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Rhythms, The Creation of Space and Legal Regulation: The Case of Street Musicians on the Admiralbrücke



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Preface

Last summer I encountered a situation every student of cultural geography has experienced at least once. Being on my (not) so well deserved holidays I chatted to an old family friend about what it is that I do and produce in my studies. He responded by asking: "If you get that [the results of my research] and a donut, you get a donut! Right?"

Here it is now. Thirty thousand words and no donut attached. I am glad I have not ended up in classrooms where lecturers told me about performance indicators or monetary return on investments. I want to thank all of my lecturers. It was their passion for teaching, their willingness to share knowledge that made me a more thoughtful and introvert person. Especially, I want to thank my supervisor Lauren Wagner. Irrespective of her high intelligence and good input, I am very grateful for allowing me to work independent and to share some laughter.

Although pretending not to care about materialities, I want to thank my parents and grandparents for their financial and moral support. They allowed me to travel on that fortunately never-ending path to myself with one less worry.

Finally, I want to thank the people I met along the way during my studies in Wageningen. From random encounters in the IC to the classmates and flatmates I shared my life with. I feel their warmth and love and I hope they feel mine. I am still a cynic, seeing the world a bit like Charles Bukowski in his poems, but I feel more and more comfortable in it.

Abstract

The objective of this thesis is twofold. First, it examines how, through the concept of rhythm as propagated by Lefebvre, street musicians create leisure space on the Admiralbrücke. Secondly, it analyzes how legal regulation that applies to street musicians on the bridge influences their rhythmic leisure space creation.

By employing the three qualitative methods of document analysis, participant observation and ethnographic interviews legal regulation was investigated and predominantly street musicians' movements on the bridge were traced in time and space.

The results revealed that there is a distinguishable rhythm to the performance of street musicians in the late afternoons and early evenings on the Admiralbrücke. Through the continuous repetition of this performance rhythm at the same times, at the same locations arises a patterned ground of usage on the Admiralbrücke and space emerges. Leisure space is created when the street musician succeeds in turning a crowd into an audience. Thereby the performance rhythm influences, breaks and integrates the rhythms of people on and close to the Admiralbrücke.

Moreover, by specific ways of enactment of the performance rhythm street musicians preempt the appearance of regulatory office and the penalizing of street music performances. Legal regulation has therefore an influence on the performance rhythm.

My research indicates that the concept of rhythm is indeed useful tool of analysis for investigating questions of the urban and in the understanding of space creation. However, those claims would need to be substantiated by further research in the field of rhythmanalysis.

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Chapter 1: Introduction

1.1 Background and Context

Growing up in the tranquil neighborhood of Friedenau in West Berlin there only seemed to be two options on where to move once one made the tough decision to flee the amenities of the parental home and look for an own place to stay. Either you were to settle down in left-alternative Kreuzberg or in rough but hip Neukölln. So it happened to my friends and me. Some would move to Neukölln, others like me would live in Kreuzberg. On my regular bike rides between the two inner-city neighborhoods I would often pass the Admiralbrücke and be bewildered by the crowds it seemed to attract. The Admiralbrücke is a bridge in one of the inner city neighborhoods of Berlin, which is next to its use as a construct to cross a canal, nowadays also a popular hangout spot for tourists, residents as well as various artists. From spring to autumn, in great numbers people flock to the space in the afternoons and early evenings and engage in a variety of activities such as drinking beer and wine, taking pictures, talking to each other and making or listening to music.

Thus, the public space of the bridge is certainly used as a space of leisure. The explanations why it became and is a space of leisure are manifold. There is certainly its aesthetics and location. Build at the end of 19th century the Admiralbrücke is a wrought-iron arch bridge with art nouveau ornaments that lays picturesque along a canal (Landwehrkanal) in one of the most popular neighborhoods of the city. In the course of reconstruction works in the mid 90's it was noted that the bridge bearings would not allow normal car traffic anymore. Therefore, traffic calming measures were introduced that replaced the median strip on the bridge with stone bollards and forced cars to drive walking speed. Next to its aesthetics, location and physical qualities also the bridge's nearer environment contributes to this leisure space. In close proximity are an ice-cream shop, two pizzerias, a corner shop and a café whose products are often consumed by people on the bridge. In addition, the Admiralbrücke was increasingly portrayed in regional, national and international media outlets attracting an even bigger crowd that would engage in leisure activities on it.

All these reasons certainly contribute to the creation of leisure space on the Admiralbrücke. However, the focus of my thesis project is to investigate how the activities of people on the bridge create it. I will do so specifically by studying the case of street musicians on the Admiralbrücke. The street musicians are an integral part of the leisure space on the bridge. Their performances, traveling through Internet videos and audio files even beyond the bridge's geographical boundaries, are a draw to people to visit and stay on it (Martenstein, 2013). The overall purpose of my thesis is to examine how street musicians create leisure space on the Admiralbrücke and how this is influenced by the legal regulation that applies to them.

My interest in street musicians on the bridge was sparked by the developments that took place in the years 2009 to 2011. In those years the bridge attracted a lot of media attention. Due to an increasing number of references in guidebooks, blogs, travel shows, YouTube channels and word of mouth more and more people would visit and stay on the bridge. It was

estimated that during peak hours up to 300 people at a time could be located on it (Kögel, 2009). With an increasing number of people making use of the bridge also the number of complaints from local residents went up. It was criticized that people would not dispose their bottles correctly, instead smashing them on the ground or throwing them into the canal. Furthermore, they found fault with the fact that bottle caps would be pressed into the sidewalk and that some visitors would urinate in the entrances of closely located residential buildings. However, their main point of criticism was about the level of noise produced by groups and musicians performing on the bridge until late at night and hindering residents from sleeping properly (Heiser, 2010).

In 2009, in reaction to these developments, the vice borough mayor of Friedrichshain-Kreuzberg Peter Beckers commissioned a private organization with the development and execution of a mediation process including stakeholders (users of the bridge, residents, local business operators) that should lead to a consensual solution. A year after the mediation process was started it became apparent that it failed. Peter Beckers noted that there is no solution so far to the fundamental conflict of those people who want a sleep free of any noise pollution and those that believe they have the right to be on the bridge in the way they want to be (Loy, 2011). Nevertheless, as a consequence to the complaints and to ensure the official sleeping hours (from 10pm to 6am) local police are now enforcing a curfew prohibiting all assemblies after ten o'clock at night. Furthermore, it was decided that the Admiralbrücke is not an event venue and therefore no organized events are allowed to take place on it. However, street musicians and their performances (concerts) do, according to regulatory law, not fall under the category of an event. Street musicians are still allowed to perform, but now have to face the restrictions of adhering to the curfew hours and not being allowed to use an amplifier for their performances.

These public discourses on by whom and how the Admiralbrücke should be used awakened my interest in the questions of how the bridge is actually used and whether and how ideas of its desired usage are reflected in its actual usage.

1.2 Overview of Previous Literature

Academic investigations on how street musicians through their practices create (leisure) space are few. Harrison-Pepper (1991) was the first and to my knowledge the only researcher in her field of performance studies to produce a thorough analysis of different kinds of street art performances. She drew a detailed account of street performances in US-American cities and described how their practices transform urban spaces into performance spaces. Other academics in the field of performance studies, like its pioneers Schechner (1976) and Turner (1975), are foremost occupied with theatrical and dance performances.

Simpson (2012;2011;2008) connects street performances to the concept of rhythm as introduced by Lefebvre (1992). Not so much interested in how space is created or transformed through street performances, Simpson (2012;2011;2008) attempts to shine light on the issue of whether and how performance rhythms symbolize an intervention into everyday life. He further investigates the ways in which legal regulation rhythmizes performances.

Likewise, Studies examining the influence of legal regulation on the creation of space through people's practices are rare and often miss a clear link between the two issues. Ehrenfeucht & Sideris (2010) confirm this observation by stating that "the impact of such (governmental) regulations and how people negotiate them has been less examined" (p. 465). I found only three studies illustrating this connection between legal regulation and the creation of space. The most famous account is probably found in Nicholas Blomley's (2007) book Rights of Passage: Sidewalks and the Regulation of Public Flow. The focal point of his book is pedestrianism, a rationality whose primary (intended) purpose is to ensure an orderly movement or a structural flow of pedestrians from place A to B. This is done through the enforcement of rules and laws in public space. The rules and laws then create a space in which people are turned into objects without agency.

In a second study, Regan Koch (2013) studied for his PhD thesis the implications of licensing for food trucks in US cities. He investigated how food truck operators and owners react and adapt to the rules and laws that apply to them. He traced their reactions or adaptations also spatially, for example in form of where they would position their food trucks or how parking lots were spatially transformed into food malls.

A third case study was executed by Meneses-Reyes (2013). He was investigating the ways in which legal regulation of the urban environment contributed to enabling, constraining and complementing street vendors' physical movement in Mexico City. Similar to the pedestrianism of Blomley (2007) also the streets of Mexico City can be regarded "as a place constituted through, and made intelligible by, legal forms of ordering and categorization" (p.336). However, he found out that the movements of street vendors, induced by legal regulation, dynamically transform the street space in opposition to the definition and design of urban regulators.

Despite their presence in almost any cityscape, the role of street musicians in urban spaces is an under-researched topic. The studies presented above either examine how a specific space like the sidewalk is influenced by legal regulation (Blomley), or they focus on the (spatial) consequences of legal regulation for a specific group of people (food truck operators in Koch's case study and street vendors in the study of Meneses-Reyes). To my knowledge, no academic investigated so far how the group of street musicians contributes to the creation of (leisure) space.

Furthermore, a connection between rhythms in the Lefebvrian sense and the creation of space has to my knowledge never been made before in a case study. In the literature I investigated rhythms are regarded as occupying spaces, not as creating them. Therefore, studies that are analyzing the relationship between rhythms and legal regulation have been looking mainly at the aspect of the consequences legal regulation has for rhythms and only to a lesser degree at the issue of how space is altered that is created through those rhythms.

1.3 Scientific Objective(s) and Research Questions

The objective of my research is therefore twofold: I want examine how, through the concept of rhythm as propagated by Lefebvre (1992), street musicians create leisure space on the Admiralbrücke. My second aim is to analyze how legal regulation that applies to street musicians on the bridge influences their rhythmic leisure space creation.

The research objective is operationalized through the following research questions:

- How do street musicians create leisure space on the Admiralbrücke?
 - What is/are the rhythm(s) of street musicians that create leisure space on the Admiralbrücke?
- How is legal regulation reflected in the rhythms of street musicians that create leisure space on the Admiralbrücke?
 - What are the legal regulations that apply to street musicians on the Admiralbrücke?
 - What is the knowledge of street musicians on legal regulation?
 - How is legal regulation enforced?
 - How do the street musicians react to legal regulation and their enforcement?

1.4 Relevance of the Study

In my thesis project I attempt to show how street musician through their rhythm(s) create a leisure space and how this process is influenced by legal regulation. Such an investigation is of twofold relevance. It will for one add an account to the substantial body of literature that is concerned with production of space and place by portraying the case of the so far under-researched group of street musicians. It will do so specifically by establishing a novel connection between rhythms and the creation of space. Secondly, on a more abstract level, my study can be considered an analysis of the difference between legal theory and legal reality. The results of my investigation could inform those people who are responsible for setting up and enforcing the legal regulation of public spaces about its consequences and potentially enable them to subsequently adjust the legal framework or the enforcement strategies.

1.5 Outline of the Study

Conceptualizations of space and place are diverse and manifold. In chapter 2 I present my own theoretical framework. Those are the theoretical assumptions on the nature of space, its creation and its relation to legal regulation that guide my thesis endeavor. My methodology is outlined in chapter 3. It explains how the chosen research methods were employed in the field to reflect my research questions. Furthermore, I give insight into how I analyzed the data that was explored from those methods. In chapter 4 I present the results of my research. It is divided into two major parts. The first shows mainly the results of my document analysis of the relevant legal documents and newspaper articles, whereas the second exhibits the results of my observations and interviews. Chapter 5 entails the analysis. In this chapter I connect the results back to my theoretical framework and discuss my findings in the wider context of other studies. Chapter 6 are the conclusions. It extends a summary of the main points of my research endeavor by portraying its potential implications for future research.

Chapter 2: Theoretical Framework

“Ordinary places are constantly under social construction by people responding to the opportunities and constraints of their particular locality (Groth & Bressi, 1997; Jivèn & Larkham, 2003). As people live and work in places they gradually impose themselves on their environment, modifying and adjusting it to suit their needs and their values. People are constantly modifying and reshaping places, and places are constantly coping with change and influencing their inhabitants.” (Knox, 2005, p. 3)

The quote above represents the main idea that informs cultural geography and also underlies my thesis project. While people are influenced by their environment, they simultaneously recreate their environment through their actions. It is especially the latter, the question of how street musicians create a specific (leisure) space under the influence of legal regulation that I want to concentrate on in my thesis project. To fulfill this research objective I first need to lay out how I envision the nature of space to be, what space is made up of, the ways in which I believe people actually “do” or create space and how legal regulation can influence this process.

2.1 The Nature of Space

Street performances, including street music performances, are part of almost any major culture in the world and date back to the times of ancient Rome (Campbell, 1981). Street music performances are commonly defined as the practices of performing musical acts in public spaces in return for gratuities. Gratuities do not necessarily have to be money, but can also be food, praise or applause.

To avoid any lengthy discussions I will shortly outline my definition of the nature of public space. I am in line with Johnson and Glover (2013) that an opposition between public and private space is not only rather simplistic, but also impractical. As Koch and Latham (2013) rightly noted much of what is going on in public spaces such as meeting friends or eating/drinking can be considered private acts and many spaces used by the public are legally private (e.g. malls). In addition, many spaces which are referred to as public are in fact not common property (Valverde, 2012 p. 35), but private property of public bodies. The Admiralbrücke for example, is registered as a public street in the street directory. Nevertheless, the obligation for individuals to require permits for the execution of certain activities or placement of objects on the bridge from the municipal agencies shows that the Admiralbrücke is actually the property of the city of Berlin. To avoid greater confusion in that matter, I would endorse Latham et al.'s (2009) definition of public space independent of ownership and activity, simply “refer[ing] to spaces that are open to the general population” (p.185). These characteristics certainly apply to the Admiralbrücke.

Independent of whether the space in which the performance is enacted is labeled public or private, street music performances are foremost an urban phenomenon. The likelihood for street musicians to get a gratuity for their performances is higher in those spaces that are

characterized by a high volume of pedestrian traffic. By nature those high volume spaces tend to be located in cities rather than in villages. Therefore, many of the authors I will quote in the following are in their works predominantly concerned with questions of the urban and many of their elaborations on space, although probably of relevance for all space, are directed at urban space.

Nigel Thrift (2006) remarks rightly that space is “the very stuff of life itself” (p.145). According to authors like him or Koch and Latham (2013) space is comprised of “socio-material assemblages” (p.13). I follow their line of argument. Space does not consist only of its physical features or the people within that space. Space is always made up of an interaction of the two. The idea of a space comprised of socio-material assemblages, like in the assemblage of a machine parts only exist according to how they are in relation to each other. Therefore, the social and the material are not two separate categories and neither is one solely dependent on the other, but they always stand in interrelation (Amin, 2008; Latham and McCormack, 2004). The space, in my case leisure space Admiralbrücke, is then an outcome of these socio-material assemblages. It is important to note that it is not only one relation of the social and the material that defines a space. There are many socio-material assemblages and they are constantly and variously arranged so that their interplay creates spaces that are multiple and far from being predictable. It is this belief in spaces made up of these socio-material assemblages that provides the basis to another four closely related principles, adapted from Nigel Thrift (2006), which are informing my research project.

The first principle relates back to his statement of space being the very stuff of life itself. Therefore, everything is spatially distributed: from the geography of urban space to the geography of drunkenness or the geography of street musicians on a particular bridge.

The second principle is that there is no one kind of space. Space is always multiple. The various arrangements of the social and the material make it possible that a multitude of spaces exists within the same geographical boundaries. For some the Admiralbrücke is a space to cross a river that need not be used otherwise, and for others, like the street musicians, it is a space where one can perform and earn a living. For others again the bridge is a space for social gathering, for example used as an open beer garden. Hence, spaces do overlap or as Thrift (2006) puts it: “every space is shot through with other spaces” (p. 140).

Closely related to this is the third principle. Space has no boundaries; “all spaces are porous to a greater or lesser degree” (Thrift, 2006, p.140). It is impossible to say where one space starts and where the other ends.

The last principle says that space is always on the move, that there is no such thing as a static or stabilized space. Amin and Thrift (2002) encourage thinking of spaces as moments of encounter rather than as something that is fixed in space and time (p.30). The socio-material assemblages that are the Admiralbrücke are constantly being rearranged, on the move and create a bridge that never actually is, but a bridge that is always in the process of becoming or being recreated.

2.2 The Creation of (Leisure) Space

So what is then the part of the people, in my case the street musicians, in those socio-material assemblages? What are their tools to arrange them in such a way that leisure space on the Admiralbrücke is created?

Leisure space to me is simply space in which leisure activities both passive and active are taking place in. Leisure activities can therefore take many forms including people making and listening to street music performances.

It is my belief that the tools of street musicians to create leisure space on the Admiralbrücke are their repeated rhythms of movements on the bridge. This focus on repeated movement is related to such ideas as Koch and Latham's (2013) domestication of spaces and the one of Amin and Thrift (2002) of territorialization of space, in which "the movement of humans and non-humans in public spaces is guided by habit, purposeful orientation, and the instructions of objects and signs. Repetitions of these rhythms result in the in the conversion of public space into a patterned ground" (Amin and Thrift, p.12).

In short, the patterned ground of usage arises out of the regular repetition of movements to which I from now on refer to as rhythms. The rhythms of street musicians could be the elements of their performance. It is my contention that those rhythms of street musicians, from the pitching of their instruments to the passing around of the hat, help to create leisure space on the Admiralbrücke.

2.2.1 Rhythms

The word Rhythm stems from the Greek *rhythmos* and can be loosely translated with measure or measured motion (Mels, 2004, p. 4). Henri Lefebvre (1992) was probably the first scholar to use the term of rhythms in an understanding of space. In his book Rhythmanalysis (1992), he describes rhythms of urban spaces and how they affect people within those spaces. The ambition of Lefebvre (1992) was to turn the concept of rhythm into "a science, a new field of knowledge: the analysis of rhythms; with practical consequences" (p. 4). For him rhythm and movement are closely connected: there has to be repetition in movement for there to be rhythm (p. 15). Nevertheless, repeated movement is not automatically rhythm. According to Lefebvre (1992) repeated movement is only rhythm if there are "strong times and weak times, which return in accordance with a rule or law – long and short times, recurring in recognizable way, stops, silences, blanks, resumptions and intervals in accordance with regularity" (p. 78). So within an overall movement there are certain repeated elements (stops, blanks etc.) that have to be distinguishable too.

Rhythms, in the sense of Lefebvre (1992), are foremost connected to time. No matter how slow or fast, rhythm is a temporal phenomenon that can be measured in time. From obvious examples of trees losing their leaves in autumn, children leaving for school in the morning to more abstract ones like the rotation of the globe - every rhythm has its own time. However, rhythm per se is not bound to one specific place. For example, the rhythm of children leaving for school in the morning occurs in many places (parental home, street, bus station etc.). Not only has every rhythm its own time, but everything has its own rhythm too. Our own body with all its different organs and their functions is composed of diverse rhythms and so is our environment: "the surroundings of bodies, be they in nature or a social setting, are also bundles, bouquets, garlands of rhythms" (Lefebvre, 1992, p. 20).

