

# Modes and Manifestations of Improvisation in Urban Planning, Design, and Theory

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## I. Tuning Up

In arguing that improvisation and noise-making are effective and inevitable modes for conducting urban interventions, I begin with a digression, a dilatory vamp on musical themes. Its point is to provide a framework for showing how urban development may be considered in terms of musical categories and also composed through musical actions, as well as through political actions whose elements of strategy and spontaneity find analogs in musical discourse. One theme reverberating throughout the paper pertains to anarchy, the political disposition whose musical analog might seem to be dissonance or noise. Music without law, the analogy would go, is dangerously, even violently clamorous and chaotic, as would be a society without law. It is a corollary of this paper that dissonance instead reflects unsettled law – but law nonetheless – and can also signify the advent of a new music whose unexpected cadences, temporarily abrasive and jarring, are nonetheless musical.

I next introduce three Urban Studies scholar-designers who expressly engage noise and improvisation in their practical and theoretical work. Their work suggests that music serves figurative, socially mediatory, and oppositional functions, both in how planners and designers work and in how cities and communities grow and transform. Invoking these designers also helps to demonstrate that a seemingly forced correspondence of improvisation with planning is neither without intellectual roots nor affective satisfactions.

An account of the salient ideological component of rationalism in twentieth century planning theory follows in the ensuing section. I first briefly examine the contested position of rationality in planning and planning theory. I then recount a case of improvisation as a mode of planning to which affected cities sought recourse after their traditional practices of rational planning were undermined by the courts. Next, demographic and economic developments in Los Angeles during and after World War II illustrate the effects of wartime emergencies on rationalist intentions and the unfulfilled promise of local spontaneous and disruptive actions. A review of one urban planning historian's account of evolving planning theories and practices shows how her celebration of "insurgent practices" is harmonious with the figure of improvisation. The section concludes with a description of recent planning activities in Portland, Oregon, where the interaction of strong top-down planning and deference to local administration and political activities appears to be healthy and productive, albeit not without incurring the cost of more vocal public dissent.

## II. Sounding Off

### A. Figuring Improvisation

Musical improvisation is a mode (“a way or manner in which something is done or takes place; a method of procedures in any activity, business, etc.” (“Mode”)) and inevitably a figure. Music takes place in the mode of improvisation when, for example, musicians forego a score or predetermined parameters designed to constrain their performance. Alternatively, they may use a score but agree to deviate from it in predictable or unpredictable ways. The score to which they refer could be as extensive as a complete musical chart, during the performance of which the musicians might interject their own flourishes and extemporized solos. The score could be extremely cursory, indicative only of a melody, progression of chords, or rhythm (mode in the musical sense), or even an extra-musically defined program, such as a poem, painting, or narrative text, whose structure provides a common thematic or inspirational element around which the performers’ work orbits.<sup>1</sup> A score could even be randomly or algorithmically generated, like John Cage’s star charts,<sup>2</sup> from which the performers intuit musical instructions, including when they are left to their own devices to establish durational, tonal, and dynamic parameters. In each case, the mode of improvisation is an aspect of its performance. The performance of a musical piece precisely according to its score so as to sound like improvisation – Darius Milhaud’s *La Création du Monde* or *Le Boeuf sur le Toit*, for example, with their scored allusions to blues and jazz, or much of John Zorn’s loony, cacophonous string quartet, *Cat o’ Nine Tails (Tex Avery Directs the Marquis de Sade)* – is not itself necessarily improvised, although the composer’s process may have involved operations of improvisation, spontaneity, and chance.

Musical improvisation is also a figure. Even though improvisation is profoundly and distinctly bound by rules – as in the examples above of scores which indicate in one way or another how improvisation will proceed – it also carries a figurative significance associated with an ostensible freedom from rules. The relative degrees of rule-boundedness and freedom will depend on the particular type of music performed and the setting in which the performance takes place.<sup>3</sup> But the figurative significance of improvisation relates to the notion that it affords a deliberate relaxation of the restrictions of rigorous performance instructions, regardless of context. Improvising musicians thereby freely express and define themselves, give themselves over to the music to allow it to express itself, or simply show off their musical skills and virtuosity.

The audience (beyond the musicians themselves) may also enjoy a certain kind of liberation from a performance of a piece with which they may already be familiar. The risk undertaken by the musicians – to render a piece of music for themselves and for the audience without knowing in advance what its result will be – is the source of much of the energy motivating the musicians and their audience. Improvisation thus becomes a figure for liberation, expression, risk, spontaneity, and excitement; at another register, for noise and cacophony; and also for flexibility, cooperation, and even an idealized conception of democracy. Indeed, democracy is often figured in terms of multitudes of voices, and certain kinds of music whose performance is deliberately intended to

require relatively little preparation at all are referred to as free music, free jazz,<sup>4</sup> or as guitarist Derek Bailey puts it, “freely improvised music” (qtd. in Corbett, “Derek Bailey” 231).

## B. Improvisation Planned and Improvised

It should be clear from the foregoing that it would be difficult to imagine a musical performance that is either purely improvised or purely scored and prepared.<sup>5</sup> Even without resorting to conceptual extremes, though, we can ascertain the poles of a stylistic continuum of improvisational modes. One pole aims toward the kind of music associated with traditional varieties of American jazz, based on stock phrases, lines, and forms. The musicians so engaged are commonly familiar with each of these elements and so the process of making and improvising music involves their learned and instinctive recognition of the elements, their responses to each other’s performances, and the development of the ensuing piece.<sup>6</sup>

This kind of improvisation has an illustrative counterpart in the history of theatre, the *commedia dell’arte*, a form of traveling public theatre of sixteenth and seventeenth century Italy, whose troupes “improvised their dialogues around the most rudimentary of scripts [. . .]” (Wickham 110-12). Their success as entertainers depended on their expertise at portraying familiar caricatures and character types – the wily servant, the youthful lovers, the cowardly military officer, and others: “Plots were constructed around a selection of the typed characters and also round certain carefully rehearsed physical routines of comic incident known as *lazzi*: improvised dialogue was then imposed upon this structure” (Wickham 110-12).

Significantly, Glynne Wickham points out that the *commedia* troupes, in spite of the ridicule they leveled against the aristocracy, posed no threat to the state (112).<sup>7</sup> From Wickham’s comment we could infer that one might have expected such a threat to be posed. The source of the threat, we might imagine, could be the specific content of the troupe’s criticisms, or it could simply be the risky uncertainty of the content as a result of the improvised nature of the performances.

The other pole on the continuum of musical improvisation entails a more fully extemporized performance, one in which, for example, the score is minimal or nonexistent and the performers have not rehearsed together as an ensemble. Even in this structurally stripped down approach, where “the understanding is whatever happens is okay,” rules impose constraints on the results (Corbett, “Anthony Braxton” 209, 214). Just as the musicians of the more traditional approach create with a musical vocabulary of stock phrases, techniques, and effects, so do “free” musicians, who have internalized “extended techniques,” such as circular breathing and slap tonguing on a saxophone, along with the traditional stock. Furthermore, the design and construction of the instruments themselves restrict the kinds of sounds that emerge. For example, by choosing to perform on an alto saxophone (rather than soprano or tenor or, say, a piano), a musician chooses a particular musical context. The context is delimited by the

material and sonic characteristics of the musician's instrument as well as by the tradition of performance on the instrument internalized by the musician.<sup>8</sup>

### C. Modes and Models of Improvisation

Just as improvisation as a musical practice is a mode of music-making, a way or manner in which music takes place, there are modes of improvisation, ways in which improvisation takes place, in music as well as in urban planning (or, for that matter, in politics, law, medicine, librarianship, auto repair, and so forth). We may identify at least three such modes, and name them deviation, response, and insurgency.<sup>9</sup> In practice, I should note, the three modes of improvisation can be difficult to distinguish rigorously from each other as well as from structured planning, with which improvisation ultimately may be seen to share a dialectical and interdependent relationship. This relationship will become more evident as the discussion of the three modes proceeds. At the outset, it is sufficient to note that both improvisation and planning exhibit rational tendencies (although these tendencies reflect different strains of rationality) and that their shared resort to the rational helps to account for the conflict and complementariness between them.<sup>10</sup>

The first mode of improvisation entails a spontaneous "deviation" from a plan, either by virtue of a refusal to follow the plan's prescriptions or, more fundamentally, by simply dispensing with a plan altogether. The motivation for deviation may be mixed and inchoate, but it is largely an aesthetic drive, a sort of appreciation of *l'art pour l'art* or an appetite for surprise and variety. The deviation itself, rather than its eventual result, serves as its own justification, although there may very well be unexpected revelations of consequences that impart an experimental purpose to future practices of the deviation. Where deviant means were once intended toward no particular end, they can also come to comprise the end, which becomes, for example, a wilful display of bravura and iconoclasm. Such an effect is certainly not exclusive to musical improvisation, for it is even highly regarded as a characteristic of many of the pinnacles of the western classical canon. In spite of its compositional rigor, for example, Beethoven's *Eroica* is uncontroversially regarded as an expression of "elemental force and mercurial changes of mood."<sup>11</sup> In this respect, Beethoven often sought and produced an effect of deviation, "a merging of wildness and control," an end achieved notwithstanding (perhaps by virtue of) its rule-bound Classical means (Swafford 182).<sup>12</sup>

The second mode of improvisation entails spontaneous "response" to perceived events, often contingent events such as crises, emergencies, or unexpected occurrences. Unlike the first mode, which is triggered by a relatively abstract and self-reflexive impulse (such as a taste for variety, unpredictability, or sheer fun), responsive improvisation occurs in the face of a more concrete event. A string breaks or a soloist unexpectedly invokes a counter melody; the rest of the ensemble responds by filling in, harmonizing, or countering back. (Note that a musician who elects to improvise in the first mode may consequently provoke another to respond in the second.)<sup>13</sup>

The third mode is an “insurgent,” oppositional style of improvisation, designed not merely to deviate or respond spontaneously, but to do so toward establishing resistance or imposing desired alternatives, perhaps even installing and deploying alternative plans. This third mode is more plainly a potentially militant or political tool than either of the first two and is devoted to a broader purpose to which discrete incidents of improvisation may be subservient.<sup>14</sup> Consider, for example, the cooperative endeavors of the Art Ensemble of Chicago with South Africa’s Amabutho Male Chorus, in which the groups combine elements of traditional Zulu song, composed jazz, and the Art Ensemble’s own collective improvisational techniques. The resulting Art Ensemble of Soweto proclaims an extended musical and lyrical call for racial freedom and complaint against racial oppression, as urgently related in these lyrics by Joseph Jarman: “The time is now / the hour has come / Take up the power / take over the show / South Africa – America / America – South Africa.” The explicit analogy here of the political postures of geographically and historically distinct countries indicates a specific extra-musical context in which the accompanying music is to be heard. Consequently, this insurgent stance heightens the political tone of the Art Ensemble’s musical performance, including its signature recourse to improvisation.

