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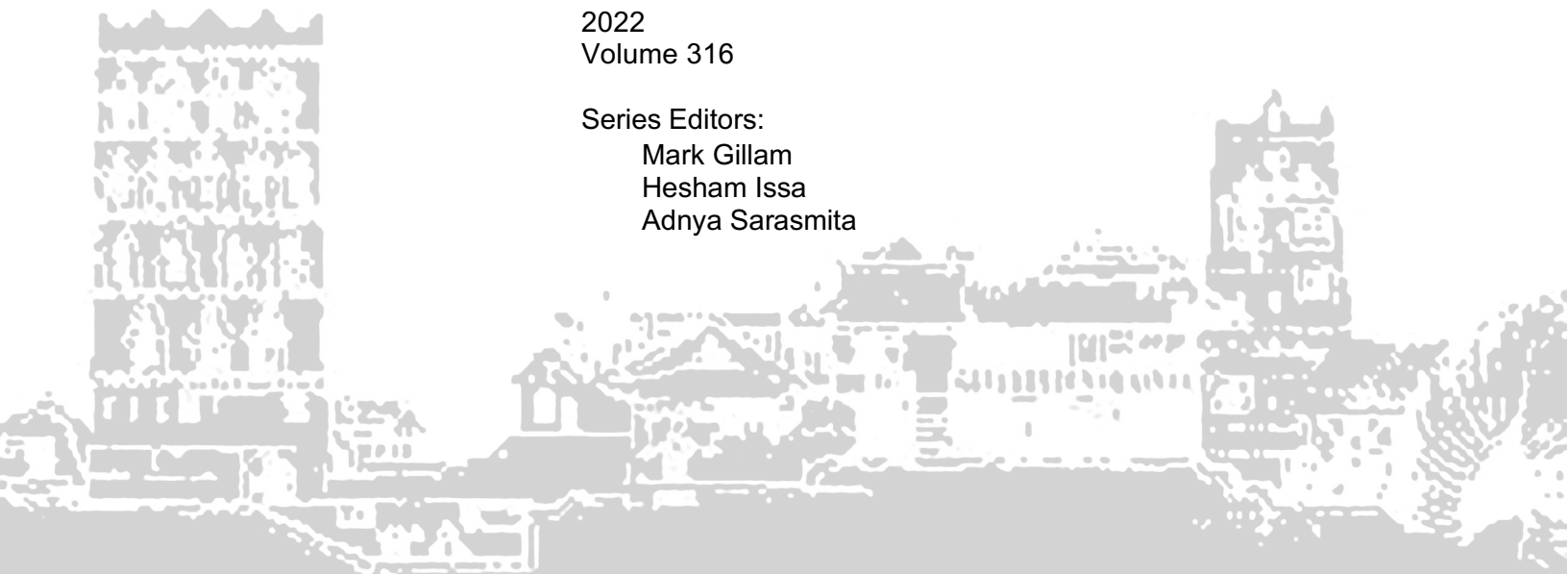
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FEMALE DISRUPTIONS OF TROPICAL MODERNISM?

**JANE DREW AND MINNETTE DE SILVA
DESIGNING THE SOCIAL IN THE TROPICS**

Inês Nunes

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FEMALE DISRUPTIONS OF TROPICAL MODERNISM?

JANE DREW AND MINNETTE DE SILVA DESIGNING THE SOCIAL IN THE TROPICS



Jane Drew and Minnette De Silva's legacy encompassed rupture and tradition. As tropical and modernist architects, they mastered innovative technical repertoires. However, disconnected from the climatic emphasis prevailing in Tropical Architecture, and the Modern Movement's envisioned global, ahistorical, unornamental, and achromatic principles, they counter-proposed a socially sensible architecture, designing vernacular regionalisms through groundbreaking peoples' participatory methodologies. While Drew endowed Modernism with a regional shell, De Silva excelled, critically disrupting its deep core. Furthermore, as women architects, they challenged restricted patriarchal fields. Taking Chandigarh and Watapuluwa as examples, their approach illustrated how, while assimilating disruption, architecture reinvented itself, embracing exciting beginnings.

1. INTRODUCTION

The industrial innovations of the 20th century propelled a new era and, consequently, a new architectural discourse. Intended 'modern', this language elected a minimalist approach that pursued the 'essence of architecture'. Therefore, the form should pursue function. Modernism envisioned the *tabula rasa* of the past and of regional markers, as well as decoration, ornament, and color. The ambition of a global 'International Style' was tested while spreading its wings, from Europe to the world, in a 'modern diaspora'¹.

Tropical Architecture was an outcome. It is broadly defined as a technoscientific response and adaptation of the Modern Movement language to the climate of the so-called 'tropics', through groundbreaking devices, projectual strategies, and intricate imperial power-knowledge networks². Institutionalized in the London metropolis by a namesake conference (1953) and course (1954), its genealogy is traceable to the 18th century³ or to West Indies⁴.

The appointment of Maxwell Fry as West Africa's Town Planner, the starting point of the era⁵ - later joined by his wife Jane Drew - is integrated into extensive construction programs in the British colonies. Sponsored by the Welfare State to deflect anti-colonial movements, London-based practices considered the flourishing and (ideally) apolitical Modernism, suitable to represent the future independent nations. Soon, the "burning sun alternating with torrential rains"⁶ revealed the clear lines and immaculate white surfaces as inadequate. Aiming to passively control the climate, eaves were projected for rainfall harvesting, plans and openings were orientated maximizing ventilation, covered walkways prioritized shade, and glazed surfaces were replaced by perforated concrete screens. This worldwide climatic trend filled architectural drawings, from Gropius to Le Corbusier, with cross-ventilation arrows, solar path trajectories, and meteorological charts documenting rainfall and thermal comfort. It became a quantitative methodology to operate between Cancer and Capricorn. Like an orthodoxy, nature was the main determinant of the architectural form. This discourse

disregarded that, besides the weather, uncountably diverse were these regional architectural traditions, uncontainable in a homogeneous climatic band. If temperate zone architecture was never climate-based classified, why were these architectural cultures reduced to their tropicality? Therefore, 'temperate architecture' is an omitted opposite, an inexistent architectural style⁷.

Parallely, another modernist discourse succeeded, interested in autochthon vernacular building techniques and acknowledging typologies from traditional dwellings and settlements. The climatic trend was superseded, and tropicalization was addressed as the transcultural two-way exchange that marked the first colonial encounters⁸. For instance, architects, namely Otto Königsberger, Robert Gardner-Medwin, John Turner, and the couple, Maxwell Fry and Jane Drew, denoted social commitments.

The word 'social' is inextricably linked to sociology and society, yet equally with anthropology. Its superabundance in nowadays' dialogue reveals how all human behaviour is considered as such. This ubiquity dilutes its terminological essence, pointing it uneasy to be *assembled*⁹. Thereafter, the social concerning architecture will be primarily referred to as the awareness of pertinent community issues: the unevenness of access to resources and housing, colonization technopower discrepancy, or inequality in labour opportunities. It is aimed to inquire: How did architecture tackle these topics? Through which spatial approaches and projectual design methodologies? What was architecture's contribution to improving the tropical social? Accordingly, it is suggested that the narratives of these architects favouring the people and the time spent with the communities, empowered trust and thrived social relations. Their fieldwork granted a panoply of contacts throughout the networks, making them socially and culturally sensitive and consciously engaged in a humane or humanitarian viewpoint present in architecture, as in any discipline. Disrupting the instituted 'top-down' strategy, they adopted a "sensitive, piecemeal, and specifically participatory planning" 'from below'¹⁰.

2. Jane Drew's detachable *filière*: the social within the tropical in West Africa

In West Africa, Maxwell Fry and Jane Drew (1911-96) designed plans for Gambia, Sierra Leone, Ghana, and Nigeria (Fig.1). This geographical vastitude avowed dramatic changes unachievable. Still, the investment in simple methods in 'primary' urban fields - water supply, sanitation, or laundering - would reduce the time and physical struggle of daily chores, improving the general population's health and quality of life. Social change would follow.



Fig. 1: Jane Drew and Maxwell Fry studying a model of a building in Ghana, 1950. (Source: RIBA41015).

Notwithstanding being colonial employees, they were supportive of the inhabitants. In the Bathurst Plan (Gambia, 1946) they discouraged the peripheral move of the European administration, which would desert the African community. Similarly, in Tema Manhean (Ghana, 1958), extensive consultation with future residents promoted rich dialogues towards a frank understanding of the peoples' needs. Mock-ups were another method of inclusiveness. After these models at a scale of 1:1 were inhabited, Fry and Drew's proposed single housing type revealed unable to accommodate future changes. Also, these prototypes were rejected by those claiming the single-pitched roof was undignified. Thus, the design was amended and double-pitched roofs and three housing types were proposed, granting further flexibility to the compound.

To raise locals' goodwill in intercultural exchange, exhibitions were endorsed, where they "invited the local chiefs (...) who were quite quick at seeing what improvements town planning could bring"¹¹. In tune, nearness to the communities was sought by the employment of local craftsmen and artists, such as the mosaic in Accra Community Centre (Ghana, 1950s). Local symbols and patterns from "pots, mats, baskets and cloth"¹² were integrated into architectural details. In "breeze permitting devices (...) an attempt has been made to design in a way which, without in any sense copying African detail, gives a response which is Africa"¹³. The University College of Ibadan (Nigeria, 1949-60) is illustrative (Fig. 2).



Fig. 2: Library entrance, University College of Ibadan, Nigeria, 1955. (Source: RIBA11590).

The attentiveness to the places was also pursued using color, disrupting Modernism's achromatism. Regionally selected, to reinforce form, "terra cotta, yellow, brown, red and blue are colors we have used" since "the strong blue of the sky, the black green of the foliage and terra cotta of the earth make pale colors seem insipid"¹⁴. Plus, "colors suited to the hot humid tropics could not be used in the dry hot climate (...) Each architect must be true to his own integrity, his own sense of form and color"¹⁵.

Drew and Fry believed "in respecting the good work of the past and conserving it, and learning from it. We were however, very socially conscious and felt that architecture and town, village or city design and landscape design were all interlinked"¹⁶. Hence, even without targeting ethnography as a social inquiry, their eighteen months commission in Africa exposed them to the social systems of these cultures. Recognizing the diversity of some forty tribal languages, Drew grasped dialects to effectively communicate, what a proper ethnographic encounter.

The corollary of these experiments and empirical observations was called *Village Housing in the Tropics*. As "a guide to those responsible for locating and developing villages, and who have not at their disposal the services of an architect or planning officer"¹⁷, the manual was handily readable, assisting the communities *vis-à-vis* "town and village design, because here is the heart of architecture"¹⁸. The book comprises drawings, charts, cartoon-like diagrams, beside guidelines on suitable types of trees, and 'recipes' for building materials.

Equipping end-users with valuable tools to improve their quality of housing enabled the reshaping of the settlements, reinterpreting the anthropologically coined “urban design from below”¹⁹.

Despite sharing a lifetime partnership, Jane Drew had an individual voice (Fig. 3)²⁰. Indeed, as their careers progressed, the clearer became the architectural language and line of thought within the duo. Their different personas perfected their practice. Drew had her own agenda of themes and profound beliefs: social sensibility is a detachable *filière*. Arguably, the most stimulating one. Drew “was a very lively person and brought cheer during work and outside office”²¹, while “Fry was the backroom-boy absorbed in his elevational treatments and literary prose – finding strength and solace through his drawing board”²².



Fig. 3: Jane Drew, Chandigarh, c.1951-53. (Source: RIBA41016).

Drew worked for people, with people. As a motto, she claimed that “for any job it is worth consulting, where possible, all those who work in and use such buildings and get direct reaction”²³. Her socially sensible personality mirrored her architectural expression. Putting users and purpose in front of the form, her designs are primarily functional and efficient, above formally expressive. The scope of her work was also devoted to less flamboyant programs. When Drew observed “I have always been involved in the cause of the job (...) It has always mattered to me tremendously that the object should be something very worthwhile”²⁴, she perhaps envisioned that it could cost her a more glamorous career. Still, plentiful times her œuvre glowed through stunning designs and details.

Jane Drew recalibrated Tropical Architecture into a regionalism: a modernist core with a vernacular shell. More than a form-designer, the architect became a facilitator, of improvements in the living conditions of whomever from the sixteen countries Drew designed for.

“In my own work, whether in Iran, India, Sri Lanka, or West Africa I have always tried to pay attention to the lifestyles and climate of the country, that alone has made architecture part of the culture especially when it has been possible to use local materials and incorporate the work of local artists.”²⁵

The Ceylonese architect Minnette De Silva, acknowledged Fry as “the gentle thinker and Jane the activist, raising the whole social level of the place by her humanity”, emphasizing how “Jane was always deeply committed to the sociology of architecture”²⁶. Her familiarity with Drew’s socially conscious character came from certain proximity between the paths of the two architects (Fig.4).



Fig. 4: Jane Drew and Minnette de Silva in the VI CIAM in Bridgwater, England, 1947. (Source: RIBA30182).

3. Minnette De Silva: a (social) modern regional architecture in the tropics

Along with Drew, Minnette De Silva (1918-98) (Fig. 5) was among the scarce women architects designing Tropical Architecture in the 1950s. In 1948, after the independence of Ceylon, Minnette returned to Kandy, establishing her office, the Studio of Modern Architecture, in her family home. As a modernist architect, who graduated from the Architectural Association of London (1945-48), she used a range of *avant-garde* techniques: free plans, flexible spaces, generous fenestration, concrete, and pilotis. Attentive to the climate, her buildings were thermally suitable, ventilated and open to the superabundant tropicity.



Fig. 5: Minnette de Silva. (Source: *The Life and Work of an Asian Woman Architect*, p.250).

Notwithstanding, Minnette refused a Modern Movement's uncritical employment. Her approach was an energetic disruption against its unornamental, ahistorical, and achromatic principles, besides its attempt to create inflexible dogmas. Observing how "a veneer of modernism was acquired second hand, ill digested and bearing no relationship to Ceylon's traditions", she intended to "absorb what we absolutely need from the modern West, and to learn to keep the best of our own traditional forms (...) in order to develop an indigenous contemporary architecture"²⁷. Notably, in the plans of her houses, Minnette avoided suggesting furniture arrangements, a common practice in modernist layouts. Indeed, Modernism went as far as actually building certain key furniture in the household, that turned into an authentic "*machine-a-habiter*". Instead, she marked the space textually, not pictorially, undefining how the resident would live²⁸. Additionally, she claimed that "the progressive architects of the West" planned such a 'clean-out' that "resulted in the creation of sterile architecture (...) lacking the essential element of contact with the people and their regional life"²⁹. In fact, Minnette's vision summarized the common critiques of modernist architecture still prevailing today. By annihilating the idiosyncratic regional specificities, and its disconnection with the communities, Modernity is often accountable for prioritizing the architect's ambitions, rather than the users' needs.

To solve the "divorce" between Modernism and "the needs of the people"³⁰ and to regenerate traditional settlements' life, De Silva proposed a 'marriage'. Thanks to the political engagement of the De Silvas, Minnette was exposed, since childhood, to village life and its social, religious, and ethnic dynamics. Minnette's familiarity with handicrafts practices - weavers, silversmiths, brass makers - intensely influenced her initiative

to mobilize vernacular Ceylonese craftsmanship into her architectonic language, and the whole architecture that she would produce. These childhood experiences “seeped into my unconscious mind, later manifesting itself in my work”³¹. Hence, she mainly employed local materials and manpower, and worked along with village artists and artisans, who painted murals, designed tiles, furniture, iron cast grids, lacquered pots, or other architectural elements, punctually placed or integrated into the structure of the houses (Fig.6).



Fig. 6: Minnette de Silva in the lacquer craftsmen's village of Palle Hapuvinda. (Source: *The Life and Work of an Asian Woman Architect*, p.267).

Working with people and highlighting the specificities of the traditional cultures while marrying the artist, the craftsmen, and the architect again, created regional wealth, since “unless they are brought back into architecture in an authentic manner, they will cease to serve any useful purpose (...) remain only as a museum piece and eventually cease to exist”³². Previously underpaid handicraftsmen could be socially integrated and appreciated, as they were in the early Ceylonese history. The renewal of the vernacular was transmuted into social science by uplifting the underprivileged and encouraging social mobility.

Alluding to Gandhi's spinning wheel, Minnette learned how to weave and established a weaving workshop. Using up-to-date looms and technologies, women artisans produced traditional handicrafts for a modern architecture. The weaving of dumbara mats was especially dear to Minnette. These centuries-old handmade textiles, threaded with plant fibers and adorned with symbolic motifs, were typically applied as wall hangings, tapestries, rugs, or cushion covers. Nonetheless, Minnette enriched its vocabulary, expanding its usage by incorporating them into architectural elements, such as door and ceiling paneling. Further, she revolutionized them into fashion, fusing these textiles into saris that she personally wore.

The revitalization of the tradition was paramount during the independence momentum. A political milestone, endeavoring new architectural grounds, where regional connotations were symbols of resistance³³. Although the De Silvas belonged to an elite, which enabled Minnette to pursue an unconventional education choice in the metropolis, they were also openly anti-colonialists and Minnette played a fundamental role in building a sentiment of identity and pride in the new nation³⁴. Thereby, she reframed the Sri Lankan housing concept and ruptured the historicist colonial culture that imitated European and indigenous styles while neglecting hand skills. She stood against the “global form”³⁵ of the European bungalow, planned to protect the fearful colonizer from the unruly tropical weather.