Most importantly though, rhythms are also always situated in places. Rhythm is a distinguishable repetition of movement in space and needs space in order to happen at all. Lefebvre (1992) notes: “where there is interaction between a place, a time and an expenditure of energy, there is rhythm” (p.15). Hence, rhythms always link times to spaces and in this way create ‘temporalized spaces’ (p. 89). For Lefebvre (1992) it is especially in the urban, the environment in which also the Admiralbrücke is situated, where rhythms show and unfold themselves (p. 96). He calls rhythms “the music of the city” (p. 36). This represents the basis for my earlier formulated contention that the rhythms of the street musicians create (temporalized) leisure space on the Admiralbrücke.

Therefore, any location on the globe is marked by a multitude of cyclical and linear rhythms, which produce a multitude of temporalized spaces. Space is multiple and space is on the move as it is only temporary. Such a vision of a space matches with the principles adapted from Thrift (2006), which inform my research endeavor.

2.2.2 Linear vs. Cyclical Rhythms

Lefebvre (1992) further differentiates between linear rhythms and cyclical rhythms. The former is a modern phenomenon that can be associated with the social as it stems from human activity, while the latter refers to something more ancient originating from nature. Thus, rhythms in the city can take many forms. John Allen (1999) defines city rhythms as “anything from the regular comings and goings of people about the city to the vast range of repetitive activities, sounds and even smells that punctuate life in the city and which give many of those who live and work there a sense of time and location”(p.56). On the Admiralbrücke some examples of rhythms could be the fading of the day into the night (cyclical rhythm) or the movement of pedestrians across the bridge (linear rhythm).

Linear and cyclical rhythms stand in relation to each other. Lefebvre (1992) calls this relationship dialectical. They function independent of one another, but often influence each other heavily. For example, the potential rhythms of street musicians (linear) functions independent from the rhythms of the seasons (cyclical). The relation between linear and linear and cyclical and cyclical is dialectical as well. The rhythms of the street musician and of the pedestrian walking across the bridge are independent, but could potentially influence each other (linear-linear). The same applies for example to the rhythm of the sun rising and falling and the rhythm of the circulating earth (cyclical-cyclical). As elaborated earlier, Lefebvre (1992) sees, to the greater part, linear and cyclical rhythms as opposed to each other. Their relationship is characterized by “interferences, the domination of one over the other, or the rebellion of one against the other” (p. 76). However, he also mentions so to speak value free “interactions” (p. 76) of the linear and the cyclical. Thus, the influencing of one rhythm on the other is not necessarily a phenomenon, which has to constrain rhythms.

The interrelation of the multitude of cyclical and linear rhythms produces a ‘polyrhythmia’ (Lefebvre, 1992, p. 15) and forms an ecology. A working ecology exists if the many rhythms present are in harmony or, to put it differently, in synchronization with each other. This is referred to as a ‘eurhythmia’ (p. 20). An ‘arrhythmia’ (p. 20) on the other hand appears when rhythms are out of synchronization, if they are broken or scattered. Whether the ecology on the Admiralbrücke is working or whether an arrhythmia presents itself on the bridge is not of

importance for my thesis. Without a doubt though, street musicians are through their presence and performances part of that ecology or, to state it differently, street musicians are part of the (leisure) space Admiralbrücke.

Lefebvre (1992) connotes the linear negatively, characterizing it as exhausting and tedious (p. 73). In contrast, he refers to the cyclical as something more positive. Nowadays, according to Lefebvre (1992), the linear tends to dominate everyday life. Principally a product of modernity, linear rhythms are imposing, structuring, organizing and constraining people and their environment. Mels (2004) notes that for Lefebvre “while linear repetition, and its constituent abstracted subjects, spaces, and times, was but one of the many rhythms identifiable through rhythm analysis, it arguably remains the cultural dominant measure of late capitalism” (p. 25).

Simpson (2011) denounces this black and white thinking and states that the linear should not be regarded as only negative or the “production of repression” (p. 821). His argumentation is based on the existence of many relatively fine working spaces that include linear rhythms. I follow Simpson’s (2011) opinion in not prejudging the qualities of linear or cyclical rhythms. Without a doubt, certain rhythms could be traced back to or be interpreted as expressions of a specific societal development. Nevertheless, the analysis of rhythms in my thesis project serves solely as an understanding of how rhythms contribute to a creation of leisure space. In the end, the focus of my thesis is not to investigate which societal developments are reflected in the rhythms of street musicians on the Admiralbrücke.

2.3 Regulating Space

Now that I have clarified what I envision space to be and what I believe the tools of street musicians are to create (leisure) space, I will turn to the topic of regulation of space. Investigating how street musicians create leisure space on the bridge is solely one part of my thesis project. The other objective is to understand how legal regulation that applies to street musicians influences their creation of leisure space on the Admiralbrücke.

The regulation of space can take many forms: from informal regulation like the famous “eyes of the street” of Jacobs (1961), Goffman’s (1959) rules of the pavement and technical measures such as surveillance cameras to formal regulation through the enactment of rules and laws that apply to space. In my thesis I concentrate on the latter aspect.

2.3.1 Regulating Rhythms

Further developing the thoughts of Amin and Thrift (2002), Koch and Latham (2013) note that the formerly mentioned socio-material assemblages making up any space “can be variously configured to enhance or constrain human activities” (p.13). Similarly Lefebvre (1992) remarks that in any space, certain forms of interaction are encouraged or discouraged through regulation. Applied to city rhythms, the expression of these human activities and interactions, Amin and Thrift (2002) remark that also they “are not free to roam where they will” (p.26). Harrison-Pepper (1999) joins in and adds that city rhythms “do not simply spontaneously emerge” (p. 417).

As elaborated earlier two rhythms present in one space might function independent of each other, but are nevertheless influenced by each other. This overlapping of a multitude of rhythms in one space can lead to a certain kind of internal order (Amin and Thrift, 2002, p. 17).

Next to this form of control of rhythms that originates from the interplay of rhythms, rhythms can also be regulated through bureaucracy and other formal and informal institutions (p. 26). This particular form of regulating rhythms is exercised through devices that can take many forms such as traffic lights, traffic rules, zoning plans or noise control codes (Simpson, 2011; Amin and Thrift, 2002).

Thus, next to my first contention that rhythms of street musicians help create leisure space on the Admiralbrücke, it is my second contention that legal regulation that applies to street musicians is influencing the rhythms of street musicians. Therefore, not only street musicians and their performances would be part of the ecology on the Admiralbrücke, but also regulation would be an important, even though immaterial, element of it (Simpson, 2008, p. 813). To continue that line of thought space can then also be considered to be “a palimpsest of laws, orders, codes, and so on” (Harrison-Pepper, 1990, p. 65; see also Blomely, 2011). Consequently, the patterned ground of the rhythms of street musicians that create leisure space on the Admiralbrücke would also be a product of the applicable legal regulation.

According to Amin and Thrift (2008) any attempt to regulate space, like in my case through rules and laws, is also always an attempt to make that space stable or static. By encouraging particular rhythms and allowing, organizing, excluding and controlling certain rhythms the interest is often to hold places stiff and motionless (Ehrenfeucht and Sideris, 2010; Mels, 2004; Amin and Thrift, 2002). However, based on the theoretical considerations I made in the beginning, space will never be static, but will always be on the move. Success in holding spaces static is rare and usually only lasts for a short while. Likewise, the rhythms that create those spaces are certainly disciplined, but are far from being controlled in their entirety.

The reason is that urban spaces are not predictable (Amin and Thrift, 2002). The number of potential configurations of the socio-material assemblages and their resulting spaces is almost endless. The same applies to rhythms. Their interrelations, their influencing and making use of each other are manifold and complex. Simpson (2008) adds that “rhythm is not only a repetition of the same” (p. 814) and quotes Lefebvre (2004) saying that “there is always something new and unforeseen that introduces itself into the repetitive: difference” (p. 6).

2.3.2 Networks of Control

Amin and Thrift (2002) refer to those institutions with the interest of regulating space and rhythms as ‘networks of control’ (p. 128). Due to the above mentioned mechanisms and potential interrelations, it is impossible for these networks to be in all of the created temporalized spaces. For one because they simply cannot know all spaces and rhythms nor can they reach all spaces and rhythms (Amin and Thrift, 2002, p. 128). The networks of control often just do not have the capacity to monitor the enforcement of regulation at all times everywhere.

Amin and Thrift (2002) continue that nearly all networks of control appear tighter than they actually are (p. 128). The enforcement of regulations might not follow exactly the wordings of the law it is based on. De facto enforcement might not happen at all. The regulation of space and rhythms on the ground is only partly based on the legal regulation on paper. The other part is depending on the context of space and its present rhythms and is therefore more flexible (Amin and Thrift, 2002, p. 128). Thus, networks of control have the ability to learn from the spaces and rhythms they attempt to regulate and as a reaction to go beyond their routinized responses.

So while legal regulation certainly shapes the space it is far away from being able to control all rhythms in their entirety or creating a predictable space.

Therefore, I am asking in my research how legal regulation plays out in reality: how it might influence the rhythms of street musicians that create leisure space on the Admiralbrücke. It is in a way also an investigation into the difference between legal theory and legal reality or how a space is governed in theory versus the way it is actually used.

My thesis focuses on how rules and laws work out in space rather than asking the grand question of in whose interest those rules and laws work (Valverde, 2005). Similarly, I am investigating how through the practices of street musician, through their rhythms, leisure space is created, rather than examining which societal developments are reflected in their rhythms. Both approaches can be associated with the line of thought of proponents of non-representational theory. Non-representational theory, developed in human geography, rather than being obsessed with the search for meaning, is concentrating on the “everyday practices that shape the conduct of human beings towards others and themselves in particular sites” (Thrift, 1997, p. 142). Meaning in that sense is still important. However, in comparison to other theories, meaning is not something that needs to be deciphered like a code, but meaning is conveyed through the doings or the performative (Dewsbury, Harrison, Rose and Wylie, 2002).

Chapter 3: Methodology

My thesis project takes the form of a case study. According to Stake (2000) a case study is characterized by an interest in what can be specifically learned from a case. The case is therefore always a specific one (p. 436). The specificity here is expressed by an interest in the clearly defined geographical space of the Admiralbrücke and those rhythms of street musicians potentially influenced by legal regulation that lead to the creation of leisure space. Certainly the focus is therefore an intrinsic one, which is also clearly reflected in the research objective and the pertaining research questions. Nevertheless, though “the case itself is of interest” (Stake, 2000, p. 437), by portraying how leisure space is created through rhythms in general the results of my thesis go beyond showing only the particularity of the case. Hence, my case study is neither solely of an intrinsic nor completely of an instrumental nature, but contains elements of the two. Its twofold relevance also means that my thesis project cannot be characterized as either basic or applied, as it attempts to add to the literature of space creation while it simultaneously tries to inform those people, which set up and enforce legal regulation of public space.

For the greater part my research takes an ethnographic approach. As noted by Spradley (1979) ethnography is about understanding the human species, about the lives of people in specific situations (p. 9) by trying to capture their patterns and perspectives. This is congruent with my research objective of eliciting how legal regulation that applies to the group of the street musicians influences their creation of leisure space on the Admiralbrücke

If ethnography is more similar to learning from people rather than studying them (Spradley, 1979; Hodder, 2000) then this should be reflected in my methods chosen to fulfill the research objective and in the style of execution of those methods. I acquired the necessary data for answering my research questions by employing three major methods: document analysis, participant observation and ethnographic interviews.

In the following, I will discuss how I executed each of these methods and the way they relate to the research questions. Furthermore, I will show how I used and adapted Lefebvre's (1992) concept of rhythm as a tool of analysis within the methods chosen. Lastly, I will present how especially ethnographic interviews and participant observation were supportive of each other and how through this triangulation of methods (Denzin, 1989; Fontana and Frey, 2000) a better understanding of the case was gained.

3.1 Methods

3.1.1 Document Analysis

The document analysis was probably the most straightforward of the three methods. Its main task was to find an answer to the research sub-question of what the legal regulation is that applies to street musicians on the Admiralbrücke in specific and the measures that can be taken if acted upon them. Laws pertaining street musicians in public space are located in two codes of law. One is the so-called *Berliner Strassengesetz* (BerlStrG), the other is the *Landes-Immissionsschutzgesetz Berlin* (LImSchG Bln). The document analysis I executed therefore concentrated on different regulations presented in these two codes.

As I do not have an educational background in law, in the beginning an understanding of the juristic terms and language proved to be difficult. Therefore, I engaged the assistance of my father, a district attorney, and one of my best friends, who is a 5th year law student. For further clarification of details concerning those two sets of laws and their implementation I was also in email contact with two employees of the regulatory agency of Friedrichshain-Kreuzberg during the months of October and November 2013. Additionally, an interview with Mister Wenz, the director of the respective agency was executed on November 18, 2013. Unfortunately, the regulatory office was not allowed to provide me with the tangible draft version of implementing provisions concerning the BerlStrg they were often referring to. My remarks on it are therefore not my sole description, but include the elaborations of the employees of the regulatory office, as well as experts who helped me interpret the legal language.

Name	Profession/Role
Bernhard Köper	District Attorney/Father
Neil Yeats	5 th Year Law Student/Friend
Mr. Wenz	Director of the Regulatory Agency Friedrichshain-Kreuzberg
Mr. Scheffelmeier	Employee of the Regulatory Agency Friedrichshain-Kreuzberg
Ms. Garstka	Employee of the Regulatory Agency Friedrichshain-Kreuzberg

Table 1: list of people involved in supporting the research of legal documents

In the introductory paragraph of my research proposal I mentioned that there is potentially a historical aspect to my case study. Due to the persisting complaints of local residents it seems that in the course of time legal regulation that applies to street musicians on the Admiralbrücke has changed. Thus, next to the investigation of the existing laws I also studied newspaper articles and other related documents to gain a more precise understanding of this issue in particular and the situation on the bridge in general. Unfortunately, this historical aspect of changing legal regulation proved out to be too difficult to trace back and was therefore not followed up on in the further course of the research. However, the newspaper articles prove to be helpful to understand the historical context of the bridge.

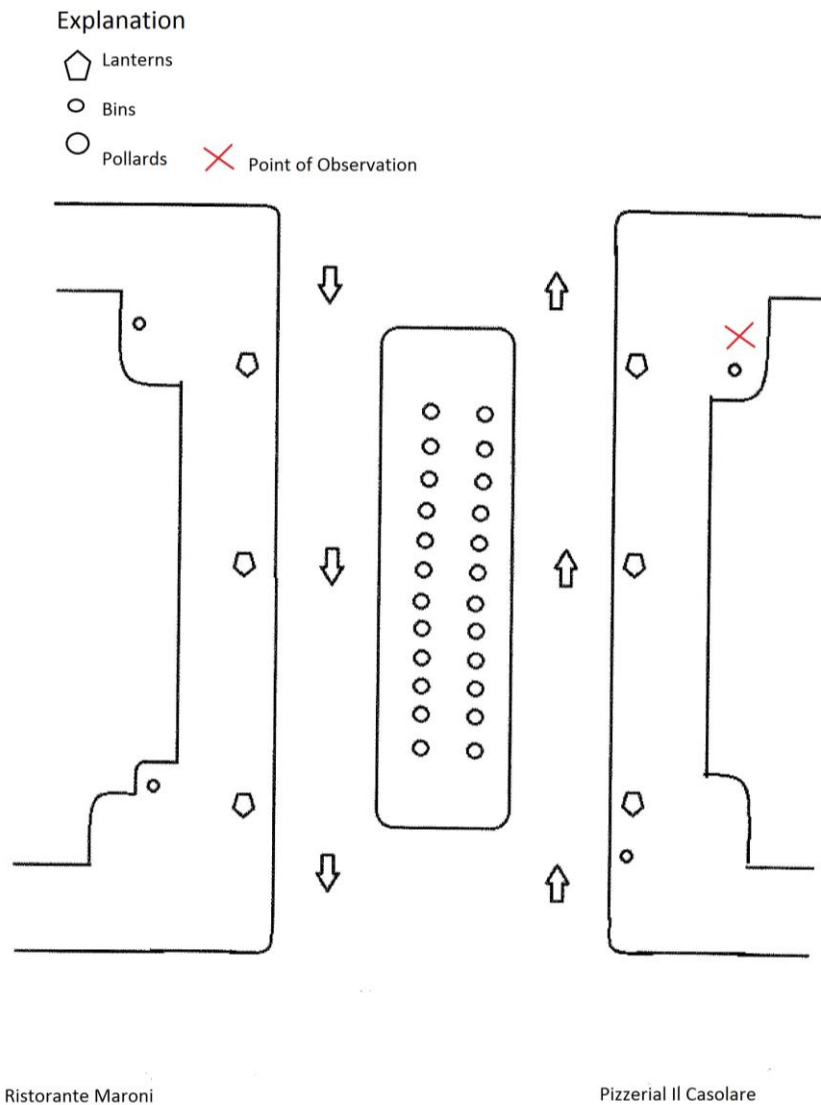
3.1.2 Participant Observation

According to Angrosino and Mays de Perez (2000) “social scientist are observers both of human activities and of the physical setting in which such activities take place” (p. 673). Through observation I primarily hoped to receive an answer to the research question of how street musicians through their rhythms create leisure space on the Admiralbrücke. Furthermore, via observing I also intended to get an insight into the research question of how legal regulation influences the space creation of street musicians on the Admiralbrücke and its related sub-research questions:

- How is legal regulation enforced?
- How do the street musicians react to legal regulation and their enforcement?

I was executing the observations in the loci in which the rhythms I was looking to investigate occurred; namely the Admiralbrücke, located in the inner city neighborhood of Kreuzberg. My exact location of observation was on the balustrade on the North-East corner of the bridge (see map 1 and picture 1). It is neither a balcony, terrace nor window as suggested by Lefebvre (1992, p. 28), but it fulfilled many of the criteria he mentioned as being ideal for the analysis of rhythms. Due to its height, I was in an elevated position that allowed me to oversee the bridge and its happenings, while simultaneously being in the scene. This is in accordance with Lefebvre’s (1992) idea that the researcher should spatially situate him-or herself simultaneously inside and outside of the environment he or she studies.

I targeted to execute the observations between mid-October and mid-November 2013. However, winters in Berlin are grim and start early and so they did in this particular year. Therefore, in these specific months, due to bad weather conditions, I was only partially able to observe the activities that I needed to observe in order to fulfill my research objective. For this reasons I executed a second round of observations in the months of March and April 2014. In total, I witnessed street music performances on the Admiralbrücke on 14 days that amounted to about 36 hours of observations. To further deepen my observational account I also watched seven videos (circa 32 minutes) of street musicians on the Admiralbrücke that were available online through sharing sites such as YouTube. In only analyzed those videos in whose focus street music performances stood that at least took longer than one entire song.



Map 1: Point of Observation



Picture 1: Point of Observation

Source: Paul Köper, 2014

A major challenge of the method of participant observation is to find a balance between being an observer of activities and a participant of them at the same time. I agree with Angrosino and Mays de Perez (2000) that once the actual research process starts a clear distinction between being an observer as participant or a complete observer is usually impossible to make (see also Gold, 1958). They argue: “ethnographers and their collaborators do not step into fixed and fully defined positions. Their behaviors and expectations of each other are part of a dynamic process that continues to grow throughout the course of a single research project” (p. 678). A similar observation can be made in Lefebvre’s work. In his sense, the researcher, whom he refers to as the “rhythmanalyst” (1992, p. 87), that is to use the concept of rhythm as a tool of analysis for investigating questions of the urban, first needs to listen to the rhythms of his or her own body before he or she can analyze the bundles of rhythms that constitute the surrounding of bodies – the environment. The rhythmanalyst’s own rhythms should serve as a reference for grasping and analyzing external rhythms. If the rhythmanalyst is successful in doing this, “he is capable of listening to a house, a street, a town as one listens to a symphony, an opera” (p. 87). However, this endeavor is complicated. The rhythmanalyst should not only be simultaneously inside and outside of the environment her or she studies to analyze rhythms, but also needs to be outside and inside of rhythms at the same time. Lefebvre (1992) claims that is necessary to get outside rhythms to avoid disrupting, while simultaneously it is imperative “to give oneself over” (p. 27) to the rhythm before it can be grasped. The demarcation between observing rhythms and participating in them is therefore as impossible to make out as the distinction between an observer as participant or a complete observer.

