to the republican law, understood as “the right each citizen has to have public property be public; that is, for everyone”,15 unlike those who would like to exploit and privatize res publica. Citizenship becomes very important; this is not constructed solely on rights, but on social duties.

Consequently, “citizens become even more so when they assume responsibilities in regards to public interests which can be different from their particular ones instead of just selfishly having their rights guaranteed”.16

Indeed, “citizenship is a status given to those who full members of a community. All who possess said status are equal in rights and duties. There is no universal principle which determines these right and duties; nonetheless, societies where citizenship is a developing institution create an ideal image of citizenship which measures success and guides aspirations”.17

However, besides its conceptualization this “is not exercised exclusively in regards to political-state institutions, it is exercised and especially constructed in regards to any sphere where equality and liberty principles are being challenged”. 18

15 Przeworski (op cit).
16 Bresser (op cit).
Speaking of citizens’ rights and obligations, public management is essential in its co-responsibility with the State, said citizens should have an ever-growing concern for public issues. Citizens’ involvement in public affair will expand democracy and improve the apparent tautology that is participative democracy.

Complex societies need citizens to participate to become social subjects, with greater capacities to transform the place they live in and control their political, economic and administrative bodies.19

The State currently means social participation levels and even democracy levels. That is, the State has to firstly address the mandates of law and democratic decisions.

Thus, it is “clear that citizenship can only be affirmed when citizens are aware of public interest. When citizens fight for their civil, political and social rights they do it as members of a society whose collective interests are above their private interests”.20

The existence of public interest does not appear in an absolute manner, even less in an authoritarian one, it is built based on the consensus of civilized societies, little by little. Public interest is manifested in daily coexistence of public space.

When this coexistence is ignored and repudiated, several forms of violence in public spaces appear; citizens vs citizens, State vs citizens and citizens vs State: corruption, intolerance, tax evasion, robbery, assault, rapes, abuses, etc.

The responsibility of sharing public space wants “a free and just society. This movement is called an autonomous society project which should establish a democratic society”.21

How do we achieve social integration and full recognition of the other one as subjects who share public space? Alain Touraine mentions that living together, with responsibility, has a triple answer. “Firstly, it needs the recognition of diversity and consequently, the rejection of homogenization and contempt for difference. Secondly, the recogni-

20 Bresser (op cit).
tion of differences must be compatible with instrumental activities, independently of the culture it is put into practice. Finally, cultural identity and instrumentality must recognize the Subject in every society, that is, essential human rights".\footnote{Touraine, A. (2000). \textit{¿Podremos vivir juntos?}. Mexico: Fondo de Cultura Económica. pp. 335.}

The goal of citizens’ participation in public affairs is to give content and expand democracy, bringing on “participatory democracy”.

Complex societies need citizens to participate to become social subjects, with greater capacities to transform the place they live in and control their political, economic and administrative bodies.\footnote{Alberich (op cit).}

The State currently means social participation levels and even democracy levels. That is, the State has to firstly address the mandates of law and democratic decisions. It is clear that representative democracy nowadays works thanks to an exceptional participation of citizens; that is, citizens in most democratic countries react until they have been truly affected. In Mexico, citizen’s tolerance sometimes means indolence which leads to omissions and complicity that would be inadmissible in other countries.

Local government’s management of public space includes project construction, operation and continuous maintenance. Several management models carried out by official bodies and neighbors in coordination with private ones must be promoted to develop, design and finance them.\footnote{Perahia (op cit).}

On the one hand, citizens demand rights and must fulfill obligations and on the other hand, the State establishes and enforces legal-political regulations in public space management co-responsibility.

The republic is born in public space and it lives in it. Public administration takes care of public spaces which ensures liberty and peaceful coexistence in a respectful framework. Civic life demands public space, without it, it cannot show and develop itself.

Public spaces can promote the development of developing political cultures like ours. Significant spaces are needed in Mexico so that the
State and social actors promote democratic political culture through public spaces. It is necessary to point out the gradual degradation of public spaces which threatens citizen’s coexistence and encourages those who violate civic order. The misuse of public space in Mexico has other meanings: unemployment which drives people into informality; that is, using public spaces for commercial purposes which affects public hygiene, obstructs pedestrians’ spaces and in some cases, promotes the robbery of electric power, and in an extreme case, the sale of illegal products.

Considering that the State includes the government and the population, it has to act in a structural way; its main parts, which have been mentioned, are also responsible for the successes and failures present in public life. Omissions and complicities that allow public spaces to be used for purposes that contradict their original destiny are entirely the responsibility of the government which does not implement plans and programs created for said spaces. We can also consider that public administration is the one responsible for enforcing these rules and not omit their fulfillment or allow the misuse of public spaces. Citizens are not excluded from certain responsibility if they do not demand the correct use of public spaces.

Public space management in Mexico

Mexico’s exercise of freedom starts in 1821, although there have been several interruptions: dictatorships and excess of licentiousness which ended in coups d’état. Nonetheless, free society has slowly made its way through intolerant colonial traditions and the regime of the Mexican Revolution. In recent years, democracy asserts liberty which promises to extend itself and strongly take root in our political culture.

Each one of the contemporary States is organized politically, economically and socially thanks to rules. In Mexico, the Political Constitution is the supreme regulation which leads the country. Holmes is right when he states that “constitutions not only limit power and avoid tyranny, but also build power and guide it to desirable ends and avoid chaos and private oppression”.25

25 Przeworski (op cit).
From this perspective, in regards to public space, the Magna Carta guides political, civil and social rights shared by the ones who live together in this space, specifically regulations to manage it.

In Mexico, especially the highlands, tropical areas and the south, there is an enormous deficit in public space management because the State ignores its responsibilities. We frequently are witnesses of an almost wild struggle in the streets: traffic which presents a daily Hobbesian struggle for the use of roads, the irregular occupation of some streets as parking lots by informal automobile “ushers” which charge taxes to automobile owners.

Public space is constantly abused thanks to the indifference of authorities. These situations generate a stressful and insecurity-riddled climate which ends up irritating individuals and generating daily arguments among them. The aforementioned generates a defensive individualism which destroys civility; that is, undermining public spaces leads us to situation of social discomfort.

People in charge of management—authorities—have neglected their tasks and left public space become an area of dispute and selling of permits to use streets for commercial purposes; the weak are abused for different reasons. Egoism brings lack of solidarity, contrary to civilized and advanced societies. This environment of distrust inhibits political participation.

A vicious circle is reproduced all over the country, on the one hand, authorities do not enforce the law to avoid conflicts with those who transgress public space; on the other hand, society gives up its right to ask the government for order and harmonious coexistence.

Conclusions

- Public, common, open space to all is present in democratic societies. Equality of circumstances answers to general interests, but recognizes individual ones.

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26 Even though the Public Employees’ Responsibility Law punishes authorities when they omit the fulfillment of their responsibilities established in different legal regulations.

27 i.e. people who loiter the streets, paint graffiti in all kinds of private and public buildings, people who invade the streets with fixed or temporary stands or public transportation accesses (Metro system), those who make excessive use of speakers and horns, unpunished robberies and homicides, everyday marches and demonstrations which frequently collapse traffic, different forms of contamination which can be controlled but not avoided by authorities.
Management of public spaces must also be done by those who are benefited by it through the assimilation of its existence and compliance of the State's laws, first responsible element.

In Mexico, we can find different manifestations of public spaces: economic, political, artistic, physical and virtual, subjects can participate in all of them. However, to ensure its permanence, the State has established political-legal regulations which are not enough, but are essentially rational ways of safeguarding public space.

Bibliography