De Silva’s initial commission illustrated this deconstruction. Karunaratne House (Kandy, 1948-51) was the first building designed by a woman in Sri Lanka, and the perfect equilibrium between rupture and tradition. Modern elements were used, such as glass brick walls; concrete applied according to pioneering techniques and experimental methods; and free plan, allowing spatial flexibility during large gatherings, characteristic of Sri Lankan society. Minnette proudly underlined “the introduction of a modern pantry-kitchen typical of the 1950’s”³⁶. Conversely, regionalisms were quintessential. Local wood and stone, and the traditional Kandyan arts and crafts stood prominently: a signature of De Silva’s legacy. Detailed lacquer work on the staircase railing, terracotta tiles with a *Ridivihare* temple dancer motif on the walls, decorative earthenware jars in traditional designs, and a mural from the local artist George Keyt (partially funded by Minnette) are demonstrative. Dumbara mats were unprecedentedly incorporated into door panels, furniture drapes, and curtains. Likewise, hemp (where the fibers for the dumbara mat come from) was planted in the garden. In sum, “in this house the architect, the craftsman, and the artist have worked together”³⁷. (Fig. 7)

De Silva’s descriptions of the house are exuberant in sensorial details and reflective thoughts regarding the use of color: the staircase is in “concrete finished with polished Jack-wood treads and black cement risers. The balusters are Kandyan lacquered wood in the traditional colors of red, gold and black, with a black stained wood hand-rail”³⁸. The enumerated tones are present in ancient temples, such as the 1st century BC Dambulla Caves. As aforementioned regarding Drew, this chromatism disrupted the *habitué* whitewash walls, unquestionably associated with the Modern Movement. Although this whiteness started as non-consensual and was never openly mentioned, white was a reflected chromatic decision³⁹. Willing to ‘undress’ the previous decorative paraphernalia and color, architecture ‘changed clothes’ to a pristine *haute-couture* garment. In an intriguing chromatic debate, the multi-colored and ornamental outfit was replaced by a sophisticated theory of surface for the sake of form. Curiously, when Minnette defended ornaments as emotional elements, she quoted Le Corbusier for support, even though his viewpoint was significantly ambivalent, ranging from a polychromatic and ornament enthusiast to an achromatic devotee. Regardless, Minnette used a colorful pallet

in walls, earthenware, woodcarving, murals, tiles, and fabrics. To the suggested Corbusian “well-cut suit”⁴⁰, tailored for the civilized modern men, Minnette dressed sparkling saris, bangles, and beflowered hair, as “Ceylon and the East are generally alive with colorful decorative features”⁴¹.

In an original and emancipated perspective of the mid-20th century architecture, De Silva was “the first architect in the world to explicitly define what she called a modern approach to regionalism”⁴², self-portraying Karunaratne as “an experiment in Modern Regional Architecture in the Tropics”⁴³.

In Pieris House (Colombo, 1952-56) the compromise was resumed. A panoply of artisanal and local elements was used: local stones, woodcarvings, dumbara mats, ornamental clay tiles, *midula* bursting with plants and lotus pools, and an iron grille with metalwork in the shape of the Buddhism sacred bo-leaf. Cataloguing the modern selection, the house was designed in a free plan, with a rhythmic geometric façade, and windows framed in traditional lacquered wood with concrete louvers, though striving for *fenêtre en longueur* (Fig. 8). Supported by the most prominent contemporary engineering firm, Ove Arup, Minnette constructed the first reinforced concrete flat slab in the history of Sri Lanka, “so the house was quite revolutionary at the time”⁴⁴. Between rupture and tradition, structurally, the house was designed over pilotis, “inspired perhaps in equal measure by Le Corbusier’s Villa Savoye and by traditional elevated temples known as *Tampita Vihare*”⁴⁵. Images of this medieval Ceylonese religious typology are present in Minnette’s autobiography, alongside technical drawings of this house.

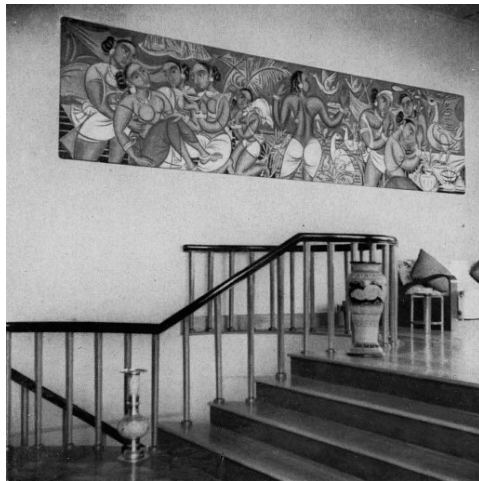


Fig. 7 (upper left): Karunaratne House, Kandy: lacquered wood, earthenware jars, and mural from local artist. (Source: *A House at Kandy, Ceylon*, p.9).

Fig. 8 (upper right): Pieris House, Colombo: geometric façade, pilotis, and bo-leaf shape metalwork. (Source: *The Life and Work of an Asian Woman Architect*, p.188).

As these examples display, Minnette created a language that admittedly selected the aesthetical references believed as more suitable, instead of any peremptory affiliation with any style. As summarized by her: “Much of my work has been based on finding a workable synthesis of traditional and modern architecture”⁴⁶. Why choose between rupture and tradition if the best of both can be stimulating enough?

By inciting a dialogue between these ambivalent spheres - Modern and Regional, West and East, technology and craft, *avant-garde* and *arrière-garde* - Minnette’s fundamental strategy proved that rupture and tradition can coexist and generate a novel architecture, so characteristically hers and unsung among Modernism. A handful of terminologies and concepts were envisioned, demonstrating that architecture could be modern and functional, yet include peculiarities and nuances of a particular place and region. A ‘hybrid modernity’⁴⁷, “an architecture of resistance”⁴⁸? Arguably, Minnette performed “the earliest, clearest, most critical reformulation of tropical architecture”, anticipating ‘Critical Regionalism’ by thirty years⁴⁹.

4. The social as a disruption: Chandigarh and Watapuluwa

Jane Drew’s socially conscious design methodologies, developed in West Africa and applied worldwide, matured in her contribution to education, health, and housing in India. After the Partition (1947), Punjab’s state capital was lost to Pakistan. Responding to the post-colonial housing deficit, Modern Architecture was called to design the archetypal modernist city: Chandigarh (1951-53). However, the ‘non-colonial’ aesthetics and methods of the ‘apolitical’ Modern Movement were actually imported through networks of ‘power-knowledge’ debated by Foucault, which relates new urban forms and social spaces.⁵⁰ This viewpoint entangles Modernism and colonization, even during post-colonialism.

The scarcity of local architects made it desirable to appoint an overseas designing team, composed of Le Corbusier, Pierre Jeanneret, Maxwell Fry and Jane Drew, assisted by Indian architects. In Chandigarh, their ‘ethnographic’ approach was improved. Leaving their successful London office, Drew and Fry moved *in situ* for three years. The socially engaged discourses included surveys and consultations with the population, parallelly to the integration of regional patterns in the design of the shading devices. The use of local materials, like the cheap and available brick, and manpower, was also prioritized. Since “building for the poor means building close together”, the projects were designed in close contact with the future inhabitants and even “built with the aid of donkeys, men, women, and children”.⁵¹ The inclusion of the Indian culture was tested while adapting the modern design of the housings to traditional requirements, namely to the caste system.

In a desire to work directly with the people, Drew arranged extensive meetings with the future inhabitants to generate data to help in the projects, be it talking with the shopkeepers or sitting “with medics for hours

trying to figure out solutions.”⁵² She even assumed the role of judge, solving community disputes, coined by Fry as ‘Raj Justice.’⁵³ As well, she established a night school for Indian architects.

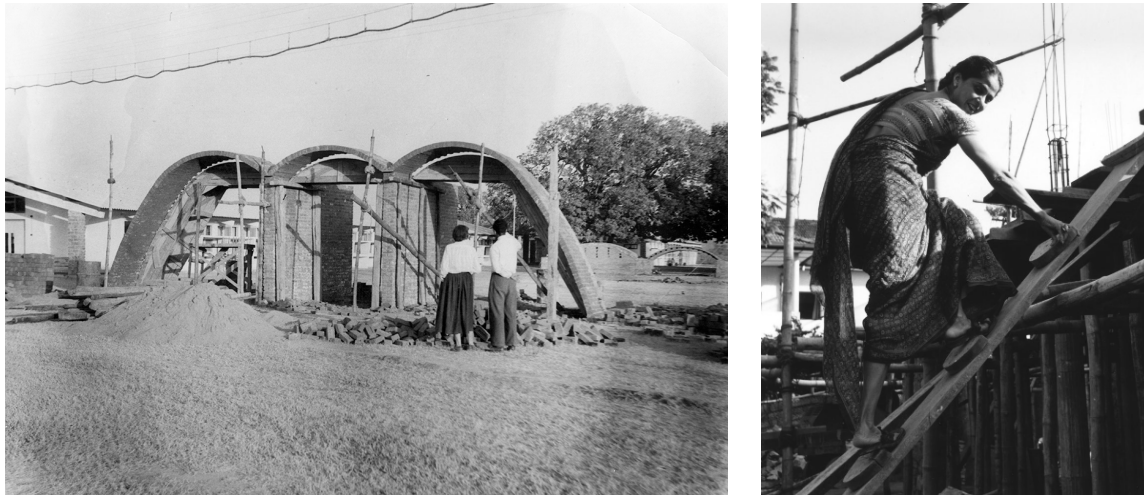


Fig. 9 (upper left): Jane Drew inspecting the construction of arches in Chandigarh, c.1951-53. (Source: RIBA139786).
 Fig. 10 (upper right): Minnette de Silva inspecting the concrete pillars and slab work, Colombo, 1951. (Source: *The Life and Work of an Asian Woman Architect*, p. 290).

Jane Drew designed fourteen building types in Chandigarh, namely Government housing, education, recreation, commercial and health facilities. Her socially conscious housing strategies left a powerful impact on Chandigarh. The Government Houses were labelled in a decrescent hierarchized rank, according to the future occupants’ salary. The typology, which ranged from 1 to 13, was complemented with Type 14 to accommodate the ones left out from the First Building Programme. The terminology was completed by adding the first letter of the name of the architect responsible for the project. For the ones “housing the Government’s poorest, menial employees (nowadays euphemized as “Group D””, Drew created

“a pleasant, very livable bounded neighborhood for them rather than simply keeping them out of the sight. She is also credited with the idea of the “cheap houses” (Type 14), a contribution significant for at least attempting to address the needs of the poorest who were not originally planned for at all.”⁵⁴

Drew organized Type 13 (406 units; Sector 22) (Fig. 11) and Type 14 (572 units; Sectors 15, 19, and 24) in villages, accessible by gates that marked entry points to pedestrian streets, with a central community space. Cost-cutting was vitally achieved by placing the houses back-to-back or excluding the roof of the toilets. Both are single-storied units with rear courtyards, composed of two rooms, a cooking veranda, a toilet, and a bath

compartment. These typologies, low-rise, low-density, in cubic forms of local brick, were so-called ‘Chandigarh Style’.

Noteworthy, Chandigarh was the first city in India with sewage, drinking water, and electricity. Drew’s housing types contributed to this success and were complimented by Prime Minister Nehru as “the only cheap housing he had seen that did not look cheap”.⁵⁵

Minnette De Silva showed invaluable dedication to social housing and traditional settlements. Designing for the less wealthy and offering tools for the unskilled to house themselves were part of her ambitions. When building for a community, Minnette advocated that the architect should be “thinking in terms of village group and trying to create the community atmosphere that these people are accustomed to, and not just creating industrial housing in Western terms where communal living has almost disappeared”.⁵⁶

Her theoretical social discourse was discussed in her *Cost-Effective Housing Studies* (1954-55), an investigation that she commenced as a student. This research provided the background of her line of thought on low-cost housing, representative of her social commitment to the people of her region. De Silva was experimenting with bamboo framing and rammed earth, which she used in the Warichchi and Kirillapone Houses and later at tourist resorts, and was also suggested for slums’ renewal in Colombo. Besides, Minnette offered the choice of this construction in her largest housing scheme, Watapuluwa (Kandy, 1955-58), the culmination of Minnette’s social motivations (Fig. 12).

Responding to the post-colonial housing deficit, the Kandy Housewives Association invited Minnette to develop an economic cooperative housing scheme of two hundred and fifty houses. The site was divided into plots according to De Silva’s master plan. The social melting pot of ethnicities that the scheme aimed to house was imperative to be acknowledged while projecting.

In a pioneering participatory approach to design, the ‘Asian woman architect’ conducted extensive consultations with the future dwellers and collected information through questionnaires. A preliminary one covered general categories, and a more detailed one disclosed further data. The inquiries, aimed to personalize the mass scheme, ranged from families’ income capability, socio-cultural status, religious orientations, choices of materials, car usage, cooking methods, and children’s requirements. After the analysis of the questionnaires, group meetings were scheduled where detailed discussions unveiled homeowners’ preferences. Consequently, five housing type plans, ranging in size and cost, were drafted and each family could have it adjusted accordingly. In a unique feature of the scheme, no two houses are alike, due to the sloping terrain and the users’ preferences accommodated by Minnette, but also to a self-build component.

The limits of the Modernist housing reform, appointed to solving mass housing problems with industrial methods, were tested while facing the severe 1950s worldwide housing deficit. In this context, gaps and opportunities arose: aided self-build was one of them. Simultaneously profiting from ‘formal’ and ‘informal’ architecture, expertise was ensured by architects that acted as holistic enablers, while the residents gained the flexibility to express their preferences. Truly, “when dwellers control the major decisions and are free to make their own contributions in the design, construction, or management of their housing, both this process and the environment produced stimulate individual and social well-being.”⁵⁷ Watapuluwa is seemingly an example of it. The variety among the houses disrupted the massive and monolithically modernist housing complexes. Furthermore, self-build questioned the concept of authorship, so dear to Modernism, along with the semantics of ‘architect’ as a concept. Valorising practice and local skills over technocratic power-knowledge, the role of the modern architect, acclaimed on its pedestal as the solo author of its creation, was perturbed. In participatory processes, authorship became inconclusive, as it was in Watapuluwa. Is it diluted, shared, or simply the outcome makes it irrelevant? After giving its design to the people, is the architect still the author? The root of these questions is probably why Minnette still included, in her autobiography, a press cut emphasizing the success of Watapuluwa, even if it did not mention her, or any author.

To complement the modern techniques that would expedite the construction, Minnette suggested vernacular methods, materials, and local labor. Certainly aware of the worldwide scenario, Minnette consciously remarked: “This project is really an early example of 'community architecture'”⁵⁸.

Nowadays, the residents of "Mahaweli Uyana" (how Watapuluwa was re-named, releasing its inceptive Housing Scheme terminology) still recognize this pioneering community initiative as decidedly successful. However, the exact contribution of Minnette, as well as which evidence of it is on the ground today, is unstudied and has De Silva’s autobiography as the only robust reference. A multidisciplinary team of artists, animators, filmmakers, and architects, commissioned by the Museum of Modern and Contemporary Art of Sri Lanka, is currently working on a film about Watapuluwa, targeting to disclose relevant information⁵⁹. This research proposes to shed some light on this participatory process, that inspired other housing schemes around the island. Thanks to all the preceding aspects, Watapuluwa is a project, where “for the first time in Sri Lanka, and perhaps in the world, an inclusive beneficiary participatory process/approach was adopted in housing”⁶⁰.

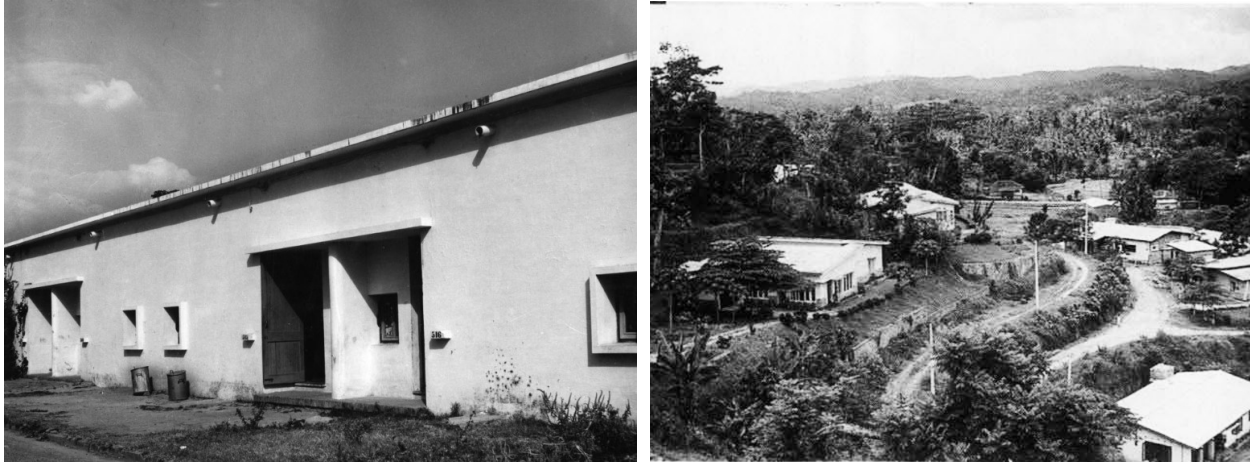


Fig. 11 (upper left): Government House Type 13D, Chandigarh, 1950s. (Source: RIBA93288).