The same process of shifting roles took place during my research. As some of my ethnographic interviews and observations happened at the same time, some street musicians recognized me as the researcher and others did not. Sometimes I would solely sit on my balustrade, other times I would climb down and join the audience. Some street musicians I met repeatedly later on for interviews in a different social setting. This is part of the transformation process of research subjects becoming research partners that is in alignment with the ethnographic idea of learning from people. Angrosino and Mays de Perez (2000) propose that the researcher should develop a membership role in the communities he or she studies. In my case, this proved to be difficult as I do not possess any musical skills myself. After a while, I was known within the cultural scene of street musicians. However, I was still only the researcher or part of the audience. At times I was able to provide them with details of specific laws concerning their performances. Nevertheless, I was far away from taking the role of their legal advisor. The actual observations were recorded by mere note taking in a notebook. Depending on the situation some note taking occurred on the bridge itself, other was written out in a different location such as my work place or a cafe nearby the research location. Additionally, I used ground plans of the Admiralbrücke to trace the rhythms of actors in the space of the bridge.

3.1.3 Ethnographic Interviews

Employing ethnographic interviews next to participant observation allows the triangulation of methods. In line with the theoretical considerations I made earlier Fontana and Frey (2000) note that “human beings are complex their lives are ever-changing, the more methods we use to study them, the better our chances are to gain some understanding of how they construct their lives and the stories they tell us about them” (p.668).

Also the world of rhythms is complex. Bodies are bundles of rhythms and so are their surroundings. To analyze the single rhythms each polyrhythmia is made of is a difficult endeavor. Lefebvre (1992) notes that the rhythm analyst “does not only observe human activities, he also hears (in the double sense of the word: noticing and understanding) the temporalities in which these activities unfold” (p. 87). Although interviews are not explicitly mentioned as a method of choice by Lefebvre, they contribute to the aspect of understanding rhythms. Noticing rhythms often appeared during my observations, but I gained a different understanding of them when I interviewed street musicians about them. Therefore, it is not surprising that the research questions I sought to answer by interviewing street musicians are the same as I intended to answer by participant observation. Fontana and Frey (2000) continue that interviews should be employed to elicit the “traditional whats” (p. 646), the activities of daily life, and the “hows of people’s lives” (p. 646), what is producing order in everyday life. This is congruent with my research questions and sub questions.

I attempted to select my informants by two major criteria. Street musicians I wanted to interview should have had a current involvement in the cultural scene, meaning they should have had actively performed on the Admiralbrücke during the time of my investigation.

Secondly, in order to ensure to grasp the regularities of their behavioral patterns and to incorporate the historical perspective informants should have had preferably a three years involvement in playing on the bridge.

I did not succeed in this endeavor. For one some street musicians actually do not reside in Berlin, but travel from city to city to play in public spaces. Beyond that, many of the musicians I interviewed had either performed on the bridge in the past but currently played other locations, or they were currently playing on the Admiralbrücke but did not do so in the past. Street musicians do have regular spots they perform at, but change the frequency of how often and when they play regularly.

Initially I planned to make contact with the street musicians via two channels. I contacted the representatives of the private agency *Streit Entknoten GmbH*, which started the mediation process between local residents and other users of the bridge. Unfortunately, they never got back to me. Additionally, one of my friends is a musician that at times performs on the streets of Berlin. Although he does not play on the Admiralbrücke, he introduced me to other musicians who perform there. Once contact with the first musicians was established I made use of snowball sampling technique by asking them to introduce me to more members of their cultural scene.

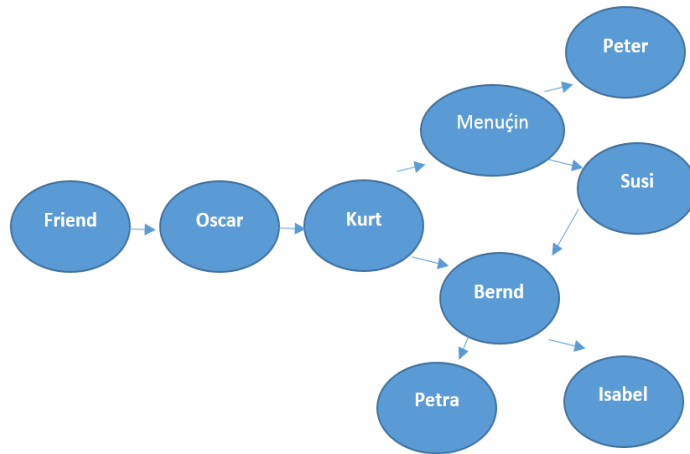


Table 2: Snowball Sampling Process

In total I interviewed eight street musicians. It was a number that gave me the impression I reached the point of saturation and is congruent with Spradley's (1979) suggestions. As in the course of research I knew increasingly more about the research topic and the cultural scene of the street musicians I interviewed the same informants repeatedly to gain reassurance and deeper knowledge.

The interviews took place in an environment of the informant's choice, wherever he or she felt most comfortable in. Those were most often bars, cafes or practice rooms. Due to the rather informal setting and style of the ethnographic interviews the length of the interview varied greatly. Most usually they would take an hour. Sometimes meeting with informants would take considerably longer. However, admittedly not all of this time was solely directed at investigating the research questions.

In the paragraph on participant observation I was referring to the process within the ethnographic approach when the research subject becomes a research partner. The same logic applies to the ethnographic interview and is reflected in the style and execution of the interviews. Respondents are actually informants and the interviews often resembled a friendly conversation (Spradley, 1979).

Like in most of (friendly) conversations also my ethnographic interviews were embedded in a certain structure. There were greetings and farewells and I started off with lighter topics before I investigated the answers related to my research questions. However, within the interviews I allowed my informants and me a high degree of flexibility. This enabled us to touch topics whenever the situation seemed suitable instead of mechanically answering a list of questions. Topics of discussion usually included:

- Experiences and the life as a street musician
- Detailed description, including temporal and spatial location, of street music performances in general and on the Admiralbrücke in specific
- Knowledge of legal regulation
- Experiences of enforcement of legal regulation

- Incorporation of legal regulation into the performance

Hence, my interviews that denied a predefined structure and were characterized by a certain situational flexibility could be considered as belonging to the category of “creative” interviews - a term that was coined by Douglas (1985).

During the interviews I occasionally took notes in my notebook, which I expanded after the interviews.

I also asked my interviewees to draw the exact location of their activities and the ones of the audience on a ground plan, which I presented to them. Afterwards, I used this visual representation of the bridge as a topic for discussion in the interviews.

To further record the interviews I employed a voice recorder. Thereafter, I did not write the interviews out completely. Instead, I created a log for each recording. The voice recordings should be seen as complimentary to my field notes as a means to refresh my memory of what was being discussed. The logs allowed me to go back and re-listen to those parts of the interview that in the course of my analysis emerged as most relevant

To be able to lead such an informal conversation that nevertheless still leads to the fulfillment of my research objective I had to acquaint myself with the cultural scene of the street musicians and work on my translation competence. Spradley (1979) coined both terms. A cultural scene refers to a group of people like the street musicians who have a distinct commonality. Through my ongoing interviews and observations I familiarized myself in a quick manner with the cultural scene of the street musicians. This simultaneously helped me to improve my translation competence. Translation competence is defined as the “ability to translate the meanings of one culture into a form that is appropriate to another culture” (Spradley, 1979, p.19). This stands for making myself understandable to the informant and the other way around.

3.2 Ethical Considerations

In a way engaging in observations inevitably violates the personal privacy of individuals. Nevertheless, the harm that is done depends very much on the situational context and the nature of the research. In my case those are to a greater part public actions of street musicians that are aimed to attract an audience in a public space. It was certainly not a very delicate topic and the physical and emotional harm that was inflicted should have been minimal. In addition to that, many of the observed street musicians were my informants in the interviews. Through informed consent that I established before the interviews, informants knew about my identity as a researcher and the nature of my research project. In order to protect the right of privacy of my informants I disclosed their identity by giving them an alias in my notes and in my final thesis report. This is of importance as some of them engaged in activities that stand in contrast to the legal regulation that applies to the Admiralbrücke.

3.3 Design of Data Analysis

Method	Topics Addressed/Data Gathered	Related Research Questions
Document Analysis	<ul style="list-style-type: none"> - legal regulation applying to street musicians - measures that can be taken to enforce legal regulation - measures that can be taken if street musicians act against legal regulation 	What are the legal regulations applying to street musicians?
Participant Observation	<ul style="list-style-type: none"> - rhythm(s) of street musicians - what rhythms create leisure space at the Admiralbrücke? - times and locations of these rhythms - what happens in presence of regulatory office and police forces? <ul style="list-style-type: none"> - activities of regulatory office and police forces - activities of s.m. in reaction to their presence 	<p>How do street musicians create leisure space at the Admiralbrücke?</p> <p>How are these legal regulations enforced?</p> <p>How do the s.m. react to legal regulation and their enforcement?</p> <p>How is this reflected in the rhythm(s) of s.m. that create leisure space?</p>
Ethnographic Interviews	<ul style="list-style-type: none"> - rhythm(s) of street musicians - what rhythms create leisure space at the Admiralbrücke? - times and locations of these rhythms - knowledge of street musicians about legal regulation - what happens in presence of regulatory office and police forces? <ul style="list-style-type: none"> - activities of regulatory office and police forces - activities of s.m. in reaction to their presence 	<p>How do street musicians create leisure space at the Admiralbrücke?</p> <p>How are these legal regulations enforced?</p> <p>How do the s.m. react to legal regulation and their enforcement?</p> <p>How is this reflected in the rhythm(s) of s.m. that create leisure space?</p>

Diagram 1: Design of Data Analysis

The graphic above should serve as a visual help to clarify what data I gathered through which method and how this data enabled me to answer my (sub) research question and finally lead me to fulfilling my research objectives.

The document analysis on laws somewhat constituted the basis of my research and formed the legal theory that was resultantly compared with the legal reality I observed on the ground. Participant observation and ethnographic interviews were employed to answer the same research questions. For example, one specific focus was on the identification of the rhythm(s) that create leisure space on the Admiralbrücke, meaning those behavioral patterns of street musicians that lead other people on the bridge to stop, stay and listen to music performances. With regards to the research question of how the legal regulation plays out in reality I specifically looked for interactions between street musicians and those individuals, which are responsible for the enforcement of legal regulation. Whereas in the case of ethnographic interviews respondent's verbal accounts were used to trace the creation of (leisure) space, in my observations this were the street musicians' movements, which I recorded on the ground plans.

I executed two major rounds of coding for the results of the three employed methods. The first round was rather superficial solely coding all repetitive activities and movements of street musicians and enforcers of legal regulation on the bridge. For the document analysis I did not use a coding scheme, but simply summarized its main points. In the second round I redefined codes. Within the repeated activities and movements of street musicians I now

tried to understand which of them specifically lead to the creation of leisure space. Furthermore, within this round of coding, I already tried to translate those activities and movements into the Lefebvrian concept of rhythm. Under the same point of consideration I then coded the results of my document analysis.

Together with the participant observation, the ethnographic interviews describe the rhythm that creates leisure space on the Admiralbrücke. To fulfill the research objective of understanding how legal regulation that applies to street musicians influences their rhythms that create leisure space on the Admiralbrücke the legal theory, resulting from the document analysis, expressed in its theoretical implications for rhythms was subsequently compared with the rhythm that was established in course of the interviews and observations.

Chapter 4: Results

The results are divided into two major parts. In the first part I mainly present the results of my document analysis and interviews with employees of the regulatory office of Friedrichshain-Kreuzberg and answer the question of what specific legal regulation applies to street musicians on the Admiralbrücke. Based on my interviews and observation of street music performances the second part shines light on the questions of the practices of street musicians on the bridge, the enforcement of legal regulation and its influence.

Part 1:

4.1 The Street Musician in the Legal System

For the street musician two sets of laws are of significance. One is the so-called *Berliner Strassengesetz* (BerlStrG), outlining the use of public streets, and the other is the *Landes-Immissionsschutzgesetz Berlin* (LImSchG Bln), which addresses emissions in the environment. I will discuss both respectively explaining their nature, how they apply to the street musician in general and on the Admiralbrücke in specific as well as the measures that can be taken if acted upon them.

These laws are insofar of importance for my thesis project as, which will be shown later on, they have at least a theoretical impact on the rhythms of street musicians on the bridge.

4.1.1 *Berliner Strassengesetz (BerlStrG)*

The BerlStrG deals with the legal relationship of all public streets in the city of Berlin. According to this law public streets are streets, pathways and places dedicated to public traffic (§2 Section 1 BerlStrG). Elements belonging to a public street are:

1. The body of the street
 - a) underground, understructure, lighting, but also explicitly mentioned bridges
 - b) traffic lanes, pedestrian passes
2. The air space above the body of the street
3. Equipment: traffic signs, traffic requirements and all other facilities that contribute to the security and ease of traffic and to the protection of residents (§2 Section 2 BerlStrG)

A street, pathway or place gets the status as a public street by inscription (§3 Section 1 BerlStrG) and this inscription has to be recorded in the street directory (§3 Section 4 BerlStrG). The local land surveying office of Kreuzberg and the respective public order office of Friedrichshain-Kreuzberg confirmed to me that the Admiralbrücke is indeed a public street and that the administrative cooperation responsible for the duties and tasks related to the construction, maintenance and operation of it is the city of Berlin (see appendices).

The construction, maintenance, and operation of public streets has to be implemented in such a way that they fulfill regular traffic requirements. However, the function of the public street as a habitual place of residence, the cityscape and things pertaining to monument and nature protection, people that are endangered in public traffic and disabled people all must

be taken into account in their operation as well (§7 Section 2 BerlStrG). Nevertheless, the primary focus of the BerlStrG is on traffic and how a preferably unimpeded flow of traffic can be ensured. For example §7 sections 4 and 5 discuss that the city of Berlin has the duty to clean and lighten out public streets in such a way that security and flow for all traffic is ensured.

This is similar to the observations made by Blomley (2011). In his work on pedestrianism he described the tendency to understand the function of the sidewalk to be the promotion and facilitation of pedestrian flow and circulation. In the case of Berlin this can be extended to all traffic participants.

Paragraph 10 BerlStrG is concerned with public use of public streets and clearly mirrors this emphasis on traffic. A public use can best be described as the right of usage of a multitude of people to those things that are there to be used by the public. In case of the BerlStrG those are the public streets of Berlin. If not explicitly stated otherwise in the street directory the dedicated use of all public streets of Berlin is traffic (§10 Section 1 BerlStrG). This also applies to the Admiralbrücke. Any person is allowed to use the public street within this context dedicated to traffic. It is not considered public use if someone uses the street for something else than predominantly traffic (§11 Section 1 BerlStrG). The only exception made is for nearby residents, who are persons living on the properties next to a public street. They are allowed to use the public street beyond its specified public use, as long as they are not permanently ruling out the public use and are not severely damaging the body of the street (§10 Section 3 BerlStrG).

The BerlStrG continues that, therefore, every use of the public street beyond the public use is a special usage, requiring a special usage permission issued by the responsible regulatory office (§11 Section 1 BerlStrG). This permission for special usage should be given in general, if the planned activities related to the special usage do not oppose the predominant public interest (§11 Section 2 BerlStrG). If permission is granted it should be either given for an unlimited period of time with the right of revocation, or for a limited period of time with or without the right of revocation. Furthermore, the responsible regulatory office can inflict certain requirements upon the obtainment of a permission for special usage (§11 Section 4 BerlStrG). Those requirements could, in the case of the street musician, include regulations prescribing when and where he or she is allowed to perform or which instruments he or she is allowed to play.

So far the state of affair seems to be rather clear-cut for the street musician on the Admiralbrücke: he or she will need to apply for a special usage permission as street music certainly does not fall under the public use of traffic.

However, the questions of whether street music might be actually included in the public use of public streets and whether the regulations laid upon street musicians are legal have been topics of debate at the courts of Germany. Concerning street music, the Verwaltungsgerichtshof Mannheim (VGH Mannheim, 1 S 2448/85), the administrative court of appeal for the federal state of Baden-Württemberg made an important decision in 1985. Although, its decision is concerned with street music in the federal state of Baden-Württemberg, it is insofar of relevance as all federal state laws nationwide dealing with the legal relationship of public streets are in their essence consistent with each other. Thus, the court's decision therefore has implications for all street laws, including the one of the city of

Berlin. In this particular case a street musician litigated against a leaflet of the city of Freiburg that prescribed specific conditions under which street music was to be tolerated even if performed without a permission of special usage. The plaintiff claimed that street music can be considered part of the public use and that the conditions prescribing him when, where and how to perform conflict with the right of artistic freedom found in the constitution, the Basic Law for the Federal Republic of Germany (GG). After the Verwaltungsgericht Freiburg (VG Freiburg), the court of first instance, dismissed the claim the VGH Mannheim also dismissed the appeal of the plaintiff case and decided:

1. *In order to prevent delinquencies against the duty to possess a special usage permission, police authorities have the right to tolerate activities taking place without a permission that would usually need a permission, if those activities adhere to certain prescribed conditions.*

The VGH Mannheim adds, that this is not tantamount to defining the public use of public streets, but solely indicates until which point a special usage without a permission is tolerated.

2. *The performance of street music is beyond the public use of the public street, even if one considers that the public street has next to its primary function for traffic purposes a communicative function.*

According to the VGH Mannheim the public use of public streets of non-nearby living residents is primarily restricted to traffic purposes (simple public use). Generally, the public street is for traffic. Its inscription as found in the street directory of the responsible land surveying office is the decisive factor. The art and function of the public street is certainly not only restricted to moving from point A to point B, but the street is also a place of encounter and communication with other traffic participants (communicative function of the street or the extended public use). Nevertheless, even if this represents a secondary purpose of the public street it cannot be regarded as isolated from the public street's main purpose of traffic, as it would be in the case of street music, regardless of whether it is performed with a commercial interest or not. In addition, public streets are also not constructed and maintained to function prior or equally ranking as open-air theatres, artistic or political forums, or as a stage for art and street music. They are primarily constructed and maintained to ensure unimpeded traffic. Furthermore, the VGH Mannheim recognizes that a usage of the public street for communicative, cultural and political purposes is possible and even desired as it potentially enriches and revives inner cities, stops decline and to a certain extent contributes positively to commerce and business. However, this does not change the public street's primary function for traffic purposes. Street music remains a special usage.

3. *The Basic Law of artistic freedom does not stand in conflict with the requirement of obtaining a special usage permission for street music.*

The constitutional right of artistic expression as found in Article 5 of GG does not, according to the VGH Mannheim, include the right to do whatever one likes, at whatever time and at whatever place. Especially, given that using public streets is required in order to move from one place to the other, while artistic expression can take place without the public street. Additionally, the expression of artistic freedom can also lead to an infringement of the basic rights of others. For example, the performance of street music, if played at a certain volume can collide with Article 2 Section II GG ensuring the right to physical integrity. Furthermore, the basic right of artistic freedom can stand in opposition to Article 2 Section I GG in case

street music excludes other uses of the public street and therefore interferes with the right to freedom of personal development. Lastly, Article 14 GG ensuring individuals' property rights can also be affected by the basic right of artistic freedom. In the case of the Admiralbrücke a few nearby-residents complained about a fall in value of their properties (Schmidl, 2008). The VGH Mannheim continues that it is within this web of competing Basic Laws where street music finds its barriers. The arrangement made by the city of Freiburg prescribing where, when and how street music is tolerated, performed without a special usage permission is an expression of this balancing act. It is solely up to the administrative cooperation responsible for the duties and tasks related to the construction, maintenance and operation of the public street to decide which activities in which manner he or she allows and therefore give the real, potential usages legal protection. Beyond that, the VGH Mannheim argues that within the conditions prescribed by the city of Freiburg the street musician can still live out his or her artistic freedom. Therefore, even though categorized as a special usage of public streets, the spontaneous and original character of street music is ensured.

