



Gentrification and Politicization of Nightlife in New York City

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Municipal governments grappling with nightlife problems in gentrifying neighborhoods have initiated a range of legislation meant to restrict the operations and locations of nightlife businesses. In New York City, nightlife actors organized among themselves to fight these restrictions. In this paper, I examine the specific politics developed by and between two pro-nightlife groups in the city: a trade organization for nightlife business owners and a group that contested the cabaret law that they conceive of as having violated a civil liberty, that of social dancing. I examine the activism of these two groups, and demonstrate how conflicts which emerged between these two groups are related to the gentrification of nightlife. Based on this examination, I argue that pro-nightlife politics needs to develop a more robust and comprehensive political response to the market force of gentrification, in addition to contesting laws and institutions that unduly regulate nightlife. This paper seeks to contribute to a hitherto under-researched topic, that of the politicization of nightlife.

New York City's nightlife has faced constant challenges as the city has steadily gentrified since the 1980s. Under-financed nightlife businesses have been priced out of neighborhoods that have undergone rising property values. Nightlife



has also become a focal point for the rallying cries of neighborhood residents against the nuisance effects of nightlife businesses, such as excessive noise, heavy traffic and vandalism. Their vocal objections to nightlife have led the municipal government to tighten laws that govern the locations and the operations of nightlife businesses. In response, pro-nightlife activism on the part of nightlife groups has picked up, especially since the mid-1990s. Two particularly prominent groups have emerged: the New York Nightlife Association (NYNA), which has been engaged in campaigning for the protection of nightlife as an *industry* and as a *business* from the city's anti-nightlife regime; and, Legalize Dancing in New York City (LDNYC), which has focused on fighting the city's cabaret law – a law that regulates zoning and licensing rules that apply to nightlife businesses that have social dancing – and has campaigned for the protection of nightlife as a *civil liberty* and a *subculture*.

In this paper, I analyze the politicization process of these two pro-nightlife formations, and the opposing approaches that each of these organizations has taken with respect to on-going nightlife crises. I examine how nightlife's internal fragmentation, as is shown in the differences between these two organizations, is related to nightlife's contradictory dual positionality – as an industry as well as a set of subcultures, and also as beneficiaries as well as victims of gentrification. I further demonstrate how the patterns of politicization of nightlife and conflicts between different sectors of nightlife are related to the emerging gentrification of nightlife and increasing uneven development within the nightlife sector. Following this, I propose that what is needed for pro-nightlife politics is, however challenging it may be, a more robust and comprehensive political response to gentrification, which poses a fundamental threat to a vibrant and culturally rich nightlife. Both the NYNA and LDNYC, if to varying degrees and for different reasons, have shied away from tackling this crucial issue.

An analysis of the conflicts and power dynamics between different nightlife sectors has not yet received sufficient empirical scrutiny. I argue that this analysis is important, as it elucidates on-the-ground power struggles that (re)shape the courses of gentrification and of post-industrialization of cities. It is also important as it helps us to re-calibrate the transformative potential of nightlife politics and re-situate them as part of broader urban movements that fight against gentrification. The issues discussed in this paper are primarily about social dancing and club industry, rather than the broader nightlife sector; nevertheless this case still aptly illustrates why we should take seriously the politicization of nightlife in contemporary society.

Gentrification and the Politics of Nightlife

City governments have been increasingly aware of the significance of cultural amenities and leisure businesses in repositioning their cities as competitive in global/regional markets – in being able to attract quality human capital, such as

professional upper-middle classes (roughly, the so-called “creative class”), as well as tourists. The presence of these classes of people is understood to be crucial for neoliberal and post-Fordist economic growth and for successful gentrification (Clark, 2004; Florida, 2004; for critical analyses, see Lloyd, 2006; Hannigan, 1998; Ley, 1996; Zukin, 1995). Against this background nightlife has also received renewed attention by policy makers as a driver of post-industrialization and urban revitalization (Hobbs et al., 2005), as I discuss elsewhere in connection to the “creative city” campaigns undertaken by numerous municipalities (Hae, forthcoming; see also Roberts, 2006). Nightlife businesses are now less associated with an “immoral” underworld or dangerously liminal and transgressive activities, as they used to be, and are instead looked upon as a legitimate industry that supplies post-industrial “lifestyle consumption” goods to cities and enhances cities’ images as lively, cosmopolitan urban habitats (Hobbs et al., 2005).

Nightlife has risen as a policy priority in Britain, and accordingly, has been widely researched and debated there (for an overview, see Shaw, 2010). From the late 1980s, some de-industrializing British cities adopted the mantra of the “24-hour” city, seeking to develop a “night-time economy” (NTE) as part of efforts to develop a post-industrial economy (Bianchini, 1995; Heath, 1997; Lovatt and O’Connor, 1995). The move dovetailed well with offers by pubcos (stock exchange listed pub chain companies) to invest in disused buildings in central cities to recycle them into nightlife establishments (Roberts, 2006). The central government (under the Labor Party of Tony Blair) also enacted deregulatory measures for nightlife businesses, such as the extension of nightlife operating hours under the 2003 Licensing Act. In North America, there has been no equivalent in terms of comprehensive national initiatives for the promotion of nightlife, as has been the case in Britain. Nonetheless, North American cities have also promoted nightlife to attract tourists as well as new residents to downtowns abandoned due to suburbanization since the 1950s and the fiscal crisis of the mid-1970s. Initiatives like “entertainment districts” or financial and legal support for flagship projects like large-scale corporate entertainment destinations have become popular (Campo and Ryan, 2008; Gotham, 2005). Even in the case of neighborhood nightscapes that, unlike UK counterparts, are formed without direct governmental sponsorship or partnership and are generally non-corporate, liquor agencies at the state governmental level have often encouraged the proliferation of nightlife businesses (bars, clubs and lounges) through permissive license-issuing practices as part of urban growth initiatives (Ocejo, 2009, 9).