Fig. 12 (upper right): General view of Watapuluwa (Source: *The Life and Work of an Asian Woman Architect*, p. 208).

5. Women architects: a gender and intersectional disruption

Modernism undeniably favored manlike figures and benefited masculine discourses⁶¹. Therefore, Jane Drew and Minnette De Silva, as modernist women architects, faced antagonism. Their theoretical and practical pioneering contributions mismatch the attention received from architectural historiography.

Jane Drew led an internationally recognized office and celebrated almost half a century of career.

Additionally, she was the first woman in the Council of the Royal Institute of British Architects, to preside over the Architectural Association School of Architecture, and a Professor at Harvard and MIT Universities. Regardless, Drew's section in 'Fry and Drew Papers', the major archive of the couple, is unpublished or even manuscripted. Minnette became RIBA's first Asian woman Associate, Sri Lanka's first woman architect and first modernist architect. These pioneering feats are dissonant with her place in history. The publishing gap and the absence of a formal archive⁶² are only superseded by her writings, mostly her autobiography. *The life and work of an Asian woman architect* was posthumously printed in a single edition, but forgotten as swiftly as the annihilation of her legacy: her office was plundered, and the majority of her nearly thirty buildings, were unhesitantly demolished or irremediably altered.

The inequality reported by women, frequently debated within gender studies, is also applicable in the architectural scene. Drew commented: "It was when I left the AA and sought work in an office myself that I first met the prejudice I did not know existed, about women architects. I had difficulty in even getting an interview"⁶³. Subsequently, in her first office, she attempted to employ women only. As well, the emblematic debate about 'the architect's wife'⁶⁴ is coincident with her career, overtaken by the second place in the duo: "I was introduced to the Prime Minister as the architect's wife and he hardly noticed me"⁶⁵. Moreover, Drew

was paid less in West Africa thanks to her feminine condition, commented on Fry's resignation from the RIBA Council Club when he was impeded from bringing a woman as a guest, and on the reluctance of Shell London in considering hiring a woman architect. Almost anecdotic is Drew's episode concerning the Kuwait Oil Company when, a week after her arrival, they summoned her back to London, apologizing and confessing how "it had never dawned on us when we telexed London for a tropical hospital expert that they would send a woman."⁶⁶ Worthy of an award named after her - Jane Drew Prize - ironically unawarded herself⁶⁷, apart from the title DBE (Dame of the Most Excellent Order of the British Empire), before her death.

Likewise, the gender inequality intertwines De Silva, who ran an independent female practice in the post-war period, with other Ceylonese men architects, who were actually driven by her pioneering. Being mainly unnoticed during her career, a Gold Medal by the Sri Lanka Institute of Architects came just before her death. She was exempted from 'the architect's wife' cliché, merely for not having been married. Highly persuaded against an architectural education, labelled unsuitable for femininity: "an unheard-of impertinence for a girl of her country at that time"⁶⁸. Introducing herself as an 'Asian woman architect', she confessed: "I was dismissed because I am a woman. I was never taken seriously for my work"⁶⁹. In her autobiographical scrapbook, Minnette thanked her first clients "who braved (...) had faith in my pioneering projects, withstanding ridicule for trusting an unknown woman architect with impossible ideas"⁷⁰.

Mrs. Maxwell Fry (as Drew promised would never be called) and Miss De Silva are examples of women's mis-attention in the architectural archives, publications and education system. The insufficient research about women architects is representative of how *le deuxième sexe* has been systematically unnoticed in perpetuated architectural men-orientated narratives that overwhelmingly favored patriarchal strategies of knowledge. Since women started studying architecture a century and a half ago, they tackled the same challenges, emphasizing the omnipresent gender disparity in the discipline conception.

Still, mentioning purely gender is not sufficient to study the specificities of these women. Intersectionality avows that, often, multiple identity inequalities interact and overlap. The intersectional theory belonging to social and gender studies is, thereby, pertinent in architecture, where it is perceptible, not only how preserving men's legacy has been seriously prioritized regarding women, but especially how, among women, Eurocentric or Westernized views prevailed. These "intersectional erasures"⁷¹ describe how gender creates unlike relationships with power, as aforementioned, replicated in the concept of legacy. For instance, if for Drew gender is the key social marker, for De Silva bias was reproduced by further increasingly intersectional layers, namely race, geographic location/nationality, or even colonial rank⁷².

Therefore, If Drew even referred to some gender advantages, namely the access to restricted areas of the households while in India or Iran, and mentioned that plentiful times femininity was workwise irrelevant,

Minnette was utterly penalized by a Ceylonese conservative male-orientated society, that made her step aside, for example, from the embryonic Ceylon Institute of Architects, that was arising in Colombo.



Fig. 13 (upper left): Jane Drew with Indian architects, Chandigarh, 1950s. (Source: RIBA139787).

Fig. 14 (upper right) : Minnette de Silva with Picasso and Mulk Raj Anand in the Peace Conference, Poland, 1948 (Source: *The Life and Work of an Asian Woman Architect*, p. 106).

A rising voice to acknowledge pioneering female architects is in tune with the global discussion *Where Are the Women Architects?*⁷³ showing an unequivocal momentum for a more than welcomed gender rupture in architecture historiography. Giving women architects a well-deserved central stage can be a helpful contribution to a more equal and plural architecture, where it's possible “to be both a woman architect and an architect without ever having to choose”⁷⁴ and where “women architects will be judged by their work like all architects.”⁷⁵ Celebrating women by recognition and promoting an architecture historiography ‘beyond the West’⁷⁶, can boost the confidence among womankind, inspiring emancipation in a fair-minded society.

Disrupting Modernism's belief that it would be “men – intelligent, cold and calm (...) to build the house and to lay out the town”⁷⁷, evidently, it was equally women that did it. “So your battle, ladies, is on.”⁷⁸

6. Conclusion: Disruption as an exciting beginning

This itinerary through the life and work of Jane Drew and Minnette De Silva's social heritage intends to illustrate their active contribution to significant disruptions within the Modern Movement, Tropical Architecture, and architecture historiography broadly. Despite their modernist affiliation, they both challenged its inceptive principles. To its globalized target, they counter-offered an emphasis on regional specificities. The inclusion of local history, culture, and traditions, in a decorative schemata highlighting vernacular elements and colors, and, primarily, the people and their settlements, brought diversity and life to a

style self-proclaimed ahistorical, unornamental, and avowedly achromatic. Since designing in the tropics is “to be affected not only by climatic but psychological factors”⁷⁹, the obsolescence of Tropical Architecture’s climatic focus was also declared, superseded by a socially committed architecture.

In a heightened consciousness toward social change, their projects and the trust received from the regional communities mirrored their awareness of the socio-political environment, the respect for the builder, the user, and the other *métiers*, unified into architecture. Integrated into their time and era, the community engagement, according to the rungs of the “ladder of citizen participation”⁸⁰, was, if not unprecedented, tremendously groundbreaking. Through Drew and De Silva’s techniques, inviting citizens’ inputs was beyond informing them, since the populations’ aspirations had genuine influence over the outcome of their designs. Methodologies where participation was extensively promoted legitimated end-user inputs and know-how, ensuring that the populations’ needs and ideas were considered along the projectual process, and materialized in the built result. The social journey of Drew and De Silva’s architecture transformed Chandigarh and Watapuluwa into spaces where “a place-conscious poetic”⁸¹ defied and reframed Modernism into a more human sphere, resulting in architectural languages that could not be anything but unique.

Jane Drew deconstructed the Saidian *status quo* that represented the tropics as the ‘Other’⁸², through methods of inclusiveness and respect for local cultures, ranging from consultations to learning tribal languages. The celebration of genuine forms of ‘place’ became her powerful resistance to the ‘placelessness’ of an ‘International Style’. Drew’s “people’s architecture”⁸³ transmuted Tropical Architecture into a ‘Regionalist Modernism’⁸⁴, while working “to produce towns and housing that will be loved, lived in and cared for.”⁸⁵

Minnette De Silva was born in an intercultural marriage of a Burgher mother with a Sinhalese father, grew up in British Ceylon and died in the Democratic Republic of Sri Lanka, while constantly commuting between Kandy and Europe. Possibly, because her pursuit for an architectural identity was intertwined with the search for her individuality, her disruption was deeper. Notwithstanding her profound bond with Modernism and Tropical Architecture, being a local enabled Minnette’s discourse to navigate diversely and beyond any of the highest figures of the style, and to bounce further than Drew, tackling a distinct *filière*. Architecture in the tropics was not a compliance with guidelines of any dogmatic style, or with a Modernism universalist burden. To climatic competence, she allied the regional. It is hardly surprising that she elected a thriving hybrid language, critical while applying Modernist, and passionate about Ceylonese traditional vernacular vocabularies. An ambivalence of references, that empowered atmospheres where pilotis were wrapped in exuberant vegetation; where Corbusian clear lines winked at regional earthenware handcrafts; where glass brick walls dialogued with dumbara mats in Kandyan tones. A ‘Ceylon-ness’ as vibrant as the glittering saris and beflowered hair with which Minnette colored the post-war London and the CIAMs. Self-coined a

“Modern Regional Architecture in the Tropics”⁸⁶, arguably, the much later Critical Regionalism is fairly suitable. Minnette De Silva’s life and work were a vivid materialization of how architecture can, not only preserve tradition but also assume rupture as a starting point to inspiring beginnings.

The forerunner social initiatives of Jane Drew and Minnette De Silva, two women architects mostly neglected by masculine architecture historiography, illustrate that women promoted and participated in innovative social experiments of their *époque*. It is also suggested that it is especially by introducing a socially engaged methodology into Tropical Architecture that their fascinating essential narratives were created. While architects’ empathy towards social discourses and local experience is so commonly questioned and labelled as a total failure, Jane Drew and Minnette De Silva exemplified that the “respect for another man's way of life makes working with him easier”⁸⁷.

Their long careers, vanguardist writings, and precursor built inheritance suffice to accommodate stimulating perspectives about these understudied figures. However, through their cheerful doctrine of social change through architecture, Drew and De Silva unveil even more: in a fierce diversity they were women, architects, and humanists, that gave “people (...) the same care that we give when transplanting flowers”⁸⁸.

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Traditional Dwellings and Settlements
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**DISRUPTED TRADITION: A CASE FROM
INDONESIAN VILLAGE**

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DISRUPTED TRADITION: A CASE FROM INDONESIAN VILLAGE



This study departs from inequalities between peripheral regions (Eastern Indonesia) and the core (capital city, Jakarta). It aims to investigate how central authorities utilize, incorporate, and reframe traditions as a part of national developments over time. It examines one of the traditional villages in Eastern Indonesia, Tololela Village, using a case study to highlight significant occurrences that took place there as a result of central government rules. This study reveals that in order to use traditions as economic potentials in tourism developments, it is crucial to recognize significant features of their adaptability.

1. INTRODUCTION

The concept of tradition is always challenging to grasp. The term comes with a flexibility that allows many interpretations and reconstructions, especially when confronted by time and changes. In the era of globalization, traditions are prone to two terms—time and change. However, although there are claims regarding the encroaching threat from globalization, modernization, and urbanization to the traditional environment, some argue that “tradition [is] not so much an instrument preventing change, but one that incorporates the change in order to sustain itself through space and time”.¹ This view has brought promising perspectives on contemporary architectural practices through which architects massively rethink, reinterpret, and represent traditions into contemporary needs. This approach has taken place since post-independent movements in many developing countries to establish current nation-state identity, culture-based economic developments, or political control of central authorities over outer regions within a nation-state territory.

Geographically speaking, proximity becomes the key element in determining the balance of power between the core (the central government) and peripheral areas. The core-periphery hierarchy is more than mere spatial proximity, it often becomes the departure for further investigation of the complex social, economic and ecological relations between the core-periphery.² As a result, this study breaks from the physical proximity that divides a country's center (the capital city, Jakarta) from its periphery (the outer provinces in Eastern Indonesia). The investigation begins at a rural location that is far from the capital city, which is where the central power is primarily active. This distance is made worse in the case of Indonesia by the nation's archipelagic structure and Jakarta's off-center location (Figure 1).



Fig. 1: Indonesian territory and its capital city.

The capital city of Indonesia has remained Jakarta ever since its independence. Jakarta has always been the nation's center, despite the fact that three other cities had previously served as the country's interim capital when the emergency government of Republic Indonesia was founded during the Indonesian National Revolution's 1946–1948 crisis. It is regarded as a great capital and the center of significant economic and political activities. Issues of inequality between the center and outer regions, particularly those in the eastern half of Indonesia, have been brought on by the country's long-established capital city Jakarta and such geographic discrepancies. This study will examine how governments might use rules to generate sustainable economic growth for the nation while also examining the effects of their implementation on a small, undeveloped village's quality of life.

2. METHODS

Tololela village, a traditional Indonesian community, will serve as the project's case study. The village is in Flores Island, East Nusa Tenggara Province, Ngadha Regency (Figure 2). The study will look deeper into the village's historical trajectory of adjusting, resisting, or responding to central authorities' decisions after the independence to the present time with a focus on discussions on the economic-cultural sustainability system that occurred in collaboration between the village level and the state.

Methodologically, historical data on the village were gathered through interviews. The village chief of Tololela was the subject of the interview due to his knowledge of the community as a local official and his observations of its development since he was a child. He served as the informant for this study. The face-to-face interview lasted an hour and 20 minutes. The interview was taped and subsequently verbatim transcribed for use in coding-based qualitative analysis. In order to pinpoint important occurrences and changes in the village, the interview data and the archive study were scrutinized.



Fig. 2: Location of Ngadha Regency.

Adopting a local perspective as the starting point for this research aims to see the impacts of government regulations on a small, underrepresented indigenous community. Such local dynamics then be used to further emerge into a broader context of the country, including its political, economic, and cultural issues. The goal is to provide an alternative reality to the grand narratives of the state's development programs³. Another reason for taking this village as a case study is to investigate what approaches the central authorities took to control its territory, particularly in peripheral regions. In the end, this study aims to develop an understanding of how changing socio-political environments have shaped and reshaped traditions in Indonesia.

3. THE CONTEXT: UNDERSTANDING TOLOLELA VILLAGE

Tololela is one of the traditional villages in Ngadha regency on Flores Island. Historically, Flores was first colonized by the Portuguese, who brought Catholicism to the island; however, the colonial legacy is mainly Dutch. Dutch legal and political institutions and bureaucratic systems still affect the workings of the state across the archipelago, making the extremely uneven patterns of development that the Dutch began.⁴

In Ngadha regency, with the capital city of Bajawa, there are several villages nearby (Figure 3). The two settlements with the biggest improvements in the last ten years are Tololela and Bena. I will concentrate on Tololela village (number 4 in Figure 3) in this study, taking the availability and accessibility of information required for the research into account.

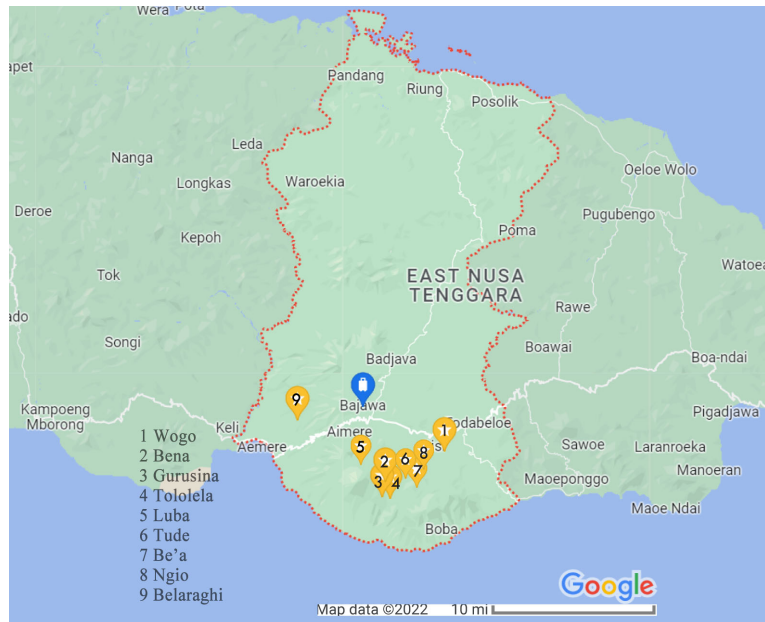


Fig. 3: Distribution of villages in Ngadha Regency. (Source: googlemaps.com, 2022).

Tololela is a small village that has 30 buildings that are arranged in a rectangle pattern. The wide space in the middle is the direction that every home faces (Figure 4). This area has been set aside for the placement of megalithic monuments constructed of stone that honor the ancestors of the villagers. Tololela includes two groups of smaller villages: the upper and lower grounds, unlike other historic settlements in this area. The upper village was formed first, with a bigger rectangle-shaped housing order, followed by the lower one with a smaller group of houses.