The plaintiff appealed the decision of the VGH Mannheim and took the case to a next level of jurisdiction represented by the *Bundesverwaltungsgericht* (BVerwG). The BVerwG is the court of ultimate resort in administrative law. It also dismissed the case as it agreed with the VGH Mannheim that the performance of street music on public streets is a special usage that needs permission, even if the public street has next to its primary traffic purpose a communicative function. Whether a permission is granted is based on a discretionary decision that attempts to find a balance between the colliding basic rights of individuals (BVerwG, 7 B 144/86).

According to §14 Section 1 BerlStrG every special usage of a public street executed without a permission for special usage or not within the requirements inflicted upon it, is an unauthorized usage of public streets. The unauthorized usage of public streets is categorized as an administrative offence and can be punished with a fine of up to €10,000 (§28 Section 2 BerlStrg). Furthermore, items that are related to the execution of the special usage can be taken away by the responsible authorities and be kept until a reimbursement of their expenses has taken place (§28 Section 2 BerlStrg; §14 Section 1 BerlStrg). The responsible authorities in the case of the Admiralbrücke are the regulatory office of Friedrichshain-Kreuzberg represented on the bridge by public order officers. Only if, for whatever reasons, the regulatory office is not capable of securing the public order regular police forces step in (§4 Section 1 ASOG Bln).

In summary, the performance of street music on public streets is a special usage of it. This is independent of whether a secondary function of communication is recognized. However, the regulatory office responsible for the public street is allowed to tolerate street music, even if it is performed without a permission, as long as it adheres to certain criteria.

4.1.2 Draft Version of Implementing Provisions for BerlStrg

During my communication with the regulatory office of Friedrichshain-Kreuzberg I learned that, Berlin-wide, no binding legal regulation of street music yet exists in the same sense of the BerlStrg. For street music in the district of Friedrichshain-Kreuzberg, and therefore also on the Admiralbrücke, the regulatory office orientates itself on a draft version of implementing provisions concerning the BerlStrg. This document was drafted by the *Senatsverwaltung für Stadtentwicklung und Umwelt Berlin*, the senate department of urban development and environment of Berlin. Being in a draft state it is not a binding document yet. However, it is used as a point of guidance by the regulatory offices of Berlin (Scheffelman, personal communication, November 14, 2013). The draft document shows some distinct contradictions to the decision of VGH Mannheim.

According to my interview with Mr. Scheffelman these implementing provisions declare street music on public streets only as public use as long as no music instruments or any other sound reproducing devices are put on the surface of the street. However, this would make any street music performance played with music instruments or any other sound reproducing devices that have to be put on the surface (e.g. keyboard) of public streets a special usage. The regulatory office of Friedrichshain-Kreuzberg deviates from this distinction and interprets the implementing regulations in such a way that all street music, independent of the type of instrument or device it is performed with or whether it has to be put on the surface is a public use of the street. Furthermore, there is also no regulation in place prescribing that if street music performances do not adhere to certain criteria they would require a special usage permission, such as in the case of the city of Freiburg (Scheffelman, personal communication, November 14, 2013).

This stands in conflict with the current jurisdiction as described in the paragraphs above. Upon request the director of the regulatory office of Friedrichshain-Kreuzberg told me that many usages, such as the long-term parking of vehicles, of public streets would in theory might require a special usage permission, but in reality are tolerated (Wenz, personal communication, November 18, 2013).

In conclusion, the implementation of the BerlStrg concerning street music performances differs from one city district to the other. This is dependent on the interpretation of the responsible regulatory office. The regulatory office of Friedrichshain-Kreuzberg defines street music on the Admiralbrücke as a public use. Street musicians therefore do not need a special usage permission to perform on it.

4.1.3 Landes-Immissionsschutzgesetz Berlin (LImSchG Bln)

The LImSchG Bln are the emission control acts for the federal state of Berlin. They are dealing with the protection from emissions that can have harmful environmental effects. Those emissions can take many forms and are in turn defined in the *Bundes-Immissionsschutzgesetz* (BImSchG), the federal emission control acts.

According to §3 Section 1 BImSchG harmful environmental effects can be ascribed to those emissions that in form, extent, and duration are suitable to cause damage, severe disadvantages or severe nuisances to the public or neighborhood. Emissions in the sense of this law can also be noise (§3 Section 2 BImSchG). In general, emissions such as noise originate from an installation. An installation is defined as machines, equipment and other non-stationary technical facilities (§3 Section 2 BImSchG).

In the sense of §2 Section 1 LImSchG Bln every person has to behave in such a way that harmful environmental impacts are avoided as much as that is possible in the circumstances and conditions present. Moreover, the person responsible for the construction and operation of an installation, which for example produces noise, needs to take precaution against harmful environmental effects by taking appropriate measures with regard to the state of the art of the installation. Further explanations on the protection from noise emissions are described in §§ 3 and 4 of the LImSchG Bln: Paragraph 3 prescribes that it is forbidden to make noise that could disturb someone's sleep from 10pm in the evening till 6am in the morning, whereas Paragraph 4 says it is forbidden to make noise that could severely disturb someone's rest on Sundays and on official Holidays.

Of great relevance for street musicians is §5 LImSchG Bln as it discusses sound reproduction and music instruments. It prescribes that installations used for sound reproduction and music instruments should not be used at such a volume that they could severely disturb someone. Additionally, §§ 3 and 4 LImSchG Bln apply. This is in alignment with the argumentation used by the OVG Mannheim and BVerwG, who in their verdict pointed out that the performance of street music on a public street can stand in opposition to the constitutional right of physical integrity (Article 2 Section II GG).

In case that the disturbance produced by sound reproduction devices and music instruments is insignificant, or if the endeavor has priority over the need to protect the rest of third parties, an exemption for §§ 3 to 5 LImSchG Bln with the right of revocation can be granted by the responsible authorities (§10 Section 1 LImSchG Bln). Additionally, requirements can be inflicted upon this exemption. Equal to the question of whether to give permission for special usage in the sense of BerlStrg, a decision over an exemption is a discretionary one that has to be taken by the responsible regulatory office. In case of the Admiralbrücke this is, once again, the regulatory office of Friedrichshain-Kreuzberg.

Paragraphs 7 and 11 LImSchG Bln deal with public events taking place outdoors and their permission. They prescribe that whoever is organizing a public event held outdoors needs to have a permission if a noise disturbance for third parties can be expected. The permission can be granted if a public need is apparent and if the event can be aligned with the need for the protection of the neighbors. This has insofar a potential relevance for street musicians on the Admiralbrücke, as it was decided in 2010 by the district council of Friedrichshain-Kreuzberg that the bridge is not an event venue (Loy, 2011). However, the hope of some nearby residents that therefore all street music would be prohibited proved to be false. Street music is not categorized as an event as it does not fulfill the criteria of expecting an audience of more than 500 people (Wenz, personal communication, November 18, 2013). Furthermore, street music is also described as spontaneous (see also the decision of the VHG Mannheim discussed earlier) and thus lacks the planning element, which is characteristic of an event.

Similar to the infringements upon the BerlStrG, also breaches against the LImSchG Bln are considered to be administrative offences. A street musician can potentially commit an administrative offence, when he or she on purpose or carelessly:

- produces noise, without obtaining an approved exemption (§10 LImSchG Bln), by which someone could be disturbed in his or her sleep at night (§3 LImSchG Bln)

- produces noise, without obtaining an approved exemption (§10 LImSchG Bln), by which someone could be severely disturbed in his or her rest on Sundays and on official Holidays (§4 LImSchG Bln)
- produces sounds, without obtaining an approved exemption (§10 LImSchG Bln), by sound reproduction devices or music instruments in such a way that someone could be severely disturbed (§5 LImSchG Bln)

The administrative offences described above can be penalized with a fine of up to €50,000 (§15 Section 2 LImSchG Bln). Equal to the measures that can be taken in case of a breach against the BerlStrG, also items that are related to the administrative offences in the sense of the LImSchG Bln as described above can be confiscated by the employees of the regulatory office or regular police forces acting in their capacity (§16 LImSchG Bln). Those items are in particular:

- music instruments
- acoustic-electric devices such as amplifiers and transmitters or parts of it
- sound reproducing devices or parts of it

The wording of laws is purposely formulated rather broadly. For example, music instruments can be taken away, but may not be, and administrative offences can be penalized with a fine of up to €50,000, but an exact amount per administrative offence is not given. As mentioned beforehand the interpretation of the LImSchG Bln, in case of the street musicians on the Admiralbrücke, is a responsibility of the regulatory office of Friedrichshain-Kreuzberg. The implementation of the LImSchG Bln is based on their discretionary decisions.

4.1.4 Circular Letter of the Senate Department for Health, Environment and Consumer Protection

In December 2010 the *Berliner Senatsverwaltung für Gesundheit, Umwelt und Verbraucherschutz*, the senate department for health, environment and consumer protection of Berlin issued a circular letter addressed to all regulatory offices in the city. Its subject is the implementation of §5 LImSchG Bln and the reasonableness of street music. This circular letter serves as an aid of orientation for the discretionary decisions to be taken on the evaluation of noise emissions produced by street music.

According to the circular letter street music is defined as a performance of music with the help of sound reproduction devices or music instruments, which is not taking place in the course of an event (e.g. street festival) or that is performed for a fee (e.g. music performance for marketing purposes). Thereby, the taking of money as a sign of appreciation or acknowledgement for the music performance is not a fee in the former mentioned sense. Hence, the street musician also does not need a business license to perform.

The letter differentiates between sound reproducing devices and music instruments. Sound reproducing devices are technical devices that serve the creation and reproduction of sound. Those are especially sound carriers, such as amplifiers and speaker systems. Additionally, music instruments that are electronically amplified are also technical devices. Together with the amplifier and the speaker system they form a unit. Those technical devices belong to the installations that in the sense of the BImSchG need no extra permission to be operated. However, music instruments operated without electric amplification do not belong to this category of installations. They are simply music instruments.

The circular letter continues by referring to §§ 3 to 5 of the LImSchG Bln. Sound reproducing devices and music instruments are only to be operated and played at a volume at which no one is severely disturbed (§5 LImSchG Bln). Furthermore, they should be operated and played at a volume at which no one could be disturbed in his or her sleep at night (§3 LImSchG Bln) or in his or her rest on Sundays and official holidays (§4 LImSchG Bln).

A severe disturbance in the sense of §5 LImSchG Bln is not apparent if street music is performed within the limits of the emission guidance and peak levels. The emission guidance and peak levels are written down in the *Technische Anleitung zum Schutz gegen Lärm* (TA Lärm), the technical instruction for the protection from noise pollution and define the situations when severe disturbances occur. Point 6.1 of the TA Lärm describes emission guidance and peak levels for residential neighborhoods, in which the Admiralbrücke is located. During the day from 6am to 10pm noise emissions should not exceed 50 dB(A), while at night from 10pm till 6am the guidance level is 40 dB(A). Additionally, single acoustic incidents should not exceed the emission guidance levels of more than 30 dB(A) during the day and 20 dB(A) at night. Levels are usually measured at the next nearby living resident. In the past, those guidance levels were exceeded on the Admiralbrücke. An article of the local newspaper reported a recording of 64 dB(A) on a night in August 2010 (Schmidl, 2010).

If a violation of the guidance or peak levels can be expected an exemption according to §10 Section 1 LImSchG Bln can be issued. However, this is only justifiable if the disturbance created by street music is insignificant. The decision over the granting of the permission would be once again taken by the responsible regulatory office.

Further on, the circular letter clarifies that, in general, street music, if played with non-amplified music instruments, does not cause a severe disturbance in the sense of §5 LImSchG Bln if:

- a) street music is performed between 8am to 1pm and 3pm to 8pm
- b) street music is not performed for more than 60 minutes on one location
- c) street music is performed in a distance of at least 20 meters to the next residential building and at least 60 meters to sensitive institutions like hospitals and retirement homes
- d) street music is not performed within immediate distance to a church during service
- e) street music is not performed at a location that can be directly seen from a school during class

Nevertheless, a severe disturbance can still occur, even if the street musician would comply with the conditions mentioned above. Cases in which a severe disturbance in the sense of §5 LImSchG Bln can occur include:

- a) if street music is performed with especially loud music instruments (e.g. trombone, drums, trumpet) so that the emission guidance levels are exceeded
- b) if street music is performed with a bigger number of persons
- c) all other potential spatial and time related conditions that could make the street music a severe disturbance

If street music, whether or not it is performed with the help of installations in the sense of the BImSchG or with non-amplified music instruments, does not adhere to the conditions described in the paragraphs above it is a severe disturbance. According to the circular letter

employees of the regulatory office or regular police forces acting in their capacity can take several measures if severe disturbances through street music occur.

Authorities are allowed to constrain street music performances to specific locations, times and lengths (based on §12 LImSchG Bln). Beyond that, the operation of certain installations, music instruments and any other sound producing elements can be prohibited (based on §12 LImSchG Bln). If those measures prove not be successful, on the basis of §29 *Allgemeines Gesetz zum Schutz der Öffentlichen Sicherheit und Ordnung in Berlin* (ASOG Berlin), the law for the protection of public order and security in Berlin, street musicians can be temporarily evicted from certain locations or not be allowed to enter them. Such course of action is justified as a severe disturbance symbolizes a threat to public security.

As pointed out at an earlier stage, breaches against the LImSchG Bln are administrative offences. The circular letter specifies that if a severe disturbance is caused by non-amplified music instruments and if the concerned street musician shows understanding, then this is usually considered to be a minor administrative offence. In case of minor administrative offences, a warning can be issued on the basis of §56 of the *Gesetz über Ordnungswidrigkeiten* (OWiG), the law on administrative offences. This warning can be issued with or without a fine. The fine is between €5 and €35, and differs significantly from the maximum fine of €50,000 described in the LImSchG Bln. The circular letter does not mention other specific examples. Any other infringements related to §5 LImSchG Bln can be penalized with the catalogue of measures found in the LImSchG Bln.

Finally, the circular letter closes with some remarks. It makes clear that for the execution of street music other public laws might apply, as for example the need to have a permission for special usage according to BerlStrg (see first part of this chapter). The letter also states that such evaluations of noise emissions produced by street music are always dependent on the individual case.

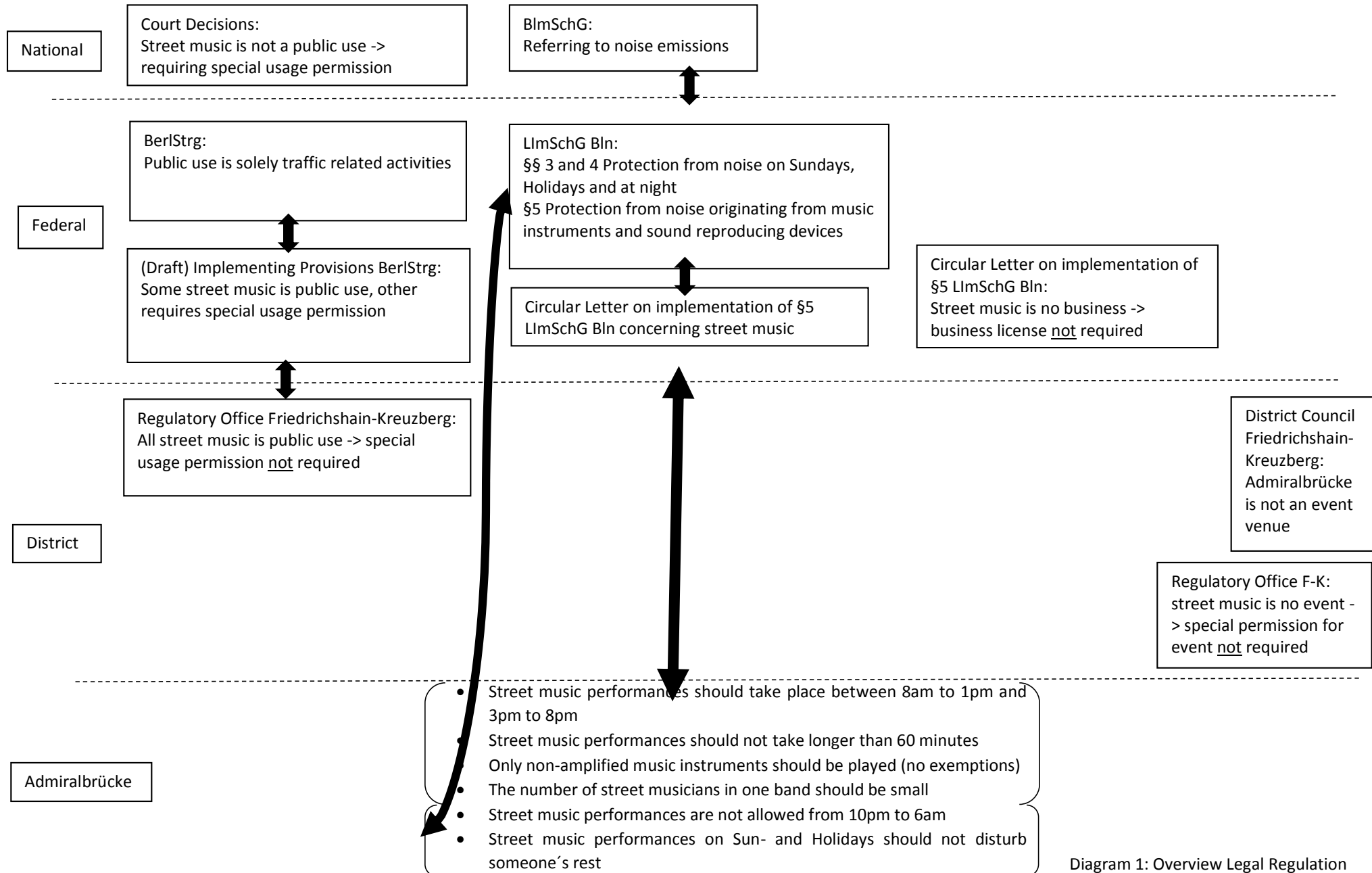
The contents of this circulation letter are solely indications for the interpretation and implementation §5 LImSchG Bln. Hence, it is possible to deviate from them.

Therefore it is entirely possible that the regulation of street music on the Admiralbrücke might be based on the contents of the circular letter, but could nevertheless differ in its details. My research at the regulatory office of Friedrichshain-Kreuzberg revealed that currently no exemptions in the sense of §10 LImSchG Bln for street music on the Admiralbrücke are given. This is justified as the collateral clause of §10 LImSchG Bln allows to prohibit the performance of street music in certain locations, if they are classified as especially noise-polluted. Such classification is dependent on the number of complaints about noise pollution of nearby residents and a confirmation of those by independent third parties. The Admiralbrücke is defined as an especially noise-polluted location. However, Paragraph 10 LImSchG Bln only applies to those performances of street music, from which it is expected that the noise level produced could severely disturb someone. The circular letter of the *Berliner Senatsverwaltung für Gesundheit, Umwelt und Verbraucherschutz* defines the decibel level that a street music performance has to exceed in order to represent a severe disturbance and gives specific examples of street music, which in general do not symbolize severe disturbances.

The regulatory office of Friedrichshain-Kreuzberg confirmed that as long as non-amplified street music on the Admiralbrücke adheres to the criteria mentioned in the circular letter it will usually not be punished (Garstka, personal communication, November 8, 2013). Likewise,

in case street music on the Admiralbrücke does not follow those criteria the employees of the regulatory office of Friedrichshain-Kreuzberg are compelled to sanction it with the measures described in the circular letter (Wenz, personal communication, November 18, 2013).