However, city governments have also realized how challenging it is to facilitate a night-time economy that balances out with “public well-being” and “quality of life.” “Binge drinking” and violence among young drinkers became an object of popular moral panic in Britain in the mid 2000s (Roberts, 2006). The maelstroms of conflict between residents and nightlife businesses due to the nuisance effects of the latter, including noise, traffic congestion and property damage, ballooned in North America. Conflicts have been prominent in cities like

Philadelphia, Cleveland, Tampa, Seattle, Toronto and Austin, where municipalities and real estate developers have encouraged condo developments and loft conversion near entertainment zones, ironically marketing to potential buyers the vibrant ambiance of the areas created by the presence of nightlife (Bhatt, 2007; Campo and Ryan, 2008, 304, 313). Nightlife tends to develop and proliferate with gentrification (Ocejo, 2009, 8, 10), so gentrifying neighborhoods have soon been inundated with various nightlife businesses, to the dismay of some residents newly moving into these neighborhoods. As I discuss elsewhere (Hae 2007, forthcoming), the “nightlife fix” to urban economies, spaces and images in decline, backfired, with a resultant dilemma that pressured municipal governments to carry out contradictory policies of re-regulating nightlife businesses while de-regulating them at the same time. Various laws have also been employed in North American cities to administer the nuisance effects of nightlife (Berkley and Thayer, 2000; Bhatt, 2007), often in conjunction with broader Zero Tolerance policing and Quality of Life initiatives prevalent in neoliberalizing cities (see MacLeod, 2002). Institutions like the “Responsible Hospitality Institute” consulting firm (<http://rhiweb.org/>) emerged to provide government officials and nightlife entrepreneurs with standardized toolkits about how to create safe and nuisance-free, but nightlife-rich, sociable cities, in collaboration with residential communities.

In Britain, the Labor government also responded to concerned voices over the negative impacts of the Licensing Act, stressing responsibility on the part of drinkers and business operators. However, despite this response, scholars studying nightlife issues (e.g. Hobbs et al., 2005, 169-70) argue that nightlife governance (both over nightlife premises themselves, and neighboring public spaces) was characterized essentially by the withdrawal of the state, consistent with neoliberal ideology. The state has rendered the growth of night-time consumption to proceed unchecked, allowing pubcos to sell large quantities of alcohol at low prices through chaotic implementation and poor enforcement of licensing policies, which in turn has encouraged widespread excessive drinking, which has built into criminogenic nightlife conditions (Hobbs et al., 2005, 172-3; Roberts, 2006). What emerged to ensure the “orderliness” of nightlife then was a heavy reliance on private security, such as bouncers and door staff, who tend to resort to intimidation and violence. The central government strategy in terms of nightlife may be about to change substantially, as the current Conservative/Liberal Democrat coalition are seeking to nullify the Licensing Act to tackle these problems (Johnson, 2010).

In the wake of this contradictory trajectory of governmental policies over nightlife, struggles over nightlife have entered into a new phase, producing a new political economy of nightlife and constellations of power involving the shifting class composition of nightlife entrepreneurs. Patterns of this shift into a new phase have varied across different locales, and have been contingent upon the specific political economic directives, institutional and legislative landscapes, licensing, planning and enforcement systems and cultural and social make-ups within which

each has been historically formed (Jayne et al., 2008).² Despite divergences, however, there have been some observable trends across different locales. First, local politics has become an arena in which various capitalists and other social groups have allied with different arms of governing bodies that bear either pro- or anti-nightlife interests (Hadfield, 2006, 7). This dispels the view that sees the power relations between the state and nightlife simply as a binary between the controlling and the controlled. The state and nightlife are far from homogenous entities that project unitary interests that are automatically and completely opposed by the other party. For example, nightlife policies are fragmented within the UK central government, with differences between the Department of Culture, Media and Sport, and the Home Office (Roberts, 2006, 335-37). Local governments also conflict with the central government, wanting, for instance, to procure from central agencies more state authorities that can intervene to regulate their local nightlife (Hadfield, 2006). This, however, does not mean that all parties involved enjoy evenly distributed power in influencing the final regulatory outcome. Inevitably, interests that represent powerful, opinion-setting constituencies can have strong lobbying power and are more able to influence policy priorities, and thus can win more favorable regulatory outcomes than other constituencies.

Second, nightlife itself has been gradually gentrified (Talbot, 2006), with corporate and/or up-market nightlife businesses patronized predominantly by white youngsters, or high-end corporate workers, having established themselves as the most dominant players in the nightlife scene. This is because these businesses are understood (through consistent lobbying of the state) as competent enough to maintain security and order among patrons, and, therefore, as lesser threats to “quality of life” (Chatterton and Hollands, 2003; Talbot, 2004, 2006). They are also, thereby, considered legitimate businesses that contribute to the local economy, and the licensing process has been made, for them, easier and more expedient (Hadfield, 2006). This favoritism has been in contrast with the government’s suppression of, on the one hand, rave movements, which it criminalized for the prevalent drug use among its participants (Hadfield, 2006, 58-59); and on the other, “disorderly” and “incompetent” venues that cater to patrons of color (Talbot, 2004, 2007). Along with rising rent levels in central cities, this formation of the industrial-governmental-judicial complex has gradually magnified the uneven development that had already emerged between these businesses and vernacular venues featuring local, alternative, or experimental music, dance and subcultures, and/or Do-It-Yourself philosophy. These vernacular venues cannot compete with corporate/upmarket sectors that are extremely well industrialized with substantial capital investment, rationalized production techniques and well-established connections to specialist law firms. The smaller, non-corporate venues

² While scholars who have studied nightlife have commented on differences in nightlife governance between European, Britain and North American cities (for example, see Ocejib, 2009, 17), comparative research on nightlife governance in different localities still awaits more systematic scholarly attention (for an exception, see Hadfield, 2009).

are thus priced out of central city locations (Chatterton and Hollands, 2003, 19-44; Hadfield, 2006, 47-48).

Third, members of these alternative nightlife sites sometimes become mobilized to protest against governmental crackdowns on these sites and to further campaign to make claims for people's rights to party, and against rote corporate infiltration into the fun, leisure and creativity of urban life. For example, as governments moved to make laws that meticulously targeted rave parties, these rave formations have been rapidly politicized and become locations of public protests (Huq, 1999). However, Chatterton and Hollands (2003, 60) state that the organizing drive among local/independent/alternative businesses has been weak or short-lived and, consequently, that they have been under-represented in political and judicial fields. On the other hand, corporate and gentrified nightlife have formed powerful trade organizations (operated with their overwhelming financial resources) in order to lobby politicians to act in favor of their interests. The gentrification of nightlife, thus, is re-inscribed by unevenly distributed political capital between different sectors of nightlife.