Fig. 4: Tololela settlement arrangement (Source: A. Saiful Lathif, 2019)



Fig. 5: Tololela village and its surroundings (Source: A. Saiful Latif, 2019)

In order to accommodate the growing population and the demand for new homes to house extended families, the lower ground was formed later. Despite these various construction times, the new homes adhere carefully to the prescribed forms and regulations of a home passed down from their ancestors from generation to generation. The village's morphology placed it in front of a mountain and around valleys covered with forests. The inhabitants claimed that the location behind the hill, between valleys, and between forests was specifically chosen to safeguard the town and keep them safe from enemies who sought to assassinate their ancestors (Figure 5).

4. TOLOLELA WITHIN A COUNTRY: LOCAL-GLOBAL ENTANGLEMENTS

This study starts from 1945, after Indonesian Independence Day, and briefly reflects on the present time under Joko Widodo. Figure 6 displays the timeline's summary. The interview found that nothing significantly affected the village during Soekarno's first president (1945–1967). There are two factors at play here. The first was brought on by the country's different revolutionary movements, which prompted governments to concentrate on national stabilization on Java Island. Second, as a young nation, Soekarno aimed to give Indonesia a strong reputation abroad by building a number of iconic structures, such as the CONEFO, MONAS National Monument, Gelora Bung Karno Stadium, Nusantara Guest House, and Indonesian Hotel, all of which had distinctive architectural designs and incorporated modern architecture from the West. These developments were centered in the capital city Jakarta, which resulted in a massive gap in economic progress between the city and other regions throughout the country, including Flores, with a worrying poverty rate and underdevelopment ⁴.

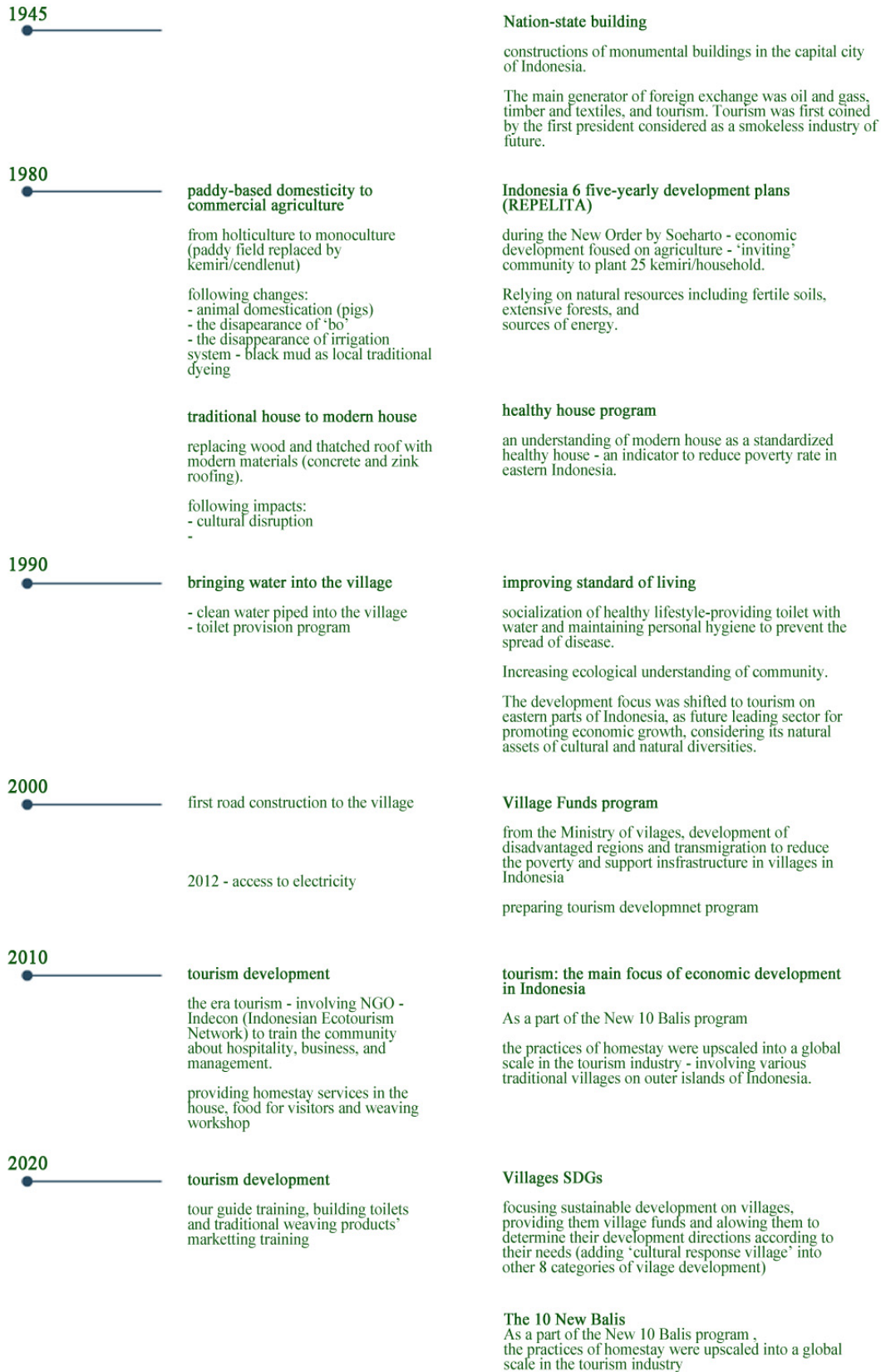


Fig. 6: Timeline of Tololela village in governments programs

Moving on to the following era, the town underwent a great deal of change in 1986, the final year of Soeharto's New Order. The first was the abrupt transition in agricultural traditions, from domesticity-based paddy fields to commercial agriculture. The government ordered the people to plant candlenuts after they had previously grown rice for their daily and cultural needs. This altered farming methods, which contributed to the elimination of irrigation systems. Along with the physical changes in the environment, there were also changes in daily life, such as the promotion of animal domestication to safeguard the flora and the cultural shift brought on by the abolition of the word "bo" (a structure for rice storing). Along with altering the shape of the lands, the various agricultural practices also affected family life.

Moreover, the community received its first access to potable water, power, and infrastructure between 1990 and 2000, thanks to funding provided by the Abdurrahman Wahid administration's Village Fund. In addition, the village's development was later followed by cultural negotiations with tourism plans from the central government. This focus continues to the current presidency under Joko Widodo (2014-present). The power dynamics between Tololela and the political directives from the central authority in reinterpreting traditions and cultures to promote sustainable development in the nation will be covered in the parts that follow.

The dynamics between two systems of power—a nation and a tradition—will be revealed by looking into the effects of particular government policies and regulations implemented on the village and by understanding how the locals responded to the changes they brought about, whether they were environmental or cultural. As a result, this study conceptualizes the interactions between the two scales—a nation and a village—to better understand the strategies the government employs when attempting to incorporate traditions into more general economic goals at various junctures and contexts around the nation.

5. SHIFTING TRADITION: AN AGRICULTURAL DISRUPTION

According to Figure 6, the hamlet experienced a variety of agricultural policies between 1970 and 1990 as a result of the 'REPELITA' program, which consisted of six sets of five-year development plans created by the Soeharto regimes. The governments struggled a great deal during this time to address the nation's economic issues. The main issue became the severe poverty difficulties in areas outside of the major city. As a result of this inequity, those who were left behind in the development began to fight it. The administration therefore made an effort to lessen it by inviting the outer islands of the region to take part in national economic activity.

Tololela was significantly impacted by these changes. Because candlenut and cocoa had better economic value than rice, the government forcibly replaced the village's paddy fields with these crops. Traditions in agriculture saw a tremendous shift from horticulture to monoculture. It had various impacts on the village: the loss of irrigation systems and dark mud for traditional dyeing techniques and local traditions, including the

gradual abandonment of rice-related ceremonies and traditional storing methods. A recent study on the village also demonstrates how these modifications to farming methods led to the disappearance of the traditional "bo" crop storage building, which is said to have been the forerunner of the village homes that are still in use today.⁵

Regardless of changes that occurred in the community, agricultural controls from the central government were accepted by villagers without any significant resistance. There were two reasons for it. Firstly, due to the economic crisis faced by the village, there was an urgency to try different ways of farming as championed by the governments to make money. The economic value of candlenut in the global market was also higher than rice's due to its sole role in serving the community's everyday needs.

It's crucial to consider that the bureaucracy had a propensity to consider the populace to be illiterate.⁶ So, it was anticipated that people would suddenly accept government regulations. For instance, governments might in some cases mandate that each household sow 25 seeds. On-site inspections would be conducted to count and tally the quantity of plants. People who had less plants than seeds would be subject to certain financial penalties. Unfortunately, this enforcement increased the distance between the center and the periphery and prevented community people from expressing their goals.

Secondly, Second, the administration was also under pressure to move rapidly. The country's main sources of foreign income, oil and gas, fell during the end of the Soekarno administrations. As a result, the governments decided to move the emphasis of economic operations to another area that was seen as being rich in the nation: fertile soil and vast forests. Indonesia is one of the top exporters of crops and logs as a result of deforestation to make way for industrial agriculture. However, a few years later, such natural extractions started to become problematic. It signaled a shift in the government's priorities and the identification of the environmental catastrophe as a serious issue impeding on their economic ambitions.

In the late 1980s, many critiques from NGOs, which students predominantly staffed, sought to draw attention to the environmental impacts of natural exploitations, such as extensive land conversions, the loss of forests, pollution, and the increasingly worrying issues on the future availability of water supply. They forced and exposed the government to other realities that must be taken care of. In response, in early 1990, the government established a specialized ministry to develop regulations and rules to promote environmental sustainability. During this period, power relations started to become more decentralized. The New Order regimes under Soeharto started recognizing powers outside his official circles.

Furthermore, in 1995-2000 REPELITA's plan, the emphasis was placed on regionalization and reducing social inequalities. The central governments of Indonesia extend their authority to the remaining 30

provinces. This period's highlight was decentralization's implementation in 1999, shifting attention to a more local scale. Numerous indigenous and cultural organizations earned visibility and respect in this area. As a result, the government was able to recognize the nation's potential as a melting pot of numerous cultures. One of the areas targeted was eastern Indonesia, which was predicted to become a popular tourist destination in the future. This acknowledgment signaled the next official tactic employed to stifle the conflicts in the economy, environment, and culture.

6. CONSTRUCTING TRADITION: A TOURISM INITIATIVE

In the late 1980, under the pressure of environmental challenges facing the country, governments attempted to find another direction of economic focus. In the REPELITA plan year of 1995-2000, the emphasis was on regionalization and reducing social inequalities, concentrating on areas of high poverty in Eastern Indonesia.⁷ One of the programs highlighted cultural aspects as a capital for tourism development. Culture as a tourist attraction was expected to drive overall economic development in those regions. The plan was ambitious, with an annual 11-13% tourism growth target.⁴ These programs have brought attention and attracted regional-scale programs to the villages located in Eastern Indonesia.

Under the Ministry for Acceleration of Eastern Indonesia Development, governments developed a specific focus of development on cultural promotion. Moreover, tourism with emphasis on cultural attractions was one of six significant programs initiated by the governments besides marine, forestry, agriculture, mining, and trading and industry.⁸ The regional administration planned and began carrying out development projects in various remote indigenous settlements to support this program. Infrastructures including roads, easy access to electricity and clean water, and the availability of toilets were hallmarks of the governments' accomplishments.

These programs reached Tololela for the first time in early 1990 when the government succeeded in providing access to clean water inside the village. Before the implementation of this program, residents had to use a bamboo tube to travel nearly 15 kilometres to a water source. Along with this program, toilet provision also took place. As water was piped into villages and distributed to households, the government, with the assistance of the medical team, introduced the concept of a healthy lifestyle to villagers. The program covered how to use the toilet and do self-hygiene. All existing latrines were replaced by 'modern toilets' that used a simple gooseneck system.

Following this achievement, governments proceeded to support development by building roads that allowed them to finally access the village's interior. Since Tololela's road was constructed in the early 2000s, the community has become easier to reach. The villagers began to interact with outsiders and were exposed to other environments. Visits from tourists increased. According to the chief of Tolela village in the interview,

"we assumed they [tourists] were kidnappers, therefore we ordered our children to enter into the house," the villagers were first wary of outsiders. The villagers became more aware of the outside world and started to respect diversity and difference. Here, road development considerably sped up Tololela's tourism-preparation initiatives in terms of both social and facility aspects.

The national news media glorified these achievements, the increasing number of toilets and roads in the villages, as a victory the nation had accomplished in raising living standards in eastern Indonesia. It had notably succeeded in suppressing opposition to the central government that had started to rise in late 1980, the beginning of the second half of Soeharto's period. This further shifted the emphasis of economic development to the periphery. The central government gave many long-underdeveloped areas in eastern Indonesia additional attention. In Indonesia's remote communities, this has signalled the beginning of the process of preparing for tourism and rebuilding local cultures in order to work together to develop a plan for cultural tourism.

7. REFRAMING TRADITION: A CULTURAL NEGOTIATION

The dream to create Eastern Indonesia as an economic pillar for the country had shifted development plans toward regional scales. Accordingly, attention to and appreciation of Indonesia's vernacular architecture increasingly formed at the beginning of 1990. In Tololela village, the governments initially perceived its vernacular architecture as comprised of primitive buildings that needed to be replaced to strengthen the civilized image of an independent nation (Figure 6). In the late 1990s, governments promoted a 'Healthy House' program that provided a certain amount of money for villagers to replace their housing materials, from wood, bamboo, and thatched roofs to modern materials such as concrete and zinc for the roof. Regardless of material replacement, the government still expected villagers to keep the shape of the buildings, elevated houses with sloping roofs.

While the 'Healthy House' program might be favored in other regions, in Tololela, it was not the case. Initially, Tololela did not voice complaints or resistance to any other programs the government introduced. However, rejections occurred to the 'Healthy House' program. The concern was that changing the house's materials was seen as disrespecting ancestors, which is a part of their core belief system, and would bring serious problems. According to the village leader, one family accepted the government's funds and agreed to replace their house materials. That caused them incurable diseases, which could only be healed after the previous materials were reapplied to the house, followed by proper ceremonial traditions. This event fostered disregard for the Healthy House program in Tololela Village.

This case demonstrates that some types of negotiation were inescapable when government participated in reframing culture as social capital and tried to use it as a comparative advantage for economic revival. Through control, acceptance, and rejection, an understanding can be formed, and only then can negotiation between different needs and boundaries of ideas communicate. In the end, this negotiation process is moving forward in an effort to reach agreements that will allow culture to be reframed and placed into the modern context of globalization.

Criticisms towards such practices also arose later on elsewhere when the number of traditional houses in Indonesia plummeted, especially from cultural and environmental perspectives.⁹ The existence of vernacular architecture relies on the idea of using natural resources as building materials, and the cultural values of a house (including traditional building skills) are strongly related to using natural materials.^{10,11} Hence, it is reasonable to say that while the materials are replaced, people gradually detach from their local building skills and the tectonic logic of its materials' characteristics.¹² This changes also separated them from nature: when using wood as housing materials, people practiced their traditions of selecting and replanting the woods; however, their relationships with natural surroundings were disrupted when such ceremonies were replaced. Another concern about using modern materials came from the carbon footprints resulting from transporting modern materials from the city to every remote village in the country.

The form of negotiation and acceptance might be different from one case to another. Early 1990 saw a rise in understanding of the visual characteristics of vernacular architecture in most cases in Indonesia. Many homeowners kept the physical structure of their homes but updated the materials with more "contemporary" ones. These behaviors were proliferating all over the nation. Although the causes of the transformation varied, the implementation of governmental decentralization plans in 1999 was a significant contributor.¹³ Every region began to assert its dominance over others throughout this time by developing structures. Another trend was that newly constructed buildings adopted physical features of regional vernacular architecture, be it pointed roofs, carving patterns, or other distinctive features. In other words, vernacular architecture became a center of regional political struggles to create a local-rooted identity and draw attention to the idea of powerful and modern civilization.

At the state level, architecture as an image-making tool for the country has been used since its Independence Day. While Soekarno focused on adopting Western architecture, Soeharto shifted this approach to vernacular architecture during his last ten years of leadership: looking closely into Indonesia's authenticity and emphasizing local expressions.¹⁴ This stream was chosen in response to the insecurity of Indonesian political cultures during the reign of Suharto's New Order by promoting cultural substance to convey a sense of origin and traditions.¹⁵ This also can be seen in Beautiful Indonesia Mini Park (Taman Mini Indonesia Indah-TMII),

which was constructed in the capital city, Jakarta, as a symbolic representation of vernacular houses from each province within Indonesian territory.

The political act of taking traditional houses from rural regions to the capital city brought massive changes to the village scale, including Tololela. After the fall of the Soeharto regimes, the next presidency promoted this regional development by creating a program of 'Village Fund.' Every village with a low-income index received fund assistance, including funds to support conserving and preserving their vernacular architecture. Another necessary architectural change was tied to the role of NGOs in assisting governments' goals in helping prepare villages to adjust their vernacular houses to the needs of tourism. In Tololela, an NGO named INDECON (Indonesian Ecotourism Network) came to the area in 2010 to collaborate with villagers in providing local-based experiences for tourists providing homestays. NGO with villagers collaborated to maintain the functional aspects of the house as a domestic unit of culture while adding the tourist service in the form of homestays. Interior adaptations and modifications were necessary; however, the core of the house (the central room) remained the same to respect the ancestors.

