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Such a regulation might well lead to greater order on our sidewalks and among the people dwelling on them. But the evidence suggests that many of these particular unhoused people would not go to hotels anyway. Even if the right to vend at night were taken away, men who are out on the sidewalk because they are accustomed to hard surfaces would likely remain outside. And those who are there to make money for drug bingeing would also likely remain outside, panhandling or stealing the money, instead of vending. From what we know about these men and their lives, it is fair to speculate that the effort to reduce disorder through more formal regulation might even result in greater disorder; that eliminating vending and scavenging might result in more theft.

Informal mentoring and controls simply cannot contain all acts that go against common notions of docency, nor could we expect government to establish a policy that would do any better. The best alternative, of course, would be better drug treatment and men who are willing to avail themselves of it. But even with the best programs in place, some people will choose to binge. Some of those will choose to earn their money honestly. And some of those will sleep on the sidewalk. The contribution of the informal system of social control inherent in sidewalk life is to encourage men to live “better” lives within the framework of their own and society’s weaknesses.

When You Gotta Go

If you walk down Sixth Avenue between Waverly Place and Washington Place, you will sometimes see men urinating against the side of the Washington Court Condominium. Although Sixth Avenue is a habitat that can sustain a fairly well-rounded life, it lacks one of the best amenities of Pennsylvania Station: bathrooms open to the public. So men must find their own places to urinate and defecate.

When I asked Phillis Gross, a resident of the condominium, how people in Washington Court felt about this, she replied: “Clearly, one of the design flaws the architect of this condominium made was placing indentations in the side of the building, which makes it very convenient for people to use it as a bathroom. The fact that a human would have to use the street [is disturbing to me] . . . but they really don’t [have to], because there is a bathroom in Washington Square Park [a few blocks away].”

Mudrick: “This Is My Bathroom”

“I gotta get me a paper cup and I’m gonna be all right,” Mudrick tells me as we walk down Sixth Avenue at 10:00 p.m. After he finds one in a trash can, he pauses, unzips his pants, and begins urinating into it. I ask him why.

“This is for the street, Mitch. This is for Giuliano,” he laughs, referring to the mayor, who is more commonly known as Rudolph Giuliani. “Guiliano say you can’t go to the bathroom. I invented this thing. Now everybody out here gets a cup. You can’t go to the bathroom in the stores and restaurants,
because they don’t want you in there if you ain’t got no money to spend. So how you gonna piss? You gotta get a cup."

“And then you just throw it in the street?” I ask.

“Throw it in the street!” said Mudrick.

“And that’s for Giuliani?” I ask, surprised that urination is being described as a political act.

“Yeah. I went to Riker’s Island jail for pissing in the street. Now I get a cup. I’m gonna give the city a hundred dollars for pissing in the street? Shit! Now I get a cup. When the cup says, ‘What you doing, pissing?’ I say, ‘Yeah, I’m pissing in a cup! Not in the street! The street is over there! I’m in the cup!’ ”

“You can’t go to the bathroom around here,” Mudrick continues when I ask him more about this on another day. “Like McDonald’s [across the street]. Yesterday, I went in the morning time. I had to take a dump real bad. They said, ‘You have to buy something.’ I’m a regular customer. Ten minutes later, another guy walks in and he ain’t buying nothing and she gives the key to the man and lets him go in.”

A few days earlier, I had noticed Mudrick flagging down a cab. None stopped for him. A few seconds later, he turned away with a cup in hand and dumped it in the sewer. While Mudrick pretends to be hailing a cab, he holds the cup and urinates under an untucked shirt. Passing pedestrians and motorists don’t seem to know what he is doing. “I’m gonna show you how I do it. I put my thing here like this. My shirt over here. And I hold it like this here. And I say [yelling], ‘Taxi!’ They have no idea, ‘cause I look like I’m catching a cab.”

On another occasion, after dumping his urine in the sewer, Mudrick placed the Starbucks cup he had just used on the branch of a tree on Sixth Avenue. (The tree had been planted by the local Business Improvement District to cut down on space for vendors.) I had occasionally noticed paper cups handing from tree branches but had never thought twice about them.