Looking into the politicization of nightlife and the struggles that take place between different fragments of nightlife can enrich and complicate our understanding of gentrification and post-industrialization. Studying the politicization of nightlife also provides a venue in which to muse over the transformative potential of nightlife. Nightlife's transgressive and dissident potential has been recognized by historians and cultural theorists (e.g. Palmer, 2000), but this recognition should be revised and contextualized in relation to new urban milieus of neoliberalization, gentrification and the state's re-regulations of nightlife. Despite this need, and also despite the nascent politicization of nightlife in various cities (for example, in the form of organizations such as the San Francisco Late Night Coalition and the Seattle Nightlife and Music Association), few have actually studied the complicated, fragmented and contradictory processes of nightlife politicization and power dynamics within these formations, a key exception being Chatterton and Hollands' (2003) insightful, but still schematic, analysis.³ My empirical case in this paper seeks to fill these missing details of nightlife studies.

Now I turn to my case study of NYC and of two of the city's pro-nightlife groups. The details that follow will uncover how the gradual gentrification of nightlife and uneven development within nightlife in the city have shaped, and been shaped by, particular patterns of politicization of nightlife, and the power struggles between nightlife actors that are situated differently in relation to the gentrification and post-industrialization of NYC. These details will also show why

³ Some (e.g. Jayne et al, 2010; Shaw, 2010) have also argued that studies of nightlife and drinking have mostly focused on political economy and regulations of nightlife, and therefore, now need to attend to multiply enacted consumption practices within nightlife, complex interplays of diverse nightlife subjectivities of nightlife actors, and situated and contingent dynamics of power within nightlife.

the politicization has been limited in defending nightlife from corporatization and over-regulation.

“Quality of Life” Policing over Nightlife Businesses in NYC

Since the late 1970s, nightlife businesses in NYC have become focal points of neighborhood disquietude, especially in gentrifying neighborhoods, due to their nuisance effects. Below, I offer a condensed version of this history, which I have detailed elsewhere (Hae, 2007, 2011, forthcoming), before I describe the pro-nightlife politicization that emerged in NYC since the late 1990s. From the early 1980s, nightlife businesses, especially dance clubs, located in formerly abandoned industrial districts and boarded-up commercial buildings suffered from increasing complaints from residents, and also from rising rents in gentrifying neighborhoods such as SoHo, NoHo, TriBeCa, the East Village and the Flatiron District (which gentrified roughly in that order). This period corresponds to “second-wave gentrification” (Hackworth and Smith, 2001), in which the presence of the artistic/cultural avant-garde and the mixed-use diversity that characterized the inner-city was appropriated by the real estate market to raise the appeal of the area. Nightlife was part of the appeal of these inner-city neighborhoods; however, it was vilified as an enemy of quality of life once gentrification settled in. I have elsewhere called this process “gentrification with and against nightlife” (Hae, forthcoming). By the end of the 1980s and early 1990s, the City Planning Commission (CPC) amended zoning regulations applied to nightlife businesses that offer social dancing in aforementioned neighborhoods, so that these areas became off-limits, or were strictly restrained with special permits required for these businesses. These businesses – which are called “cabarets” according to administrative rules – were subsequently further subjected to a new set of legislations in which the responsibilities of owners for maintaining order outside as well as inside businesses were codified with heavy penalties upon violation. At the same time Community Boards (CBs) – neighborhood governing bodies in which concerned residents wield significant power – were authorized to contribute opinions and recommendations regarding cabaret license applications being made in their neighborhoods.

Starting in the mid 1990s (after de-gentrification and economic recession in the early 1990s caused by the late 80s stock market crash), gentrification intensified and extended to neighborhoods that had not yet been completely overtaken. Nightlife battlefields among these gentrifying neighborhoods included the Lower East Side, Clinton and West Chelsea (and Williamsburg and Dumbo in Brooklyn in the 2000s). Dance clubs were the object of public outcry due to highly publicized incidents of gun violence, drug trafficking and suspicious ownership structures. A wider range of nightlife businesses, such as bars, lounges and restaurants, also became main targets of anti-nightlife offensives by residential communities that suffered from these businesses’ nuisance effects. Incessant

petitions on the part of residents to the State Liquor Authority (SLA) also led to bills that would restrict the number of liquor licensed businesses in neighborhoods already over-crowded with nightlife businesses.

Nightlife politics, however, did not become a serious issue of politicization among nightlife actors until Rudy Giuliani took the mayor's office in 1994. Mayor Giuliani, having been elected primarily on a Quality of Life platform, was a hard-line advocate of authoritarian Zero Tolerance policies toward "undesirable" populations, land-uses, social activities and subcultures that did not fit within the "normative" neoliberal and postindustrial urban landscape (Smith, 1998; for the connection of these policies with the Broken Windows thesis, see Hae, 2011). Popular "revanchism" (Smith, 1996) against economically and socially disenfranchised populations emerged from the early 1990s recession, which provided popular moral grounds for the mayor's authoritarian approach. The mayor's policies corresponded to the "third wave gentrification" which characterized 1990s North American urbanization, marked by assertive interventions by municipalities in gentrification through military sanitization of public spaces in favor of inward real estate investments by global capital.

Needless to say, nightlife businesses became targets of quality of life policing during the Giuliani administration. The municipality carried out zero-tolerance penalization against gun violence and drug use in dance clubs. It also created a task force comprising 15–20 city agents from departments involved in inspecting the compliance of rules enforced on nightlife businesses, visiting nightlife businesses (especially those about which there had been neighborhood complaints) to inspect their premises. What made the task force controversial was that the penalties on businesses were not imposed through the reasonable reading of the law, but based upon nitpicky interpretations of them. Some called this practice "creative ticketing" (Bastone, 1997) – e.g. ticketing over fruit flies on cocktail fruits, over an ice scoop illegally touching an ice cube, or over the advertising of bands on power line poles. Visits by the task force was frequently conducted during peak times for nightlife businesses, and when the task force came to the premises, they would turn off the music and turn on the lights, creating a police spectacle and thus scaring off patrons.