Tololela started operating its homestay program in 2010, a little after the arrival of INDECON in the village. Incorporating tourism activities into everyday life has created negotiations between tourism activities and villagers' domestic life. While the community welcomes the idea of hosting tourists in their own houses, some negotiations must be accommodated. This further results in a particular dynamic of spatial divisions in their built environment. One significant change is taking place in domestic spaces. While some areas are functionally adjusted to bedrooms and living rooms for guests, the central room remains the same. The central the room is called 'one', easily identified from its meticulously carved walls and door. It is an ancestral room considered sacred and private where all valuable cultural inheritance is stored; therefore, it is not accessible to non-family members (Figure 7).

Spatial divisions also occur in terms of production activities in the household. The production process takes place in areas such as the kitchen, bathroom, laundry room, and even pigsty. They are considered backstage, which is not counted as a part of the cultural experiences offered to tourists. This back of the house is where villagers spend most of their time when they are hosting tourists. Although living rooms function as a contact zone between inhabitants and guests, homeowners rarely occupy the space to give their guests privacy. In some other villages, for instance, Bena (45 minutes of trekking from Tololela), spatial negotiation expands the scale of the neighborhood. While front yards and verandas are for tourist consumption with a strong sense of cultural preservation, the back of the house tells different stories.

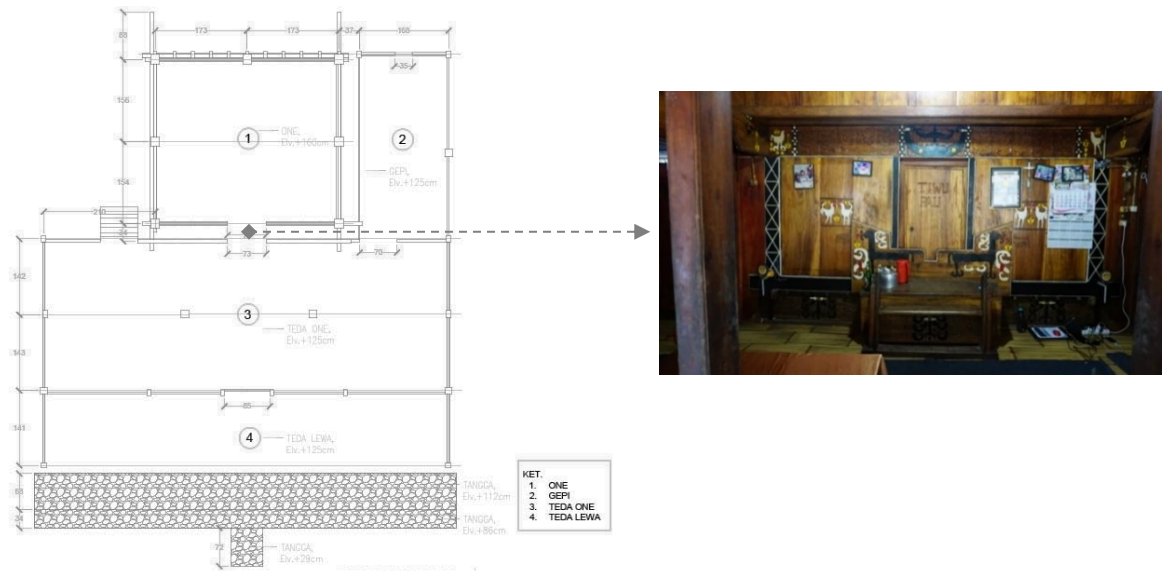


Fig. 7: Layout and position of 'One' (Source: Nita D. Estika & Oky Dewantara, 2020)

There are brick houses (local term *rumah sehat* - 'healthy house') at the back of each traditional house. They are filled with electronic houseware and a concrete-paved road circulating the outer part of the village to facilitate the modern way of life of the villagers, such as having motorized vehicles. While at the center of the village, megalithic statues and unpaved open spaces are kept with very few signs of modern life. In other words, it shows that incorporating tourism into traditions has become a contact zone where traditionality and modernity meet, negotiate, and intertwine in everyday life. When modernity and traditions entangle one another in such a mundane setting, negotiations that need to facilitate and mediated are unavoidable.

8. RECONFIGURING TRADITION: A TRADITIONALIZATION OF TOURISM

The practice of incorporating tourism into traditions, or vice versa, continued to progress in Tololela village. Tourism preparation programs expanded to other aspects of hospitality, covering tour guide services, village management, and local cuisine. Under Joko Widodo's (2014-present) presidency, it took almost ten years for Tololela village to be ready to self-maintain its tourism programs. The similar phenomena have now occurred in several traditional Indonesian villages in regard to Tololela.

Favoring economic growth and development, the current governments put a spotlight on villages, focusing on programs to empower thousands of villages in Indonesia. Besides the Village Fund program initiated in the late 1990s, current central authorities also pass regulations to support underdeveloped villages. It's interesting to note that one of the programs' priorities has been culture. In the Green Economic Transition published by The Ministry of Village, Development of Disadvantaged Regions and Transmigration in 2011,

the government added a 'culturally responsive village' as one of the directions villages can choose to direct their development goals. It was designated for those villages with strong vernacular values and tangible architectural heritage. In addition, within the nine priorities of government programs mentioned in the National Medium Term Development Plan for 2010-2014, culture is strongly viewed as the platform for strengthening diversity, unity, and social reconstruction in developing the nation's character in Indonesia.

During this period, central authorities largely utilized traditions and promoted vernacular architecture as the selling point for tourism in Indonesia. The government aims to make tourism the primary foreign exchange source, considering it "the most accessible and cheapest contributor to GDP, foreign exchange and employment".¹⁶ Since then, the governments have initiated many programs to actualize this vision, including appointing ten regions as prioritized tourist destinations (Figure 8).



Fig. 8: Distribution of 'the 10 New Bali' tourist destinations

In line with this mission, various architectural competitions based on local cultures and traditions also took place (Figure 9). There have been five competitions held using vernacular architecture as the source of exploration with the theme of 'Nusantaran Architecture' to accelerate tourism development in 10 prioritized regions: Nusantaran Tourism Villages¹⁷, Nusantaran Airports¹⁸, Nusantaran Homestays¹⁹, and Nusantara Souvenir and Culinary Centers²⁰. Nusantara refers to the Indonesian archipelago, firstly proposed by Doves Dekker to imagine the Indonesian regions. The term itself originates from the Old Javanese Sanskrit word

'Nusa' (island) and 'Antara' (in between), which convey the idea of a 'whole' archipelago under the influence of the Majapahit Empire.²¹ When the era of tourism unfolded in Indonesia, governments adopted the term 'Nusantara' as a new representation of Indonesia's contemporary identity.

To support such massive designs, the Indonesian Ministry of Tourism and Economic Creative also promoted cultural tourist villages as the future of Indonesian economic development. The ministry has developed a 'Tourist Village' program (villages that are officially designated to welcome tourists) as the future of Indonesian tourism, noting that in 2021 there were 1,836 villages appointed as tourist villages.²² In 2017, the Ministry of Public Works and Housing, with the Ministry of Tourism, set a goal to develop 20 thousand homestays in designated tourist villages.²³

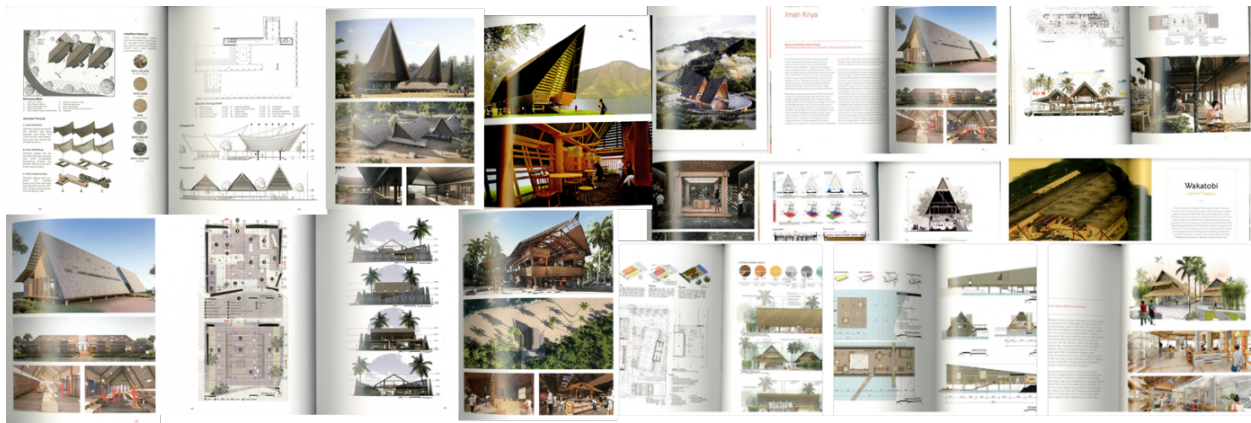


Figure 9. Design competitions proposals (Source: *Ibid*)

With these in mind, it is inevitable that tradition-based tourism, such as the 'tourist village' plan, has been inserted into thousands of village developments in Indonesia. On one end, it promises economic improvement and cultural sustainability to communities; on the other, it raises awareness of the importance of providing a safe space for negotiations to happen. This study shows that a process of modernizing tradition as well as traditionalizing cultural tourism requires a dialogue between villagers, people with power, nature, and traditions themselves to be able to move forward with the idea of recontextualizing the past to the present. This is important, especially when considering how massive Indonesia's tradition and culture-based tourism program is projected in the near future.

9. CONCLUSION

This study examined the dynamic power interactions between central authority and outer regions in Indonesia by adopting the concept of core-periphery relationships and drawing on the history of one Indonesian village,

Tololela. Given the village's brief history, it is obvious that the lives of the residents of Tololela have been touched by central authorities and their special restrictions. In exchange, it denotes various approaches taken by the central government to traditions and the techniques they employ to include them in the nation's economic plans.

By listening to the voice of villagers, this study approaches history by recognizing that local narratives do not unfold in isolation; instead, they exist in synchronic relationships with national, even broader, and more global contexts. It analyzes the impacts of regulations' applications on the region in different spaces and times in the history of Indonesia by identifying how villagers respond and adjust to the government's program. The study further allows the discussion to emerge in broader political, economic, and cultural contexts. It shows that when specific regulations are sent to the region, there are at least three responses to how villagers react, either accepting, rejecting, or negotiating. These reactions reflect villagers' process of reconfiguring and incorporating their traditions to outside forces that require dialogues between forces to change and continue.

When sudden changes in agricultural traditions occurred, villagers shifted from domestic-based farming to market-oriented agriculture. This disruption brought significant changes to the community, not only in their natural landscapes but also in their traditions due to the importance of paddy in their cultural ceremonies. While agricultural disruption was tolerated in the village, domestic dwelling alterations were not. Due to disagreements over their ideals, the group ignored the replacement of dwelling materials that were supposed to take place as part of reinventing the village as a civilized and empowered society.

In order to enable for their religious practice while also assisting them in further preserving their traditional built surroundings, the government adjusted the program in the village. The settlements were anticipated to develop into tourist destinations in the schemes that came after them. Here, through a process of trial and error, talks between two diverse concepts and methods have been mediated and enabled. In other words, a comprehensive conversation with the community is required to grasp the boundaries and constraints of cultural interpretation, regardless of the many initiatives the governments employ to address culture and traditions.

To do this, it is crucial to adopt an approach of seeing the community as an active agency in defining their paths and deciding which actions to take to move forward with tourism development plans initiated by the governments. The case of Tololela, an Indonesian destination for tradition-based tourism, serves as an example of how fundamental it is to recognize the adaptability of a tradition and community, and how complex the relations it can create with broader issues, be it social, economic, or cultural.

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Traditional Dwellings and Settlements

Working Paper Series

A NEW SPACE OF EVALUATION BETWEEN THE BY-LAW AND PROJECT, OR TO BE DONE WITH THE PLANNER-JUDGE FIGURE?

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A NEW SPACE OF EVALUATION BETWEEN THE BY-LAW AND PROJECT, OR TO BE DONE WITH THE PLANNER-JUDGE FIGURE?



This paper explores how encounters between planning by-laws and project-applications, within the planning review process, may be reoriented to focus more on forming relations of care, thus moving beyond the conventional review process reliant on the planner-judge figure who evaluates projects based on their proximity to the by-laws' ideal urban form. This proposal is situated in the broader project of questioning planning's role in empire's territorialization of stolen lands. Spinoza, and Deleuze and Guattari's concept of how bodies can form relations of care, outside their assigned identities, will be positioned as a conceptual-tool to enable this paper's exploration.

1. INTRODUCTION

A tradition for many municipal senior planners to pass the “Big Book of By-Laws” on to junior planners. The by-laws will guide the junior, while their task is to protect the by-laws from misinterpretation. The by-laws are *there* without history; the unquestioned ground for a planner's judgement when reviewing project applications. Yet, the by-laws' assumed neutrality and universal applicability can pose challenges for social housing projects, especially for Indigenous ones, where they are competing against in markets that continue the empire's territorial displacement. More importantly, this review process privileges the planner-judge figure, whose methods and verdicts often repeat the empire's logic.

This paper proposes that countering this planner-judge is important for planning to rethink its relation to empire. To do so, the paper suggests inventing new modes of encounters between the planner-judge and by-laws and the project and its applicant. Specifically, how can new modes of encounter help increase the involved parties' capacities to act, create and transform? Increasing their capacities to act, create and transform means cultivating encounters that do not subjugate one (especially Indigenous projects or applicants) to the planning court's ruling. This in turn suggests we have to foster new spaces of evaluation where to evaluate is not to weight a project's validity against some ideal spatial-social typology.

Philosophers Gilles Deleuze and Félix Guattari's notion of the body will be used as a conceptual-tool to explore how encounters between by-laws and projects can do away with old judgement structures or the planner-judge. Their notion of the body, in turn, borrows from Baruch Spinoza's concept that a body is always contiguous with and reshaped by other bodies. This body can also be bodies of the law, planning/planner, projects, applicants, architecture, etc. This demarcation between bodies is blurry, but this blurring spur the possibility for new (non-domineering) relations to be produced between bodies. The possibility of these non-domineering relations, this paper suggests, signals the possibility of that new space of

evaluation. A space where ethics and justice are less obedience to codes, and more developing new ways of caring and increasing each other's capacities to live.¹

The above themes are discussed through three sections:

- The first section discusses the review process for an Indigenous senior-housing project in Vancouver's Downtown Eastside Neighbourhood to highlight some challenges associated with the planner-judge figure. The site is oddly shaped, and if the building was to not exceed the maximum height, the resulting massing will pose livability issues. The applicant presented the odd shape site as a hardship, and sought a hardship clause to relax the height-maximums in order to improve livability. And, the applicant felt to improve the livability to respect the seniors who had suffered long-term hardship under colonialism. The planning department initially rejected this variance, citing variances disrupts good urban design. Nonetheless, variance was granted later. But the report had to omit references to hardship due to colonialism. This omission maintains the planner-judge figure and dominant power structures.
- The second section aims to unsettle these power structures by querying the assumed equivalence between the law and the good or justice. Particularly, it explores how obeying the written letter of the law (E.g., a By-law) becomes the good itself, rather than the letter representing the good. One may suggest the written law produces the good rather simply than representing it. Similarly, by-laws produce the just city rather than there being a Platonic just city that by-laws represent.
- The third section continues unsettling these power structures by proposing new kinds of encounter between the law (or by-law) and the case (or project) that can increase each's capacities to create and transform. This new encounter constitutes a new space of evaluative where evaluation is less about meeting standards, hence dispensing with the planner-judge, and more about experimenting with new ways to develop those transformative relationships.

However, limits should be noted. This doing away with the planner-judge is largely to challenge dominant planning thinking. The paper recognizes, countering colonial structures, being done with the planner-judge, is not necessarily the same as decolonization, especially if the settler state does not return stolen lands. Additionally, doing away with the planner-judge is difficult in planning departments, given the planner-judge's verdicts often aid market-driven planning directions. Nonetheless, this paper hopes to provide some conceptual, legal and spatial forces for curious planners to invent their own resistance to planning's sustainment of empire.

2. SOME CHALLENGES FACING SOCIAL HOUSING AMIDST THE MARKET

In early 2020, I led the planning review for an Indigenous senior-housing project in Vancouver's Downtown Eastside Neighbourhood.² The site is in the *Downtown Eastside Official Development Plan's* by-laws (hereafter DTES-ODP), which permits a 120 ft. height and 7.00 plot-ratio.³ A classical tripartite façade with pronounced cornices separating each segment is expected. Corner lots, like this site, anticipates a L-shaped footprint wrapping to the perpendicular street. The L-shape's double-loaded wings maximize sunlight into the units. All units have outlook to the streets or the open courtyard.