4.2 Summary



The street musician in Germany has to potentially deal with a multitude of laws and their resulting legal regulations. The illustration above shows that those laws, although operating on different levels, are at times entangled with each other. The ultimate decision on how these laws are interpreted and expressed, in the form of specific legal regulations for a street musician, is a responsibility of the respective regulatory office of the district in which the street music performance is to take place. Hence, the legal regulation of street music can differ from city to city, between different districts within the same city and even for different locations within the same district.

The regulatory office of Friedrichshain-Kreuzberg is the responsible agency for the regulation of street music on the Admiralbrücke. It is their understanding that street music is a public use of the street and that the performing of street music is neither an event nor a business. Therefore, the street musician does not require a special usage permission, an exemption for the organization of an event nor a business license to play on the bridge. The regulations that apply to the street musician on the Admiralbrücke are solely based on the Landes-Immissionsschutzgesetz Berlin (LImSchG Bln) and a Circular Letter from the year 2010 on the implementation of §5 LImSchG Bln. The legal regulations for street musicians on the Admiralbrücke are:

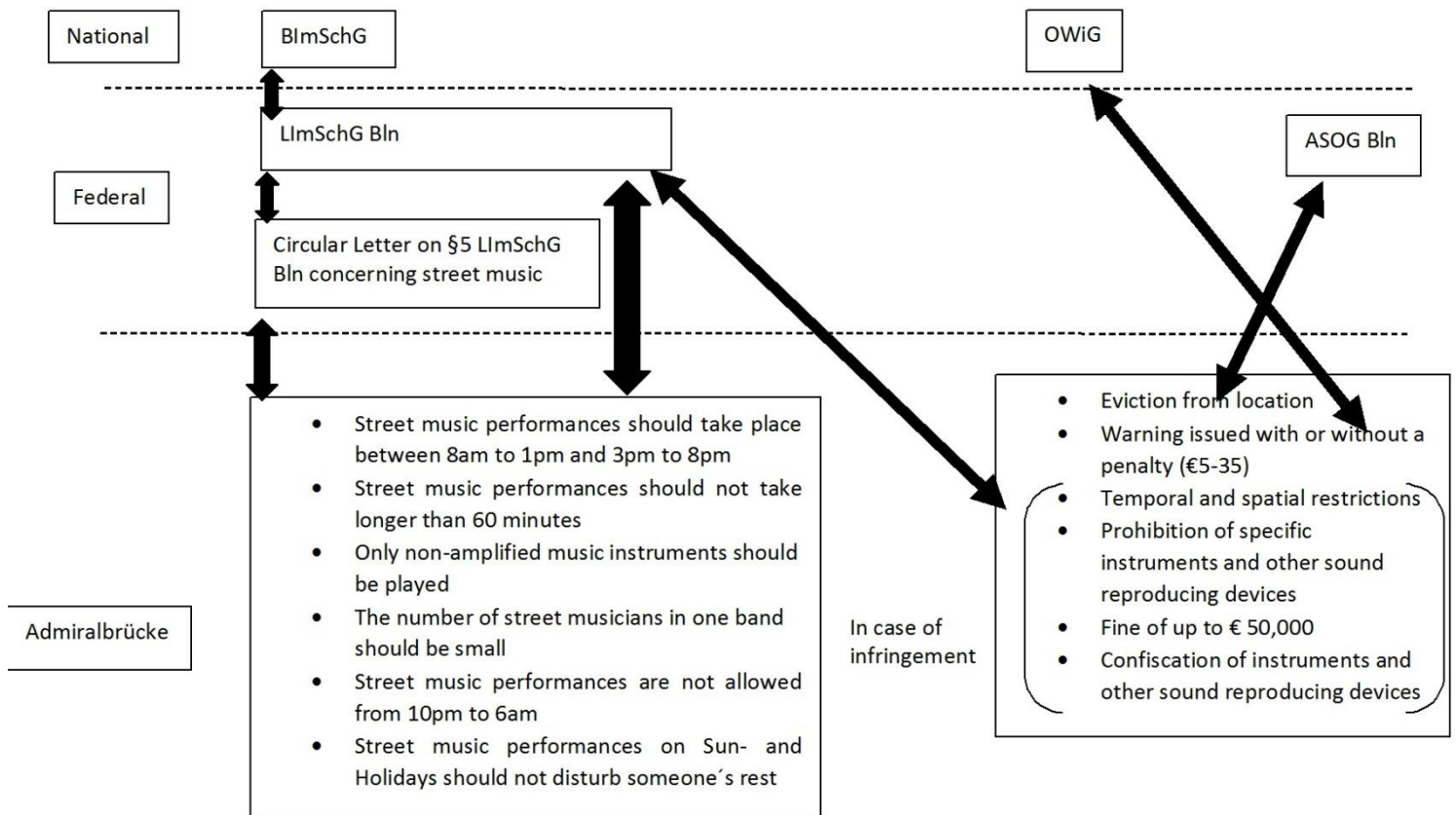
- Street music performances are only allowed to take place on the pedestrian paths of the bridge
- Street music performances should take place between 8am to 1pm and 3pm to 8pm
- Street music performances should not take longer than 60 minutes
- Only non-amplified music instruments should be played (no exemptions)
- The number of street musicians in one band should be small
- Street music performances are not allowed from 10pm to 6am
- Street music performances on Sun- and Holidays should not disturb someone's rest

According to Mr. Wenz, it is the directive of his office to solve potential conflicts between regulatory office and citizen with reason. Solely in the case this fails, employees of the regulatory office of Friedrichshain-Kreuzberg are advised to take the following measures:

- Eviction from location
- Warning with or without a penalty (€5-35)
- Temporal and spatial restrictions
- Prohibition of specific instruments and other sound reproducing devices
- Fine of up to € 50,000
- Confiscation of instruments and other sound reproducing devices

As elaborated in the methodology section any rhythm, including the ones of street musicians, is a spatial and a temporal phenomenon. Prescribing the location and times of street music performances the explicit laws stated above possess spatial and temporal traits well. How these laws in theory and in reality influence or respectively rhythmize street musicians and their rhythms will be discussed in the analysis chapter.

Diagram 2: Overview of Measures



The illustration above depicts how those measures relate to the laws discussed and others. Although technically every non-adherence to the regulations present for street music on the Admiralbrücke is an infringement against the LImSchG Bln, the catalogue of measures is also based on the other sets of laws.

Part 2:

The second part of the results is divided into two main parts. The first part describes the repeated activities and movements of street musicians, also referred to as the elements of their performance. These include their temporal and spatial occurrence on the Admiralbrücke and explanations of my interviewees concerning those specific characteristics. In addition, I make a further distinction between two different situations of street musicians performing on the Admiralbrücke: late afternoons and early evenings every day in contrast to late evenings on weekends. During my interviews and my observations those two situations appeared to be distinct from each other. The detailed description of the hows, wheres and whens of street musicians on the bridge is the necessary groundwork to answer the question of how street musicians create leisure space on the Admiralbrücke. Only by documenting the repeated activities and movements of street musicians in space and time, I will be able to identify the rhythm(s) that create(s) leisure space on the bridge.

The second part of the results section addresses how legal regulation intersects with street music performances. It portrays not only the enforcement of legal regulation, but also displays my interviewees' knowledge on legal regulation and its incorporation into the music performance. Such documentation is required to show whether and how legal regulation is reflected in the rhythms of street musicians that create leisure space on the Admiralbrücke.

The table below (table 3) lists the street musicians I interviewed and a few of their characteristics. It should help the reader to relate the following quotes with each interviewees' background as a musician.

Name	Age	# of Interviews	Experience at Admiralbrücke	Instrument	Reasons for playing	Average Hourly Income
Oscar	End 20's	2	3 years	Guitar	<ul style="list-style-type: none">• Spin-off gigs• Money	€25-30
Kurt	End 20's	2	3 years	Guitar	<ul style="list-style-type: none">• Practice• Money	€25-30
Peter	30's	1	1 summer	Guitar	<ul style="list-style-type: none">• Money• Fun	€25-30
Menuçin	End 40's	3	7 years	Drums	<ul style="list-style-type: none">• Political• Money• Fun	€40-50
Bernd	30's	2	3 years	Guitar	<ul style="list-style-type: none">• Money	€30
Isabel	Mid 20's	2	2 years	Guitar	<ul style="list-style-type: none">• Practice• Fun	€30-40
Petra	End 20's	1	1 summer	Guitar/Violin	<ul style="list-style-type: none">• Money• Practice	€30-40
Susi	Mid 20's	2	2 years	Mouth Organ	<ul style="list-style-type: none">• Money	€40-60

Table 3: List of interviewees

4.3 Elements of the Performance

The following only applies to the situation of street musicians performing during late afternoons and early evenings on the Admiralbrücke. As mentioned beforehand, the situation that occurs in the late evenings on weekends will be discussed separately.

All the elements, audible and visual, relate to the physical presence of street musicians on the bridge. They happen repeatedly at certain times on specific locations. The consequences this has for the creation of a leisure space will be discussed in the analysis chapter.

4.3.1 Number of Street Musicians

During my observations I was able to trace different band sizes on the Admiralbrücke: from the single musician to a band of four. Online videos of street music performances showed up to six musician playing together. The number of street musicians playing together in one band on the Admiralbrücke, which I most often observed and was also preferred by my interviewees was two.

Kurt: "I used to play all by myself. Sometimes I still do it, but nowadays I usually play with one of my buddies."

Me: "Why do you prefer to play with another musician nowadays? Do you think there is an advantage to performing with another musician?"

Kurt: "I don't really know - I guess it's more fun. You can play cooler songs and you are louder so more people can hear you. I think that's it. And for me as I said before it's easier to perform if you have someone playing with you."

Me: "Can you also think of a disadvantage of playing with more than one musician on the streets?"

Kurt: "That really depends. I cannot say a number but I think in smaller spaces like the Admiralbrücke for example when you have a lot of musicians you scare people away. It's just too much for them. Also of course when you play with someone else you have to split the money you make. For me it actually makes no difference though. I make more or less the same money."

Me: "Why do you think that is?"

Kurt: "Probably because when I play with my friend we attract more people. But I think at some point it's too many musicians and then you don't make much money when you split."

Performing together automatically implies that earnings have to be split. In the usual case this means that the more street musicians are involved in a performance the smaller is the hourly wage per musician. Nevertheless, most of my interviewees still favor to have the company of at least one other musicians.

Kurt is one example among my Interviewees who stated that with more musicians it is easier to lure people away from whatever it is they are doing and draw their attention to the performance. However, at the same time the number of musicians should not exceed the point where it overwhelms and turns away the crowd.

A bigger band size is not only a visual stimulus by taking up space, but also a tonal one. According to most of my interviewees, beyond performing louder than a solo street musician a band of street musicians can also play more polyphonic songs involving several instruments. This is not only to be more likely successful with the potential audience, but simply more fun and enjoyable for the street musicians themselves.

4.3.2 Music Instruments

The range of music instruments played on the Admiralbrücke which I could observe was wide. It reached from amplified guitars to cellos and even a complete drum set. Though, the dominant instrument on the bridge is the acoustic guitar.

For my interviewees the selection of music instruments was a question of personal preference. For example Menuçin plays the bongo drum, Susi the mouthorgan and Oscar the guitar. I asked Oscar why he would play exactly this particular instrument that I saw with so many other street musicians.

Oscar: *"It's basically what I started with. It's more easy to learn how to play it and then I just continued to do so."*

Me: "Can you think of any more reasons why you and so many others play the guitar?"

Oscar: "Not really. Maybe because there are so many songs written for the guitar. And many of those songs are really popular. So it's good for money making."

My interviewee Bernd said that he traces the popularity of the guitar in street music back to its excellent sound carrying qualities that makes it possible to reach a big audience.

4.3.3 The Set

The main element of the actual performance of a street musician is his or her set. Whereas, according to Menuçin a set in a subway wagon usually consists out of only one song (in between two stations), in front of a bar normally around three songs, sets performed on the Admiralbrücke I observed are composed of five to seven songs.

"I usually start playing my set right away. I don't say anything before I start. That's also a surprise moment for the crowd." (Isabel).

Like Isabel, none of my other interviewees and in none of the street music performances I witnessed would announce the start of the performance. To the contrary, they all started performing the first song of the set right away.

The songs played on the Admiralbrücke usually last between one and a half and two and a half minutes. Every street musician and every band of street musicians have their own specific set. Although the composition and the order of the set are at times slightly altered to match what my interviewees call the "mood of the audience", a band-specific set usually consists of the same five to seven songs. I recognized them often to be cover songs and especially all-time classics by the Beatles.

Me: "Why do you keep playing the same songs over and over? Isn't it boring for the people listening to you and also for yourself?"

Kurt: *"No, not really. I mean it really depends somehow. Learning new songs takes time and I always think it's better to be able to play the same 8 or 9 songs perfectly than know how to play many more, but then not in the right way. Once I can really play a song I can also put feeling into it. Yeah. And for the people listening it's also better because it sounds better. And after the set is finished they are gone anyways."*

My interviewee Menuçin explained to me that street musicians often play Beatles songs as they just simply *"work very well with the crowd"*.

The street musicians I interviewed and observed on the bridge start their set with one or two upbeat and popular songs, followed by another one or two more melancholic and slow songs to finish off with something optimistic and fast.

Their rationale behind this pattern is to draw the initial attention of the crowd with the popular songs. Susi referred to this as *"luring people in"*, while Oscar called it *"breaking into someone's personal space or bubble"*. The middle part of the set shows musical variety. The idea to keep the audience interested or to put it in Susi's words to *"bind people"*. The last songs are intended to send the audience off with a positive feeling.

Menuçin: *"It's just normal. A happy audience, I mean people who are in good mood will always give you more money than those that have a bad day."*

In between the songs of the set there are little breaks, which in my observations never lasted for more than 15-20 seconds. They are filled with preparations for the next song, a sip out of a water bottle or short interactions with the audience.

However, within these tiny breaks and during songs street musicians on the Admiralbrücke would try to involve the audience by oral communication, hand signs and other body gestures. My interviewee Bernd was especially skillful in this endeavor. He animated people to clap their hands within the rhythm of the songs, let the audience sing the chorus of Bob Marley's "No Woman, No cry" or gave them small instruments such as a triangle to participate in the performance.

The hat, in which the audience can put their gratuities for the music, lays visibly in front of the band during the entire set. The part of the audience, which circles around the musician often, donates there while the set is still played.

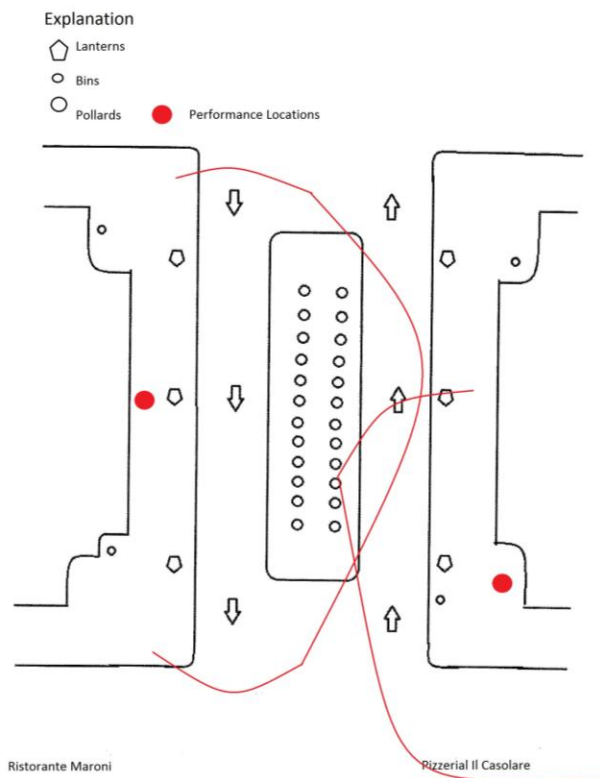
"A good street musician will always make a break after the set is finished. No matter what happens. Otherwise you will always have the same people listening and they only pay once. But if you also want to make some money with music you need new people. So it's really important that the people that listened to you also go away again. So the break you do has to be very distinct and rather long." (Menuçin)

The street music performances I witnessed on the Admiralbrücke would last for circa 15 to 20 minutes and did not start again before a break of another 10 to 15 minutes was made. I observed that the end of the performance and the beginning of the break two things happen. A good part of the audience,

especially those that circled the band standing during the performance, disperses and walk off while simultaneously one of the band members takes the hat and starts to wander around to ask people for gratuities.

When the performance is located at the middle of the bridge the street musician with the hat walks in a semi-circle on the bridge and asks especially those who sit on the pollards for money. If the performance is set on the southeast corner this semi-circle is smaller and only extends to the south side of the bridge (see map 2). However, it includes the costumers of the nearby located pizzeria. Each street musician has his or her own way of asking for money. Usually this is a humoristic comment. Once the hat made its round and no one pays for an encore, which only happens seldom on the Admiralbrücke, street musician either make a break to play another set after or they leave the bridge to go home or play at different location.

According to my interviewees the latter situation can occur when another band of street musicians wants to play on the bridge. Many of my interviewees often refer to an unwritten code of ethics for street musicians that include the rule that only one band can play at a time on one spot for no longer than approximately half an hour. Street musicians will also leave the bridge once their performances simply no longer yield a high enough profit.



Map 2: Performance locations and their spatial extension

4.4 Temporal Occurrence

4.4.1 Time of the Year

In general street music is performed all year around on the streets of Berlin and on the Admiralbrücke. However, street music is an outside activity. During my observations and in my interviews it was apparent that street music on the bridge is performed more often during the months of spring to early fall than in the months of late fall and winter.

Me: "Maybe it sounds a little stupid or obvious, but why do you never play in the winter time on the bridge?"

Kurt: *"It just makes no sense. Mostly because when it's cold there are no people outside. And when there are no people you don't need to play cause you will make no money. In the winters I used to play in subway wagons because it is way warmer there. And of course the people are there too then. Even more in winter I think."*

All of my interviewees would participate in this rotation where public places outside would be played in the warmer months, while in the colder months performances would take place in inside locations such as underground stations or bars. Susi even told me of street musicians that move for the colder month to places outside of Berlin that offer a more suitable climate for street music performances (e.g. Spain).

Bernd explained to me that a colder climate also makes it more difficult to play instruments. In the warmer months street musicians do not have to fight with the problem of from the cold numb hands or detuned instruments.

4.4.2 Time of the Month

"Not that you can always choose, but if I have the choice I prefer to play at the beginning of the month. People have more money in the pocket then. At the end of the months they don't have so much money left and then they also don't like to spend so much money on street music. Cause maybe they think they need the money for something else, like paying bills or so." (Isabel)

During my observations on the Admiralbrücke I did not record more street music performances at the beginning than at the end of each month. However, I also believe that the amount of observations executed by me was not sufficient to support this statement.

4.4.3 Weekday

I observed more street music performances on the Admiralbrücke on weekends than on weekdays. Likewise, my observations showed that on the weekends the bridge is also more crowded in general. Also my interviewees favored weekends over weekdays to perform on the bridge.

"It's not only that there are only more people on the streets or on the bridge. You know it's more like people are in a better mood because they have free time, they don't work. They walk around with the family, maybe have a beer or a coffee, play with the kids. And they are smiling. For you as a street musicians that's good. Because you are automatically in a good mood too. And then they are. So when people are in a good mood and smile they also give you some money for the music." (Oscar)

It is the believe of my interviewees that being off work on the weekend also puts the potential audience in a different state of mind, in which they are more receptive to street music than during the week when most people's everyday life is dominated by work.

4.4.4 Time of the Day

I observed most street music performances on the Admiralbrücke starting on weekdays in the late afternoons (around 5pm) and on the weekends in the early afternoon (around 3 pm). On weekdays, depending on several factors such as climate and weather, the last street musician would leave the bridge around 8pm. The same applied to weekends.

Me: "Do you have certain hours that you play on the Admiralbrücke? I mean hours during which you like to play preferably?"