Most controversial among the task force's "creative ticketing" was the meticulous enforcement of cabaret law compliance. The task force made it so that if more than three people were discovered moving rhythmically together in a business without a cabaret license, it would now constitute a legal violation. Under the new cabaret law zoning provision revised in 1990 (mentioned above), a fairly large portion of commercial areas where drinking businesses were allowed became practically off-limits for any nightlife business that allowed social dancing of *any magnitude* among patrons. Therefore, any, even casual, incidental dancing, by as few as three people in any bar that did not have a cabaret license, in these areas became a violation. Bars, lounges and clubs in the East Village and the Lower East Side, which were the hotbed of nightlife with diverse musical subcultures, suffered

most because there were few streets in these neighborhoods where social dancing businesses could legitimately locate. The task force insisted that any venue that had social dancing – even among just three people – should be restricted in their locations due to their nuisance effects, and also should be subject to safety requirements stricter than those applied to ordinary bars, those without dancing. Nightlife actors, however, suspected that the city’s crackdown was not being carried out in order to enhance order and safety in the city’s nightlife, but instead for the purpose of disciplining and displacing raucous nightspots by harassing them (Personal interview, NYNA representative, January 14, 2005).

Formation of NYNA and LDNYC

While nightlife has been prominently featured in the marketing of the city, nightlife actors themselves have been under-represented in the city’s political arena. As the *Village Voice* (Bastone, 1997) has speculated, there are reasons why politicians are reluctant to speak for the interests of nightlife businesses. Nightlife business owners, DJs, musicians, performers, promoters and patrons form only a small constituency for these politicians, and contribute little financially to them. Furthermore, securing quality of life for residential neighborhoods can be easily recognized as protecting the public interest, and is thus an easy source to boost a politician’s image; this contrasts to protecting the private, commercial interests of nightlife businesses that are often identified with criminality. That nightlife businesses have not been well organized due to the cut-throat competition and individualism among owners has further deepened their political under-representation, in contrast to residential communities, many of which have been well organized, and thus able to make coherent and sustained claims to politicians.

However, nightlife businesses now sensed an urgency that they needed to organize among themselves. A voluntary “trade organization” for dance/music clubs and lounges under the moniker of the New York Nightlife Association (NYNA) was formed in 1996. The NYNA contended that the gentrification of previously commercial and manufacturing neighborhoods was responsible for soaring anti-nightlife campaigns in the city. It further argued that a crackdown on nightlife businesses was unfair as they had been creating a fertile ground for gentrification by uplifting the appeal of the very neighborhoods that now objected to their presence (Hae, forthcoming). However, the NYNA also acknowledged that increasing violence and nuisances caused by nightlife businesses were also responsible for a groundswell of anti-nightlife sentiment. It promoted a “Good Neighbor Policy” among NYNA members, and publicly criticized businesses that caused violent incidents and other trouble. Patterns developed in which some business owners increasingly rejected the kinds of parties that attracted patrons that caused trouble – often people from lower socio-economic stratas, and/or racial minority groups. This governmentalization of self-discipline was closely related to

the “gentrification of nightlife,” in which white, high-end professional patrons, or white youngsters, came to be the dominant consumers of nightlife.

The gentrification of nightlife was also reflected in other respects. The NYNA stressed to its members the importance of “dialogue” and “partnership” between owners, the municipality and residents, to alleviate frictions between them (Span, 1998). In this strategy, members started to internalize the discourse of “responsible” and “good” neighbors into their management practices, which was initially articulated by an anti-nightlife coalition composed of residential communities and the municipality. In this discourse, “responsible” and “good” neighbors mostly meant nightlife businesses that made proper, and often very costly, investments in sound-proofing, crowd control and other kinds of security measures that would comply with demands and stipulations made by residents (Hae, forthcoming). Consequently, well-financed nightlife businesses were better able to survive as legitimate parties in neighborhood “partnerships” than those that were small and under-financed, but which were very often more locally based, or more concerned with music, dance, community and alternative philosophy.

On the other hand, the three-people dance provision of the cabaret law spurred protests from dancers, musicians, DJs, party promoters, music/dance club owners, music industry creatives and other club industry types from the late 1990s on, coalescing into a more organized anti-cabaret law activism in 2001 that took the form of Legalize Dancing in NYC (LDNYC). LDNYC organized *Dance the Vote*, a campaign for candidates who supported the reform of the cabaret law in the 2001 mayoral election and the primaries for city council candidate, Alan Gerson. The leitmotif of LDNYC activism was that social dancing is a right – a right to sovereignty over an individual’s body, a right to expression and a right to a particular type of socialization. Because the cabaret law enforcement was especially inimical to alternative nightlife businesses that experimented with alternative music and dance, LDNYC also contended that it was an infringement on people’s rights to access to spaces with diverse and alternative cultures and social interactions, and on artists’ rights to access to spaces in which they were able to express themselves.

LDNYC further argued that the cabaret law was flawed because it criminalized social dancing, which had nothing to do with the main quality of life violations by nightlife businesses – such as noise, crowding and littering by patrons. Regulating social dancing, it maintained, would not do any good in curbing these nuisance effects; what was needed were laws that directly regulated these nuisances. LDNYC pushed forward dialogue with parties sympathetic to the idea of reforming the cabaret law, including officials in the Department of Consumer Affairs (DCA), while continuing creative street protests and media campaigns.

Policy Changes under the Bloomberg Administration

The election of Mike Bloomberg as mayor in 2002 ushered in new conflicts and renewed politicization among nightlife actors. Conflict started with the smoking ban inside nightlife businesses enacted in 2002. The NYNA contested the ban, as it claimed the ban would increase noise levels on the street by smokers. The anti-smoking ban initiative immediately created an alliance between NYNA and *Taverners United For Fairness* (TUFF), a coalition of bars and restaurants in NYC formed to fight the smoking ban. In 2004, NYNA published a commissioned study to demonstrate the legitimacy of the nightlife industry in the city, consisting of an economic impact analysis which reported that the industry produced in 2002 an estimated \$9.7 billion in economic activity, \$2.6 billion in earnings (primarily wages), 9,550 jobs, an estimated \$391 million in tax revenues to the city, and an additional \$321 million to New York State (NYNA, 2004, 4). For LDNYC, the Bloomberg administration represented a positive turn, because there was awareness within the administration that cabaret law enforcement as a means of controlling the nuisance effects of nightlife businesses was seriously flawed, and threaten to defile the legitimacy of the city's regulatory regime (Steinhauer, 2002). This understanding also concurred with the Bloomberg administration's more focused campaign to fight the city's noise pollution, as noise complaints had dramatically increased in recent years.