Being politically charged, the insurgent mode also most easily risks conflation with planning (inasmuch as the political involves the teleological ends of strategizing) and therefore best illustrates the dialectics of spontaneity and planning. Insurgency and opposition do not necessarily entail spontaneity and may in fact demand substantial preparation. If insurgent improvisation intends dissonance, noise, or shock – characteristics that signify a confrontational aspect of improvisation – the performer desiring such an effect can “plan to improvise” to achieve it. Furthermore, the phenomenon of spontaneous dissonance appears as such largely because it occurs against an aural background of expectations of harmonious (and, *a fortiori*, planned) performance.<sup>15</sup>

The insurgent improviser can thus call upon the modes of deviation and critical responsiveness to effect a purpose. Deviation (for deviation’s sake) itself exhibits something of an oppositional ethos, just as improvisation in response to a crisis may necessitate aggressive or oppositional responsiveness. However, all three modes share at least some degree of spontaneity, for a total absence of spontaneity is nothing more than an unorthodox exercise of planning. Such an exercise is unorthodox because the dialectic of improvisation works both ways: spontaneity achieves salience in a landscape of predictability, but planning ordinarily includes desirable accommodation of a level of discretionary freedom. Even the most precisely engineered machine is designed to maintain a measure of tolerance.<sup>16</sup>

Indisputably, improvisation is an aesthetic endeavor within the realm of music, and aesthetic elements of a work are not otherwise plainly coordinated with social phenomena, base and superstructure notwithstanding.<sup>17</sup> While terms comprising aesthetic categories may serve illuminating figurative functions – musical violence depicting social violence, dissonance connoting psychological uncertainty or anxiety, Bach’s contrapuntal exercises revealing an ideal law of music, for example – they do

not immediately or intuitively map as correspondences from one cultural sphere to another. Thus, musical “violence” remains purely musical information unless its aesthetic components – loud dissonance, exaggerated rubato, or spontaneous unscored utterances, for example – are taken somehow to reflect or participate in a non-aesthetic domain, such as sociopolitics, in which the figure of violence intends a concrete, even literal referent. The musical then serves as a model for or emblem of the violent conditions, which reciprocally inform how the music is heard and performed. Peter Brötzmann’s *Fuck De Boere* might serve as an instance of such a relationship, the liner notes composed by Brötzmann for his group’s CD release in 2001 of recordings from 1968 and 1970 making quite explicit the connection between the caustic music and the political rage that inspired it. Brötzmann writes in the dedication of the performance to his friend, South African exile Johnny Diyani, “Johnny, where ever [sic] you are, ‘De Boere’ are still around all over this planet, they never will die out and we have to continue to fight and fuck them.”

Furthermore, the notion of a model, an abstract schema developed out of a description of the order of elements in an undertaking like musical performance, itself has a persistent attraction to our sensibilities. However prosaic their particular applications may be – marketing strategies, economic theories, legal classifications – models are inherently aesthetic objects, incorporating dimension, composition, style, significance, and other aesthetic parameters.<sup>18</sup>

Adapting this facility of correspondence of abstract, aesthetically informed models to concrete phenomena, Ajay Heble concludes his syncretic treatment of jazz (defined to include the gamut of traditional, avant-garde, and fusion styles and practices), literary theory, and critical practice with a confident appraisal of the practical utility of music’s engagement with the world: “Jazz [. . .] has always been about different ways of knowing (and thinking about) the world, about using contingency, variance, improvisation, and risk as models for critical (and social) practice” (237).

Heble’s text is rich in suggestive parallels between fields as disparate as music and politics. Choosing at random: “Can dissonance be said to have a politics?” (171);<sup>19</sup> “Landing on the wrong note [. . .] can be a politically and culturally salient act for oppressed groups seeking alternative models of knowledge production and identity formation” (20); or, quoting pianist Cecil Taylor, “It seems to me that in the long run your art becomes a reflection of a consciousness which, if it is powerful enough, may change the social consciousness of the people who listen to you. Great music implies a challenge to the existing order” (201).<sup>20</sup> Statements as forthright as these populate Heble’s book and demonstrate, at the very least, that he has discovered a conceptually fecund field to be tilled. But does a model’s strong capacity for rich suggestion warrant its enlistment as a political manifesto? Should local government distribute services the way the Art Ensemble of Chicago dispenses musical truths: freely, spontaneously, and cooperatively?

It is a thesis of this paper that the response to such questions ought to be a resounding “Yes.” The virtues indicated are not merely innocuous adornments of culturally

sequestered aesthetic forms. The Art Ensemble, for example, achieved political recognition by practicing a “political economy of music.”<sup>21</sup> A proposal that governments learn to emphasize the merits of spontaneity as a value to be incorporated in urban planning efforts urges a reciprocal practice of a musical economy of politics. But that doesn’t address precisely how they would do so. Nevertheless, academic and professional practitioners of urban design and planning exhibit an emerging interest in aesthetically modeled epistemologies and practices.<sup>22</sup> Their interest recognizes a link between the aspirations and practices expressed in the aesthetic productions of social groups whose spatial, political, and economic marginalization has been the consequence of political and professional forces and barriers. What follows are profiles of three practitioner-scholars, from whose theories a sense may be gleaned of how urban spaces and their attendant crises invite aesthetic treatments rather than strictly traditional political and legal responses.

### **III. Three Urban Designers Who Improvise**

#### **A. Clyde Woods and the Indigenous Grounds of Knowing in Mississippi**

Clyde Woods is a professor of urban planning and African and African American Studies, who has discovered among the “marginalized yet persistent regional networks of knowledge and practice capable of creating a just society” of the Mississippi Delta region, a phenomenon he refers to as the “Blues epistemology” (“Regional Blocs” 79, 82-86).<sup>23</sup> He situates the Blues epistemology in a historical context of two dominant traditions, the plantation tradition and the New South tradition, whose failures he diagnoses as being in part the result of their having ignored the marginalized tradition sustained and interpreted by the practice of playing the Blues (83).

The hegemonic plantation bloc tradition has operated monopolistically in the South as a distinct, enduring mode of production, characterized by a hierarchically structured social organization at the pinnacle of which stands the planter (79-81). According to Woods, “the plantation can be conceptualized as a military intervention, as an entrepreneurial activity, as a colonizing institution, and as an engine of enduring ethnic conflict” (80). These characteristics are historical functions of slavery and early state-sponsored incursions of capital and entrepreneurial personnel from overseas, but they remain apt depictions of the modern form of the rigid, vertically integrated firms that comprise plantation blocs and carry on the legacy of oppressive politics and economics of the Deep South (79-81). As such, they exercise significant power in the politics of development in the Mississippi Delta and constitute a monolithic material framework within which performance and reception of the Blues has been situated.

The New South tradition, a post-Civil War endeavor aligned with northern commercial interests and incorporating Fordist mass production and distribution strategies in agriculture, sought to respond to the mechanization and industrialization of agriculture in the South (81-82). After World War II, the New South emphasis on competitive efficiency via technological innovation resulted in the displacement of African American

Delta workers and, consequently, “the ruination of African American communities and individual lives, and the emergence of a new production complex centered on neoplantations” (86-88). The tradition collapsed as economic factors outside of the control of its proponents rendered it ineffectual: “The seemingly endless rounds of rural plant closures since the early 1980s, combined with a crisis in small- and medium-sized farming, pushed New South rural communities, their leaders, and their alliances in a state of perpetual turmoil” (82).

Community-based Blues singers spawned and developed the Blues epistemology tradition of daily practices of resistance, communication, and survival among African Americans in the plantation South (82). These artists thereby served as a kind of local social welfare service provider, dispensing entertainment, wisdom, authorial self-criticism, and political commentary (82). Woods stresses the positive and creative aspects of this “self-referential explanatory tradition,” as well as its function of resistance. The Blues epistemology is thus an essentially aesthetic phenomenon linked inextricably to socioeconomic realities, not merely by virtue of its being a vehicle for their artistic reflection, but also as their medium of historical and cultural preservation and social communication. Writers such as Ralph Ellison, Zora Neale Hurston, and Richard Wright recognized, adapted, and elaborated in aesthetic terms the tradition’s social values (83-84). Today, in the midst of “horrific implications of social collapse” (97), the Blues epistemology endures, in spite of having been “denigrated by hegemonic institutional structures,” and in contradistinction to models that “investigate African American communities by relying on theories of deviance and pathology” (84-85).

Woods identifies the Blues epistemology as itself advancing a development theory that has been marginalized and ignored by government planning organizations, ultimately to the detriment of the Mississippi Delta regional culture. He illustrates his proposition with an account of the failed efforts of the Lower Mississippi Delta Development Commission (LMDDC), a New South effort during the late 1980s to revitalize the region and respond to emerging global economies by pointing to crises of poverty to demonstrate the need for federal subsidies (92). The failure of the LMDDC after a year and a half to create and address an agenda pertinent to the region was due to the Commission’s neglect of important regional questions, such as strained race relations and industrial redlining, as well as to its own inadequacies of representation among its appointees (93-94). According to Woods, had leaders in the LMDDC not ignored the lessons of the Blues epistemology, they would have listened to the demands of the people whose lives they were orchestrating. Woods observes that numerous similar arrested developments have left scattered records of “indigenous knowledge on which to construct new relationships and new regional structures of equality” (97).