“I hang the cup on the tree. That means that’s [my] cup. You gonna put your private thing in somebody else’s cup? So you put your cup up and that’s your bathroom. Like this here. Here’s my cup. When I finish my cup, I don’t want nobody to use it. This is my bathroom. I got to put my bathroom right here. [Puts the cup on a branch of the tree.] Then I walk back over to the bookstore [his table], and every five minutes I keep watching my bathroom, because I know I gotta take a leak sooner or later.”

“Everybody do’s it,” he continues. “Marvin do’s it. You know why? Because they can’t get into the bathroom.”

Mudrick says that New York City could afford to put more public bathrooms on street corners so that he wouldn’t have to walk seven blocks “to take a piss” or, if he has to move his bowels, be gone so long that the police will confiscate his books. “Giuliano making all this money and a homeless man like me got nowhere to go. I respect the public and I respect everybody but I cannot use the bathroom.”

“That’s where I took a dump at yesterday morning,” he continues later in the day, pointing to the Dumpster on the corner. He shows me how he unlocks the Dumpster, sits down in it, and defecates. To guard against hepatitis, he says, he keeps paper in his pocket all the time. I ask to see it and he pulls out a large wad of toilet paper. “Both pockets I got some. Because, when I get ready to use it, if I got to go somewhere, I’m going right behind the truck over there. I’m not ashamed of my game, ‘cause I ain’t got no game.”

“This is all going to be in the book,” I remind him.

“I don’t care what have to be in the book. You got to let people understand.”

Ron: “There Are Times When I Had to Pee in the Street”

Are people who work the streets routinely forbidden to use public washrooms? On a Friday in June, I was passing by Pizzeria Uno when I noticed Ron enter and dart toward the men’s room in the back of the restaurant. I then went into the washroom myself, noting that Ron was in the only stall. I left and waited for him to come out. Two minutes later, when I hadn’t seen him, I walked back inside and found him washing his hands with soap.

“Mudrick told me they won’t let people working the street use this bathroom,” I said to Ron.

“The other day the manager came out and said he don’t want us over here no more because the bathroom was messed up and he believed it was one of us,” Ron responded. “But I told him, ‘We’ve always been able to use this bathroom. I’ve been here for ten years and I’ve always been welcome. As
a matter of fact, the previous managers before used to give us food.' And he said, 'All right, forget about what I said. So right now anyone can use it.'

"But Mudrick says he's not allowed in any of these restaurants, including Uno's."

"He's probably never tried! I've never seen him trying to go in there. I don't think he could go in there with a beer. I never see Mudrick trying to go in there. He always uses his cup." Ron then explained that he hasn't always used the Uno's bathroom, welcome or not.

"I used to pee by the [Washington Court Condominium] building. Then I would have people come out of the building and say, 'Oh, that's disgusting.' So now I don't even like doing that. If I have to pee in public, I pee in the street."

"I can't believe that you would ever go against the building. You must have been drunk."

"No."

"Was it because you were angry with the people in there?"

"No. It was just some place to go and pee. [Laughs.] That's all. Not that I was drunk. I don't see anything wrong with peeing on the building."

"How come you don't see anything wrong with it?"

"It's just a building. It's not like it's the inside of an apartment or something. It's just a structure. It's only natural for someone to want to pee against something rather than pee in the open. When you use the toilet, you pee against the wall of the toilet. And even dogs, they go up and pee against the side of the building. If they have so much against humans' peeing against the building, they shouldn't let the dogs pee against the building. Dogs' pee are stronger than humans' pee. You understand? If they worried about the smell going up inside their apartment, they shouldn't let the dogs pee against there. . . . But anyway, I don't do it anymore. I try not to."

"Why?"

"People might be looking through the window and see you. Some people get pretty upset. They say, 'Hey, that's my building!' "

"Do you think they are justified to get upset?"

"If they want to. You can't tell people how to feel. So what I do is just try not to do it. I go between the cars now. And I try not to pee on people's car, either. If someone sees you pee on their car, they get pretty upset."

"Do you ever do it into a cup like Mudrick does?"

"I don't like that. Because the pee gets all over your hands."

"What are the circumstances under which you would have to pee in the street?"