However, this change in the awareness of the municipality also placed LDNYC in a Catch-22 situation. LDNYC was developed as a one-issue group, focused on the fight to remove the dance regulation of the cabaret law. This rendered other nightlife problems – for example, the smoking ban and other regulations that imposed serious costs on nightlife – to appear to be secondary concerns for the LDNYC (LDNYC listserve, August 15, 2002).⁴ Furthermore, there was discomfort among some members for championing noisy nightclubs against the governmental crackdown. For example, some members were attracted to Councilor Alan Gerson's proposal in 2002 that the best political route for LDNYC to take was to actually support the municipality's plan for the tightening of the city's Noise Code, so that the municipality would focus more on policing noise, rather than social dancing. According to Councilor Gerson, municipal officials were still afraid of deregulating social dancing, as it was thought to come at the expense of degrading quality of life in mixed use areas (LDNYC listserve, August 23, 2002). While there were members who were in favor of Gerson proposal, LDNYC eventually rejected Gerson's proposal, as it was thought that it would give the impression that LDNYC legitimized increasing governmental harassment through the enforcement of a tightened noise code (LDNYC listserve, November 10, 2002). In addition, the proposal was also based on the assumption that deregulating dancing would bring more noise to neighborhoods – an assumption LDNYC had been consistently protesting against. LDNYC ultimately announced

⁴ All the listserv citations are quoted anonymously.

that the members respected the “existing” quality of life laws being currently enacted to regulate noise and other nuisances, but not new stricter noise or safety regulations.

Although LDNYC dropped Gerson’s proposal, it is clear that it divested itself from engaging with the broader crises faced by nightlife, and even often seemed to uphold the mantra of “quality of life” *uncritically*. This was partly because LDNYC was composed of a gamut of interested citizens as well as music/dance creatives who were enraged by the egregiousness of the cabaret law regulation, and therefore merely wanted to fight against the law, as opposed to fighting over the broader issue of aggressive nightlife policing. However, according to another LDNYC member

it seemed like the cab[aret] law was the most obvious flashpoint in the whole mess. Pretty hard to campaign in favor of loud noise, but when you frame the argument in terms of justice and rights and the [government’s] abuse of the law, then you can gain some traction (personal email correspondence, February 22, 2007).

That is, extending its activism to a broader issue ran the risk of costing LDNYC the loss of popular sympathy. This shows the extent to which noisy establishments are stigmatized in the city. Another member told me that, in retrospect, even reforming the cabaret law turned out to be a tough task that eventually failed (as I will describe later) and that, therefore, it was beyond the capacity of LDNYC to work on fighting broader issues related to gentrification and the Quality of Life policing that beleaguered the city’s nightlife (personal email correspondence, February 21, 2007).

Conflicts over Cabaret Law Reform

The NYNA was an organization of business owners and, as such, focused on advancing business interests. Nightlife was, from the NYNA’s perspective, primarily a category of industry and investment, and therefore it was not a point of priority that nightlife registers as a playground of diverse and alternative cultures and modes of socialization associated with expressive rights. By a similar token, NYNA did not join in anti-cabaret law activism; as a matter of fact, NYNA officially *opposed* abolishing the social dancing provision under the cabaret law. Instead of finding fault in governmental abuse of the cabaret law, the president of the NYNA publicly named and blamed clubs, bars and lounges that illicitly allowed patrons to dance without cabaret licenses, for the reason that such businesses would smear the NYNA’s long-standing efforts to present nightlife businesses as law-abiding and deserving neighbors to residential communities (Romano, 2002).

The NYNA argued that a repeal of this clause of the cabaret law would be unfair to those who had already invested enormous resources to acquire the cabaret

license (personal interview, NYNA representative, January 14, 2005). While this argument might sound reasonable, others pointed out that the cabaret license regime had created a “club cartel” composed of (mega) club owners with abundant financial power – a contingent represented strongly on the board of the NYNA (Romano, 2002). These entrepreneurs could afford to open and run dance clubs in an environment marked by onerous expenses involved in the real estate, neighborhood stipulations and the acquisition of the cabaret license. They effectively gained monopoly benefits from the cabaret law by keeping less affluent entrepreneurs from entering into the competition. It was further reported that these affluent clubs usually displayed little concern for music or dance, charged high entrance fees, and primarily sought to provide expensive liquor service to celebrities, tourists, suburban youngsters, or dotcom corporation workers (Romano, 2002). This representation of the NYNA was supported by the case of *Baktun*, an esteemed club of experimental digital music, dance and arts, which, after having struggled to get a cabaret license for 18 months, and as a result of overbearing financial costs, was eventually sold to the president of NYNA, who ultimately changed the venue into a luxurious lounge.

Against these kinds of criticisms, the NYNA representative said that NYNA objected to the abolition of the cabaret law because abolishing the dance regulation should not involve the DCA, a license issuing department that LDNYC members had worked with, but the CPC, because zoning regulations under the supervision of the CPC are central to the dance regulation of the cabaret law. Having the CPC modify zoning regulations of the cabaret law (and zoning regulations in general), he averred, would eventually be a losing battle (personal interview, NYNA representative, January 14, 2005). This was so because residential communities considered zoning layouts as crucial in maintaining property values and the quality of life of their neighborhoods, so amending even a slight bit of any zoning regulation, let alone easing it substantially, would provoke a vehement reaction from affected communities. Residents generally feared that deregulating dancing would invite undesirable types of land-uses and demographics to their neighborhoods. Equally, nightlife businesses in general were not considered as a legitimate constituent of the “public interest,” legitimate enough to move the CPC to consider changing the zoning regulations for the betterment of nightlife businesses. Therefore, the battle to amend zoning regulations of the cabaret law would create a long, convoluted and conflict-ridden process with an unpredictable result, and lead to the unwanted effect of dampening the NYNA’s relationship with communities and politicians (NYNA representative cited in Anderson, 2002).