The Blues epistemology was and remains an actual and vital resource, operating predominantly in African American musical creation and practice, as a means of representation and dissemination of the needs of a constituency that is mostly fragmented or unorganized, if not also skeptical of its very status as a “constituency.” The Blues is a quintessential improvisational form, spawning vocal and instrumental spontaneity as well as virtuosity. The music is a vehicle for personal and communal



expression of heightened emotions – grief, melancholy, “exultant affirmation of life,” faith – correlatives of plangent personal and political dissonances and harmonies (Wright, qtd. in Woods 84).

The space in the music for improvisation affords the musician the flexibility to react to material conditions as they persist or change. Flexibility and spontaneity in the creation of the Blues song serves the musician as an analog for change at a macro level of society. In this respect, CeDell Davis, an innovative Blues guitarist and vocalist whose career has gravitated around Arkansas and the upper Mississippi Delta, embodies Woods’ view of the Blues, particularly so via his “instant composition” approach to spontaneous creation of new songs (Palmer). The titles and lyrics of his songs, whether recollected or extemporized, are typically confessional reflections on interpersonal conflicts rooted in infidelity, anger, or desperation – ordinary topoi for the Blues – but Davis explains that his composition is motivated by more than merely subjective experience: “If you don’t never change nothin’, how do you know how good it’s gonna ever be? You *got* to change it. Suppose everybody just did the same thing all the time and never did nothing different: You never could bring out nothing new. You got to give people a *choice*.” For Davis, change at the level of the line, the lyric, or the form of the song indicates the promotion of a fundamental socio-political principle of democratic choice.

As a mode of improvisation, therefore, the Blues is foremost a responsive and insurgent practice within the geographical and historical context of the Mississippi Delta. Its purpose and effect are to resist the reigning traditions and to respond to crises (for example, of plant closures, reduced subsidies, and the quotidian and concrete manifestations of persistent economic inequities) that organizations such as the LMDDC failed to remedy and indeed perpetuated. (As noted with respect to Davis’ musical work, however, those social and economic crises may very well be manifest lyrically as interpersonal conflicts.) Woods’ conception of the Blues epistemology is, in effect, a literal instance of musical improvisational practice on a social scale that would influence methods of urban planning and regional development, among other political pursuits, by providing an informative background of regional historical knowledge, expression, and vision (96-97). In the spontaneous creation of song within traditional formal parameters, the Blues musician responsively laments the fact of crisis while announcing its oppositional remedy. The remedy is the promotion of change, not merely for the sake of change, but also, as Davis argues, for the provision of choice.

Woods pursues a characteristically scholarly historiographical approach to regional planning, drawing on political-theoretical concepts of resistance and hegemony, while also identifying a musical tradition, Delta Blues, as a system in which improvisation is a tool of resistance, expression, and social cohesion.<sup>24</sup> The value of Woods’ achievement is to focus attention on this neglected musical component of the politics and social configuration of the region and to invite planners and policy makers to attend to them. Closer to the ground, the ideas, designs, and structures of a scholar-practitioner such as Walter Hood in Oakland, California, can demonstrate how such a theoretical approach might play out in practice. But where Woods examines the consequences of

improvisation in a socially cohesive musical tradition, Hood looks to extra-musical improvisational behaviors, as will be shown in the ensuing section.

## **B. Walter Hood and Using What Is at Hand in Oakland**

Walter Hood is a professor of landscape architecture, an architect, and an artist who works with “improvisational design strategies” to propose and construct projects that reflect the social and cultural patterns of their low-income community contexts (“Urban Diaries” 154).<sup>25</sup> In the spirit in which Clyde Woods urges planners and policy makers to pay attention to the marginalized and unofficial knowledge residing in communities and regions, Hood first documents in “urban diaries” his observations of the everyday activities in the areas for which he creates designs, thereby striving to avoid “strategies of social reform that allow only normative or mainstream use of the spaces” (154).

Hood is particularly aware of the possibility that the people who use his designed spaces may choose to subvert the goals he had intended, just as they presently subvert the goals of mainstream design, but his purpose in conducting preliminary documentation is to become aware of the actual practices that are likely to occur there and to facilitate and accommodate those practices in his design. He envisions, for example, the introduction of a community garden whose tool shed becomes a clubhouse for local children (157-58). The law currently prohibits some of the activities Hood’s work would facilitate: where locals gather to drink beer in a park in violation of a local ordinance, Hood proposes a beer garden designed to accept the routine practice (159-60). Where prostitution occurs on and adjacent to the street, tenuously hidden in the automobiles of the customers, Hood proposes a drive-through brothel designed to provide temporary seclusion (164-65).<sup>26</sup> Alcohol consumption, alcoholism, “promiscuity, lust, and money” (164) are daily occurrences that Hood refuses to ignore or disguise, seeking instead to exercise the possibility of “nonjudgmental design” (173).

Improvisation for Hood is “creating, fabricating, and composing using what is at hand,” which consists of those daily occurrences and spontaneous uses of sites that may never have been planned or intended (156). The goals of improvisation as a method of non-hegemonic design inquiry and practice are accommodation of spontaneous change, artistic self-expression, reinforcement of the familiar image of the community, and the inclusion of canonic (i.e., familiar) design elements whose interrelationships generate new forms that eventually grow familiar as well (171-72). Hood thus proposes a mode of improvisation that affords accommodation of “unprogrammed uses of community facilities,” rather than confrontation (154).

Hood’s visions are perhaps radical and impractical, if not also sexist and patriarchal. They are, at the very least, not necessarily as inclusive or nonjudgmental as Hood seems to think. For example, aesthetic elements of his drive-in brothel – intersecting circles designed to represent male and female – suggest that the brothel he envisions is intended exclusively for heterosexual encounters (165). However, Hood is not directly engaged in a process of formulation of strict legal norms. His is a mode of empirical observation – admittedly, his own subjective observation – of existing practices whose

facilitation might reveal “a different set of values, attitudes, and forms [. . .]” (155). Furthermore, the social behaviors he is willing to accommodate – public consumption of alcohol and legalized prostitution – are themselves likely to be perceived as confrontational. But Hood is not inviting us to sanction illegal activity *per se*. Rather, he argues for the recognition and accommodation of familiar social behaviors, the prevention of whose purported harms routinely justifies legal prohibitions that stifle productive social engagements. As an artist, designer, and planner, Hood deploys all three modes of improvisation, taking pleasure in deviation, using what is at hand to respond to critical community needs, and thereby promoting revision of values by accommodating behaviors that challenge the status quo. In this last respect, furthermore, he avoids promulgation of an affirmative political plan of insurgency and, accordingly, its attendant risks of merely replacing one hegemonic regime with another.

### **C. David P. Brown and the Politics of Cacophony Around Chicago**

David P. Brown is a professor of architecture who investigates the value of noise and improvisation as elements in the construction of political and spatial identity, using as his model Chicago’s Association for the Advancement of Creative Musicians (AACM) (Brown 135). Brown observes not only the musical practices of AACM musicians, notably the Art Ensemble of Chicago, but also the organizational fluidity of the AACM, and the relationship of the AACM to its site of origin in the South Side of Chicago as well as its “navigation of the city” out from its origin (136). The spatial implications of the Art Ensemble’s work arise from the group’s musical production of noise onstage and in the recording studio, the musicians’ freedom to participate in multiple groups and permutations of performers, and the AACM’s establishment of its own performance venues, school, and community service organization in response to the absence of these kinds of sites in Chicago of the 1960s (137-41). Furthermore, the AACM identified with the political, cultural, and historical ideas of an emerging Black Nationalism. Its musical ideas, then, were presented within a broadly conceived ethical context connected both to contemporary politics and visions of positive transformation (Heble 64-70).

Drawing on the politics of music and the music industry as theorized by Jacques Attali, Brown ascribes to noise a political significance, a power to challenge an entrenched system (135-36). Noise is not the absence of signal; it is a signal that interferes, and the interference is a component of its message (Brown 135-36). The AACM literally produced noise to challenge a system that maintained the predominance of mainstream musical jazz styles, the dearth of opportunity to create and perform experimental approaches to music, and the economic and racial marginalization of South Side Chicago. The musical project was inextricable from the political project and its urban setting. Improvisation and noise did not merely reflect or signify an alternative politics. They were its rhetoric and its content, its style and substance, exhibiting both an oppositional politics of performance and an extreme form of democracy in miniature, the scale of the local.

For all of its tone of by now passé 1960s radicalism, the example of the AACM remains a vital one. As Brown points out, the organization “splintered” in 1969, dispersing its membership nationally and internationally into musical careers that continue to represent its aesthetic and political goals while remaining linked to their Chicago home (145). Anthony Braxton, for example, was an AACM member who has subsequently earned an international reputation as a master performer, improviser, and composer. By no means mainstream in spite of his having reaped critical acclaim; his early, if short-lived, affiliation with a mainstream record label; his fondness for performing standard tunes; and financial rewards almost never enjoyed by artists committed to experimentation, Braxton continues to innovate both musically and ideologically.<sup>27</sup>

Brown locates the noise-making genius of the AACM and their progeny in their improvisational practice. The group embraces rules and vocabulary of creative musicianship that inspire and facilitate the genius without constraining it (142). Consequently, a concern with “proper technique and correctness of gesture necessary for insuring the accurate production of particular notes” is irrelevant to a musician’s contribution to “the collective improvisation” (142). Noise, for Brown, is therefore a direct and deliberate consequence of improvisational technique. Furthermore, when they produce their music, the AACM expects, but does not plan, noise. Brown observes in this disposition of the group toward collective creativity a manifestation of Attali’s political economy of music, for which “the outcome of labor no longer ‘pre-exists ideally in the imagination of the worker’” (Attali, qtd. in Brown 143). The object resulting from the AACM’s mode of musical production “becomes a starting point, rather than being an end product [ . . . ]” (Attali, qtd. in Brown 143).