"I am out here at three o'clock and most of the places are closed. The ones that are open are too far away. I'm not gonna walk four blocks and lose my table, so I might just go down to the street between the cars. [While you are gone from your table], anything can happen. Someone may steal your stuff, or you may lose a sale. You've been waiting all day to make a sale, and the second you are gone, someone walks up to buy the stuff."

"Sometimes you can't help but pee in the street. Because when a person is dirty or stinkin' he don't want to go to a bathroom with decent people in there. You just don't feel good about yourself. There are times when I had to pee in the street. My body and clothes was dirty and stinking and smelling of liquor from the night before. And my pores are sweating and dirty. I don't want to be going in no bathroom."

"So peeing in the street is a way of showing respect?"

"Right! Especially in the morning, people dress up in decent clothes getting ready to go to work. So I don't go into places like that. So I have to go in the street."

Even if both Mudrick and Ron say they are pressured to engage in non-conformist conduct, there is a difference in the means they have adopted to pee: Mudrick does it in a cup, whereas Ron used to go against the side of a condominium. Yet, even if Ron doesn't understand why people look down on such behavior ("You can't tell people how to feel"), he still adjusts his behavior in response to their views by going in between the cars. He seems to be quite concerned about the feelings of his fellow citizens; so concerned, in fact, that he refuses to enter restaurants when he believes his body odor will be offensive to paying customers who are well groomed and dressed for work.

The Newsstand Worker: "I Don't Feel No Good"

While Ron and I were talking, Raj, the Indian worker in the corner newsstand shack at Sixth and Waverly Place walked up and greeted us. He was dressed in his Italian silk slacks, ironed cotton shirt, and tennis shoes; he was well groomed and had the appearance of a man who had showered earlier in the
day. Since he also worked on Sixth Avenue and had no bathroom inside his newsstand, I asked if he engages in similar behavior.

"Let me ask you a question: when you are in your newsstand and you have to urinate, where do you go?"

"I go over there," Raj said, pointing to Baluchi’s, the Indian restaurant across the street, at Sixth and Washington Place. He says that, when he is in the newsstand by himself and can’t get away, he “makes it” in a cup and puts it in a garbage can.

Unlike Ron, Raj spoke with embarrassment in his voice.

“How often do you do this?” I asked.

“Very few. Because I’m ashamed. I don’t feel good.”

Addressing Raj, Ron said, “But you do it inside the booth. Nobody can see you. He’s private. You understand?”

It seemed that for Ron the only reason to be embarrassed was at the thought of others’ seeing him in the act of urinating. For Ajay, however, the sense of shame seemed to be derived from his own belief that he was violating a societal standard, whether others saw him or not. The contrast may be meaningful. It is very likely that the need to look for sidewalk opportunities to urinate has eliminated any sense of shame that Ron might feel at having to “go” somewhere other than a bathroom: he is simply too accustomed to doing it this way. But he still feels embarrassed at having others see him. Since embarrassment is based on our own sense of the way others view us, it is a thoroughly social emotion, demonstrating embeddedness in society.

“Do you also use the bathroom over there?” I asked Raj, pointing to the Waverly Restaurant, directly across the street.

“Yes.”

“Is that because you buy something?”

“No. I just say, ‘I’m the newsstand,’ and they say, ‘No problem.’ Over there and over there. [He points to the Waverly Restaurant and Baluchi’s.] No problem. Over here and over there? Any time! They have a nice bathroom downstairs.”

For Customers Only?

Mudrick and Ron have different claims with regard to whether it is necessary for them to do their bodily functions in public. Mudrick claims that he does so because he is unable to gain admission to local washrooms. Ron says that he sometimes urinates in the street because it is more respectful to do so in the street than to try to enter a restaurant when he is dirty or drunk.

It is certainly possible that Mudrick could be admitted to a restaurant but has had certain experiences that make him believe he cannot. It is possible that he has completely rejected the importance of using a toilet and is exaggerating when he says he cannot be admitted. It is also possible that the weight of his experiences makes it painful for him to try to use the washroom and risk rejection. The risk of rejection may be a higher cost than he wants to pay.