There were NYNA members who did not agree with NYNA’s official objection to the abolition of the cabaret law. According to an NYNA member who was also an LDNYC member, the board members of the NYNA did not represent the voices of all the NYNA members in the matter of the cabaret law. The board’s decision on the cabaret law was swayed by “a handful of vocal, active members, usually the bigger name players who have more money, more at stake” (personal

email correspondence, February 14, 2007). NYNA membership fees were not high (\$200 annual fee), but the decision-making process, it seems, was not democratic. When the board's interests conflicts with that of the rest of NYNA members, it was understood that the NYNA's final decision would gravitate towards those of the board members (personal interview, New York-based DJ, Dec 22, 2009).⁵

The conflict between the NYNA and LDNYC came to a head over the municipal proposal for cabaret law reform. In the "nightlife license" system that was newly proposed by the DCA in 2003, the social dancing regulation would be eliminated, and nightlife establishments would now be regulated according to their size, noise level, closing time, the degree of crowding, sanitation and criminal activities (DCA, 2003). While vigilant about the new license system that may impose more restrictions on nightlife than before, LDNYC nonetheless hailed it. However, it soon became clear to nightlife actors that the new nightlife license regime would bring about more damaging effects on the city's nightlife businesses than the existing cabaret law regime. First of all, the DCA's reform proposal did not include the reform of the most *essential* and *central* problems of the cabaret law, i.e. the *zoning* regulation of the cabaret law under the supervision of CPC (Romano, 2003). This meant that the businesses located in places not zoned for cabarets would still not be allowed to have social dancing under the new proposal, as then current zoning laws were still in effect; but what was worse was that they now might additionally have to apply for a *new* nightlife license to stay open after 1 am. In addition, the DCA's new proposal itself seemed to mandate very restrictive requirements to most nightlife businesses. For example, under the proposed law, three minor violations in two years, including a sidewalk being left unswept a half-hour after closing time, would lead to the shutdown of an establishment for up to ten days (NYNA president cited in Tantum, 2004).

In order to fight off this proposal, the NYNA mobilized taxi, hotel and restaurant business associations, and eventually the mayor, who was facing an upcoming mayoral election, dropped the new proposal. The NYNA also tried to remain connected to LDNYC, even though it criticized LDNYC for being "used" by the municipality (LDNYC listserv, March 3, 2004).⁶ LDNYC refused proposals by the NYNA on grounds that it would not satisfy their objections to cabaret law regulation; for example, the NYNA's suggestion for an "incidental dancing exception" from the cabaret law regulations still preserved an unclear distinction between incidental dancing and full-fledged dancing for enforcement

⁵ Additionally, there has always been a question over NYNA's representativeness. Local media and the city government generally take NYNA as the representative of the city's club industry, even though it has never been clear how many businesses and what types of businesses it represents. The NYNA representative has always declined to inform me of how many businesses it represents. He told me only that the NYNA represents "enough" businesses (personal interview, December 11, 2009).

⁶ LDNYC listserv conversations in this period showed that LDNYC members had not been entirely aware of the centrality of zoning regulations to cabaret law enforcement, and therefore, had mainly worked with the DCA.

agencies, and still posited dancing as a crime and as being related to noise. LDNYC tried to find a way to convince the CPC to reform the zoning regulation of the cabaret law, but after having been advised “from all angles that zoning is virtually impossible to change” (personal email correspondence, LDNYC leader, August 14, 2006), their activism confronted a political cul-de-sac, and faded out.⁷ The regime of interests deeply vested in the city’s land-use system was far from vulnerable to the challenge of an organization like LDNYC, especially when it was not accompanied by the support of the NYNA.

Against Market as well as Institutional Discipline

The NYNA has continued its efforts to contest newly initiated nightlife rules both at the municipal and state level, and to mobilize other nightlife businesses to fight them. It continues to make efforts to establish political representation for nightlife business. For example, in 2009, the NYNA also worked as one of the main founding members of the New York Nightlife Preservation Community (NYNPC), with the intention of campaigning for pro-nightlife politicians running in the primaries. The NYNA has accumulated substantial political capital in its relation with politicians and residential communities, but it still remains detached from a range of civil liberty and cultural issues. For example, in 2006, a city councilor proposed to require clubs and bars to install surveillance cameras at the entrance and all exits. This proposed policy was criticized by several gay rights activists and the New York Civil Liberties Union because it would represent an infringement on patrons’ privacy. The NYNA’s response to this bill, however, was framed only in terms of the efficiency of using surveillance camera to secure safety, and not in terms of civil liberties (personal interview, NYNA representative, December 11, 2009). The NYNA’s most important interest is to publicly project its image, as representing “responsible” businesses that responds in a timely manner to the safety concerns of the public. As an association of business owners, the NYNA has an inherent shortcoming as an agent that can be a vehicle for promoting a democratic and egalitarian nightlife.

In comparison, LDNYC advanced a more progressively informed activist agenda. Ultimately, however, it wound up being a group fighting for a single, highly circumscribed, issue. There was no denying the importance of LDNYC’s activism, and the single-issue focus was in some way inevitable for LDNYC considering its limited political capacity. But in fighting to claim back a democratic and egalitarian nightlife, focusing on a single issue can’t be sufficient, and may even be counter-productive, as it is easily vulnerable to political maneuvers by governments as we saw from the new “nightlife license” controversies. The political agency that is necessary in creating democratic and egalitarian nightlife,

⁷ In 2005, another group of anti-cabaret law activists took the cabaret law to court to challenge its constitutionality, but lost the case and subsequent appeals (Hae, 2011).

therefore, should be a broader one that fights against a more structural cause, that is, *gentrification* of urban space. Even if LDNYC had succeeded in having the municipality remove social dancing regulations (which it eventually could not do), it would have been a limited victory for the city's broader nightlife scene, as the gentrification regime would still keep pricing out cash-strapped venues, and throwing up a repertoire of other regulations to control the "noisy" and "raucous" nightlife.