The AACM’s vitality is not simply a function of the accident of its having endured, albeit in dispersed, fragmented form. It is also an instance of a legacy of noisemakers – street criers, fiddlers, pipers, bawdy balladeers – whose music grew to contribute to an increasingly noisy urban life, from which the offended professional classes sought refuge in their homes (Cockayne 35). The dangerous quality of performances of popular music and the cacophony of amateurs was a function of its transient nature, which rendered its sober perpetrators less amenable to capture than, say, drunkards, and of its tendency to attract crowds who might become unruly or invite pickpockets (44).<sup>28</sup> Furthermore, the criteria of taste that form and distinguish responses to aesthetic qualities are also indicia of economic and legal distinctions. In her study of early modern English “bad music,” Emily Cockayne concludes that there was

increasing concern amongst the professional classes to control the sound environment and to bring music indoors. This phenomenon [ . . . ] was connected to the distrust of people who crowded the urban streets, and highlighted a growing gulf between polite and low society. The polite urbanites of the eighteenth century desired separation; they wanted the street cleared of noisy, humdrum performers. Increasingly vehement attacks on the sounds of street-based independent musicians were manifestations of this antagonism. (47)

In Brown's portrayal, the AACM wielded improvisation to respond to the distrust, antagonism, and stratification of Chicago and America in the 1960s by, in a manner of speaking, taking to the streets. Their noises and performances, however, were not merely street cries aimed at attracting consumers of wares. Rather, they were formulations of aesthetic and political (and aesthetic-political) values whose expression was equally a matter of survival, the music serving both to announce, in the manner of Woods' insurgent Blues singer, a marginal political message and to afford exposure to a fledgling alternative performance tradition.<sup>29</sup>

#### IV. Perspectives on Rational Planning and the Rise of Irrational Insurgency

The implications of the foregoing discussion are twofold. First, improvisation provides a "figurative" way of referring to contingent, provisional, spontaneous, or insurgent modes of engagement in the city. It can characterize figuratively the way "rules" ought to be resisted or violated if a variation on the status quo is to be performed. In this way, the music comprising Brötzmann's *Fuck De Boere* and Art Ensemble of Soweto's *America – South Africa* signifies and evokes the violence of apartheid regimes. Improvisation also describes "literal" violations of orthodoxies of taste and law by actual musicians whose presence, made palpably evident by their noise, materially challenges and intrudes upon the established hierarchies of power. In this respect, musicians, like *commedia* troupes, are themselves potential antagonists whose message needs to be shrill and loud if it is to be heard. The protest and the music are indistinguishable.

Either view of improvisation implicitly pits it against an orthodoxy or status quo underpinned by a structure of rigorous rational control. Improvisation according to this view challenges rational preparation; reciprocally, the designs of rationalism are to suppress the risks of unpredictable improvised behaviors. But if improvisation exhibits a symbiotic relationship with the rational, a relationship illustrated by the discussion above of the continuum of musical improvisation,<sup>30</sup> then this model of a purely adversarial posture of the rational and the improvised is inapt. Nevertheless, this model continues to command authority in, for example, accounts of a hyper-rational Modernist doctrine (in music, architecture, and urban planning, among other spheres of creative enterprise) superseded by a succeeding social condition, the postmodern, that is somehow relieved of the strictures of the rational. The sections that follow will present an assortment of examples – culled from theory, law, and practice – that illustrate ways in which the model has failed to account for the symbiosis.

##### A. Planning Becomes Improvisation

The professional administrative tasks of city planning would seem to have no affinity for untethered experimentation of the sort exercised by improvising musicians. Indeed, the Weberian concept of modern disenchantment views modernity as "a rational world in which everything is calculated, planned, and predicted rationally. This world is not ruled by fate and contingency, but by rational calculus and rational planning" (Zijderveld 52). In America, the rise of a so-called welfare state on the one hand appeared to reflect

progressive liberal, even socialist, values of human integrity and moral worth,<sup>31</sup> but on the other hand turned out to have installed a technocracy spurred by positivism, privatization, and capitalism, valuing above all scientific rationality as a means to efficient distribution (Zijderveld 105-06).

In spite of their apparent affinity, however, the relationship of rationality to urban planning is tenuous and controversial, not least because planners have failed largely to elaborate explicit accounts of the scope of rationality in theory and its application in practice (Breheny and Hooper, "Introduction" 1). A fundamental disagreement exists, for example, over whether rationality should encompass only the means employed to achieve given ends (a position for which means and ends are necessarily distinct) or the determination and choice of those substantive ends as well.<sup>32</sup> The former position – represented by Eric Reade in "An Analysis of the Use of the Concept of Rationality in the Literature of Planning" – equates rationality with something like a merely functional social scientific method in the service of goals not themselves amenable to scientific evaluation (77-78).<sup>33</sup> On the other hand, the latter position – that argued by Roy Darke in "Rationality Planning and the State" – conceives that "approaches to rationality are contingent and contextually defined," but that this circumstance does not preclude the use of reason ("the most profound of human characteristics") to "explain" – not to "prove" – the wisdom of a particular choice of substantive norms (15, 26).

For present purposes, it would seem most fruitful to consider rationality a hybrid of the admittedly starkly delineated foregoing positions pitting Reade against Darke. In fact, "wisdom" is not Darke's but Reade's term, which he uses to refer to a capacity to understand complex situations and to bring careful value judgments to bear on their resolution. As such, wisdom is the ends-aimed counterpart to functional rationality and, furthermore, in the realm of urban planning this capacity is naturally a political wisdom (Reade 85).

Reade's difference with Darke, then, is to some extent a semantic one, inasmuch as both appear to recognize two complementary intellectual powers, one of which operates functionally, the other substantively.<sup>34</sup> A hybrid capacity would abandon Reade's strongly relativist conception of norm formation and choice, and retain his narrow preference for a purely instrumental (means-aimed) rationality. It thus avoids the problem Reade identifies in Karl Mannheim's notion of "substantial rationality" and in similarly deployed notions among urban planners who purport to work according to the dictates of rationalism. For Reade, such rationality becomes no more than "a slogan, summarizing that way of ordering government which [its proponent] would urge upon us" (86). Indeed, Darke admits that his Habermasian proposal is "idealistic" (26).

On the other hand, Darke appropriately confronts the risks of ignoring the historical and political contexts in which practices with rationality evolve (15). A preference for exclusively instrumental rationality, it may well be argued, is also an ideal ambition. Ultimately, Darke posits that "the form and content of planning are intimately related" and concludes that Reade's "division between fact and value, techniques and politics" is implausible (21, 25). Darke's idealistic proposal, then, is for planners and planning

theorists to “search for an achieved consensus where every party has equal knowledge and equal ability to intervene in the debate [. . .]” (26). Such a consensus would be “rational” (Habermas, qtd. in Darke 26).

As suggested above, Darke and Reade may disagree less than at first appears to be the case. Darke’s predication of rationality on achieved consensus may be no more than sloganeering, but Reade is not opposed in advance to that end, although he is careful implicitly to distinguish consensus from state-imposed absolute values (Reade 94). Rather, Reade is interested in delimiting the operation of rationality to its direction of the choice of means for the achievement of given ends, while including in that operation a feedback mechanism by which the “means-end orientation” is constantly reassessed (94). He favorably quotes Weber’s description of purposive rationality in this regard: “A person acts rationally in the means-ends sense when his action is guided by considerations of ends, means and secondary consequences; when, in acting, he rationally assesses means in relation to ends, ends in relation to secondary consequences, and finally, the various possible ends in relation to each other” (qtd. in Reade 95).

Paraphrasing Attali, one could suggest that the outcome of planning no longer pre-exists ideally in the imagination of the planner, that the rational work of the planner, entailing recurrent feedback and assessment, “becomes a starting point, rather than being an end product” (Attali, qtd. in Brown 142).<sup>35</sup> In this way, too, the AACM and the Art Ensemble improvise, employing means of feedback and assessment – not merely aurally, but socially, politically, and spatially – as they search not for an elusive musical consensus, but for a new starting point (Heble 67-68). Reade’s and Darke’s analyses of rationality, filtered through Attali’s political economy, together recommend a place for responsive improvisation at the nexus of form and content, fact and value, techniques and politics. Furthermore, deviant and insurgent improvisational practices are among the rational means available to achieve intended ends formulated in the responsive feedback process. As will be shown in what follows, planning in some instances becomes improvisation.

## **B. Making Do in Mount Prospect**

Even in a world ruled ideologically by a rigid rationalism, opportunities for improvisational strategies necessarily, if unpredictably, arise. To see how the notion of improvisation plays out in the field of urban planning, an example from the pre-postmodern era may be particularly effective because it illustrates a historical interplay of contingency and determinism, improvisation and planning, in an era in which rationalism was the dominant tone.<sup>36</sup>

The 1961 decision by the Illinois Supreme Court in *Pioneer Trust and Savings Bank v. Village of Mount Prospect* effectively precluded Illinois cities from requiring exactions of dedications of open space from subdividers (800). The planning commission of Mount Prospect had enacted an ordinance, pursuant to the state enabling act, requiring prospective subdividers to dedicate at least one acre per each sixty residential sites for

development of public grounds such as schools and parks (800). The high court in Illinois, following its decision from the previous year in *Rosen v. Village of Downers Grove*, held that such an exaction must be “specifically and uniquely attributable” to the developer’s activity to avoid being ruled an unconstitutional taking, and found that Mount Prospect’s need for schools could not be attributed uniquely to the developer’s planned 250 residential units (Rosen, qtd. in Pioneer Trust 801).