Susi: *"Do you mean on the weekends or weekdays?"*

Me: "Is there a difference?"

Susi: *"I think so. On weekends it doesn't matter so much. People are out anyways. Strolling along the canal, maybe eating something. Sometimes I even think it's too crowded then to make street music. You just disappear in all that is happening. But, yes on weekdays it matters. I prefer to play in the times when people just got off work. You know, when they are on their way home to do whatever. Then they have not really something to do and that's where I come in and entertain them."*

This is in alignment with my own observations on the Admiralbrücke. It was mainly in the early evenings of weekdays and the afternoons of weekends on which I recorded people engaging in leisure activities (strolling, eating listening to music etc.). My interviewee Menuçin added that the preference to perform during these specific hours is also based on the fact that the bridge is then exposed to direct sunlight.

4.4.5 Weather Conditions

In times of rain I was never able to observe street music performances on the Admiralbrücke, while at times of sunshine there were plenty.

According to my interviewees sunshine lures people outside and on the bridge, while in the case of rain the Admiralbrücke does not offer any protection and is deserted. Petra told me that in certain public spaces she moves her performance with the position of the sun, as this influences where the potential audience sits. In another example, Kurt explained the role of wind and rain to me: *" Basically playing outside when it's rainy and windy is crap. There are no people, it's very uncomfortable for you and the wind and rain make your instrument sound very funny."*

4.5 Spatial Occurrence

In addition to my interviews, observations, and analysis of YouTube videos I also handed out a ground plan of the bridge and its nearby surroundings to my interviewees and consequently asked them to indicate where they would perform and where they had seen other street musicians perform. Excluding the situations on the Admiralbrücke that would occur in the late evenings on weekends, my observation and interviews revealed that street music performances take place on two specific locations on the bridge. One is on the pedestrian path on the southeast corner of the bridge; the other is located on eastward sidewalk at the middle of the it (see map 2).

4.5.1 Southeast Corner

The spot on the southeast corner of the Admiralbrücke is arguably the most picturesque with its wrought-iron railing and the old trees in the background (see picture 2). It is located right across the popular pizzeria “Il Casolare”. In the warmer afternoons and evening it is not rare to see people waiting in line for one of the 100 outside seats the restaurant offers.

Me: “Why do you play at exactly that spot?” (me pointing on the x Bernd made on the map)

Bernd: *“Because I really think it’s is the best spot. You kind of reach people that are on the bridge, you know sitting on the pollards and so on. But you also play for people that come walking by, that strolled along the canal. And of course, but you have to talk to the people of the restaurant before you play for all these people that sit at the pizzeria outside. I think it’s the best spot, really.”*

When I asked Kurt the same question he responded that he did not choose the southeast corner consciously, but referred to his decision as based on “*the intuition of a street musician*”. However, he also mentioned that the corner would be the last position on the bridge that would get the last bits of the evening sun.

Next to the advantages of reaching a potentially big audience and receiving the last bit of sunrays my interviewee Isabel mentioned two further benefits of this particular spot. The trees surrounding it not only give shade but also help to produce a good sound resonance.

4.5.2 Middle of the Bridge

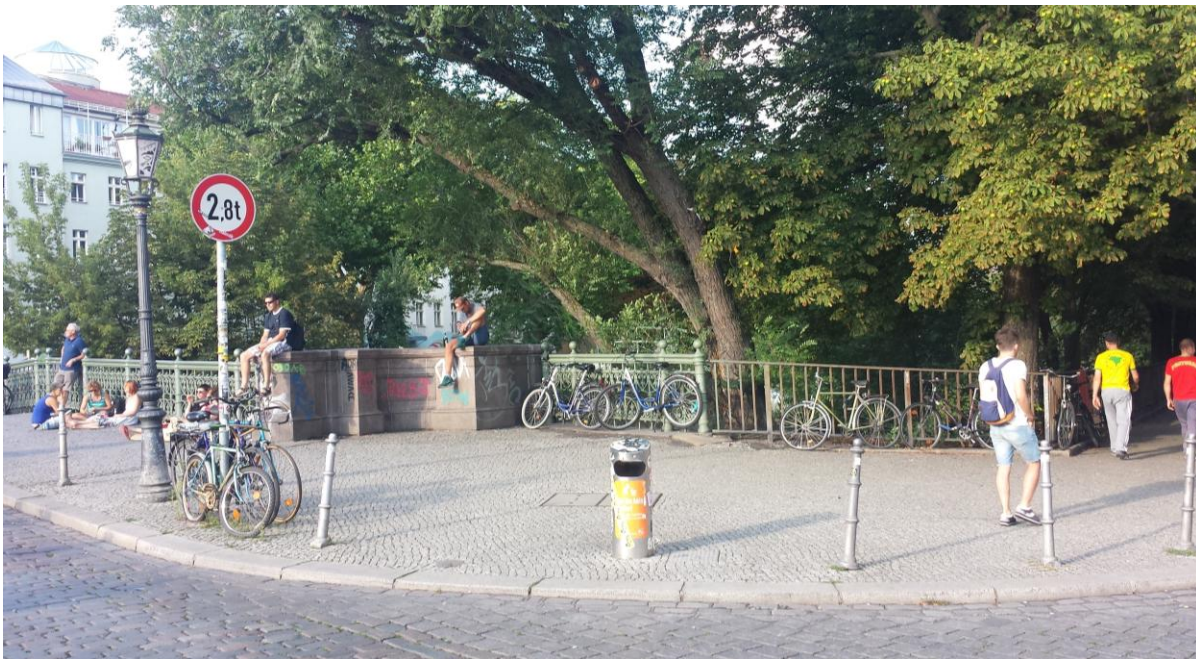
The other location situated on the eastward sidewalk at the middle of the bridge offers more physical space than the southeast corner (see picture 3).

Oscar: *“The middle of the bridge is a cool spot when you are with more people in a band. We once did this political action, where we give out flyers and play songs. There we played in the middle because there is more space for the musicians. It then feels a bit like a real stage with the people on the pollards.”*

This was reflected in my observations. Smaller bands of one to three musicians would perform on the afore southeast corner, while bigger band of up to five musicians play mostly at the middle of the

Admiralbrücke. Although this specific spot does not receive the last rays of sunlight, due to its eastward position it is still exposed to the afternoon and evening sun.

Similarly to Oscar also my interviewee Kurt compared performances on the middle of the bridge with a concert: *“Playing at the middle is a bit like when you play a concert. The entrances of the bridge are the entrances. The stage is middle and the pollards are the seating. And this is where your audience sits. But I still prefer the corner, because there I can reach more people.”*



Picture 2: *Performance Location southeast corner*

Source: Paul Köper, 2014



Picture 3: *Performance Location middle of the bridge*

Source: Paul Köper, 2014

4.6 The Admiralbrücke on Late Evenings on Weekends

Street music performances that occur during the afternoons and early evenings on the Admiralbrücke differ significantly from those that take place in the late evenings on weekends. In both cases street musicians are present on the bridge. Also in the late evenings I observed, even to a bigger number, people flocking to bridge and engaging in various leisure activities like chatting, drinking or listening to the music of musicians.

According to the majority of my interviewees the main difference between the two situations is that in the late evenings music was not performed with the intent of earning money with it. Even if this was the motive, as Isabel told me, the situation made it almost impossible as the bridge was for one too crowded and also played on by up to three or four street musicians simultaneously.

My interviewees evaluate the late night situation at the Admiralbrücke differently. Whereas Oscar praised its atmosphere and the exchange with other musicians, for others like Menuçin it was exactly this mixture of poor quality music and a loud and drunken crowd that led to the atmosphere which was so extensively covered by the media (see introduction chapter). *“I wouldn’t even call them street musicians. They were just a bunch of drunken kids with guitars. The quality was not very good and people screamed, were drunk and throwing bottles. It’s a problem because people said those were street musicians, but they are not.”* (Menuçin)

During my observations in the late evenings on weekends I noted that the choice of instrument remains the same but the type of music and set is different from the ones played in the afternoons and early evenings. There is no specific set length. My interviewees are then speaking of continuous “sessions” that could last for hours. The type of music is dominated by experimental and self-composed songs and leaves room to improvisation. Furthermore, I was not able to trace a passing around of the hat or any form of interaction specifically directed at drawing an audience from the street musicians.

4.7 Legal Regulation

4.7.1 Knowledge on Legal Regulation

My interviewees’ knowledge about what legal rules apply to them when playing in public space was rather sparse. Everyone claimed to know that some sort of legal regulation concerning street music exists, but either my interviewees were not able to describe specific rules or the examples mentioned were inaccurate or respectively false. This was true for their knowledge regarding legal regulation of all street music Berlin-wide as well as specific rules for street music on the Admiralbrücke. This stands in contradiction with the street food sellers in Koch’s (2013) PhD thesis, who were highly knowledgeable concerning rules and laws as they ran regularly into trouble with police forces.

Corresponding with the results of my legal research, my interviewees stated that the juridical state of affairs of street musicians for the legal layman is opaque. Bernd told me that he sometimes had the feeling that he would have needed to study law to understand all the rules that apply to him as a street musician.

Most of my interviewees were aware that legal regulation differs from one federal state to the other, from one city to the other, and even from one locality to the other within one city. Some also knew that it is forbidden to make use of amplifiers in all public spaces, while others believed this is only applying to a few selected spaces (not including the Admiralbrücke). Two of my interviewees thought that a rule exists that prescribes the maximum duration of a street music performance at one location to 30 minutes, which is still another 30 minutes short of the official regulation on the Admiralbrücke. Another interviewee stated: *"I don't play during siesta hours, but that's not a legal rule. It's an ethical rule."* (Menuçin). However, in its contents the circular letter of the senate department for health, environment and consumer protection of Berlin actually prescribes those music free hours.

Next to this rather superficial and inaccurate knowledge about the legal regulation of street music, interviewees were also often referring to presumably legal rules, which actually had no legal basis whatsoever. Kurt claimed that not only for playing at subway stations a musician would require a license, but also for performing in public spaces some sort of business license is officially needed. Susi told me that if a musician was to use an amplifier in public spaces he or she would be bound by law to pay a fee for the noise emissions caused to the Ministry of Environment.

Me: "You mentioned that you know that amplified music is forbidden by law. Do you follow that rule?"

Oscar: *"Yeah, I do. But not because it's a rule. I just don't like to play amplified. I think it sounds better without. To be honest: there are many rules out there. I don't know so many cause it doesn't matter to me. For me I have to make sure that I play in a way that the regulatory office is not coming and tells me to stop. That would be bad for business. So for me that's the only rule I follow that maybe has something to do with what you want to study"*

Similar to Oscar also all my other interviewees knew that some legal regulation of street music exists and is in theory applicable to them. However, in practice, when actually performing street music, they are not of great relevance to them.

Susi even told me it is at times better not to know the specifics of legal regulation: *"If I don't know the rules it's easier for me to play naïve when regulatory office or police confront me. Maybe it's also because I am a girl. I can play dumb and they let me go without giving me a fine, you know? If I was to know the rules I think it would be more difficult. But I just try to stay away from trouble anyways."*

4.7.2 Enforcement of Legal Regulation

According to my interviewees contact with the regulatory office on the bridge runs smoothly to an extent, where employees of the Friedrichshain-Kreuzberg were even explicitly praised. This is true not only for cases in which interviewees were adhering to the legal rules, but also to those few cases when they were consciously or unconsciously violating them.

Menuçin: *“Once I did this concert, well more like a performance, in cooperation with the city cleaning. We were all dressed like bin men. Like five of us and we would play a drums set on the middle of the bridge. But we didn’t apply for the concert beforehand. We just played and we were loud. People complained and regulatory office came. It was really loud so I understand. But the people from the regulatory office were really nice and even allowed us to play an encore before we left.”*

Similarly, also my other interviewees told me of examples of street music performances that remained unpunished although they were played with amplifiers or during siesta hours.

My Interviewees trace the behavior of the employees of the regulatory office of tolerating these technically illegal acts back to their own behavior and the conviction that the employees have some play in how to interpret the rules. The key, according to my interviewees, to a smooth relationship with enforcers of legal regulation is what they call “personal contact” (Susi) or a “respectful face-to-face contact” (Oscar).

The personal or face-to-face contact my interviewees were referring to, which I observed on the Admiralbrücke is most often of a non-verbal nature. On the two occasions I observed an encounter between street musician and employees of the regulatory office, the two parties first acknowledged each other’s presence through meeting each other’s gaze and a simple nod. During one of the two occasions an employee lowered his hand to signal the street musicians to play more silently. The street musician nodded once more and resultantly lowered the noise level. To confirm that the desired noise level had been reached, the employee of the regulatory office did the “thumbs-up” sign. On the other occasion it was close to 8pm, the legal limit for street music performances on the bridge. By showing two fingers an employee of the regulatory office indicated to the street musician that he was allowed to play two more songs before he had to stop. To show his agreement the street musician nodded. This was all done without disrupting the actual performance.

Besides the eviction of place, based on §29 ASOG Bln, none of my interviewees ever experienced the enforcement of any other measures like the imposing of a fine or the confiscation of music instruments. This is consistent with my own observations at the Admiralbrücke and the impressions I got from the interview I executed with Mr. Wenz, the director of the regulatory office of Friedrichshain-Kreuzberg. The relationship between regulatory office and street musicians at the Admiralbrücke seems unproblematic. At no times during my observations did I witness a conflict between the two parties. Although a few of the street music performances I witnessed on the Admiralbrücke were not in compliance with the legal regulation in place, I never observed an enforcement of the corresponding legal measures.

Mr. Wenz from the regulatory office of Friedrichshain-Kreuzberg confirmed to me that in principle his employees are instructed to enforce the legal rules concerning street music performances with the measures described in the codes of law. However, employees of the regulatory office are not continuously present on the bridge. In addition to the regular patrols they only appear on the Admiralbrücke if a person, in most cases a nearby resident, complains about a potential administrative offence or a criminal act taking place on it. Mr. Wenz explained that his office almost never receives

complaints about the noise level caused by street musicians and therefore does not see the necessity to intervene. The noise complaints, independent of whether caused by street music or not, the newspapers so extensively reported on a few years back occurred outside the working hours of the office and thus were a responsibility of the Berlin police forces. Moreover, as elaborated before, it is ultimately the discretionary decision of the employees of the regulatory agency how they punish street musicians violating legal regulation in specific.

4.7.3 Incorporation of Legal Regulation into Performances

Although the great majority of the street music performances I observed were in accordance with legal regulation as written in the codes of law, the majority of my interviewees stated that their knowledge of the legal regulation concerning street music is at least not consciously incorporated into their performances on the Admiralbrücke. For example, as evident from Oscar's remarks, his decision to play without an amplifier is not attributed to it being forbidden by law, but to sound aesthetics and other reasons. Similarly, the times my interviewees chose when to perform, like in the case of Susi, do not primarily orientate themselves on the specifications described in the codes of law. Only Oscar was positive when I asked him if he incorporates legal regulation in his performances.

Oscar: *"Of course I do. I would be stupid not to. I told you before."*

Me: "Ok, but how exactly are those official rules integrated into your performance? What do you especially concerning that?"

Oscar: *"I told you. Most important is that no one complains. Cause if they do then the regulatory office comes and you have to stop playing. And then you make no money. What I try to do is that I don't play so loud. Cause it's the noise people complain about. But I am experiences, I know how to play silent and how to play loud. I did street music for a long time and know when I have to interpret the song more silent."*

The most noticeable reaction occurs when employees of the regulatory office ask street musicians to leave the bridge. For the music performances this means a shorter than intended set and an end to the performances in general.

Me: "Did the police ever ask you to stop playing and to leave?"

Kurt: *"You mean on the Admiralbrücke?"*

Me: "Yes, especially there. But also other public spaces in general."

Kurt: *"Other places quite often. On the bridge maybe once, but we were almost finished anyways."*

Me: Ok. What are the consequences for your performance when they tell you to leave?"

Kurt: *"Well, what it means is of course is that you have to stop playing. It's easy as that. Mostly it's not a problem, because you just move on to the next spot. Sometimes I don't like it. Because you are in a good mood and the audience is too. So you also lose some money. But mostly it's not a big deal."*

Me: "You said for you it's not a big deal. How does the audience react when regulatory office tells you to leave?"

Kurt: *"They are always on your side. I think they are more angry than us street musicians and often try to argue with the regulatory office. For me I am ok. I just pack my stuff and move a little further to a different spot."*

4.8 Summary

My interviews and observations revealed that certain characteristics apply to the majority of street music performances on the Admiralbrücke.

Spatially, most performances take place on two specific locations: The southeast corner and the eastward sidewalk at the middle of the bridge.

Temporarily, the performances occur during the (late) afternoons and early evenings. In addition, there are more street music performances in summer months than in winter months, more street music performances at the beginnings of each month than towards their ends, more street music performances on weekends than on weekdays and more street music performances at times of sunshine and no wind than at times of rain and wind.

Street music performances on the Admiralbrücke are most often played with two musicians. The range of music instruments the performance is played with is wide, but the dominant type of instrument on the bridge is the acoustic guitar.

A single street music performance on the Admiralbrücke lasts circa 15-20 minutes, which is equivalent to a set composed of five to seven songs with an average duration between one and a half and two and a half minutes per song. The composition of the set, the type of songs played and the order of the songs within the set follows a certain pattern. To the greatest part the songs performed belong to the category of popular music and a set usually starts with one or two upbeat and popular songs, followed by another one or two more melancholic and slow songs to finish off with something optimistic and fast.

Breaks in between songs have a duration of 15-20 seconds. They are filled with preparations for the next song, a sip out of a water bottle or short interactions with the audience. Interaction with the audience occurs not only in between songs, but also while songs are played. Street musicians on the bridge try to involve the audience by oral communication, hand signs and other body gestures.

Whereas for the start of most street music performances no introduction is made, its ends are clearly defined. It is the time when one of the street musicians walks in a semi-circle around the location he or she played at and asks members of the audience for gratuities. Once a performance is over a new performance will usually not start before a break of 10-15 minutes.

The reasons given by my interviewees concerning the where, when and how of street music performances on the Admiralbrücke can be sorted into three partially overlapping categories.

1. Motivations to generate an audience/generate gratuities from an audience
2. Climate and weather related circumstances
3. Personal artistic taste/personal enjoyment
- 4.

Also in the late evenings on weekends street musicians play music on the Admiralbrücke. In comparison to the aforementioned performances occurring in the (late) afternoons and early evenings though there seems to be no consistency in the elements and characteristics that could describe these performances.

My interviewees explain the where, when and how of these performances with the fact that they are not directed at an audience, but only played for themselves.

All of my interviewees are aware that some legal regulation for street music exists. Nevertheless, the knowledge of my interviewees concerning legal regulation that specifically applies to them and their performances on the Admiralbrücke was either false or only partly true.

My interviewees justify their lack of knowledge that for one naivety protects them from potential punishment and on the other that almost none of them ever ran into trouble with enforcers of legal regulation. This is congruent with my own observations. While one of my interviewees once was asked to leave the bridge I never observed an enforcement of the corresponding legal measures, even in the few cases street music performances I witnessed on the Admiralbrücke were technically not in compliance with legal regulation. The very few occasions on which I saw employees of the regulatory office and street musicians being present at the same time on the bridge, communication between them was restricted to visual communication and nodding.

The great majority of street music performances I observed on the Admiralbrücke is in accordance with legal regulation. However, all but one of my interviewees, who tries to make sure his performances are below the prescribed noise level, state that legal regulation is not consciously followed and therefore incorporated into their performances. To them the law-abidance of their performances is unrelated to the laws itself but can be traced back to other factors.

Chapter 5: Analysis

The results chapter laid out the groundwork by giving a detailed description of street music performances and applicable laws. The analysis chapter now picks up on this and tries to connect the results with the theoretical framework that has been established before. Attempting to answer my main research questions of how street musician rhythmically contribute to the creation of leisure space on the Admiralbrücke and how this rhythmic space creation is influenced by legal regulation the analysis chapter is divided into two parts.