This also underlines a need to fight the sharply rising rents of gentrification that are far above affordability for small businesses and under-financed nightlife creatives. There have been protests by artists over the closure of businesses due to unaffordability (Carlson, 2007). However, these protests have been small-scale and short-lived, with little in terms of more long-term organized mobilization to demand a systematic and sustainable non-market intervention in the market failure over subcultural venues. Despite the structural difficulties present for small nightlife agents, the NYNA representative opined that a closure of a business because of unaffordability cannot be explained in any other terms than as the incompetence of "individual" entrepreneurs or as shrinking consumer demands in the case of live music businesses (personal interview, December 11, 2009). This type of reasoning simply shows how far the NYNA stays away from struggling businesses and their contingent subcultural communities.

Sometimes, clubs with a long history and popularity get recognized for their cultural worth and are able to generate financial and legal assistance by municipal governments (Moynihan, 2009). However, this support is hard to achieve, and cannot be depended on by small, under-funded clubs lacking in history or fame. Therefore, it is important for nightlife actors to demand non-market interventions into the nightlife market, while at the same time fighting off legal and institutional systems that restrict and oppress the creative nightlife environment. The closure of Tonic, an alternative and experimental music club, in 2007, prompted then-Council member Alan Gerson to propose a bill for tax benefits for these businesses (The Office of Councilor Gerson, 2007), and also to review the legal validity of legislating subculture/nightlife preservation zones. Measures like these would to a significant degree bail out the under-financed, alternative businesses and artists working in these businesses. However, as Gerson failed to be re-elected in 2009, the discussion over this proposal has stalled.

As one of the LDNYC member opined above, it is a hard task to campaign for "noisy" and "raucous" nightlife to be protected from gentrification, even though having a "noisy" and "raucous" nightlife, however stigmatized it is, is crucial in nurturing important alternative subcultural capital for the city's art and cultural communities. This bespeaks that nightlife actors should engage in a more vigorous "war of ideas," campaigning to raise popular awareness of ("noisy" and "raucous") nightlife as an important cultural/social institution. In addition, there are other thorny issues that nightlife actors need also to grapple with. Nightlife often directly or indirectly is responsible for social displacement, as pioneers and facilitators of

gentrification; that is, the displacement of the working-class residences and/or manufacturing land-uses that existed before nightlife moved in together with gentrification (Ocejo, 2009). Nightlife often benefits from gentrification, as the latter ushers in potential patrons, and therefore, nightlife tends to concentrate in gentrifying neighborhoods. Subcultural musicians and other creatives – even alternative and experimental ones – often have disassociated themselves from the displaced populations and land-uses, whatever their involvement in this displacement might have been (Mele, 2000). This is another issue that nightlife activism should be reflexive about, especially when it seeks to situate itself as part of a broader movement that aims to create democratic and egalitarian urban space.

Conclusion

In NYC, conflicts between nightlife businesses and residents in gentrifying neighborhoods have pushed the municipal government to move to strictly police nightlife. This process has been accompanied by the gentrification of nightlife, in which small, under-financed and/or alternative nightlife businesses have been gradually replaced by upscale/corporate breeds. In this paper, I have primarily engaged with the question of how nightlife actors politically responded to the regulation and gentrification of nightlife. I have shown how the city's nightlife has seen an unprecedented level of mobilization among nightlife actors, especially in the form of the two most prominent organizations, the NYNA and LDNYC.

The politicization of nightlife has been under-researched in nightlife studies. I maintain that this subject merits more empirical and comparative research and theoretical development, as it enhances our understanding of on-the-ground struggles over changing constellations of power not only within nightlife, but broader power relations in gentrifying and post-industrializing cities. In the case of NYC, it was observed that “gentrification of nightlife” has produced a new class of nightlife entrepreneurs that has benefited from emerging uneven development within nightlife, and has been party to authority in dismissing critical civil liberties issues. Nightlife under the dominance of these entrepreneurs has become industrialized and standardized to the detriment of subcultural incubations mediated through alternative nightlife. Studying the politicization of nightlife also enables us to better calibrate the political agency and transformative potential of nightlife. What the story of pro-nightlife activism in NYC may imply, as demonstrated in this paper, is that the city's nightlife needs a more comprehensive political response to the nightlife crisis with a robust “anti-gentrification” claim. Nightlife activism should not only campaign for nightlife as a site other than an industry, as a site of expressive activities to be protected from the undue state sanctions that stifle its creative energy, but also fight against gentrification that prices out under-financed nightlife businesses. Considering that the process of regulation and gentrification of nightlife is becoming more ubiquitous in cities that aim to post-industrialize their economy and gentrify their urban spaces, the

limitations of politicization among nightlife actors in the case of NYC can serve as a critical lesson to those who work in other cities to fight for democratic and egalitarian nightlife, and, by extension, urban cultural and social life.

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References

- Anderson, Lincoln. 2002. Let the people dance! Gerson to lead on cabaret law reform. *The Villagers*, November 7.
- Bastone, William. 1997. Quality of (night) life issues. *Village Voice*, February 18.
- Berkley, Blaire J. and John R. Thayer. 2000. Policing entertainment districts. *Policing: An International Journal of Police Strategies & Management* 23 (4), 466-91.
- Bhatt, Sanjay. 2007. How other cities handle clash of clubs and condos. *Seattle Times*, August 7.
- Bianchini, Franco. 1995. Night cultures, night economies. *Planning Practice and Research* 10 (2), 121-26.
- Campo, Daniel and Brent D. Ryan. 2008. The entertainment zone: Unplanned nightlife and the revitalization of the American downtown. *Journal of Urban Design* 13 (3), 291-315.
- Carlson, Jen. 2007. Tonic goes to city hall. *Gothamist*, April 18.
- Chatterton, Paul and Robert Hollands. 2003. *Urban Nightscapes: Youth Cultures, Pleasure Spaces and Corporate Power*. London: Routledge.
- Clark, Terry N. 2004. *The City as an Entertainment Machine*. Amsterdam: Elsevier/JAI.
- CPC (City Planning Commission). 1989. New York City: City Planning Commission, M 890808 (A) ZRY.
- DCA (Department of Consumer Affairs). 2003. *Why a new nightlife license law?* New York City.
- Florida, Richard L. 2004. *The Rise of the Creative Class: And how it's Transforming Work, Leisure, Community and Everyday Life*. New York, NY: Basic Books.