As a result of the decision, cities in Illinois were caught between the expanding suburban population’s demand for housing and a concomitant but less easily quantifiable (or attributable) need for open space. In their study of Illinois cities’ responses to the predicament during the ensuing decade, Rutherford Platt and Jon Moloney-Merkle conclude, provocatively, that “the name of the game is improvisation” (728). According to the authors’ analysis, cities pursued various responses, ranging from “qualified defiance’ of *Pioneer Trust*, to circumvention of it, to complete abdication of responsibility for open space acquisition” (727). Platt and Moloney-Merkle’s depiction of municipal improvisation highlights the dialectical interplay of spontaneity and planning: relative to an ideal “uniform and effective statewide procedure” for non-compensatory retention of open space – a classical score from which the individual cities once uniformly played – the cities’ solutions were improvised, albeit not purely spontaneous, deviations (727).

*Pioneer Trust* was thus an occasion of doctrinal crisis to which Illinois cities responded by making do. The court’s unwieldy demand of cities to demonstrate a rigorous cause-and-effect relationship of new development to need for open space<sup>37</sup> resulted in a hodgepodge of local approaches: Naperville, for example, established an intensive algorithm for calculation of the required dedication; Schaumburg took a more informal, contract-based tack through restrictive zoning that forced developers to negotiate for variances and rezonings; and South Holland, fearful that its pre-annexation agreement strategy in fact violated *Pioneer Trust*, avoided publicizing its waywardness by foregoing its procedural obligation of a public hearing (Platt and Moloney-Merkle 716-17, 720, 726). These cities’ insurgent and responsive improvisations were also coerced *ad hoc* departures from an orderly tradition that had evolved in the state to reconcile “the randomness of the human use of open space and the legal need for definite standards to support the constitutionality of non-compensable regulations under the police power” (Platt and Moloney-Merkle 709). It is worth reflecting that the “randomness of the human use of open space” fairly depicts the kind of behavior in which Walter Hood is interested and on behalf of which he resists “the legal need for definite standards” as he keeps his urban diaries, and that it also neatly encapsulates the AACM’s appreciation of musical creativity described by Brown.<sup>38</sup>

Another revealing anticipation of the potential value of improvisation as a tool for urban planning occurs in the work of Douglas W. Kmiec, who proposes an integral “free enterprise” system of land use deregulation, largely based on free market principles of negotiation among private parties with minimal government oversight. Among the inefficient practices of the existing system he counts “mandatory specification standards” such as setbacks and rigid zoning restrictions (47). Of these he writes,



“While this type of highly collectivized regulation may keep residents free from ‘bothersome noise’, lights, and traffic, it also makes it impossible for the landowner to ‘experiment with more creative’, and perhaps efficient, solutions to the stated problems” (47, emphasis added).

Of course, Kmiec is not proposing a solution resembling Hood’s or the AACM’s; for him, noise is indisputably a bothersome nuisance. What is promising, however, is his tacit approval of creative experimentation, even over efficiency. Nor is Platt and Moloney-Merkle’s notion of improvisation perfectly consonant with those of Woods, Hood, or Brown. But their invocation of flexibility, ad hocery, and unpredictability as worthy devices for mainstream urban and suburban administrations to surmount a hyper-rational legal hurdle such as the doctrine developed by the court in *Pioneer Trust* suggests that a spirit of improvisation need not forego a rational underpinning. (The force of *Pioneer Trust* persists in Illinois, where the case remains good law.<sup>39</sup>)

### C. The Rational and the Contingent in Postwar Planning

As the examples of Kmiec’s proposed free market deregulation and Platt and Moloney-Merkle’s reading of *Pioneer Trust* demonstrate, in certain circumstances the rational and the contingent converge or feed back upon each other, just as for Darke and Reade form and content are intimately related.<sup>40</sup> Similarly, in the view of professor of architecture and urban design Dana Cuff, the demands of a mid-century wartime economy urged unusual measures in areas of housing and employment that arose from a combination of militarily driven planning strategies and goals with populist ambitions for democracy. To house civilian military and defense workers following America’s entry into the Second World War, Congress provided for construction of millions of permanent, semi-permanent, and temporary housing units (176-78).<sup>41</sup> In the face of the crisis of war, then, the federal government took extreme measures to meet a sudden massive need for concentrations of workers, while anticipating that the end of war would provide the moment for relaxation, perhaps even reversal, of its policies (178).

California similarly responded to the temporary demographic and industrial demands of war. Proponents of New Deal social welfare policies, in particular, viewed the emergency as an opportunity to prepare for post-War progressive state and local reform (Parson, “Homes” 4). In a forthcoming history of public housing in Los Angeles, Don Parson identifies such a “spirit of reform” in the California Housing Authority (CHA), a spirit embodied by a “bloc” of “the left-liberal popular front” within CHA management (4-5).<sup>42</sup> Driven by their “commitment to tenant democracy, integration, and community empowerment” (5) – goals spurred by the conjunction of New Deal values and patriotic wartime ideology – the bloc envisioned cooperation with the federal government as setting the stage for future social advances:

Within the pragmatic prescriptions of subordination to the national war effort, the CHA outlined the role of public housing in a better postwar world [. . .]. A vigorous and coordinated construction program, embracing both public and private housing, would be a socially-conscious means of

converting the war economy to peace. Further, the existing public housing projects provided a viable blueprint for the postwar future. (4)

Among the citizenry, aesthetic tastes shifted, resulting in preferences for styles reflecting patriotic austerity and embodying “efficiency, technological advance, material resourcefulness, and alacrity [. . .]” (Cuff 178). Configurations of racial patterns of residence shifted, too, as African Americans were relocated to Japanese neighborhoods vacated as a result of internment in the West (179; Parson, “Homes” 12-13). Under the leadership of the CHA left-liberal bloc in 1942, residents of a recently constructed public housing project in Los Angeles protested the persistence of city housing authority policies that reproduced in public housing the levels of segregation occurring in adjacent neighborhoods.<sup>43</sup> Such policies were regarded by progressives as inconsistent with the ethos of patriotism and anti-discrimination arising out of the unified War effort (Parson, “Homes” 15-20). By War’s end, the progressive front had consolidated, particularly around these public housing issues, and in Los Angeles had helped to build “a democratic politics which embodied the visions of a better world [in which] public housing would become a viable and entrenched institution of the developing modern city” (Parson, “Homes” 28-30).

The government’s lessons during the War were not lost on architects, economists, and planners. In a 1966 address to a gathering of academics and planning professionals of various stripes, philosopher I.C. Jarvie declared that in preparing for an unknown future it would be irrational to avoid “critical dreaming about the future and its possibilities” (8, 9). For this was a proven method of “contingency planning,” endorsed by none other than the Pentagon (8). Contingency planning, as Jarvie characterizes it, is a process of brainstorming and identifying important possible future critical events and problems, breaking them down into “manageable subproblems,” and finding solutions to as many of the subproblems as possible (30). Contingency planning thereby produces a repertoire of plans to implement in the event of the occurrence of a problem, recognizing that most of the imagined problems will not occur and therefore few of the plans will be implemented.

As Jarvie sees it, contingency planning can be a healthy kind of utopianism, one susceptible neither to excessively fanciful (and thus infeasible) goals nor to excessively authoritarian regimentation of society (15, 18-19), so long as planners take a middle way between optimism and pessimism, that is, so long as they “approach wild speculation and prophecy in a critical way [. . .]” (23-24). Jarvie may even be heard to echo Hood, Woods, Brown, and Davis in his suggestion that an architect’s buildings are “frameworks around man’s activities, and the activities that men want should be the basic decree for the planner, for the architect; it is a mistake to take our present life patterns as fixed and unchanging” (22).

Growth in the housing industry following the War was impelled, as it was during the War, by the emergency of critical housing shortages (Cuff 172-73). Postwar planning at best resembled contingency planning in its responsive orientation to urban housing conditions. In other words, as Cuff puts it, “public and private housing efforts shaped the

American city after the war, not in a coherent, planned manner but in surges and eruptions” (213). The postwar crisis was occasioned by soldiers returning home and preparing to establish households, but the construction and occupation of “temporary” housing during the War for defense workers left few houses available to the veterans (172-73).

A quintessential example of “making do” in housing appears in Cuff’s discussion of shifting national priorities. If the response to the need to house war workers had “virtually eliminated traditional aesthetic preferences” in housing fashion, generating rank and file dormitory-style residences, the postwar accommodation of the demand for temporary veterans’ housing spawned a remarkable community in Los Angeles constructed out of war-surplus Quonset huts (178-86). Rodger Young Village was built in Griffith Park in 1946, sporting 750 corrugated huts offered at affordable prices to families of veterans (184-97). In spite of its aesthetic austerity and close proximity of the huts to each other, the Village was in high demand among low income families and quickly filled to capacity (187). Furthermore, as a result of the previously noted quickening spirit against discrimination in public housing, it was integrated racially and politically. “Black families lived in huts next to white families [ . . . ] . There was an active cell of the Communist Party [ . . . ]” (195).

Rodger Young Village reflected a hybrid of rational planning and improvisational responses to contingencies. On the one hand, it was built and occupied in response to the emergency situation of the postwar economy and dearth of “real” housing. But its construction was a paradigmatic case of the conversion of defense-related technology to domestic uses (190). Ultimately, and in spite of the quality of community life enjoyed there, the Village was a provisional, possibly even illegal resolution to the postwar housing crisis (198-202).<sup>44</sup> Its permit expired in 1952, by which time the state of emergency that justified its installation was perceived to have subsided (200-01). The residents protested their evictions, and the Village was dismantled in 1954 (201).

#### **D. Radical Advances Beyond Modernism**

Historians of urban planning and land use policy identify ideological currents that define periods of planning practice, often because their subject planners and architects themselves represent their work in explicitly ideological terms. These identifications introduce classifications by which historians can gauge the evolution of the ideologies and practices they study, but they also may prompt the adversarial model pitting competing ideologies – rationalism against improvisation, for example – that the foregoing discussion has begun to question. On the other hand, not all urban planning history exhibits a wholesale subscription to such a model; some accounts elect instead to identify more complex configurations of rational and liberationist impulses. The following account of one historian’s focus on the dialectic of the rational and the radical, staged in terms of Modernism and its “post-”inflected other, will describe her desire to “expand the language of planning beyond the realm of instrumental rationality” and to “speak about [ . . . ] daring to break rules” in terms relating to the improvisational values elaborated throughout this paper (Sandercock, *Cosmopolis II* 227).