However, a lot with a small apartment building in the southeast corner could not be consolidated. This jeopardizes the L-shaped footprint. To get the maximum permitted floor-area and units, the applicant proposed an enclosed courtyard scheme – a 25 ft. wide courtyard flanked by a 12-storeys north-block and 9-storeys south-block. However, this alternative has a drawback. Units facing the narrow courtyard get little natural light and privacy. The applicant thought these dark units form a less-than-livable condition which compounds onto the hardship many of the seniors had endured from Canada's violent residential schools. The project architect's 'fix' to lessen un-livability was to shift three floors from the 9-storeys south-block to the 12-storeys north-block, which makes the total height three storeys taller than permitted. (Figure 1)

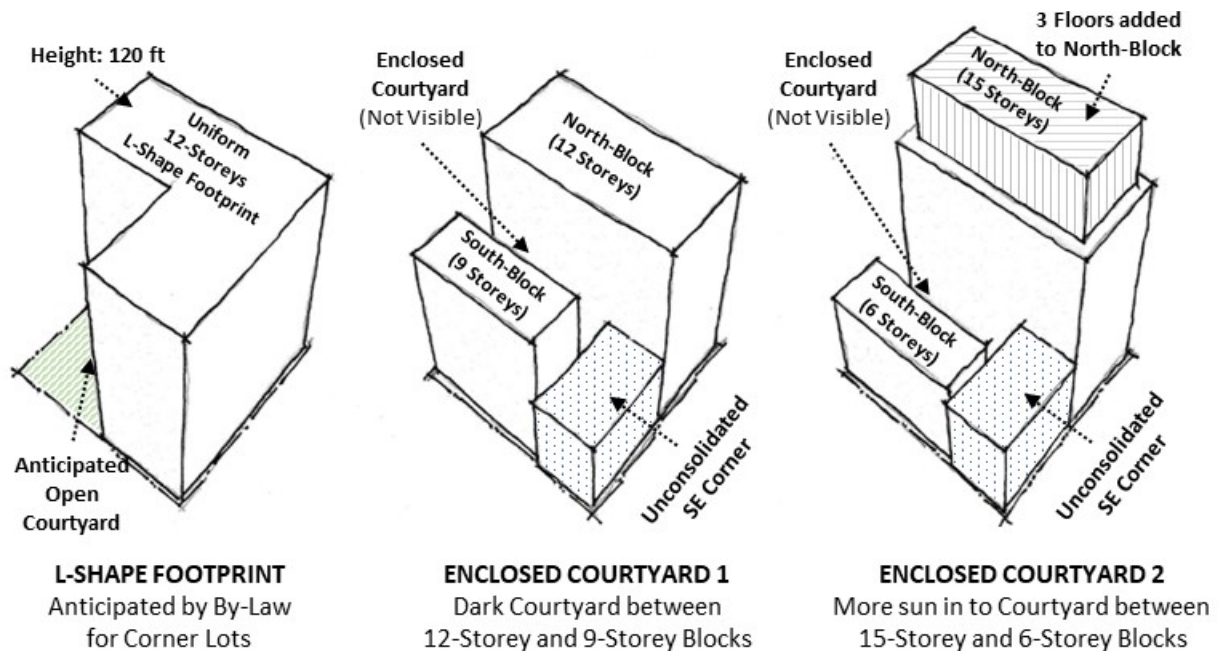


Figure 1. Comparison of Anticipated L-Shape Footprint to Alternative Massing/Heights. (Source: Author).

A legal mechanism to permit this height-overage was needed. In the DTES-ODP, there is a “hardship clause” to give variances to compensate for hardships.⁴ This hardship clause was brought to the planning department’s managers’ attention, noting the unconsolidated southeast lot made the L-shape footprint impossible, but the alternative enclosed courtyard scheme posed livability challenges. Thus, the unconsolidated southeast lot constituted a site-based hardship. And, this site-based hardship would compound on the hardship the seniors had endured through the residential schools. Management’s initial response was hesitance. Four points outlined their hesitance:

- Lowered livability cannot count as hardship, if the alternate courtyard scheme can still accommodate the permitted floor-area, without consolidation. Here, hardship seems to be tied to an inability to get the allowed density and hence the land’s economic value.
- The hardship clause applies only to site-based hardships, so suggesting colonial violence as compounding hardship is an invalid argument, per the by-law’s provisions.
- By-law must have universal applicability. The by-law does not distinguish between market developers or Indigenous social-housing providers. If planners do not support a market developer to shift massing and height to get more sun into units, then the same must be applied to this project.
- Height overages disrupts the department’s urban design image for a ‘good fit’ streetwall height in the Downtown Eastside. 120 ft. (12 floors) is a good; 150 ft. (15 floors) is disruptive. Management also noted 120 ft. was a height acceptable to the local residents. (Note: Many local residents are Indigenous persons looking for long-term housing, so for whom was this 120 ft. height acceptable?)

However, the by-laws’ assumed universal applicability and benefits become questionable if one considers this scenario: Market developers who want sunnier units but not granted a height variance could still ensure profits in at least two ways. First, few floors at the south-block could be ‘sacrificed’ to get more sun into the courtyard, but the remaining units are priced higher to recoup ‘loses’. Second, the dark courtyard stays but market the development as “gritty inner city living”. By-laws and real estate forces reinforce each other. In short, market developments can transfer costs to future buyers. But social-housing providers, serving historically dispossessed peoples, do not have this privilege to “let the market do its thing”. Moreover, it is simply cruel to have the seniors choose between more overall but darker units, or less overall but sunnier units. Here, strictly abiding the by-laws can *again* displace Indigenous peoples from being able to dwell well on their own land. What can also be observed in management’s stance is a belief that by-laws *already* represent the well-tempered Vancouver’s spatial, architectural, socioeconomic and historical form.

Despite senior management's initial hesitance, a height-relaxation was granted in mid-2021. The unconsolidated southeast lot was acknowledged as a site-hardship that hampers the L-shape's developability, thus livability. However, management noted the project's approval report must omit mentions of how the triangulation of planning, the Empire's territorial expansion and market forces had imposed hardships on Indigenous peoples' ability to dwell well on their land. The hardship clause cannot include historical hardships caused by land dispossessions; only site-based hardship counts. But in excluding the deeper relations and histories behind planning's support for height-relaxation, the planner-judge remains.

3. THE LAW AND THE GOOD?

To query planning's belief that by-laws unequivocally represent good urbanism, one may start with examining some processes that equate the law and the good. Legal theorist Alexandre Lefebvre's critique of the "dogmatic image of law" is a helpful tool to begin this query. For Lefebvre, this dogmatism is produced when law assigns legal-cases it encounters in judgement processes as either good or bad, depending on the cases' proximity to predetermined good/bad categories. This mode of judgement prevents the emergence of difference.⁵ What is difference here? Drawing from Deleuze's notion of difference, Lefebvre reads difference as a process of differentiating-from-itself, and not merely difference based on pre-established categories. "Difference must be shown differing."⁶ He pointed out three ways⁷ the dogmatic image of law effaces difference:

- An assumption that everything – bodies, relations and processes – is subsumable under existing legal concepts, hence judgeable by existing laws.
- Things not readily subsumed within existing legal concepts are judged as wrong. They are at once judged to be unlawful yet still categorized (as bad) by law, hence remaining within the law's reach. Being judged bad, they are invisibilized. Yet, they are also made visible through law's categorization.
- Things that cannot be readily subsumed by the law are so because they are wrongly conceptualized. If they can be reconceptualized or corrected, they then can fit within existing legal concepts.

These three conditions allow the law to assume its immutability. Changes apply only to the bodies and relations that law presides over. In this formulation, things are not differing-from-themselves. Things change to fit the law's projected image of (itself as) the immutable good or just. Philosopher Claire Colebrook noted,

"Law is always an articulation or prescription of what ought to be the case, and therefore makes a claim or appeal to justice in general."⁸

Law's appeal to the "ought to be" lies on the assumption that this "ought to be" refers to justice. The written-law (E.g., by-law) is supposed to *represent* justice. However, the implementation of by-laws often become one where following the by-law becomes the just act itself. Hence, by-laws do not longer represent justice, but is justice itself. Take for example, how Jane Jacobs' "eyes on the street" have been formalized into by-laws and guidelines, stipulating large spans of glass for ground-level shops to maximize visual porosity between sidewalks and shop interiors. Here, it is no longer about how to design to foster a just and caring environment. The written by-law and guideline are now justice itself. One no longer follows justice, one follows the by-laws. Designs' just-ness are judged by how closely they follow the prescribed glass-to-wall ratio. The "ought to be" points not even to an ideal urbanism, but to the by-law itself.

This "ought to be" shopfront treatment might work for the typical cafés or galleries. However, this porosity does not account for the privacy needed for workers and clients at sexual health clinics, substance-rehab counselling services. This is certainly the case for the social service clinics at the abovementioned Indigenous Senior Housing Project. The applicant felt that the prescribed large spans of glass-walls would make their clients fear being identified by family members, or even face harassment from passers-by. Here, "eyes on the street" could unintentionally invite violence. Yet, some planners still cannot conceive that more caring relations between shop-workers and pedestrians can be fostered without relying solely on visual porosity by-laws. Here, the dogmatic image of the by-law is an idealized architectural detail.

The dogmatic image of the by-law is of course formed by specific historical, sociocultural, economic forces and circumstances. After all, law-making relies on making contracts, formal and informal, willing and coerced. Yet, this equivalence between by-law and the just city operates smoothly because the processes and contracts forged between specific historical, sociocultural, architectural and economic bodies and forces are invisibilized. The invisibilizing of historical processes and contracts becomes law-making's habit. Deleuze wrote of this process:

"We have traced a progression from the contract to the myth, through the intermediary of the law; for the law transcends the contract but leads us straight into ritual and myth."⁹

Rituals and myths invisibilize life's flows that conflux into contracts between bodies. Invisibilising life's flow allows law-makers to present relations between certain bodies as if they were socio-legal universals, and the contract merely solidifies what is 'natural' or predestined. The contract is rendered secondary to what is assumed to be the naturally good or just. Deleuze noted, the lawful is realized through that habit of invisibilising difference (differentiating-from-itself). And, law-making is "the habit of acquiring habits", or else a habit of acquiring what law assumed it already knows or can make known by categorizing. Resemblance and

equivalence to a model is pursued, and what appears as difference becomes a “variable conformity”.¹⁰ In other words, things that appear as variables are still constants, insofar as their variability remains in relative proximity to a model. Variations and varied interpretations of the law are part of the law.

This invisibilization of certain privileged forces produces a circular logic: “The law is good. The good *is* the law”. A similar logic allows some planners to say, “The anticipated 120 ft. streetwall is good. Good urbanism is represented by a 120 ft. streetwall”. The by-law no longer references some ideal urbanism; the *by-law itself is the exalted ideal*. At the same time, the notion of a “variable conformity” that presents the law as accommodative also allows some planners to say, “Some modest height increase beyond 120 ft. can still represent good urbanism, *if* the building façade can be composed to hint the anticipated 120 ft. height-datum.” Proximity to the model persists. This is why the extra floors on the north-block are setback in 8 ft. to not disrupt the DTES-ODP’s prescribed 120 ft. height-datum. The dogmatic image of law seems flexible, but what is ‘flexed’ are calculated approximates to the model. For Deleuze, this variation is “an empty form of difference, an invariable form of variation.” Lives that are subjected to these invariable variations often experience a powerlessness to develop new relations and potentials. They are condemned by and condemned to follow the law.¹¹

On first glance, one can interpret this invariable form of variation as the law reaffirming its powers to pronounce a case’s guilt or innocence, or a building project’s approval or disapproval, by proximity to the model. The law and its privileged model maintain their stability in this judgment. On the other hand, admitting proximity suggests admitting latitude. More importantly, latitude could be interpreted as the model being not as stable as assumed. The model which *needs* variations to sustain its validity may not be a model.¹² This also suggests the histories, concepts, processes and relations that make up the model are still in flux. The model is thus fissured, which in turn could spur slippages, even the model’s own radical deformation and transformation. As such, the just city has always been quivering. As Colebrook suggested, insofar as interpretations and variations are admitted in the implementation of law, then law’s claims to what ought to be immutably good or just falters:

“At the same time, no law in its singular articulation or execution ever achieves the ideal or truth of justice. If justice is that which remains the same, regardless of context, force or interest then it must transcend any particular will, intent or concrete instance, for the very meaning of concepts such as truth and justice is their radical difference from the locality of force and particularity.”¹³

Law's appeal to "ought-to" carries with it its own faltering, especially when it futilely attempts to map everything within given legal concepts, against "the locality of force and particularities" that Colebrook discussed above. The materiality and histories of this "everything" can potentially undo law.

If law relies on invisibilizing these histories and material forces to validate itself, then to radically transform law may include disrupting this invisibilization. Dismantle the planner-judge figure who invisibilizes difference / differentiation to uphold empire's law. To counter empire's territorialization, planning theorist Libby Porter noted, it needs to go beyond the symbolic land acknowledgments (which function like Deleuze's "empty form of difference"). It is to treat cities where projects are built as where Indigeneity rightfully belongs. Indigeneity is not an add-on to existing planning frameworks. Planning frameworks are to be redesigned *through* Indigeneity.¹⁴ Colebrook likewise suggested, countering empire is to invent a "new way of thinking about individuals and habitation beyond ownership and colonization", refusing the impulse to subject land to property, and "imagining a future that would not be an extension of an already existing population". It is to build relations and potentials for spaces that foster a "people to come".¹⁵ Hence, to treat land ethically is to not have historically dominated peoples to compromise to empire's planning systems (no matter how 'inclusive' it purports to be). It would be for the historically subjugated people to be done with being defendants subjugated to empire's planner-judge figure. It is to initiate experiments for futures beyond the by-law-*ed* city?

4. RETHINKING THE SPACE OF JUDGMENT AND THE PLANNER-JUDGE

Rethinking planning's space of judgment necessitates rethinking the planner-judge figure, insofar as the two produce each other. Planners are not autonomous from their professional institutes and employment. So, how to initiate this rethinking? Lefebvre suggested, by attending to processes, forces and relations considered improper by the dominant legal systems (E.g., planning departments). Then, use this improperness to produce irony and humor from the encounter between the law and the case, to destabilize law's claims of universality. Why irony and humor? It is because,

"Humor and irony subtend the possibility for social and political thought and true apprehension of movements and desires."¹⁶

Deleuze, who Lefebvre drew from, himself wrote,

"The first way of overturning the law is ironic, where irony appears as an art of principles, of ascent towards the principles and of overturning principles. The second is humor, which is an art of consequences and descents, of suspensions and falls."¹⁷

For Deleuze and Lefebvre, irony and humor can liberate desires and potentialities that law limits. Lefebvre argued irony and humor push legal-thinking and practice to gain more political efficacy, by unsettling hierarchies and binaries within legal concepts and law-making processes. It forces legal-thinking to confront its own ground, or rather the instability of its ground. Without this ground, legal-thinking and practice need to experiment with ways to articulate their actual impacts on life, especially lives in settler cities. In this mode, law is not only wrested from its authoritative ‘high’ position, but it becomes contiguous with the anxious *yet* creative materials and flows of the polis.¹⁸ Wresting law from its high position is an act of disrupting conventional signification processes; specifically, law’s assumed univocality with the Good and the Just, and planning by-laws’ image of (itself as) the Just city. Here, law has to reconstitute itself in the polis’ flows.

While irony and humor both disrupt law’s signification process, they are not the same. Colebrook’s analysis of their distinction is helpful here. She observed that while irony can turn law’s claims to the Good on its head, it is still often rooted in some pre-established logic and vision of what the world should instead be. Irony disrupts the dominant legal view, but posits another ultimate point of view. In doing this, irony risks eschewing difference and the capacity for things to attain differentiation-from-itself.¹⁹ Irony can destabilize the law’s claims to some true human condition, but irony seems still hinged on a residual belief that something truer or higher is missed by judge-made laws.²⁰ To seek this truer or higher lawfulness, “irony relies on the logic of the signifier” to establish a view that somewhere out there is a truer or higher lawfulness.²¹

On the other hand, humor dispenses with any truer lawfulness beyond dominant legal systems, even as it destabilizes the law. Humor dispenses with an ultimate logic and signifiers. At the same time, humor also refuses a relativist position, because relativism still holds its own position as ultimately stable. In short,

“Humor can reverse or pervert logic, disrupt moral categories or dissolve the body into parts without any governing intention. Humor is not the reversal of cause and effect but the abandonment of the ‘before and after’ relations—the very line of time—that allow us to think in terms of causes and intentions, of grounds and consequents.”²²

In any case, how can humor and irony be produced in the law and the case’s (or by-law and project’s) encounter, to do away with the judge figure? Approaching this question within the broader movement of countering empire also requires rethinking processes of how legal decisions are made. One cannot rely on the old judge figure to judge better or be fairer based on old terms. This also means rejecting the neoliberal ‘inclusive’ judge whose verdicts for what is included or not are often market-based. It is moving beyond that “invariable form of variation” discussed earlier. Again, humor and irony forces legal-thinking and practice to

engage with legal articles and cases at the level of life, which carries potentials that the mind of law cannot represent in advance.