In the first part I try to establish a rhythm to the performance of street musicians for the situation described taking place in the late afternoons and early evenings on the Admiralbrücke. Furthermore, I will portray how the characteristics of this performance rhythm are partly the result of the relations it stands with other rhythms. Lastly, I will attempt to give an answer to the question of how the enactment of the performance rhythm creates leisure space on the Admiralbrücke.

The second part focuses on legal regulation of the performance rhythm. In this part I will turn to discuss the question whether and how legal regulation influences the performance rhythm that creates leisure space on the Admiralbrücke.

Part 1: Rhythms and Leisure Space Creation

5.1 Street Music Performances at the Admiralbrücke as a Rhythm

There is a distinguishable rhythm to the performance of street musicians for the situation described taking place in the late afternoons and early evenings on the Admiralbrücke. Stemming from the social, from human activity, it is in the sense of Lefebvre a linear rhythm. From now on, I will refer to it as the performance rhythm.

The main Lefebvrian rhythm criteria of a repeated overall movement are those 15-20 minutes of performance in which street musicians start playing their instruments, take small breaks, interact with the audience, and end their set including the passing the around of the hat. Street music performances on the bridge are a regular occurrence. They happen most often in the time span between five pm and eight pm on weekdays and between three pm and eight pm on weekends. Additionally, coinciding with Lefebvre's rhythm criteria of "strong and weak times" (Lefebvre, 1992, p. 78), there are rules underlying this regularity that lead to a predictability of street music performances. The more favorable weather, climate and certain other socially constructed conditions are, the more likely street music performances will occur on the bridge.

Within the repeated overall movement of the performance rhythm, there is further repetition. The general chronological order of the performance is always the same. For example, the hat is never passed around before the music is played, but only afterwards. Furthermore, intervals or breaks in between songs and after the set is finished not only occur with distinctive regularity but also always have a specific length. Repetition, the core element of rhythm, within the performance rhythm does therefore not only extend to physical movement, but also to other movement such as sound waves (see Allen, 1999). Regularity through repetition stretches beyond only the intervals and includes the whole set composition. It applies to the number of songs per set, the average duration per song, the type of song and at what point of the set which song is played.

Difference within the repeated overall movement exists, but is marginal. Some musicians might play fewer songs per set, others might take shorter breaks and all of them differ in detail when it comes to the interaction with the audience. Nevertheless, the repeated overall movement, those 15-20 minutes of performance in which street musicians start playing their instruments, take small breaks, interact with the audience and end their set including the passing the around of the hat, remains unaltered.

5.1.2 The Admiralbrücke on Late Evenings on Weekends

In the Lefebvrian sense there is a rhythm to everything and everything is rhythm. It is not only the body that is composed of rhythms, but also its surroundings are bouquets of rhythms. Therefore, there is most probably also a rhythm to the performances of street musicians on the Admiralbrücke, which occur in the late evenings on weekends. However, I was not able to observe or identify this rhythm.

According to Lefebvre (1992) repeated movement is not automatically rhythm. While in my opinion some aspects of street music performances that occurred in the late evenings on weekends on the Admiralbrücke fulfill those rhythmic criteria, most of them do not. There are certainly recurring times (late evenings on weekends) when this type of performance would happen, but the great majority of its other characteristics are just the differences in comparison with those performances taking place in the late afternoons and early evenings on the Admiralbrücke. The distinguishable features that characterize performances in the late evenings on weekends on the Admiralbrücke are more what they are not, instead of what they are. To speak of a set for the performances in the late evenings on weekends might be an overstatement as there seems to be no regularity to the length, the intervals, the type of songs, or the order of songs that are played. Compared to the performances taking place in the late afternoons and early evenings, performances in the late evenings on weekends on the Admiralbrücke do not seem to have a specific length either. They last from anything between a few minutes and a couple of hours. Breaks or intervals in between songs, if taken, happen irregularly. Also the type of music played shows great variety and thus lacks of consistency. The order of songs, which song is played when, does not seem to follow an apparent logic too. Fast and slow songs alternate seemingly at random with popular and experimental songs. In addition, the exact spots where street music is performed at on the bridge cannot be restricted to two specific locations like in the case of the performances occurring in the late afternoons and early evenings, but are spread all over the Admiralbrücke.

This is not to say that the performances taking place the late evenings on weekends are actually a product of coincidence. They are also influenced and partly the result of the circumstances and the physical environment they are embedded in. However, the situation on the Admiralbrücke in the late evenings on weekends is, frankly speaking, confusing. At times, there are hundreds of people on it simultaneously engaging in all sorts of activities. An exact identification of which rhythms are present, who is in which rhythm and what belongs to which rhythm would require a longer period of data collection.

5.2 The Performance Rhythm in Relation(s)

In my discussions on the theory I concluded that any place on this globe is marked by rhythms. Thus, the same applies to the Admiralbrücke. It is occupied by a multitude of cyclical and linear rhythms that in one way or another stand in relation to each other forming a polyrhythmia. One of those rhythms is the performance rhythm. Thus, the performance rhythm of street musicians on the Admiralbrücke stands, like any other rhythm, in relation to other rhythms.

I will not claim that the following will describe or list all of the rhythms that stand in relation to the performance rhythm and neither will I state that the characteristics of the performance rhythm are only the result of an interplay with other rhythms. Logically, other aspects such as the physical design of the bridge exert most likely an influence on the performance rhythm too. The following simply includes those rhythms that became apparent during interviews and observations as having a considerable influence on the performance rhythm.

5.2.1 Cyclical Rhythms

Caused by the rotation of the earth seasons come and go in a cyclical rhythm. This goes hand in hand with the rise and decline of average temperatures (highest in summer and lowest in winter). The cyclical rhythm of the seasons has an impact on the frequency of occurrence of the linear performance rhythm. Due to the so to say temperature rhythm, there are simply more street music performance rhythms on the Admiralbrücke in summer than in winter.

There is an ongoing debate over the existence of weather cycles (e.g. Burroughs, 2004). Weather cycles refer to the periodic recurrence of some element of the weather. Weather elements rhythms standing in relation to the street music performance rhythm are precipitation, clouds and wind. The higher the chances of rain, the bigger the cloud coverage and the stronger the wind the fewer performance rhythms occur on the Admiralbrücke and the other way around.

Also the rhythm of the sun falling and rising or its position in the sky impacts the temporal occurrence of the performance rhythm. Street music performance rhythms on the Admiralbrücke happen predominantly during those hours of the day on which, depending on the rhythm of the seasons, the bridge is exposed to direct sunlight.

5.2.2 Linear Rhythms

In the city of Berlin most people receive their salary at the beginning of each month. Over the course of the remaining month this is paralleled with a continuously decreasing discretionary income, which could be spent on leisure activities. The rhythm of salary payments stands in relation with the performance rhythm as it influences the occurrence frequency of the performance rhythm within the month. According to my interviewees, on the Admiralbrücke there are more street music performances taking place at the beginning of a month than towards the end of it.

In German society, the common work week would last from Monday to Saturday. The Sunday was in reference to the Book of Genesis the day of rest. Nowadays at least half of each Saturday counts as work-free as well, which leads to a recurring division of the week into workdays or weekdays (Monday-Friday) and a work-free weekend (Saturday to Sunday). This weekly rhythm of working and work-free days, which are therefore available for leisure activities, affects the temporal occurrence and the occurrence frequency of the performance rhythm. Street music performance rhythms on the Admiralbrücke occur more often on weekends compared to weekdays.

Next to a weekly rhythm characterized by a temporal division between working and work-free time/leisure time, each working day or weekday has its own rhythms too. In relation to the performance rhythm the most evident daily rhythm is the one marked by the difference between working hours and leisure time. Most people still work the traditional hours of nine o'clock in the morning to five o'clock in the late afternoon. Additionally, many people work also from nine am to one pm on Saturdays. After those hours people are in their leisure time. The street music performance rhythm is adjusted to this daily rhythm of working and not working as it more frequently occurs outside working hours than within.

5.2.3 The Performance Rhythm as a Temporal Phenomenon

Rhythms are foremost a temporal phenomenon, which can be measured in time. My description above on the performance rhythm on the Admiralbrücke is to a great extent a description of its temporal characteristics and includes aspect like its temporal occurrence, its overall length or the length of breaks. Although their description is less detailed, also the listed rhythms standing in relation to the performance rhythm were portrayed as temporal phenomena. It is their temporal characteristics that influence the specific temporal form of the performance rhythm. The performance rhythm occurs for example in the afternoons as those are the hours in which the rhythm of the rising and falling sun shines light on the bridge.

5.2.4 The Performance Rhythm as a Spatial Phenomenon

Rhythms do not occur in the void. Rhythms are distinguishable repetitions of movement that happen in spaces and thus are traceable in time and space. They are temporal and spatial phenomena. The space of physical enactment in case of the street music performance rhythm is the Admiralbrücke or to be even more precise two very specific spots on the bridge. One is situated on the pedestrian path on the southeast corner of the bridge, the other is located on the eastward sidewalk at the middle of the bridge. With the end of each set and the passing around of the hat the rhythm extends spatially to a semi-circle

around each respective spot. As much as the temporal characteristics of the performance rhythm do not spontaneously emerge, so are its spatial characteristics not a product of coincidence either. The afore listed cyclical and linear rhythms all occur in spaces as well. Some of them might spread over more than one space, but all of them happen at some time at the physical location of the Admiralbrücke. Ultimately, for example, the rhythm of the seasons occurs on the whole globe, but also on the bridge. The spatial enactment of these rhythms have spatial consequences for the performance rhythm. They influence where exactly the performance rhythm takes place in space. As an illustration, the rhythm of the rising and falling sun does not only influence when and how often the performance rhythm occurs, it also impacts where the performance rhythm exactly occurs on the bridge.

5.2.5 The Dialectical Relation of the Performance Rhythm

The performance rhythm stands in a dialectical relation with the above listed cyclical and linear rhythms. By itself, the performance rhythm can, in theory, be executed independently of any other rhythm. After all, for example, street music can be played even if it is raining.

The relation is dialectical, but not reciprocal. The listed cyclical and linear rhythms wield influence over the performance rhythm, but not the other way around. For example, the daily rhythm of work-free and working hours has an impact on the temporal occurrence of the street music performance rhythm, but work schedules are most likely not altered due to street music performances. Likewise, the rhythm of the sun rising and falling influences the spatial occurrence of the street music performance rhythm, but the sun will continue to follow its path independent of street music performances.

5.3 How the Performance Rhythm creates (Leisure) Space

Shortly summarized every rhythm happens during a time and in spaces. As discussed in my theoretical part rhythms also link specific times to specific spaces. The street music performance rhythm connects afternoons and early evenings with the east side of the Admiralbrücke. Out of the continuous repetition of the performance rhythm at the same times, at the same physical locations arises a patterned ground of usage (see ground plans) at the Admiralbrücke and space emerges (Amin & Thrift, 2002). The space created through the performance rhythm is a temporary construct. It is in the words of Lefebvre temporalized space.

Whether the space created through the performance rhythm is automatically leisure space remains doubtful. On a few occasions I saw no one engaging in leisure activities such as stopping for the music and listening, despite the presence of performing street musicians. People simply seemed to use the bridge as a construct to cross space.

Based on my observations and interviews, leisure space created through the performance rhythm only emerges if street musicians succeed in influencing, breaking and integrating those linear rhythms to convince the crowd to be the audience of the space they created. This process is best illustrated in the case of my interviewee Bernd, who, as described in the results chapter, transform bystanders into performers by letting them sing or play an instrument.

Therefore, leisure space through the performance rhythm is only created in those instances it manages to turn a crowd into an audience. As stated beforehand, this takes place when linear rhythms are influenced, broken and integrated into the performance rhythm. Those are the rhythms of people on and close to the Admiralbrücke. Most of them are already in their leisure in the sense that they are outside of their working hours. They constitute the crowd. They are, for example, on their way from work to home, they stroll along the canal, they sit on the bridge chatting or eat at one of the nearby restaurants. All in their own rhythms the Admiralbrücke is a different kind of space to them. It is a space that needs to be overcome in order to arrive at home, it is a space that is part of a bigger strolling path, it is a space resembling a bar or living room where one meets friends and it is a space serving as visual appeal for costumers of the close by restaurants.

The potential nature of the interrelations between rhythms has been pointed out in the methodology chapter. However, in contrast to Lefebvre, who often describes the relation as one rhythm dominating or breaking the other, I believe that it is possible to integrate rhythms into each other.

5.3.1 A Two-Step Process to Leisure Space

It is a two-step process the creation of leisure space on the Admiralbrücke. The first step consists of influencing or breaking of people's rhythms in order to get their attention. As examples, this is reflected in the type of songs played at the beginning of each set or in the exact positioning of the street musician on the bridge (how the sound is carried). I consciously differentiate between influencing and breaking as some linear rhythms need to be broken, while others only need to be influenced or slightly altered to

attract the attention of the crowd. For those people that in their rhythms are already sitting on or near to the bridge a breaking of their rhythms to create leisure space through the performance rhythm is not necessary. Their rhythms already happen in the same space the performance rhythm occurs. It is sufficient to alter their rhythm in a way that they for example do not only chat to their friends while sitting on the pollards, but also actively listen to the street music performance. However, for those who in their rhythms are just passing by or crossing the bridge it is paramount to break their rhythms to create leisure space through the performance rhythm. The strollers or the individuals on their way home need to be stopped entirely in their movements to fix them onto the space the performance rhythm occurs.

The second step is the integration of people and their rhythms into the performance rhythm to keep them interested. This is reflected in the oral communication, the hand signs and other gestures with whom street musicians attempt to involve the audience.

What is novel about this is not that the characteristics of the performance rhythm reflect the rhythms of people on and close the Admiralbrücke. Already the cyclical and linear rhythms I discussed beforehand exerted an influence on the performance rhythm. However, while in those cases the influence seemed to be one-sided - these rhythms seem to be unaffected by the performance rhythm, while the performance rhythm adjusts to and integrates into them - the linear rhythms of the people on and close the Admiralbrücke can be influenced, broken and integrated by the performance rhythm. The relation between those rhythms and the performance rhythm is dialectical and reciprocal. Both are independent of each other, but can influence each other.

5.4 Summary

Whereas for street music performances occurring on late evenings on weekends I could not establish a rhythm, there is a distinguishable rhythm to the performance of street musicians for the situation described taking place in the late afternoons and early evenings on the Admiralbrücke. The street music performance rhythm stands in relation with many other linear and cyclical rhythms that occupy the bridge. Many of the temporal, spatial and other characteristics of the performance rhythm are the result of these interrelations. The performance rhythm adjusts to and integrates itself into other rhythms. Through the continuous repetition of the performance rhythm at the same times, at the same locations arises a patterned ground of usage on the Admiralbrücke and space emerges. Leisure space is created when the street musician succeeds in turning a crowd into an audience. Thereby the performance rhythm influences, breaks and integrates the rhythms of people on and close to the Admiralbrücke. Thus, my contention that rhythm(s) of street musicians create leisure space on the Admiralbrücke proved to be correct.

The space created through the performance rhythm, independent if leisure space or not, on the Admiralbrücke is only temporary. It emerges and vanishes with the beginning and the end of the performance rhythm. The space created is also mobile in a sense. It is moving with the street musician from one street music location to the other while they enact the performance rhythm. Lastly, the space created by the performance rhythm exists within and overlaps with other spaces. The very same geographical space of the bridge it occupies is simultaneously also used, entirely or partly, for other purposes.

Part 2: Legal Regulation and the Performance Rhythm

5.5 The Theory: Legal Regulation and Linear Rhythmizing

Next to addressing the research question of how street musicians create leisure space at the Admiralbrücke in terms of the Lefebvrian interpretation of the concept of rhythm, I also concentrated on the other main research question of if and how legal regulation influences the performance rhythm. As I was not able to identify a rhythm for performances of street musicians taking place in the late evenings on weekends, I will only discuss in the following the implications of legal regulation for the performance rhythm I could establish for the performances occurring in the late afternoons and early evenings. To recapitulate, the following legal rules apply to street music performances on the Admiralbrücke:

- Street music performances are only allowed to take place on the pedestrian paths of the bridge
- Street music performances should take place between 8am to 1pm and 3pm to 8pm
- Street music performances should not take longer than 60 minutes on one location
- Only non-amplified music instruments should be played
- The number of street musicians in one band should be small
- Street music performances are not allowed from 10pm to 6am
- Street music performances on Sun- and Holidays should not disturb someone's rest

Legal regulation is not a rhythm by itself. However, legal regulation is a form of linear rhythmizing (see also Simpson, 2008). Created by the social, a consequent enforcement of legal regulation would touch the temporal and spatial characteristics, the when and the where, of the performance rhythm. Not only do regulations prescribe the temporal occurrence of the performance rhythm (allowed between 8am to 1pm and 3pm to 8pm, prohibited from 10pm to 6am), but also its length (maximum of 60 minutes). Spatially the performance rhythm is restricted by legal regulation to the pedestrian path on the Admiralbrücke. Also the other above listed legal rules theoretically influence the performance rhythm as they are connected to the manual implementation, the how, of the rhythm. They are related to the devices the rhythm it is enacted with (only non-amplified music instruments) or concern the sheer number of musicians engaging in the rhythm.

5.6 The Practice: The Relation between Legal Regulation and Performance Rhythm

Based on the statements of my interviewees it seems that the direct influence of legal regulation on the performance rhythm is minimal to non-existing. The temporal, spatial and other characteristics of the performance rhythm were usually explained by my interviewees as the results of the pursuit of rewards from an audience or based on an unwritten internal set of rules among street musicians, also referred to as the ethics of street musicians. The external circumstances possessing an influence mentioned included weather and climate conditions, but not legal regulation. According to these accounts the influencing or so to say the regulation of the performance rhythm occurs within the interplay with other cyclical and linear rhythms as well as through the code of ethics of street musicians. Hence, its distinct form would be the result of this interplay of rhythms and the code of ethics, but not of legal regulation. Consequently, my contention that legal regulation that applies to street musicians is influencing the rhythms of street musicians would prove to be wrong.

However, at closer consideration it is apparent that many characteristics of the performance rhythm I observed at the Admiralbrücke are in compliance with the legal rules that are set for street music on the bridge. This includes temporal aspects of the performance rhythm like its length. The average length of the street music performance is within the 60 minutes limit legal regulation prescribes. Furthermore, the compliance of performance rhythm and legal regulation extends to its spatial characteristics. The performance rhythm is usually physically enacted on the pedestrian path and normally with no more than three or four musicians. Lastly, even the choice of instrument the performance rhythm is executed with is within the limits of legal regulation. The performance rhythm is in most cases executed with non-amplified music instruments from which an exceeding of emission guidance levels cannot be expected (predominantly acoustic guitars).

This in turn could support my contention that legal regulation that applies to street musicians is influencing the rhythms of street musicians.

5.7 Legal Regulation and Enforcement

The above seems to be conflicting. On the one hand the performance rhythm seems to its greater part to be in alignment with legal regulation, on the other the great majority of my interviewees claim that legal regulation has little to no influence on their performance rhythm. One reason for this, based on my observations and analysis, could be certain ambiguities in the ways legal regulation is enforced at the Admiralbrücke. Ultimately, the question of how legal regulation plays out in reality – or, to put it differently, how street musician enacting the performance rhythm and legal regulation intersect – is dependent on the practices of enforcement of legal regulation.

5.7.1 Networks of Control on the Admiralbrücke

Enforcement of legal regulation on the Admiralbrücke can in theory be executed by three different actors to whom, from now on, in the sense of Amin and Thrift (2002) I will refer to as networks of control (see also methodology chapter).