Influential builders of early twentieth century Modernist architecture and towns elaborated utopian imaginative frameworks through which they intended their concrete productions to be observed, evaluated, and experienced. Among the most significant Modernist architects, Le Corbusier proposed a rigidly planned Ville Radieuse (Radiant City) to repair the ravages of World War I upon European cities and solve a range of social and urban problems at once by deploying new technologies and massive architectural elements in an integrated design (Aoki 729-30). He composed manifestoes for the Congrès Internationaux d'Architecture (CIAM), whose model for the Modernist city was a smoothly functioning machine operated by the state on behalf of society and in opposition to privatization and the interests of capital (Sandercock, *Towards Cosmopolis* 23; Holston 39-41). Le Corbusier and CIAM thus represent a dominant twentieth century strain of ultra-rationalist design, against which competing ideological movements frame their own theories.<sup>45</sup>

Urban planning historian and critic Leonie Sandercock describes six models of the postwar evolution of urban planning theory, arranged roughly chronologically, but not necessarily confined to their respective periods of dominance (*Towards Cosmopolis* 103). The latest is the “radical planning model,” the proponents of which find themselves torn between their professional identities as planners and their political commitments on behalf of mobilized communities who oppose the state’s systemic perpetuation of inequities (97-100). Unlike the “heroic” rational planner, the radical planner consciously looks to the contextual knowledge of the mobilized community in which she works. She is related to that community not as a professional to a client but as an ally (99-100). As Sandercock describes the disjuncture in each of the radical model proposals she summarizes, “[r]adical practice [. . .] does not lie on a logical continuum with rational planning for societal guidance” (99).

Sandercock herself, however, recommends a more dialectical approach to the confrontations between the state and local groups or between the state and professional planners, urging planners to “move beyond these simplistic dichotomies and [to] begin to think about the complementary as well as antagonistic relationship between state and civil society and of the possibility of social transformation as a result of the impact on the state of mobilized groups within civil society.” States are repositories of “transformative and repressive powers,” but so are localities, especially those populated with potential or actual insurgents (102).<sup>46</sup> The radical planner’s strict opposition of state to exploited or marginalized cause risks essentializing each of the multiplicity of exploited and marginalized parties, failing to distinguish, for example, “the voices of women and people of colour, postmodern and postcolonial voices [. . .]” (102).

Sandercock thus appears not to believe the charge of incommensurability of rational planning with radical practice she ascribes to certain radical planning theorists. Rather, while she appears to accept the narrow diagnosis of those theorists, she also refuses to accept that the disjuncture is fatal to a productive interplay of the two (or more) approaches. Indeed, she welcomes access to multiple theories and proposes shifts in planning theory corresponding to cultural, environmental, and economic shifts (104).<sup>47</sup>

Radical planning, however, is for Sandercock the only model that consciously seeks to move beyond Modernism, rather than merely to accommodate, explain, or advance it (104). Consequently, she embraces radical planning as a process for challenging the entrenched Modernist tradition. Her suggestions vibrantly accord with improvisational methods, employing practices of active listening, alleviation of oppressive hierarchy, and invitation and acceptance of differences. To achieve a planning paradigm that “embodies a new definition of social justice [. . .] which includes but goes well beyond economic concerns” (129), rational planning is thus accorded less importance than either grassroots community input or the utilization of skills of local actors. In terms of the figure of music and musical improvisation advanced in this paper, rational planning has musical analogs in strict allegiance to the composer’s score and obeisance to the hierarchical command of the conductor, community participation is analogous to the freedom of expression afforded the improviser, and special skills are valued as manifestations of expressive virtuosity.

Sandercock enumerates several actual “insurgent practices” that illustrate how the concrete application of radical planning occurs, including accounts of the successful resistance by the Mothers of East Los Angeles to construction in their neighborhoods of a state prison and a toxic waste incinerator, and Frankfurt’s establishment, led by the Green Party, of the Municipal Department of Multicultural Affairs to combat anti-immigrant behavior, the dissolution of national citizenship and the nation-state being the Party’s ultimate goal (129-59). Each of these insurgent practices involves active resistance to a state-supported status quo, alliances of grassroots and indigenous activists, the fostering of public awareness of the cause, and an ethos of transformation exceeding mere reform.

Sandercock’s account of the Australian High Court’s 1992 *Mabo* decision illustrates how an enlightened and drastic reversal of the long-established land use doctrine of *terra nullius* – which held that, prior to British settlement, so-called unoccupied land did not belong to Australia’s Aboriginal peoples – significantly alters the protocols of planning (136-39). According to Sandercock, Australia’s High Court subsequently acknowledged that the resulting conflicts between local provincial laws and the laws arising out of newly revived native title were paradoxical and their resolutions uncertain (137). The practical consequence was a heightened need to adopt procedures for negotiation to resolve disputes (137).

That need was addressed but not satisfied one year later with passage of the Native Title Act, which formalized methods for determining title and assessing just compensation (137).<sup>48</sup> However, developments subsequent to *Mabo* and the Act have resulted in a precarious disposition of indigenous rights. While the Australian High Court and government have taken steps to facilitate ease of extinguishment of native rights, the validity of the Native Title Act’s protection of those rights (particularly from claims against reverse racial discrimination) has been reaffirmed.<sup>49</sup>

At an abstract level, the outcome of *Mabo* recalls the need for Illinois cities to make do with provisional strategies of negotiation following the *Pioneer Trust* decision.<sup>50</sup> But the events leading up to *Mabo* were not, as were the circumstances addressed in *Pioneer Trust*, routine contractual negotiations between parties engaged in familiar land development procedures. *Mabo* involved challenges brought by Eddie Mabo, a Torres Straits Islander whose devotion to his home island of Mer spurred his activism against the government's longstanding constitutional yet *de facto* racially discriminatory land-use policies, which refused to recognize Mabo's family's claim to ownership of their land. Sandercock emphasizes that "the struggle began with the mobilization of indigenous people [. . .]" (*Towards Cosmopolis* 139). The procedures for determining title over unoccupied land where the dispute is between industry and indigenous peoples require, subsequent to the decision, "an acknowledgement of historical injustice, and an understanding and positive valuation of difference [. . .]" (139). The reliable foundation of settled doctrine on which planning once took place had been unsettled by noisy protest and resistance. In the absence of a predictable land rights policy, the doctrine will evolve through negotiation, for which planning survives only as one indeterminate strategy.

In her recent sequel to *Towards Cosmopolis*, Sandercock further emphasizes negotiation, most prominently in the context of "planning as performed story," rules facilitating the telling and hearing of stories about the land, the space on which people and cultures live their lives (*Cosmopolis II* 186-88). Such facilitation, unlike merely legalistic procedure, can promote individual emotional expression via story telling, while its airing enlightens and instructs the negotiating parties about their divergent and their shared interests (187). Of course, it also threatens interests, and it is the task of the rules of facilitation to reduce the threat (187). Although Sandercock employs here the figures of story and narrative, rather than improvisation, the negotiation she envisions as essential to planning operates like modes of improvisation. If *Mabo* was an instance of insurgency, a challenge to the rules, the doctrinal terrain needed to be negotiated thereafter via responsive improvisation. Unpredictable, dissonant, perhaps even threatening individual expressions would need to be aired to establish land use and title policies that would accommodate groups and avoid oppression.

### **E. From *Commedia* to Socio-drama: Innovative Planning in Portland**

Currently at the forefront of municipal planning is the City of Portland, Oregon, where controlled urban growth, an extensive and growing mass transit system, and a vast system of parks and open spaces thrive because they are the result of a combination of statewide planning goals and local desire and discretion to engage the public's participation.<sup>51</sup> The first of the statewide goals, for example, calls for citizen involvement "in all phases of the planning process," and requires the establishment by each governing body of an officially recognized committee for citizen involvement (Oregon Dept. of Land Conservation and Dev.).

Within the guidelines, each city enjoys freedom to decide its own approach to defining and implementing projects. The Portland Area and Neighborhood Planning Division

relies on traditional mechanisms for citizen participation: a regular meeting of a citizen's advisory group, open house events, workshops, and neighborhood walks, for example. In addition, the Planning Division conducts outreach to minority groups who have not historically been involved in the traditional process. For example, in its efforts to increase participation by a significant Latino population residing primarily in ethnically diverse North Portland, the City avoids using the kinds of tightly scripted, automated presentations traditionally delivered to groups consisting of established community representatives whose demands and political dispositions are already well known. Instead, the division conducts socio-dramas that address concrete needs of the groups whose participation the City hopes to attract. The socio-dramas consist of informal, sometimes humorous skits scripted to illustrate how, for example, a citizen might find out about local transit options or where retail establishments are located. The approach has been effective in attracting participation from the targeted groups, whose interests will be represented in the division's preparation of a twenty year neighborhood plan.

The mechanism of the socio-drama, which functions as a facilitator of popular participation, exhibits the dialectical relationship of planning to improvisation. On the one hand, the socio-drama is a planning tool, a means intended to acclimate its role-playing participants to "real world" situations of uncertainty or conflict. The tool was used extensively, for example, as preparation for nonviolent demonstrators during the years of civil rights movement activism (Oppenheimer 22; Wirmark 121). On the other hand, the socio-drama operates in a mode of improvisation, requiring its participants to learn self-control and spontaneous adaptation to tense situations. Urban planners would not expect tension among citizens to rise as significantly as it predictably would among civil rights marchers, yet the principle can be shared in both contexts, for example, in attempts to increase citizen participation in a bureaucratic public process that understandably alienates individuals as well as entire groups who fear, misunderstand, or distrust the process.