- Gotham, Kevin Fox. 2005. Tourism gentrification: The case of new Orleans' vieux carre (French Quarter). *Urban Studies* 42 (7), 1099-121.
- Hackworth, Jason and Neil Smith. 2001. The changing state of gentrification. *Tijdschrift voor Economische en Sociale Geografie* 92 (4), 464-77.
- Hadfield, Phil. 2006. *Bar Wars: Contesting the Night in Contemporary British Cities*. New York: Oxford University Press.
- Hadfield, Phil. 2009. *Nightlife and Crime : Social Order and Governance in International Perspective*. Oxford ; New York: Oxford University Press.
- Hae, Laam. 2007. Dancing in New York city: The cabaret law, alternative cultures and neoliberal urbanism. In, Bronwen Morgan (ed.), *The Intersection of Rights and Regulation: New Directions in Sociolegal Scholarship*. Aldershot: Ashgate, pp.131-52.
- Hae, Laam. 2011. The right to spaces for social dancing in New York City: A question of urban rights. *Urban Geography* 32 (1), 129-42.
- Hae, Laam. Forthcoming. Dilemmas of the nightlife fix: Post-industrialization and the gentrification of nightlife in New York city. *Urban Studies*, OnlineFirst at <http://usj.sagepub.com/content/early/2011/04/09/0042098011400772>.
- Hannigan, John. 1998. *Fantasy City: Pleasure and Profit in the Postmodern Metropolis*. New York: Routledge.
- Heath, Tim. 1997. The twenty-four hour city concept: A review of initiatives in British cities. *Journal of Urban Design* 2 (2), 193-204.
- Hobbs, Dick, [Simon Winlow](#), [Philip Hadfield](#) and [Stuart Lister](#). 2005. Violent hypocrisy. *European journal of criminology* 2 (2), 161-83.
- Huq, Rupa. 1999. The right to rave: Opposition to the Criminal Justice and Public Order Act 1994. In, Tim Jordan and Adam Lent (eds.), *Storming the Millennium: The New Politics of Change*. London: Lawrence & Wishart, pp. 15-33.
- Jayne, Mark, Gill Valentine and Sarah L. Holloway. 2008. Geographies of alcohol, drinking and drunkenness: A review of progress. *Progress in Human Geography* 32 (2), 247-63.
- Jayne, Mark, Gill Valentine and Sarah L. Holloway. 2010. Emotional, embodied and affective geographies of alcohol, drinking and drunkenness. *Transactions of the Institute of British Geographers* 35 (4), 540-54
- Johnson, Wesley. 2010. Third of under-24s "drink to get drunk." *Independent*, September 7.
- Ley, David. 1996. *The New Middle Class and the Remaking of the Central City*. Oxford: Oxford University Press.

- Lloyd, Richard D. 2006. *Neo-Bohemia : Art and Commerce in the Postindustrial City*. New York :Routledge.
- Lovatt, Andy, and Justin O'Connor. 1995. Cities and the night time economy. *Planning Practice and Research* 10 (2), 127-34.
- MacLeod, Gordon. 2002. From urban entrepreneurialism to a “revanchist city”? On the spatial injustices of Glasgow's renaissance. *Antipode* 34 (3), 620-24.
- Mele, Christopher. 2000. *Selling the Lower East Side: Culture, Real Estate, and Resistance in New York City*. Minneapolis: University of Minnesota Press.
- Moynihan, Colin. 2009. Punk institution receives city money for new building. *New York Times*, June 28.
- NYNA (New York Nightlife Association). 2004, January. *The \$9 Billion Economic Impact of the Nightlife Industry on New York City: A Study of Spending by Bar/Lounges and Clubs/Music Venues and their Attendees*. New York City.
- Ocejo, Richard E. 2009. *City Nights: The Political Economy of Postindustrial Urban Nightlife*. Ph.D. Dissertation, City University of New York.
- Palmer, Bryan D. 2000. *Cultures of Darkness: Night travels in the Histories of Transgression*. New York: Monthly Review Press.
- Roberts, Marion. 2006. From “creative city” to “no-go areas”: The expansion of the night-time economy in British town and city centres. *Cities* 23 (5), 331-38.
- Romano, Tricia. 2002. The safety dance: You can’t dance if you want to. *Village Voice*, November 27.
- Romano, Tricia. 2003. Fly life: Who will become the new dance police? *Village Voice*, December 3.
- Ryzik, Melena. 2006. Dance Hall Daze. *New York Times*, November 5.
- Shaw, Robert. 2010. Neoliberal subjectivities and the development of the night time economy in British cities. *Geography Compass* 4 (7), 893-903.
- Smith, Neil. 1996. *The New Urban Frontier: Gentrification and the Revanchist City*. London; New York: Routledge.
- Smith, Neil. 1998. Giuliani Time: The Revanchist 1990s. *Social Text* 16 (4): 1-20.
- Span, Paula. 1998. On a cleaning spree: Nightclubs the new target. *Washington Post*, February 20.
- Steinhauer, Jennifer. 2002. City cracks down on nightclubs and may revise its policies, *New York Times*, November 10.
- Talbot, Deborah. 2004. Regulation and racial differentiation in the construction of night-time economies: A London case study. *Urban Studies* 41 (4), 887-901.

- Talbot, Deborah. 2006. The Licensing Act 2003 and the problematization of the night-time economy: Planning, licensing and subcultural closure in the UK. *International Journal of Urban and Regional Research* 30 (1), 159-71.
- Talbot, Deborah. 2007. *Regulating the Night: Race, Culture and Exclusion in the Making of the Night-Time Economy*. Aldershot, England: Ashgate.
- Tantum, Bruce. 2004. The beat goes on. *Time Out New York*, February 12.
- The Office of Councilor Gerson. 2007. Tonic Bill Meeting Minutes. New York City.
- Zukin, Sharon. 1995. *The Cultures of Cities*. Cambridge: Blackwell.