Lefebvre suggested approaching the encounter between the law and the case through the concept of jurisprudence to cultivate a nondogmatic mode to *practive* law. Why? Lefebvre noted, while law appeals to immutable notions of good or just which life is to be modelled after, jurisprudence engages with life itself. *Jurisprudence is life*. Jurisprudence proceeds *through* the lives of the case, various legal-articles, its histories, flows and materiality, as the primary field. It addresses the forces, relations and potentials that compose that field, rather than seeing that field as something that must be represented by existing legal concepts. A legal article and a case do not meet as categories determined by existing legal frameworks. They are two lives engaged in cultivating new relations and behaviors with each other, and in working through new decision-making processes without deferring to court procedures. A jurisprudential decision-making process goes beyond weighing circumstances in the encounter against pre-judged outcomes.²³ In fact, Deleuze advised verdicts and decisions should be formed immanently within the matters of life (including the mutable lives of the law and case) without deferring to judges:

“What interests me is not the law or laws (the former being an empty notion, the latter uncritical notions), nor even law or rights, but jurisprudence. It is jurisprudence, ultimately, that creates law, and we must not go on leaving this to judges.”²⁴

Philosopher Nathan Moore noted that jurisprudential processes are “an assertion of a *truth to come* in its very unravelling, a duration of creativity” that allow continual reconfigurations of legal problems and questions. This in turn allows justice to be defined not by existing moral codes but by the intricacies of working through the emerging relations between law and case. Moreover, this allows justice to be expressed a true differentiation – *differentiating from itself* – rather than difference accorded by preformed categories. “Jurisprudence would be the opening up of judgment”.²⁵ Following Moore, one might say, with jurisprudence, there is a pluralization of narratives (not just a plurality of narratives) that usurp moralized judgement. One might also suggest, humor and irony empower this pluralization.

Jurisprudence is not ‘anything goes’ though. Legal theorist Christos Marneros noted, jurisprudence is etymologically tied to “prudential” which carries a meaning of “practical wisdom” – knowledge produced through close engagement with something. For example, a jurisprudential way of producing ethical relations and outcomes for a case is to attend to the case’s uniqueness *and* yet-expressed potentials, rather than judging the case according to how well it fits with pre-established binaries.²⁶ And, working through the case’s life’s matters and folds subscribes neither to relativism nor chaos. It is posing up new questions and ways of

questioning in order to cultivate new behaviors of care between the law and the case. There is a rigor to jurisprudential decision-making processes. Porter writing on practical wisdom's importance for planning, argued, it is "focus more on *orientations to practice* that are centered not on procedure but ethical attitudes". Ethics is a practice irreducible to pre-set codes. To plan or to judge ethically is to cultivate a "daily practice" of living *with* others.²⁷

What then are the key bodies involved in a cultivation of an ethical mode of living with others, at least within a (extra)-legal context? First, the law, or rather the relevant legal-articles when engaging a specific case. Second, the case. Third, the legal archive. Given that legal processes often evoke precedents, the archive is a crucial component. A brief explanation of what this archive is or can do will be helpful to advance this discussion. The archive of course consists of precedents, legal-articles, previous investigative procedures, etc. But Lefebvre noted, this archive is not just a collection of past decisions but the "medium" that specific laws and cases interact with to produce something new.²⁸ It is to approach the archive not as a tome/b of fixed concepts or models that overcodes the life. Drawing from the archive's 'past' is not just recollecting the past *as it was*. Instead, engaging the archive is reassembling the forces of past cases, verdicts, by-laws, etc. and presenting them not just as precedents but as the materials that can be used to remake the past.²⁹ The past is a productive material, even if for self-subverting endeavors. Use the past as materials to de- and reconstruct the historical past, in order to build new pasts *and* futures, new lives.³⁰ Lefebvre suggested, in fact, it is by engaging the archive as more than the historical past, and rereading it through new problems, that the archive becomes contiguous and alive *with* the lives of the active legal article and the case.³¹

The past changes. Of course, this is not changing actual past events via a time-machine, but changing the way the past affects today, the way the past affects today's encounter of the law and the case. Changing the forces that make up the image of the past. This capacity to transform the past's relation to today is how an encounter with the legal archive may express counter-imperial element. Lefebvre's suggestion to engage with the archive – law's past – as materials to reconstitute the past and other temporalities can be summed up in Walter Benjamin's famous quote:

"To articulate the past historically does not mean to recognize it 'the way it really was.' It means to seize hold of a memory as it flashes up at a moment of danger."³²

This danger Benjamin mentioned is transformative rather than something that weakens. It can push the encounter between the law, the case and the archive outside the imperial conditions which privilege the judge whose judgement judge's future to the imperial history's spatiotemporal order. This danger pushes history (and thus the legal-archive) beyond easy imageability. One might suggest, Lefebvre's non-dogmatic image of

law is unimageable, insofar as the non-dogmatic image of law is a space-event where not only new questions are posed, but the space of working through how *else* to question.

Planning's archive could be similarly engaged. Approach typologies, morphologies and past planning decisions not as molds but as materials to invent a new space for asking new spatial-social questions. In doing so, make planning's archive contiguous with the lives of the by-laws and projects.

No doubt, experimenting on *potentiating* potentials outside the (planning's) court is uncomfortable. But if the political intent is to cultivate modes of making decisions not reliant on imperial imaginations of land and peoples, this is a crucial process. Lefebvre noted, embracing how "disturbance or interruption reveal a genuinely creative capacity" is crucial for legal-thinking and practice to *push itself beyond itself*. This is to embrace "legal perceptions of what is not yet legally perceived"³³ as crucial moves to form new decision-making processes. This will toward creativity and experimentation express the non-dogmatic image of the law. Creativity is political because it can change today's (polis') relations. Lefebvre argued, if law is developed *from* jurisprudence, and insofar as jurisprudence is creative, then (the process of making) law can be creative.³⁴ In fact,

"Creativity is not an epithet applied to irregular judgment but is necessary to its [judgment's] everyday operation."³⁵

Bringing the discussion back to the *space* of judgment, one may note how the court of planning (comprising by-laws, planners and the planning department's building) form a legal-architectural structure that preserves the planner-judge's authority. This structure presents molds that projects must fit accordingly. The planning court and planner-judge separate themselves from the project to assume neutrality and a hierarchy. Separation preserves planning's archive as dead past. Hence, to challenge the planner-judge is also to challenge the space of the planning court, by breaking this demarcation. Instead of projects molding to fit the court's approved boxes, explore having the various bodies of that comprise the planning court and projects decomposed into their constitutive forces, then recomposed them *together* to produce new caring relations. Re-spacing.

Here, Deleuze and Guattari's concept of the body is a useful tool to further explore how the encounters of legal bodies as forces and parts, rather than given identities, can work to counter conventional modes of judgement.³⁶ Their concept of the body borrowed Spinoza's, whose formulation of the body is that it is never fully separate from others:

"What constitutes the form of the individual consists the union of the bodies."³⁷

For Spinoza, what matters is how bodies relate to each other to generate new functions and ideas that can sustain life and its creativity. Bodies may engage with each other as the moving matters and folds of life that is more than the social identities vested in the “I”. Bodies are not confined by social identities and hierarchies. Moreover, Spinoza’s body are not only human bodies, but also State-machines and institutions, policies and by-laws, the natural and built environment, and the bodies of by-laws or project-applications. Spinoza and Deleuze and Guattari dispense with the subjective “I” (or even the brain) as superior to other body parts. Body parts and their constitutive forces can impact each other depending on the functions they are set to at a given moment or particular task. Two hands shaking gesture friendship. A hand digging soil gestures its utilitarian mode. Ultimately, all bodies are connected to other bodies. Limbs, skin, muscles and brain all work together, and with the parts of other bodies, to produce agencies and desires. A hand with a pen becomes a human-nonhuman tool that produces art. More importantly, the Spinozan / Deleuzean-Guattarian agency and desire is not located or given within a unified subject’s body, but produced in the relations between different areas of the body, *and with* other bodies.³⁸ Hands and pens are materials to create new desires; and desires do not pre-exist their material corporeal conditions. A multiplicitous body bears potentials that cannot be readily represented.³⁹ Spinoza noted, the mind knows not what the body can do; nor can it represent the body.⁴⁰ Similarly, by-laws know not what its city-body (made of a city’s numerous projects) can do. Courts cannot know the shifting interlocked bodies that comprise the polis. For Deleuze,

“The way to escape judgment is to make yourself a body without organs, to find your body without organs [...] to define the body in its becoming, in its intensity, as the power to affect or to be affected, that is, as *Will to Power*.”⁴¹

What is the body without organs? Like Spinoza, Deleuze sees it as a body done with hierarchical ‘organization’. Parts and forces within this body are embraced for their use and relations (even future ones), as that pertain to problems, rather than identity. This body allows justice to emerge via forming of relations of care, rather than a conventional body of judgement that pronounce futures via categories.

“[There is] A body of judgment, with its organization, its segments (contiguity of offices), its differentiations (E.g., bailiffs, lawyers, judges . . .), its hierarchies (classes of judges, of bureaucrats); but also, a body of justice in which the segments are dissolved, the differentiations lost, and the hierarchies thrown into confusion, a body that retains nothing but intensities that make up uncertain zones, that traverse these zones at full speed and confront the powers in them... on this anarchic body restored to itself.”⁴²

The body of justice is produced by reconfiguring the imperial body of judgement's parts and forces, then mixing those with other bodies. The body of justice is a space-event that cannot be mapped by the dogmatic image of law. Justice is produced anew from body parts and forces continually re-intersecting to counter empire's multiple captures. Justice is not an immutable morality, but evolving modes of care between bodies.

Hardt and Negri explained that bodies gain political affectivity when they affect each other in non-quantifiable ways that increase each other's capacities to act and create, without subjugation. And, when they can maintain their difference amidst shared connections, especially difference in the form of differentiation-from-itself, then these bodies express "life in the fullest sense and politics in the proper sense". Politics is the production of difference. To maintain these bodies' political efficacy is to develop ways to ensure the bodies' affective forces to induce differentiation, even if the bodies form alliances.⁴³ Life-ly / lively politics resists homogeneity even in alliances. To cultivate relations of care need not be to reduce the bodies to a sameness. Another point to note about bodies and politics is that a body is not a vessel that represents an existing political ideal. Bodies do not represent a prior political idea, as if ideas pre-exist bodies. In fact, ideas (even legal ones) come from bodies in motion. One might further suggest, the polis' laws stem from the interactions between bodies, including non-human ones. Laws grow from the material corporeal polis.

Since bodies are *always* recomposing externally and internally, evaluating bodies' political powers is not subjecting them to what social identities they *ought to be*. Instead, evaluating bodies is deciphering how they can collectively produce new dynamic, creative and caring relations, and whether these new relations can in turn positively impact the socioeconomic, historical, material and political milieu that these bodies are part of. But also, how these bodies may unsettle any part of their milieu that had become stifling. Hardt and Negri noted, bodies can always work together to reorient biopolitical subjugations even within dominant regimes toward liberating desires.⁴⁴ And this is not simply desiring what one lacks. Instead, desiring is a process of creating new avenues for life.

For Hardt and Negri, when bodies can reorient dominant regimes' biopolitical subjugations toward liberating desires, they express the "paradox of power". When bodies fight subjugations in dominant regimes they do not simply counter from without, *they counter from within*. "Resistances are no longer marginal but active in the center of a society that opens up in network." Hardt and Negri call this a paradox because what appears to uphold the imperial center's powers can be the same materials one can reshape into tools to counter that very center. A regime's dominant social, economic, spatial, biological or historical structures can reconfigure to open up "new milieus of maximum plurality" and potentials *for* potentials.⁴⁵⁴⁶

What can be done to initiate encounters between by-laws and projects to produce these new milieus of maximum plurality Hardt and Negri mentioned? One possible way would be to treat the bodies of planning and projects in terms of their constitutive forces, then recompose these forces to form new relations and even new by-law and project bodies. One begins by querying these bodies' genealogies:

- What historical, political, economic and sociocultural forces form the specific by-laws adjudicating over social-housing projects (especially Indigenous ones)? What parts of planning's archive are these by-laws most associated with? How have these forces intersected, and within what milieu, to validate a planning department to assume its claims to good urbanism and justice? In other words, how may planning's ground be ungrounded?
- What historical, political, geographical, physical, sociocultural and economic forces intersected to initiate Indigenous housing projects in settler cities? More importantly, what particular forces empower Indigenous housing providers to seek variances from the by-laws, thus challenging planning's claims to the well-tempered city? And, what forces increase their drive to dwell creatively against imperial territorial structures?

After identifying their constitutive forces, one may experiment on how these constitutive forces can be reassembled into new relations and bodies that challenge planning's orthodoxy:

- Foster opportunities and spaces where the planner-judge and project-applicant roles are flipped. Here, the project-applicant (who can be Indigenous) would query the planning department about how its by-laws can address Indigenous relations to land (beyond symbolic actions), and increase Indigenous lives' capacities to act and create. To address these questions, the planning department need to rethink their by-laws alongside broader global economic and spatial forces that buttress empire and planning's assumed neutrality about land development-rights. This inverted planning court judges the judge.
- Another experiment is to use a by-law document as textual, historical and legal materials to assemble a "Frankenstein" body. This is more than simply fitting more things into an existing by-law document's logic and structure. Instead, reword the by-law's text, fused it with words and images from the project-application and elsewhere to multiply perceptions. Unhinge the document's form. Expand the document's body with mediums like film and sound, and other voices. Weave in palimpsests, collages and other story-telling techniques to make planning's orthodoxy foreign to itself, to disrupt the by-law's intended signification process. Endeavour to slow meaning production and reception to open more space and time for *other* lines of practical wisdom to percolate.

These experiments aim to disrupt the imperial molds for decision-making. The flipping unsettles the planner-judge's identity. The Frankenstein-ed by-law document's body, enmeshed with uncharacteristic sounds, imagery and texts, becomes a polyvocal collage. Both experiments aim to cultivate moments for the "what else" to be asked, again and again. Hence, creating more space and time for *other* voices to emerge – even voices whose identities are yet-categorizable within existing planning concepts. The "what else" pushes the encounter between by-law and project (and planning's archive) to become one of forming of new relations, instead of mere judgment.

While the abovementioned experiments can both be useful to counter the planner-judge, they are not the same. Here, it is useful to revisit the contrast between irony and humor to show how on more subtle levels these experiments may lead to different outcomes. The first experiment uses a form of situational irony, specifically role-reversal, to overturn planning's claims to the good and universality. However, as Colebrook suggested, irony can still be reactive, with an implicit appeal to some ultimate condition of life beyond today's state of affairs. Irony still posits the possibility of a subject who can elevate themselves beyond the materiality of life to a higher moral stance.⁴⁷ Humor, on the other hand, is more than role reversals. With humor, the bodies' constitutive parts and forces are mixed to produce gestures and new assemblages that cannot be readily categorized. Colebrook elaborates,

"In humor, the self appears less as an organized agent or organizing subject and more as a collection of incongruous body parts. Think of the humor of the clown with outrageously large feet, or slapstick comedy where the body collides with a banana skin or entwines itself around the deckchair it attempts to assemble [...] The self is no longer a subject – an absent synthesizing point of view – but an ad hoc, disconnected and disrupted connection of movements. The language of humor is less oriented to meaning – some sense behind the physical world – precisely because words are repeated as so much automatic or machine noise. Humor takes the human subject back or 'down' to its corporeal origins."⁴⁸

The second experiment is similar to the discombobulated body in the above quote: The proper bodies of the by-laws, the project or applicants, their voices, in the multimedia body of the 'Frankenstein-ed' by-law document, lose their demarcating lines and become indistinguishable. Here, single vision or authorship dissipates. The document becomes a something people can use to imagine yet-describable futures. It is less a plan, and more an expanding space-event for *other* space-times.

Through humor, law's body is decomposed into parts and forces which jet around intersecting and congealing with the parts and forces of other kinds of bodies. Hybrid bodies may result. Here, law's body

becomes materials for the formation of new bodies, and no longer the mold used to judge other bodies. Through these intersections and hybrids, relations that tend more toward increasing each bodies' capacities to act and create, and to continually be inventive, are formed. Law's body becomes a humorous laughter itself, albeit one which is anxious but is also pressing joyfully towards a necessity to construct new problems, questions and relations.⁴⁹

Being liberated from the planer-judge figure does not mean chaos or lack of decision-making or evaluation capabilities. Pushing to re-ask the "what else" and refusing a finale does not mean no decisions made. It is learning how to use the continual reopening of the "what else" as a method of making decisions. Hence, making decisions that instigate openings rather than closures.

Decision-making involves evaluation. And so rethinking what evaluation can be can also help us rethink decision-making processes. Conventionally, evaluation means gauging how well something matches up to a standard. Yet, etymologically, "evaluation" is related to the Proto-Indo-European word "wal" which carries a sense of making something strong.⁵⁰ So, could evaluation be approached as creating new values *and* valuation systems, and inventing a new problematic field to make something stronger, increasing capacities? Could evaluation shift away from judgement by standards and reconceived as a process of deciphering how to create new strengths *with* other bodies?