In 1974, after observing the formation of partnerships among its neighborhoods to address shared problems, the City of Portland established a bureau it continues to fund, the Office of Neighborhood Involvement (ONI), "the purpose of which is to facilitate citizen participation and improve communication among citizens, neighborhood associations, district coalitions/neighborhood offices and other entities" (Portland, Oregon. Office of Neighborhood Involvement). Among the kinds of community organizations recognized by ONI are "Communities Beyond Neighborhood Boundaries" (CBNB), which are "ethnically-based community organizations whose members face unique differences, particularly in the areas of language and cultural adjustment" (Portland, Oregon. Office of Neighborhood Involvement). The ONI has prepared guidelines for groups who seek acknowledgement by the City of Portland as a CBNB (Portland, Oregon. Requirements). Acknowledged CBNBs receive support in the form of increased communication from City agencies and other neighborhood associations, funding, technical assistance, and information to assist with coalition building.

There is some evidence, however, that Portland's experimentation with improvisation or improvisation-like methods has not been a resounding success. In spite of the City's

solicitation of citizen involvement, a recent Citywide Public Involvement Standards Task Force has identified a split in the levels of citizen satisfaction with the results of their participation (Redden). The Task Force found that 26 civic projects successfully gave citizens their due, but 25 did not (Redden). The reasons for dissatisfaction include, predictably, the failure of officials to listen to the testimony of citizens. Consequently, projects proceed to completion even where widespread neighborhood opposition has been voiced (Redden). A City staff person involved with the Task Force review attributes the mediocre record to the lack of standards for citizen involvement in all bureaus of the City (Redden). Thus, the local discretion at the heart of Portland's innovative approach to responsiveness to the needs of the city reaches its limit where appropriate planning is missing.

The improvisational modes at work in Portland's planning efforts do not necessarily predominate. That is, it is plain that Portland's achievements are substantially due to rational planning directed by the State of Oregon, whose guidelines determine the contours of the cities' planning agendas. In this respect, Portland's successes vindicate a Modernist vision of rationalist state-administered planning. However, the achievements are due as well to ongoing local efforts tailored to the needs of specific communities – such as the Planning Bureau's unorthodox and creative outreach efforts to minorities – and to historical practices that developed out of grassroots initiatives – such as the neighborhood partnerships that led to the establishment of ONI, now thirty years old. Improvisation may be seen to operate in these local practices, deviating from traditional planning protocols, responding to shifting community demographics, and even facilitating opposition by inviting multiple interested parties to participate in the design of their own neighborhoods.

## **V. Lullaby**

Improvisational modes in urban planning, as in music, establish an ethos of deviation, responsiveness, resistance, opposition, and liberation, but do so necessarily within a framework of a deterministic, potentially oppressive rationality. Conversely, the rational orthodoxy invites and cannot avoid the threat of improvisation. Spontaneity will inevitably insinuate itself within a plan as creativity, resistance, and response to crisis.

Following from neither of these circumstances is a risk of anarchy, seemingly the political counterpart to cacophony. No music, no matter how aleatory, discordant, or impulsively improvised, will achieve musical anarchy. Similarly, no radical planning, no matter how transgressive, insurgent, or riotous, will achieve sociopolitical anarchy. Anarchy and order, improvisation and planning, are symbiotic pairs of urban interactive modes. Hence the opening stanza (no less the title) of Wallace Stevens' "Connoisseur of Chaos": "A. A violent order is disorder; and / B. A great disorder is an order. These / Two things are one (Pages of illustrations)" (Stevens 215). Yet Richard Sennett has proposed no less than a "new anarchy" as a necessary solution to urban settings: "The great promise of city life is a new kind of confusion possible within its borders, an



anarchy that will not destroy men [*sic*], but make them richer and more mature” (107-08).<sup>52</sup>

Sennett’s anarchy is thus an objective correlative of the adult’s “acceptance of *chance* in life” (123-24). An adult accepts chance only after having survived risks, not by having avoided them, and “cities where people are forced to confront each other” present such risks (141). Drawing from Weber’s ethics of responsibility, he calls for “a willingness to get involved in the kind of messy, disorganized social experiences that are immune to some transcendent end or justification” (131). But his call for disorder is not a manifesto of pure anarchy; purity, after all, is the very abstraction over which adolescents obsess. Instead, he envisions a transformed, “more complex pattern of bureaucracy” (139-40).

Improvisation and the spirit of improvisation in planning, then, can provoke or facilitate an ethos more conducive to the polyrhythm and discord of heterogeneous society, and therefore ought to be pursued more deliberately, even recklessly. Improvisation, if carefully accommodated and planned for, poses the possibility of creative transformation and responsive bureaucracy, worthy ends achieved through rational yet risky means.

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## Notes

<sup>1</sup> For a similar definition of improvisation in a related discussion of shared interpretive concerns of music and law, see Hall (1598-600). Hall notes, for example, that in jazz improvisation, “[t]he centerpiece of the musical work is not the set of harmonic changes which forms the underpinning for the performance, but the series of free improvisations over those harmonies[. . .]. The jazz score is [. . .] vastly underdescriptive of the musical work” (1599-600). Hall also discusses non-notated musical practices such as ornamentation and the cadenza (1595-98), all by way of preparing his argument that all musical performance – and, by extension, the application of musical analogies to legal analysis – is a cooperative process involving compositional tasks.

<sup>2</sup> See (and hear), for example, Cage, for which performer Eberhard Blum’s liner notes state, “*Atlas Eclipticalis* is the title of the collection of astronomical charts employed by John Cage in the composition of his work of the same name. Using transparent overlays he determined by means of chance operations which stars on the charts were to be notes and how these notes were to relate to one another.”

<sup>3</sup> I owe this observation to discussion with my friend Lawrence Joseph.

<sup>4</sup> The Ornette Coleman Double Quartet's seminal recording, *Free Jazz: A Collective Improvisation*, is commonly regarded as the introduction of the term. Andrew Bartlett, for example, notes that Coleman's LP "gave rise to that generic term" (276).

<sup>5</sup> For that matter, it would be difficult to imagine a musical performance that is "purely" musical.

<sup>6</sup> See generally Berliner, which, in spite of its suggestively cerebral title, *Thinking in Jazz*, is in fact something of an empirical investigation of the actual practices employed by jazz musicians to improve their musical skills and reputations. Along similar lines, Ingrid Monson explains "[t]his process of picking up on other band members' ideas, or being able to anticipate what direction another musician is headed" in terms of "intermusical relationships," in which "recognition of familiar ideas – rhythmic, melodic, harmonic, textural, or gestural – underlies a *social* process of developing musical ideas between individuals in the band" (308-09). Here, Monson is broaching the thesis of the present paper by identifying both the social and aesthetic ramifications of musical improvisation.

<sup>7</sup> By comparison, musical threats to the state would seem to be even less likely to arise than verbal threats. But see Žižek who notes that Stalin banned Dmitri Shostakovich's opera *Lady Macbeth of the Mtsentsk District* not for the vocalized content of its libretto, but because the music imitates a sexual encounter (Taruskin qtd. in Žižek 560-61).

<sup>8</sup> Thus, cellists do not perform in marching bands. See, for example, the scene in Woody Allen's film *Take the Money and Run*, in which a band member portrayed by Allen is depicted sitting to play cello, running with his chair and cello to catch up with the advancing band, sitting and playing, and so on.

<sup>9</sup> Here I play dissonant variations on a theme sounded by Prof. Rachel F. Moran in response to early drafts of this paper.

<sup>10</sup> See Zijderveld for an analogous treatment of the dialectical interplay between science and religion in Weber's theory of the disenchantment of the world (56). In brief, Zijderveld identifies two kinds of rationality addressed by Weber, Durkheim, and others. Value-rationality is characteristic of the major religions as they develop systems of values, meanings, and norms that impose order over chaos. Science, on the other hand, deploys a functional rationality bereft of values – except perhaps efficiency and effectiveness, neither of which comprises the end values of the scientific project – in its emphasis on refinement of means. As the process of modernization advances, functional rationality subsumes value-rationality, one consequence of which is the adoption of efficient means by religious systems. See also section IV.A. of this paper for discussion of the related notions of functional and substantive rationality.

<sup>11</sup> Jan Swafford's portrait of Beethoven resorts to the common depiction of the composer in pursuit of musical work pronouncing "a revelation of individual personality – and therefore a revolution of musical democracy" (182).

<sup>12</sup> The juxtaposition of Beethoven and jazz improvisation is not unprecedented. The liner notes to a recent recording of performances of the Third ("Eroica") and Fifth symphonies conducted by John Eliot Gardiner include a timeline of "revolutionary" musicians, among whom are listed, in addition to Beethoven and others, Charles Ives, John Cage, Charlie Parker, Charles Mingus, Sid Vicious, and Kurt Cobain (Hurwitz). These musicians were perhaps revolutionary, as the marketing of Gardiner's recording would have it, but indisputably deviant in the sense proposed herein.

<sup>13</sup> Along these lines, Ingrid Monson quotes drummer Ralph Peterson, Jr., discussing a passage of a recording of his trio: "But you see what happens is, a lot of times when you get into a musical conversation one person in the group will state an idea or the beginning of an idea and another person will complete the idea or their interpretation of the same idea, how they hear it. So the conversation happens in fragments and comes from different parts, different voices" (308).

<sup>14</sup> Critics and commentators often identify jazz (and, by association, jazz improvisation) with this mode. As historian Lawrence Levine explains, “The striking thing about jazz is the extent to which it symbolized revolt wherever it became established [. . .]. Thus the phenomenon of jazz as a potent and potentially dangerous form of alternative culture became well established throughout the world.” Levine also notes the association of jazz with “the anti-fascist culture-radical movement” in Denmark during the 1930s, the identification of jazz with protest in Yugoslavia during the 1950s, and the incarceration of Czech Musicians’ Union activists in 1987 (15).

<sup>15</sup> See, for example, the foregoing discussion in this paper of deviation in the works of Beethoven.