During my years on the block, I was sometimes presented with independent evidence that people working the street have trouble gaining access to public restrooms. We have already seen that Ron was told by the manager of Pizzeria Uno that man on the street could not use the washroom. He gained access only after pleading his case; other men might have been intimidated and walked away in similar circumstances. There were other examples as well. On one August day, for example, John Stewart walked over to Hakim’s table and said: “These people in McDonald’s have a bad attitude. I came in to use the bathroom and they locked the door. I’ve been going to McDonald’s for twenty-five years. All the money I spent there!”

Hakim recently had a similar experience, and the two men decided to go into the McDonald’s to protest, bringing the tape recorder with them.

“I would like to speak to the manager,” said Hakim to an African-American man behind the counter.

“The manager will be back in an hour. What’s it about?”

“A number of African-American men in this neighborhood who buy stuff in this restaurant have been systematically denied use of the bathroom. We work around here and we would like to speak to the manager to see if we can resolve it at this level.”

“If anyone just walks in to use the bathroom, they’ve got to be a customer.”

“What’s happening is, people who are spending money in here are being denied the right to use the bathroom,” said Hakim.

“As long as you are a paying customer, you can use the bathroom,” interjected a black female worker.

“You talking about paying customer!” said John. “I’ve been coming to McDonald’s twenty-five years.”
“Not here,” said the worker, “’Cause this branch has only been here for less than a year.”

“You see,” said John, “you still got that mentality. How old are you?”

“Twenty-one.”

“I was coming to McDonald’s before you was born,” he said.

With that, Hakim and John left the restaurant and went back out to Hakim’s table.

“If this doesn’t stop, we’re gonna take a picket sign, stand in front of the restaurant, and start boycotting,” said Hakim. “Until everybody else around here understands what’s going on.”

“I came in there yesterday and when I walked toward the back the manager said, ‘Can I help you?’ said John. “Can you help me? Help me with what? So I bought a cinnamon roll. Then I still couldn’t use the bathroom!”

A black man of about fifty walked up to the table and joined the discussion: “Sometimes we have a tendency to go and shop and beg. But we shouldn’t shop where we not respected. And a message should be sent to these plantation Negroes that McDonald’s has in there.”

“Yeah,” said Hakim. “At McDonald’s, once you get past frying and stuff, you ain’t gonna see too many black folks.”

The episode illustrated a few issues that I have seen come up again and again.

First, it appears that, even though John ultimately purchased a cinnamon roll, he was told that the bathroom was closed. This is not uncommon. I personally witnessed Ishmael being told that the bathroom was being cleaned and could not be used, even after he had made a purchase. Though I had not bought anything, I got the key and entered the bathroom myself without receiving any warning, only to discover that it was empty. Many people who work outside on Sixth Avenue seem to be hassled in similar ways, even when they have made a purchase. The stories are repeated constantly.

Second, the person on Sixth Avenue who needs a bathroom needs it now. He often has little or no money in his pocket at the time he needs it. He may be faced with the dilemma of trying to get by a manager without making a purchase, or urinating in the street.
Who Is a "Customer"?

Third, and crucially, it appears that John initially tried to use the bathroom without making a purchase. Indeed, many people who work and live out on the street believe that they are entitled to use the washroom of any establishment in which they normally spend money. Whether they have spent their money at the moment they need the washroom is irrelevant to them. When John said he had been coming to McDonald’s for twenty-five years, he was actually giving voice to the common view on the street that this long-term relationship with McDonald’s defines his rights as a customer.

Mudrick also has this view. “You go in and buy one thing—say, French fries—this week. Two weeks from then, you go back to use the bathroom and they tell you no. But you still a customer! If you buy something, you be a customer.”

“Do you think you are a customer for life?”

“Once you go in there, you supposed to be a customer for regular. You spend that money there. You supposed to be a customer. They seen you there and you spent your money there and they know ya. They gotta know you. You gotta take a leak, but you can’t use the bathroom.”

“What do you have to do in order to be a customer?”

“That’s what I’m trying to find out,” Mudrick continues. “If you go to the restaurant, they ain’t gonna let you use it, because they think you ain’t a customer.”

“If you tried to use the bathroom at the exact moment when you bought the coffee, would they let you use it?”