Networks of control are formal and informal institutions with an interest of regulating space and its rhythms. One network of control could be nearby residents exerting vigilante justice. Their interest in an enforcement of legal regulation is the protection from nuisance. Although this network was briefly mentioned in a newspaper article (Martenstein, 2013) it never took a role during my interviews and observations. The other actors representing networks of control on the bridge are the street musicians themselves and the regulatory office of Friedrichshain-Kreuzberg. Whereas the latter network has the official authority to enforce legal regulation through the codes of law, the former is engaging in self-regulation.

I believe it is their characteristics and in particular the interplay between those two networks that result in a performance rhythm that is neither in total compliance with the linear rhythmizing prescribed by legal regulation nor totally uninfluenced by it as stated by the majority of my interviewees.

Under the assumption that the relations of the rhythms occupying urban spaces are so manifold and complex that the temporalized spaces they create are unpredictable in their totality, Amin and Thrift (2002) assign certain characteristics to the networks operating in those spaces.

The first is that the unpredictability and sheer mass of temporalized spaces makes it impossible for networks of control to be present in all of those spaces. For one because networks of control simply cannot know all spaces and its rhythms, for another because they cannot reach those temporalized spaces at all times. The first is certainly true. The Admiralbrücke is occupied by a multitude of temporalized spaces created through diverse rhythms. It is virtually impossible to know all of them. Not knowing all spaces and its rhythms is tantamount to not being able to regulate them in their entirety. However, the network of control represented by the regulatory office knows about this shortcoming. It attempts to overcome it by including a fallback clause. The circular letter of the Berliner Senatsverwaltung für Gesundheit, Umwelt und Verbraucherschutz, the senate department for health, environment and consumer protection of Berlin from December 2010 states that not only those street music performances who do not adhere to explicitly mentioned criteria symbolize a severe disturbance, but also potentially those who do not fall under those criteria, but other yet undefined spatial and time related conditions. In turn, the network of control represented by the street musicians could theoretically know about the linear rhythmizing legal regulation prescribes, but in reality, as evident from their accounts, do so only partly at best. The discrepancy is not only a responsibility of the street musicians, but also of legal regulations that are almost incomprehensible to the layman.

Also the latter proves to be right. Networks of control cannot reach all spaces and its rhythms at all times. A continuous and consequent enforcement of legal regulation through the network of control represented by the regulatory office is not taking place. The network of control represented by the street musicians is as aware of the fact that the bridge is not entirely surveilled at all times through the regulatory office as much it knows that a noise complaint of a resident symbolizes an involuntary end to their performance. Hence, street musicians might take the freedom to enact the performance rhythm in

some ways that are contrary to legal regulation, but simultaneously engage in self-regulation by keeping the noise level of the performance rhythm at a reasonable volume to preempt sanctioning by the regulatory office. Such enforcement of legal regulation at the bridge is not overly explicit. It is in a sense an indirect enforcement as it takes place without the physical presence of the network of control represented by the regulatory office or sometimes even without the conscious awareness of the network of control represented by the street musicians.

By saying that networks of control appear tighter than they are Amin and Thrift (2002) add another characteristic to networks of control. As stated before the network of control represented by the regulatory office of Friedrichshain-Kreuzberg neither has the resources nor shows the disposition to be present at the Admiralbrücke at all times. Nevertheless, even if they are present, measures, standing at the disposal of the regulatory agency and police forces, which can be taken in case street music on the Admiralbrücke is not in compliance with the legal regulation, are enforced only seldom. The implementation and enforcement of legal regulation is always an interpretive endeavor as portrayed in the results chapter. In case of the street musicians on the Admiralbrücke this interpretation is mostly the responsibility of the regulatory office of Friedrichshain-Kreuzberg. The wording of the laws states that their discretionary decisions determine whether a street music performance is legal or not and how it should be sanctioned. Those decisions are based on the written codes of law, but they are not the written codes of law itself.

My observations and interviews showed that enforcement of legal regulation at the Admiralbrücke is often adapting to the situational context on it, rather than following the codes of law word for word. Both networks of control, regulatory office and street musicians, are aware that, within their practices and the practices of the other network, there is some leeway between the enforcement of legal regulation and the enactment of the performance rhythm. The non-verbal communication I witnessed between regulatory office and street musicians about the correct noise level or the story of an interviewee that was allowed to play an encore before having to end an illegal street music performance are examples of how both networks adapt to the situational context and in their responses divert from the exact wording of the respective codes of law without breaking them explicitly either. The performance rhythm was enacted or was altered in order to operate within the boundaries of the law as interpreted by the regulatory office. Interestingly, my interviewees often did not consider those situations as enforcements of legal regulation as no measurable penalties were involved.

5.8 Summary

Legal regulation is not a rhythm by itself, but a form of linear rhythmizing. In theory, legal regulation applying to street musicians on the Admiralbrücke prescribes specific temporal, spatial and other characteristics for the performance rhythm. In reality my observations revealed that the performance rhythm seems to its greater part to be in alignment with legal regulation, while the great majority of my interviewees claimed that legal regulation has little to no influence on their performance rhythm.

Where and how street musician enacting the performance rhythm and legal regulation intersect is dependent on the ways of enforcement of legal regulation. Enforcement of legal regulation on the Admiralbrücke is exerted through two networks of control that stand in relation to each other: The regulatory office of Friedrichshain-Kreuzberg by means of the codes of law and the street musicians themselves through self-regulation. The fact that networks of control cannot know all spaces and their rhythms does not necessarily mean that the performance rhythm has to be completely unaffected by legal regulation. In fact, the applicable codes of law include a fail-safe that allows, at least theoretically, legal enforcement for yet undefined and unexpected situations. In addition, just because the Admiralbrücke is not surveilled by the network of control represented by the regulatory office at all times, the performance rhythm is not naturally free of influence from legal regulation. The performance rhythm is enacted in ways, especially pertaining to the noise level, that preempt the appearance of regulatory office and the penalizing of street music performances. It thereby automatically operates within the legal framework. Lastly, the implementation and enforcement of legal regulation is always an interpretive endeavor. Whether the performance rhythm at the Admiralbrücke is legal or illegal are discretionary decisions of the regulatory office and often depend on the situational context on the bridge that is established together with the street musicians.

Therefore, my contention that legal regulation, through direct and indirect enforcement, has an influence on the performance rhythm proves to be correct. How exactly, besides an adaptation to an appropriate noise level, this influence manifests itself in the performance rhythm cannot be answered in this thesis. The performance rhythm in its enactment is neither following legal regulation word for word nor is it totally uninfluenced by it as claimed by most of my interviewees. However, in most cases it is enacted it operates within the legal framework as interpreted by the decisive network of control represented by the regulatory office. Thus, to speak of a wide discrepancy between legal theory and legal reality is farfetched. After all, it is mentioned within the codes of law applying to street music performances that their final interpretation and implementation will always be based on the discretionary decisions of the responsible institution of enforcement.

6. Conclusions

At the beginning of my research I formulated two main research questions. The first one was: How do street musicians create leisure space on the Admiralbrücke? Based on Lefebvre's (1992) idea of rhythmanalysis it was my related contention that it would be the rhythms of street musicians, their regular repetition of movement, that create leisure space on the bridge. My second main research question was asking how legal regulation is reflected in the rhythms of street musicians that create leisure space on the Admiralbrücke. The underlying contention here was that legal regulation that applies to street musicians is influencing the rhythms of street musicians.

Whereas at first sight those two main research questions might seem to be distinct and were, for the purpose of an easier reading, also discussed separately in the thesis paper at hand, in the course of my research they proved to be interwoven. Legal regulation is just one aspect amongst many other that is influencing the leisure space creation of street musicians on the Admiralbrücke. The question of the influence of legal regulation is therefore a sub-point of the overall question of how street musicians rhythmically create leisure space at the Admiralbrücke. To further illustrate this line of thought I will once more shortly summarize the major findings to my two main research questions in their intertwinement. Additionally, in this last chapter I will discuss my research's theoretical contribution, its practical implications, limitations as well as an indications for future areas of research.

In hours of research observing and interviewing street musicians, tracing their movements in space and time I was able to establish a distinguishable rhythm to the performance of street musicians for in the late afternoons and early evenings on the Admiralbrücke, which I named the street music performance rhythm. Being a temporal-spatial phenomenon the street music performance rhythm connects afternoons and early evenings with the east side of the Admiralbrücke. Out of the continuous repetition of the performance rhythm at the same times, at the same physical locations arises a patterned ground of usage at the Admiralbrücke and space emerges (Amin & Thrift, 2002). I only considered this space to be leisure space though when the street musicians succeed in turning a crowd into an audience. They achieve this by firstly influencing or breaking of people's rhythms in order to get their attention in order to resultantly integrate of people and their rhythms into the performance rhythm to keep them interested. Thus, my first contention proved to be true.

The street music performance rhythm is enacted by street musicians and is therefore also a product of them. However, many of the performance rhythm's temporal, spatial and other characteristics are the result its relations stands with the many other linear and cyclical rhythms that occupy the bridge. For example, the rhythm of the sun influences its spatial occurrence and the daily rhythm of working and work-free hours impacts its temporal form. Among the many factors that influence the performance rhythm is also legal regulation on which I did put my focus on. Although, not a rhythm by itself I showed that legal regulation is a form of linear rhythmizing. My second contention proved to be correct as well: legal regulation has an influence on the performance rhythm that creates leisure space on the Admiralbrücke. Although, the performance rhythm in its enactment is not following legal regulation word for word in most cases it is enacted it operates in most cases within the legal framework as interpreted by the regulatory office. Street musicians specifically do so by ways of enactment the

performance rhythm, especially pertaining to the noise level, that preempt the appearance of regulatory office and the penalizing of street music performances. The point where street musicians enacting the performance rhythm and legal regulation intersect is the practices of enforcement of legal regulation, which is exercised directly and indirectly by the street musicians themselves and through employees of the responsible regulatory office.

In terms of my research's contribution to theoretical knowledge it is more confirming certain positions within the field of cultural geography than delivering new and groundbreaking insights. It reaffirms the widespread notion within cultural geography of spaces that are neither the social or the material but are created in an interrelation between the two. Simultaneously, my results also underpin Thrift's four principles of space. Everything is indeed spatially distributed, space is multiple, space has no boundaries and space is on the move. Beyond that, I hope I was able to show that rhythm analysis, as propagated by Lefebvre (1992) is a useful tool of analysis for investigating questions of the urban.

What's novel about my research, and this goes beyond pure semantics, is that in my understanding of rhythms they are able to create space. In my research that would be the leisure space on the Admiralbrücke. This stands in contrast to the literature I investigated in which rhythms are regarded as only occupying spaces.

The other novel results my research has produced concerns the relations of rhythms. Despite Lefebvre's opinion of a relation between rhythms characterized by the domination of one over the other, I tried to illustrate the "synergy effects" between rhythms. Although the street music performance rhythm underlies an one-sided exertion of influence by other rhythms I would not refer to it as the domination or the forcing up upon of other rhythms on the performance rhythm. The major characteristic of linear rhythms, like the performance rhythm, is that they stem from the social, from human activity. Therefore, in contrast to cyclical rhythms, linear rhythms can be changed, altered and adjusted, also by those who "do" the rhythm in the first place. Instead of being dominated by forces of the cyclical and linear rhythms, I regard the performance rhythm as adjusting to rhythms like the rhythm of the rising and falling sun and even integrating into others rhythms like in the case of the daily rhythm of working and work-free hours. This is in line with Simpson's (2008) observations of linear rhythms as a field of potential rather than an all-oppressing force and a relation between rhythms that is not characterized by interference, but by a constitution of affective ecologies.

While not being the focal point of my analysis, my research could also be regarded as an investigation into the difference between legal theory and legal reality. In contrast to my own expectations the divergence between the two is only little. The performance rhythm for example is in its enactment not following legal regulation word for word (legal theory). However, simultaneously it operates (legal reality) within the legal framework as it is explicitly stated within the legal theory that the enforcement of legal regulations is always an interpretive endeavor.

In the part on the relevance of my thesis research I stated that the results of my investigation could inform those people who are responsible for setting up and enforcing the legal regulation of public spaces about its consequences and potentially enable them to subsequently adjust the legal framework or the enforcement strategies. I believe that for making any claims towards these directions my research should have delivered more details how the performance rhythm is exactly adjusted to the legal rules.

Nevertheless, what it shows though is the power or influence street musicians can have on public spaces. Albeit being an integral and valuable part of urban public landscapes street musicians are often neglected or even pushed out of them. By putting the spotlight on them I hope that managers and developers of the urban might think of ways of incorporating them better into our cityscapes.

During my research, the greatest difficulty to me was determining when leisure space created through the performance rhythm existed on the Admiralbrücke. Although I previously defined leisure space as the space in which leisure activities both passive and active are taking place in, it remains a subjective construct. To me, it was often not clear for all people if they stopped and stayed to street music performances or were present for other purposes.

As the name suggests a case study will always be limited to a case. Therefore, also the scope of my thesis is limited. It attempts to shine line light on the leisure space creating activities of one specific group of people on one particular bridge. Any claims beyond this group of people and the territorial boundaries would be pure speculation. Furthermore, albeit the fact that Lefebvre's ideas on rhythms are fairly old, its usage as tool of analysis is still in its infancy. Comparable studies are rare and experience is little. In the Lefebvrian sense there is a rhythm to everything and everything is rhythm. As evident from my failure to establish a rhythm for street music performances occurring on late evenings on weekends an exact identification of which rhythms are present, who is in which rhythm and what belongs to which rhythm is often difficult.

Therefore, more research on questions of the urban employing rhythms as a tool of analysis is needed to show if it really is an appropriate tool. It A second line of research could attend to the development of strategies to integrate street musicians into urban landscapes. Especially in times where the European Union has chosen public safety as one of their core topic of the 2014-2020 program investigations into how street musicians and their rhythms could contribute to public safety could be of great interest.

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Appendices:

LIKA-Auskunft

- Flurstücks-/Eigentümernachweis -

Datum: Dienstag, 22. Oktober 2013

Flurstückskennzeichen:	110006-003-00102/002
Bezirk:	11000002 Friedrichshain-Kreuzberg
Finanzamt:	1114 Friedrichshain-Kreuzberg
Gemarkung:	110006 Kreuzberg
Status / Aktualität:	0/07
Entstehung:	1965
letzte Fortführung:	2011/02203-55
Flurkarte:	41418
Lagebezeichnung:	07201 Admiralbrücke
Fläche des Flurstücks (m²):	430
tatsächliche Nutzung:	
Nutzungsart:	21-822 Wasserfläche
Fläche (m²):	430
Klassifizierung (m²):	
Klassifizierung:	33-350
Fläche (m²):	430
Klassifizierung:	34-410
Fläche (m²):	430
Klassifizierung/ Landesgrundvermögen Entschlüsselung:	33 - Straßenflächen 33-350 - Gemeindestraße - dem öffentlichen Verkehr gewidmete Fläche 34 - Gewässerflächen 34-410 - Gewässer erster Ordnung - Bundeswasserstraße
Grundbuchdaten:	
Amtsgericht:	1108 Tempelhof-Kreuzberg
Grundbuchbezirk:	110121 Kottbuser Torbezirk
Eigentümer/Berechtigte:	
Buchungskennzeichen/Buchungsart:	110121-2988 1 N : Normaleigentum
Eigentümerart:	51
Namensnummer:	1
Eigentümer/Berechtigte:	Bundesrepublik Deutschland (Bundeswasserstraßenverwaltung)
Eigentümerzusatz:	
Buchungskennzeichen	110121-2988
Eigentümerzusatz:	:Bevollmächtigt: :Wasser- u. Schiffsamt Berlin :Postfach 262 :10124 Berlin

Document proving that the Admiralbrücke is a public street

Interview Guide

1. Informed consent:
 - ✓ Paul Köper, Student of Wageningen University
 - ✓ Master Thesis: **“How the legal regulations that apply to street musicians influence their creation of the leisure space Admiralbrücke”**
 - ✓ Will be read by supervisor and another academic, be published in the University library and potentially published as an article as well
 - ✓ Interview length of approximately 45 minutes, content of the interview covers everyday life as a street musician and experiences of performances of street music on the Admiralbrücke
 - ✓ The right not to answer, the right to quit the interview at any given point of time
 - ✓ Guarantee of protection of privacy, anonymize their identity by giving an alias of informants’ choosing
 - ✓ Ask for agreement with recording of the interview

Tape recorder turned on

2. Introductory questions (related to the cultural scene of street musicians and the improvement of my translation competence)
 - What do you do in life?
 - What part does street music play in your life? How much of your life does it take up?
 - Since when do you perform street music?
 - What kind of street music do you play? How long does your set take? What instruments do you use? What different kinds of street music are there?
 - Do you perform alone or in a group?
 - Do you need to play street music in order to finance yourself? How much money do you make with street music on average?
 - Is there competition amongst street musicians? What kind of competition?
 - How do you pick a spot for a performance? What factors play a role in the decision? How do you secure a spot?
 - Is there competition about the spots?
 - When do you play? At what times during the day? For how long? What seasons, temperature etc.? and why?

3. Have you ever played at the Admiralbrücke? When did you play there? For how long did you play there? Why did you play there?

3.1 Research question 1: How do street musicians create the leisure space Admiralbrücke? Sub-question: What (repeated) activities of street musicians lead to the creation of the leisure space Admiralbrücke? -> use ground plan of Admiralbrücke as visual aid

Topics addressed:

1. Repeated activities of street musicians
2. Which activities create the leisure space Admiralbrücke
3. Location of these activities

Related questions:

- Step-by-step explanation of a street music performance on the bridge in relation to space
- How do you pick the exact spot for your performance? Where do you set up? Where so you position yourself, where do you put your instruments, the hat to put money in etc.?
- How do you involve the audience? How do you draw the crowd? What is the crowd doing usually (sitting, standing, actively listening, doing other things etc.)? Where are they doing it?
- How do you collect the money? How much money do you make?
- How long do you play? When do you play? What makes you choose those lengths and times?
- What kind of music do you perform? Do you play alone or with others? Why do you chose to play a particular kind of music?

Research question 2: How do the legal regulations affect street musicians on the Admiralbrücke?

Sub-questions: How do the street musicians react to legal regulations? How is this reflected in their (repeated) activities?

Topics addressed:

1. Knowledge of legal regulation of street musicians
2. Change of (repeated) activities due to regulation

Related questions:

- Do you know about any legal regulation that apply to you as a street musician in general? If yes, which?
- Do you know about any specific regulations that apply to street music on the Admiralbrücke?
- How do you incorporate the legal regulations into your activities as a street musician?
Type of performance/instruments used/number of musicians/songs played/set chosen/times when played/length of performance/exact location of set up

Sub-questions: How are these legal regulations enforced? How do the street musicians react to legal regulations and their enforcement? How is this reflected in their (repeated) activities leading to the creation of the leisure space Admiralbrücke?

Topics addressed:

1. Activities of municipal law officers and regular police

2. Activities of street musicians in reaction the presence law officers and regular police

Related questions:

- Have you ever seen municipal law officers and regular police forces on the bridge?
- Have you ever had contact with them?
 - What was the nature of the contact?
- How would you describe the contact? What happened? Did you reason with them?
 - Were you advised what to do and what not to do, which measure did they take (fines, warnings, took away music equipment etc.)
- What were the consequences of this encounter?
 - Did you have to stop playing?
 - Were you still allowed to collect the money?
 - Did you have to finish your set earlier than planned?
 - Did you have to continue your performance in a different way? In which way?
 - Did you position yourself somewhere else (bridge, different location)?
 - What happened to the audience/how did they react? Did they move to a different spot?
 - Did they help? Did they do something else than before?
- How did you incorporate this encounter into other performances of street music? (Related to position in space, type of music played, length of set, music instruments used etc.)

Ending the interview:

- ✓ Gratitude for participation
- ✓ Asking for further questions on informants' side
- ✓ Asking for permission to eventually contacting them again at a later point
- ✓ Assuring them that informants can contact me for further questions at any time