<sup>16</sup> Richard Sennett invokes and analyzes the machine metaphor in *The Uses of Disorder*, where he remarks, “The metaphor of metropolitan planning is an expression of the technology by which modern machines are constructed” (96). In Sennett’s view, urban planners improperly apply the metaphor to “the structure of urban society” to eliminate undesirable conflict between divergent human needs. The ideal of the smoothly running machine-society that subordinates the machine’s individual parts to the transcendent, perfectly integrated machine is, for Sennett, a symptom of planners’ adolescent fear of conflict. Adolescent fear also explains citizens’ flight to “the isolated little suburbs,” a phenomenon addressed by planners with their conception of the ideal, pre-planned, machine-like “urban whole” (96-7).

<sup>17</sup> Levine, by comparison, has argued that “the primary impact jazz had was not as a form of revolt; it was as a style of music, a medium of culture [albeit] music which was characterized as vulgar at best and as harmful trash at worst” (15).

<sup>18</sup> Along these lines, Pierre Schlag proclaims, “Law is an aesthetic enterprise” (1049). Better yet, according to Schlag, ethics and politics are logically subsequent to legal aesthetics, which “have already shaped the medium within which those projects will have to do their work” (1049). (Granted, he also inquires, “Well, so what?” [1109]) See also Hall, who cites as an early acknowledgement of the commensurability of law and music the fourteenth century treatise *Ars cantus mensurabilis mensurata per modos iuris* [*The Art of Mensurable Song Measured by the Modes of Law*] and, as a modern elaboration of the analogy, Frank (Hall 1589-90).

<sup>19</sup> Perhaps Heble’s text is too rich in its articulations of connections across fields, for they are mingled among similar connections drawn between music and the music industry. The analogies grow confusing as one wonders whether Heble is arguing that the music reflects the industry politics, or society at large and its political configurations, or both.

<sup>20</sup> Here Heble cites Willener (255), quoting Cecil Taylor.

<sup>21</sup> See generally Attali, and section III.C. of this paper for further discussion of the Art Ensemble of Chicago as a model for urban planning in the work of planner and scholar David P. Brown.

<sup>22</sup> Compare Sennett’s discussion, now over thirty years old, in which he persuasively puts forth a similar thesis, although the tenor of Sennett’s metaphor is psychological rather than aesthetic, positing a need among individuals and institutions for a “transition [. . .] from adolescence to adulthood” and a concomitant tolerance and embrace of unpredictability and conflict. Thus, he notes a “possible adulthood [. . .] in which men learn to tolerate painful ambiguity and uncertainty” (xvii, 107-08).

<sup>23</sup> See also generally Woods, *Development Arrested*.

<sup>24</sup> In *Cosmopolis II*, Sandercock identifies Foucault’s archaeological/genealogical method at work in Woods’ approach (52-53).

<sup>25</sup> Elsewhere, Hood and Melissa Erickson report their observation of a historically African American district of Macon, Georgia (Hood and Erickson 171).

<sup>26</sup> Compare where Sennett recounts his discussions with a neighbour, a prostitute, who lamented the waning of the “whorehouse” as a social institution because customers had grown to demand “their sex fast and privately” (Sennett 73-74).

<sup>27</sup> Shoemaker, for example, writes “At a significant juncture in jazz history, Braxton became a recording industry marketing phenomenon [. . .]. Given his disposition towards the extremes [. . .] Braxton is perhaps best cast as a[n] experimentalist.” In 1994, Braxton was awarded a MacArthur Fellowship. *The MacArthur Fellows Program*. 25 July 2004. <[http://www.macarthur.org/programs/fel/complete\\_list.htm](http://www.macarthur.org/programs/fel/complete_list.htm)>.

<sup>28</sup> Thus, writes Cockayne, “the preeminent concern amongst the authorities was to limit the assembly of crowds by such *ad hoc* performances” (44).

<sup>29</sup> The AACM was not a unique phenomenon. Heble points out, for example, that in Los Angeles pianist Horace Tapscott founded similar institutions – the Union of God’s Musicians and Artists Ascension and the Pan Afrikan Peoples Arkestra – four years prior to the advent of AACM (69).

<sup>30</sup> See section II.B. of this paper.

<sup>31</sup> See section IV.C. of this paper, discussing the integration of public housing in Los Angeles during and after World War II.

<sup>32</sup> Thus, Reade argues that “rationality cannot show us which objectives we ought to prefer, but relates only to means” (77, 79). Darke, on the other hand, holds that Habermas’ notion of “rational consensus” provides a criterion by which “rational choice can be made between competing values and morals” (15, 25-26).

<sup>33</sup> Note that for Reade “functional rationality” is therefore a redundancy (97).

<sup>34</sup> This distinction between functional and substantive rationalities, traced by several authors to Weber, is discussed throughout Breheny and Hooper, *Rationality in Planning*.

<sup>35</sup> See section III.C. of this paper for further discussion of Brown’s use of Attali.

<sup>36</sup> The dominance of rationalism is tied to a trend toward rationalization, a phenomenon remarked by Darke. He describes rationalization as “the relationship between a growing emphasis on contractual bonds, universalistic treatment of individuals, instrumental and technical approaches in the organization of everyday life, and industrialization and capitalism as they developed in the West” (16). For Darke, rationalization is predominantly (and defectively) a manifestation of procedural (or functional) rationality (16-17).

<sup>37</sup> Of the three approaches to testing constitutional limitations on subdivision regulation developed by state courts and enumerated by Kmiec, the *Pioneer Trust* test was plainly the strictest, demanding more than a rational nexus or mere deference to the municipal decision (36 n.34). Nevertheless, Kmiec later notes that all three alternatives are “imprecise and generally poor tests of the fairness of any particular exaction” (117).

<sup>38</sup> See discussions of Hood, *Urban Diaries*, in section III.B. of this paper, and of Brown, *Sonorous Urbanism*, in section III.C. of this paper.

<sup>39</sup> In *Amoco Oil Co. v. Village of Schaumburg*, the Illinois Appellate Court distinguished the *Pioneer Trust* test from the United Supreme Court’s less strict “rough proportionality” test of *Dolan v. City of Tigard*, and noted that *Pioneer Trust* “remains controlling with respect to our own constitution until the Illinois Supreme Court speaks again on the issue” (387 n.5).

<sup>40</sup> See section IV.A. of this paper.

<sup>41</sup> See also Parson, "Homes."

<sup>42</sup> Parson identifies Roger Johnson, Frank Wilkinson, Drayton Bryant, Sidney Green, and Oliver Haskell among the CHA bloc reformers (5).

<sup>43</sup> According to Parson,

The Los Angeles Housing Authority had subscribed to the neighborhood composition rule, whereby the tenancy of the public housing projects was to be determined by the racial makeup of the surrounding neighborhood. Protests by the citizens housing council in 1942 led to a policy of integration, yet there still existed a quota system which allocated only a certain percentage of public housing units to minorities. The liberalization of the quota system by the end of the war was a product of activism within the African-American community. (E-mail)

In his forthcoming book, Parson recounts circumstances of a 1942 protest organized by Frank Wilkinson at the Hacienda Village Project, and describes the Los Angeles neighborhood composition rule and its liberalization ("Homes" 6, 26-27). On desegregation, Cuff remarks, "The Los Angeles housing authority had been one of the first in the nation to desegregate in 1942" (180).

<sup>44</sup> Cuff points out that taxpayers would likely have prevailed had they sued the City of Los Angeles for failing to use Griffith Park land for park purposes during times not conditioned by emergency (202). Here then are shades of Mount Prospect and *Pioneer Trust*, discussed in section IV.B. of this paper.

<sup>45</sup> Sennett assesses the damage to planning theory wrought by Baron Haussmann's rebuilding of Paris in the 1860s (87-95). He is critical of two of Haussmann's assumptions, both relevant here: first, that social, economic, and spatial symptoms of urban dysfunction need to be addressed with a single coherent remedy; and second, that planning urban space will remedy social ills (94-95). See also discussion of Sennett's criticism of the machine metaphor, above at note 16. Compare David Brain, who reports the popular reception accorded the appearance of White City, a building conceived as a revival of orderly (and ordered) Renaissance classicism, a style imported from Paris' Ecole des Beaux-Arts, at the 1893 Chicago World's Columbian Exposition. Contemporaries "saw in the White City a tangible and practical idea for urban reform" (808). Its popular attraction (i.e., among those who could afford it) was its "increasingly formal, academic, and derivative classicism" and expression of "eternal values" (810). It also provoked criticism by architects who believed its ascendancy betrayed the more promising and progressive fledgling Modernist style (808-10). Brain argues that the Beaux-Arts style was dominant because, appearing at a time when the architecture profession was consolidating in the United States, it was "a strategic solution to the dual problem of institutionalizing the professional status of the architect and organizing a market for architectural services" (813).

<sup>46</sup> See also David Harvey, who notes that "militant particularism" may be either conservative or progressive, and that communities may both facilitate flows of information and rigidly institutionalize political practices (106-07).

<sup>47</sup> In a related vein, Harvey suggests that urban social movements need not exclusively be autonomous or voluntarist associations of grassroots activists, but may simply reflect, for better or worse, prevailing politics. Thus, for example, the "'political machine' politics of many cities in the United States [. . .] often worked well for immigrants, the poor and even for certain elements of business [. . .]" (113). Sennett echoes Harvey's sentiment when he writes of the political machines that "a little humane graft is a good thing" (81).

<sup>48</sup> See also Grad, who acknowledges post-*Mabo* signs of improvement in Australia's treatment of Aboriginal peoples in copyright cases involving indigenous claims (211-12).

<sup>49</sup> See Legg, who describes the evolving relationship of *Mabo* to the Race Discrimination Act 1975, the Native Title Act, the subsequent case of *Wik Peoples v. Queensland*, and the government's response to *Wik* in the Native Title Amendment Act 1998, which incorporated numerous provisions leading to the extinguishment of native rights (393-406).

<sup>50</sup> See section IV.B. of this paper.

<sup>51</sup> The observations in this section are based on e-mail and telephone correspondence with Troy Doss.

<sup>52</sup> By "richer," Sennett does not mean financially wealthier in absolute terms. Affluence, for him, is a form of slavery. He does, however, intend maturity in its psychological sense, namely, a growth from out of adolescence into adulthood.

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