“I never tried it that way.”

“How come?”

“If I buy an order of French fries now, and I go out to eat the French fries and my stomach turns like I want to go take a dump, they say you gotta be a regular customer. Hey, hey: I just bought an order of fries. What’s the difference?”

A year after my conversation with Mudrick about these issues, we entered a restaurant on Sixth Avenue to have some Cokes. He walked to the back and asked to be buzzed into the bathroom. The waitress refused, saying something like, You never buy anything here. Reaching into his pocket, he pulled out a wad of dollar bills, and tried to stuff a few into her hand. Here’s a nice tip for you, he said. But the bills fell to the ground and the waitress refused to pick them up. Don’t disgrace me, Mudrick told her. The cook and I made eye contact as he buzzed open the door. Mudrick bent over, picked up the money, and then went in.

Where Else Can a Man Go?

If Ron believes he is too dirty or drunk to enter a restaurant without offending his fellow citizens, or if Mudrick believes he will not gain admission, what alternatives do they have?

Why don’t these men go to the brick public men’s room located in Washington Square Park, a few blocks away, as Mrs. Gross of Washington Court Condominium says they could? I have repeatedly asked Mudrick why he does not go there.

“It is too nasty,” he tells me about the bathroom in Washington Square Park. “The toilet bowl has no seat on it. You have to sit on the little rim. And there’s shit all round the rim. Now, who going to sit their ass where there is shit all round the fucking rim?”

Mudrick and I walk over to the park to take a look. It is 4:00 p.m. on a weekday in June. The floor is covered with brown water. The room has six toilets, with no partitions between them. There are no toilet seats, either. The stench of feces and urine is strong.

On the way out, we visit the manager of the park, K. C. Sahl. As we walk into his office, Mudrick says, “Turn on the fucking speaker,” referring to my tape recorder. I turn it on.

We introduce ourselves and exchange handshakes with the manager. Then I ask him, “How come there’s no seats on the toilets in there?”

‘Cause they’d get ripped off the minute we put them down.

‘Cause they would be ripped off, or because they have been ripped off? I ask.

“They have been,” Sahl says.

“So, basically, there’s not gonna be any more toilet seats in there in the future?”

“No,” the manager continues. “I think that’s the kind of gravy, that’s the kind of minutiae you’d be shooting for—is to be able to leave toilet seats on there, and then maybe even have walls for privacy.”
Mudrick and I leave the manager's office. He is visibly enraged. "Washington fucking Square Park and they can't put toilet seats right here? They could fix it, but they don't want to fix it. They want to keep our ass out of there. I can't go in there and take a dump in there. I can hardly hold my breath to go in that motherfucker. If I had to take a dump right now, I'd go right behind that tree right there. It's air out here. You go in there, you ain't got no privacy. That thing suppose to have a partition."

Mudrick continues: "Everybody in there, when you pull your dick out, everybody be looking at your dick. Trying to see what you got. You take a suit in there and the motherfucker is looking at your ass. This is a fucking crazy city!"

A Solution: Provide Public Bathrooms

I have spoken to managers of McDonald's and the Waverly Restaurant. Both said that, if they welcome one person working the streets into the restaurant, they will soon be welcoming them all. If each person working the streets uses the bathroom a few times a day, there will be a steady parade of men walking through the restaurant, creating an atmosphere that will be unpleasant for customers. At McDonald's, the assistant manager explained that, every time the toilet gets dirty or floods, someone must be taken off the counter to clean it, leading to longer lines in what is, after all, supposed to be a fast-food joint. The very existence of the bathrooms is a source of great frustration for people working at both restaurants.

Whether a man comes to see the bathroom as the natural or best way to do his bodily functions is conditioned by access to the bathroom resource itself and the fear of having his table and belongings seized by the police when he leaves it. These conditions lead to a resocialization of the individual. Mudrick seems to see his behavior as a natural response to constraints that he seems to believe exist. The information he has is not universal in its application to others, as Ron suggests, but it likely accords with his experience.

The men working the street have been accustomed to living in this manner for a long time as they have gradually been differently socialized. Those who once lived in Pennsylvania Station, for example, became used to stripping in public in the washrooms and cleaning themselves at the public sinks. It seems that acceptance of one's place on the street entails a certain resigna-
tion, which makes such behavior more acceptable. Consider the difference in
reactions between Ron and Raj, the newsstand worker.

The behavior these men engage in is indecent from the standpoint of
mainstream society. But their actions can, of course, be compared with the
behavior of wealthier, white men. I have witnessed apparently middle-class
white men urinating on buildings in Greenwich Village on a busy Saturday
night. I have also heard from Adam Winkler, a friend who plays golf at the
Hillcrest Country Club in Beverly Hills, that it is not uncommon to see men
urinate on the golf course, despite the restrooms scattered throughout the
tract. In all socioeconomic classes, the male act of urinating in public seems
to be common, though those who work the streets seem to have fewer op-
tions as to where to go.

As we have seen, Ron, possessed of a sense of embarrassment, stopped
urinating on the condominium building and did not enter restaurants when
he thought his body odor would be offensive. In this context, he may actually
see the act of urinating in public as a way of respecting his fellow citizens
when he is too drunk or dirty to be in the same bathroom with them.

The problem of public urination is not one that could easily be solved by
better informal social control or “mentoring.” It is in the nature of the kind of
stigmatization we have here observed that some people on the sidewalk will
always be excluded or feel excluded, whereas some others, in a slightly dif-
ferent condition, will create a solution for themselves. Hakim has access to
the bathrooms. So does Jamaane. These men have developed relationships
with restaurant owners who are willing to let them in. It is unlikely that any-
thing Hakim could say to Ron and Mudrick would make them feel more
comfortable going into a restroom. The difference is that Hakim and Jamaane
take daily showers and look presentable, and do not use drugs or sleep out-
side. They also frequently make purchases where they use the restrooms.

Likewise, over the years Alice has not had any problem using bathrooms
in the local restaurants, or at the parking facility, where she and some other
vendors store their goods at night. When Store 24 (a convenience store) was
being converted to Go Sushi, Alice developed a rapport with the owners of
the new store. She began keeping an eye on their two parked cars, putting
money in the meters from 11:00 a.m. to 7:00 p.m. with the unspoken quid
pro quo that she could use their bathroom. Her five-year-old granddaughter,
Marcisa, uses the bathroom in Go Sushi as she pleases, and Alice changes the
diapers of Monisia, her two-year-old granddaughter, in that same bathroom.

In some ways, this is an area where a better system of control—a formal
system—actually might supplement the sidewalk’s informal folkways and
mentoring. There is evidence that these problems may be caused partly by
severe police policies. By disposing of vendors’ belongings when they leave
the blocks, police encourage people working the streets to use cups, Dumpt-
ers, and the sides of buildings. There is a strong similarity between the
vendors’ problems and those of workers in companies that do not respect
excretory rights. Indeed, many employers have conflicts with employees who
wish to go to the bathroom on company time.

In the end, however, there is clearly a problem with access to the bath-
room resource itself, and this is the leading cause of the men’s problem. The
city’s approach to solving such problems has been to lock up a person like
Mudrick when he is seen urinating in public. But this has not solved the
problem, because the men working the streets believe they have no choice.
An alternative would be to provide self-cleaning public bathrooms of the
kind that are currently on the streets of Paris and San Francisco.

On even this point, I feel some uncertainty. On a recent trip to Paris, I
walked the streets with a French sociologist, Henri Peretz, looking for one of
the maintenance trucks that perform upkeep for the city’s self-cleaning pub-
lic toilets. When we tracked one down, and I told the driver (through Henri)
of my hope that one day the people of New York would have such resources,
he complained that in Paris some unhoused people had taken up nightly
residence in the bathrooms, using them as shelters. This suggests that even
public bathrooms will not always be available for people to do their bodily
functions. Every policy has its unintended consequences.

Furthermore, to provide such a toilet would, of course, enhance the vi-
ability of the neighborhood as a habitat, something many policy makers
would not want to do. Nevertheless, the lack of such resources does not
break the lifeline of the people on the streets. It merely leads them to engage
in behavior that is unsanitary and appears indecent to those who are not
aware of its social genesis.