If evaluation can take on a sense of creating new relations to increase one's strengths and capacities, then it may also be possible to embrace experimentation as a strategy to create those new relations. Jazz tells how evaluation can be creative. A bassist noodles a groove. Not everyone knows it, not even the bassist fully; but they are willing to add to it. The drums trace the bass. To extend and enrich their interaction, they evaluate the points of connections made thus far, then devise how to build other points of connection, or change the nature of those connections. The bassist begins to arpeggiate C#-F#-G# along the pianist's D-maj to *unresolve* the dominant. The musicians may not know a piece's entirety until they *actually* engage with each other. Evaluation here does not subjugate one musician to another. What amounts to planning and evaluation (judgment and decision-making) occurs in the same space and time as the implementation (execution of phrases, rhythms and chords). Plan and implementation become the same act. Experimentation is for opening up yet-known futures, spaces and desires, not proving a hypothesis. This is an experiment to craft new liberative behaviors between bodies. Philosopher Simone Bignall reminded us that ethics can be conceived as an ethological process of bodies forming new behaviors with each other to propel collectively toward greater ability to live well.⁵¹

How can one strive for ethical relations amidst empire's pervasive territorial violence? To do so, it might be to keep alive that "what else", in order to continually craft out potentials beyond any of today's dulling spatial socio-economic logics. And, doing away with those dulling logics may mean doing away with the habit of 'correcting' ourselves based on some given metrics on what is the ideal end of (post)-colonial history. Besides, countering colonialism is now countering an ever-inventive borderless political-economic regime, and no longer simply fighting the "West". There is no final *post*-colonial image we can correct ourselves to. Having done with the dogmatic image of (post)-colonial utopia is also acknowledging (the myriad of bodies that make up) the earth and history's body cannot be mastered. Ethics is a mode of non-telic futuring against empire. For planning, it is continually finding ways to liberate the planner from the planner-judge role they and their profession has imposed. As Deleuze said, "to have done with judgment," and done being judges.⁵² As a matter of practical wisdom, it might be politically useful for counter-colonial endeavors to locate ethics as immanently produced in the bodies' shifting encounters and not pre-given at history's start or end.

A new space of evaluation need not have an external moral framework to guide it. It is a space where modes of conduct are not modelled after another space. It proposes no definitive normative good or bad. Again, to evaluate is to work through the matters and potentials emerging from the life between by-laws and projects. This working-through expresses new relations of care – an ethics – between the bodies of by-laws and projects. Ethics and justice produced immanently in the encounter.

On this point that ethics and justice can be produced without the imposition of given moral codes, the literary theorist Irving Goh proposed counter-colonial justice can be immanently produced within the sites of struggle, rather than reliant on codes. Goh proposed looking at justice through a wordplay: "just *is*". This "just *is*" attends to how things *are* (how things *just is*); a trust in new relations and behaviors of care to be produced immanently *in* the site of active struggles rather given from above. Attending to the "just *is*" is "to sustain that systole force of its [a counter-colonial people's evolving struggles] promise, to ensure continual genesis of the thinking, the articulation of such freedom."⁵³ Justice is made in being "just *is*".

5. REFLECTIONS

This paper acknowledges the urgency to build low-income housing makes a scarcity of space and time to experiment on how de- and re-compose bodies of by-laws and projects to form new lines of thinking and actions that may liberate housing from the pervasive land-as-economic-value logic. This economic logic also makes it hard to doing away with the planner-judge figure. Nonetheless, it might still be possible for housing activists and theatre-groups to experiment with flipping the planner-judge and applicant-defendant roles. Graphic artists, with planning and law students, could reconfigure a by-law document's body to disrupt its

signification processes, thus expanding the space and time to ponder other ways to approach housing. Maybe housing as cultivating care when living with others.

Also, this paper cannot (and refuses to) spell out the exact future relations between Indigenous peoples and planners, at least within the housing question. The post-settler city cannot be imaged until some experiments on “what else” begins to take place, alongside land repatriations. But for the moment, this paper might just provide some of the conceptual, legal and spatial forces for curious planners to invent their own subtle resistance to planning’s sustainment of empire.

NOTES AND REFERENCES

¹ Many working at the intersection of philosophy and politics, such as Michael Hardt and Antonio Negri in their four books *Empire*, *Multitude*, *Commonwealth*, and *Assemblage* have explored how we can develop ethics and behaviors with each other that tends toward love as the bond (and productive space of subjectivity), rather than reliant on codes of conduct and moral judgments based on binaries of good and bad. In the “spatial practices”, planning theorist Libby Porter have used the notions of love and care as a means to conceptualise planning’s relation with Indigenous peoples within settler cities. Porter identified love as “an ethic of service” to others, which can humble the planner’s judge-like approach. Love is also a form of compassion which can lead to us to form more connection with those who are suffering at an affective level rather than simply the analytical. Love also cultivates insight that places awareness of how our relations to others can impact affectively, in which state-machines cannot categorize. It is for settler-planners to engage with Indigenous peoples and projects in ways more than how things fit within the ideal city of by-laws. See. Libby Porter, *Unlearning the Colonial Cultures of Planning*, (Surrey: Ashgate Publishing, 2010). 158.

² Exact project name, architect and addresses are omitted to protect the applicant’s privacy as well as avoid possible legal issues involving the professional institutes for registration in British Columbia, Canada.

³ City of Vancouver, *Downtown Eastside / Oppenheimer Official Development Plan*. Section 4, Accessed June 25th, 2022 <https://bylaws.vancouver.ca/odp/odp-downtown-eastside-oppenheimer.pdf>

⁴ City of Vancouver, *Zoning and Development By-Law*. Section 2 “Unnecessary Hardship” Entry, Accessed June 25th, 2022 <https://bylaws.vancouver.ca/zoning/zoning-by-law-section-2.pdf>

⁵ Alexandre Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” *Telos: Critical Theory of the Contemporary* 130 (2005): 103-126, 106.

⁶ Gilles Deleuze, *Difference and Repetition*, trans. Paul Patton, (New York: Columbia University, 1994), 26.

⁷ Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza*, (Stanford: Stanford University Press, 2008) 7-9.

⁸ Claire Colebrook, “Legal Theory after Deleuze,” in: *Deleuze and Law: Forensic Futures*, eds. Rosi Braidotti, Claire Colebrook and Patrick Hanafin, (London: Palgrave Macmillan, 2009), 7.

⁹ Gilles Deleuze, *Masochism: Coldness and Cruelty*, trans. Jean McNeil, (New York: Zone Books, 1991), 102.

¹⁰ Deleuze, *Difference and Repetition*, 4.

¹¹ Deleuze, *Difference and Repetition*, 2.

¹² Deleuze, *Masochism: Coldness and Cruelty*, 82. Deleuze pointed out the ironic twist within law that actually destabilizes law. He noted, if the Good is innate and universal, then there would be no need for laws to govern humans toward performing this Good. This is the irony within law. “The law is no longer regarded as dependent on the good, but on the contrary, the good itself is made to depend on the law.” Hence, it is actually the materiality of law-(making) that produces the good. The good is a product of words and contracts rather than something innate. Furthermore, insofar as materiality is fluid, then the good is fluid.

¹³ Colebrook, “Legal Theory after Deleuze,” 7.

¹⁴ Libby Porter, “Coexistence in Cities: The Challenge of Indigenous Urban Planning in the Twenty-First Century,” in *Walking Backwards into the Future: Indigenous Approaches to Community and Land Use Planning in the Twenty-first Century*, eds. Ryan Walker, Ted Jojola and David Natcher, (Montreal: McGill University Press, 2013), 282-304.

¹⁵ Claire Colebrook, “Legal Theory after Deleuze,” 15.

¹⁶ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 110.

¹⁷ Deleuze, *Difference and Repetition*, 5.

¹⁸ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 110.

¹⁹ Claire Colebrook, *Irony*, (London: Routledge, 2004), 133.

²⁰ Gilles Deleuze, and Claire Parnet, *Dialogues*, trans. Hugh Tomlinson and Barbara Habberjam, (New York: Columbia University Press, 1987). 68.

²¹ Colebrook, *Irony*, 129.

²² Colebrook, *Irony*, 134.

²³ Alexandre Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 112.

²⁴ Gilles Deleuze, *Negotiations*, trans. Martin Joughin, (New York: Columbia University Press, 1990), 169.

²⁵ Nathan Moore, “Concept and Localities: Badiou, Deleuze and Law,” *Studies in Law, Politics and Society* Vol. 13 (2000): 143-173, 165.

²⁶ Christopher Marneros, “Deleuze: Jurisprudence,” in *Critical Legal Thinking*, Accessed July 20th, 2022. <https://criticallegalthinking.com/2019/11/14/gilles-deleuze-jurisprudence>

²⁷ Porter, *Unlearning the Colonial Cultures of Planning*, 157.

²⁸ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 118.

²⁹ Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza*, 117-126.

³⁰ Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza*, 72-77.

³¹ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 126.

³² Walter Benjamin, *Illuminations*, trans. Harry Zohn (London: Fontana Press, 1992), 247.

³³ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 123-124.

³⁴ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 115.

³⁵ Lefebvre, “A New Image of Law: Deleuze and Jurisprudence,” 115.

³⁶ Deleuze and Guattari adapted this term “Body without Organs” from Antonin Artaud’s play *To Have Done with the Judgment of God*. See Antonin Artaud, *To Have done with the Judgment of God / Pour en Finir avec le Jugement*

de Dieu, (1948), Accessed June 16th, 2022. <http://www.labster8.net/wp-content/uploads/2015/08/Artaud-ToHaveDoneWithJudgementofGod.pdf>

³⁷ Baruch Spinoza, *Ethics*, trans. Edwin Curley, (London and New York: Penguin Books, 1996), Book 2, Lemma 4, Demonstration. Elsewhere, Spinoza made this point even clearer by stating, “If two or multiple bodies come together and unite their strength, they have jointly more power, and consequently more right over nature than both of them separately, and the more there are that have so joined in alliance, the more right they all collectively will possess.” One point, in Spinoza’s time, “Nature” consists of the natural, cultural, sociopolitical ecologies. Thus, gaining more right over nature means more power to operate on one’s own terms despite any limiting economic, natural and sociopolitical circumstances. See. Baruch Spinoza, *A Political Treatise*, trans. Robert Elwes, (Mineola, New York: Dover Publications, 2004), Chapter 2, Part 13.

³⁸ Daniel Smith, “*What is the Body Without Organs? Machine and Organism in Deleuze and Guattari*,” *Continental Philosophy Review* Vol. 51, No. 1 (2018): 95–110

³⁹ Moira Gatens, “Feminism as Password: Rethinking the Possible with Spinoza and Deleuze,” *Hypatia* Vol. 15, No.2 (Spring 2000): 59-75.

⁴⁰ Spinoza, *Ethics*, Book III, Prop.2, Scholium. Spinoza wrote of how the supposed stable interiority of the “mind” are determinant of the body’s fate can be easily shattered once we consider the materiality (corporeal as well as inanimate, non-sentient ones) that contribute to what we call thoughts and thinking. He wrote, “No one has yet come to know the structure of the body so accurately that he could explain all its functions... This shows well enough that the body itself, simply from the laws of its own nature, can do many things which its mind wonders at [...] Again, no one knows how, or by what means, the mind moves the body, nor how many degrees of motion it can give the body, nor with what speed it can move it. So, it follows that when men say this or that action of the body arises from the mind, which has dominion over the body, they do not know what they are saying, and they do nothing but confess, in fine-sounding words, that they are ignorant of the true cause of that action, and that they do not wonder at it.”

⁴¹ Gilles Deleuze, *Essays Critical and Clinical*, trans. Daniel Smith and Michael Greco (Minneapolis: University of Minnesota Press, 1997), 131.

⁴² Deleuze, *Essays Critical and Clinical*, 131.

⁴³ Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000), 30.

⁴⁴ Hardt and Negri, *Empire*, 29-30.

⁴⁵ Hardt and Negri, *Empire*, 25.

⁴⁶ Foucault reminds us what amounts to liberation is produced, not given. One is always being liberated from something (E.g., A system, etc.) Liberation is always in relation to some sort of oppressive structures of power one (or many) are caught within. Liberty comes from wrestling these power structures. Foucault wrote, I do not think that it is possible to say that one thing is of the order of liberation and another is of the order of oppression [...] No matter how terrifying a given system may be, there always remain the possibilities of resistance, disobedience, and oppositional groupings [...] On the other hand, I do not think that there is anything that is functionally – by its very nature – absolutely liberating. Liberty is a practice.” See. Michel Foucault, “*Space, Knowledge and Power*,” in *The Foucault Reader*, Trans. Paul Rabinow, trans. New York: Pantheon Books, 1984), 245.

⁴⁷ Colebrook, *Irony*, 136-137.

⁴⁸ Colebrook, *Irony*, 135.

⁴⁹ Deleuze and Parnet, *Dialogues*, 69.

⁵⁰ Online Etymology Dictionary, Accessed April 21st 2022,
https://www.etymonline.com/word/evaluation?ref=etymonline_crossreference

⁵¹ Simone Bignall, “Postcolonial Agency and Poststructuralist Thought: Deleuze and Foucault on Desire and Power,” *Angelaki: Journal of the Theoretical Humanities* Vol. 13, No.2 (April 2008): 140.
<https://doi.org/10.1080/09697250802156125>

⁵² Deleuze, *Essays Critical and Clinical*, 127.

⁵³ Irving Goh, “Promising ‘Post-Colonialism’: Deleuze-Guattari’s Minor Literature and the Poetry of Arthur Yap,” *Genre: Postcolonialism and the Dislocation of Culture*, Vol.22 (2001): 12-32, 13.

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TO REBUILD OR NOT TO BUILD THE CASE OF BORNPLATZ SYNAGOGUE IN HAMBURG

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TO REBUILD OR NOT TO BUILD THE CASE OF BORNPLATZ SYNAGOGUE IN HAMBURG



Hamburg has had a Jewish community as far back as the 16th century when Portuguese and Spanish Jews immigrated to Germany via Netherlands as Christian converts, and by 1611 there were already three Synagogues serving the Jewish community in Hamburg. Despite some time-intervals of unrest during the nineteenth century, their community still thrived in Hamburg and grew to over 12.000 Jews by 1866. When the Nazis came to power in 1933 Hamburg was home to around 20.000 Jews, most of them living in Grindel neighborhood. By 1947 their population shrunk to 1200, and sadly enough, this number did not increase beyond 1500 until the wall came down in Berlin, 1989¹. In the 1990s, Russian Jews flooded into Hamburg and other German cities. The new immigrant Jews nowadays shape the majority within the German Jewish community; some live in historic neighborhoods but many live in outlying areas where rents are cheaper. The surge of immigration bumped the Jewish population of Hamburg to around 5000 in 2003. A few years ago, the new Jewish community in Hamburg demanded to rebuild one of their long-lost key synagogues in Grindel neighborhood, demolished in 1938 by the Nazis. A topic that has become controversial in the past few years. By tracing the history of the German Jews, and their emotional connection to some of their spaces in Hamburg, we provoke the controversy of whether to build or not to build the synagogue in Grindel.

1. INTRODUCTION

For a long time, the Jewish minority in Germany, precisely in Hamburg, has been striving to establish their own neighborhoods within the city's fabric. Creating a local Jewish community was always an important element of their mental structure, and for them to belong. Their struggle started in 1580s when Hamburg was a sought-after trading city as well as a refuge for religious refugees of Jewish origin (mainly Portuguese traders). The first wave of Jew-Sephardim immigrants paved the way for others to come, and by 1595 seven Jewish Portuguese families were living in Hamburg. At that time, Jews were residing in Hamburg under a temporal residency, which ended in 1612 when they were finally granted their first official five years residence-permits from the local government of protestant Hamburg. This permit gave them the right to reside in the city, the right to enjoy freedom of conscience, and most importantly, the right to be protected by the authorities. Something that Henry Lefebvre described as a superior form of rights. It is a right to freedom, to individualization within socialization, and to inhabit the city². Such existential shift gave this minority some sense of belonging and stability, albeit provisional, it still helped them to grow even more, and in a span of fifty years their population exceeded 600 residents.

The urban planner Kevin Lynch once said; the first spatial right for a human being is the right of presence, in other words, it is simply the right to be in a place³. Although this small population has immensely participated in establishing a strong economic foundation for Hamburg, the Jews were still strangers in their own city. At that time, they were engaged in commerce, trade, and the financial sector in addition to other professions like medicine and law. Several of the prominent publishing houses were Jewish-owned, with a high percentage of

writers, journalists, and in the film-making industry. When it comes to politics, they strongly supported the liberal and democratic parties as well as the moderate socialist party, but they were still not considered as German citizens, and still fell under various antisemitic attacks⁴. Their dream to strengthen their right to their city as German citizens became a pressing demand along the years.

Slowly a tolerized coexistence with fellow Christians gave Jews some reassurance, and the urge to give their community a religious foundation was imperative. For the Jews, building a synagogue was the first physical form to materialize their right to the city. Their first ever synagogue was called Kahal Kadosh Bet Israel in 1652 and embraced around 1,200 members (formerly new Christians) in downtown Hamburg, and by 1800, some 6,400 Jews lived in Hamburg⁵. The French philosopher Foucault described the city as a place of resistance and contestation, with constant production of spaces of profound economic and ethnic exclusion, and this is something we could clearly trace in the Jewish case. Along the years after their first residency permit, it was essential for them as a community to establish their own representational spaces that represented their own culture and heritage.

This coincided with what Don Mitchell wrote in his book ‘The Right to The City’ about certain public spaces that arise out of a dialectic between representations of space and representational spaces, between the ordered and the appropriated. Those spaces become places within which political movements can stake out the territory that allows them to be seen and heard. If the right to the city is a demand and shriek, then it is only a shriek that is heard and a demand that has force to the degree that a space becomes visible⁶. The Jewish demand in that sense was materialized in establishing main public facilities that have served their community in Hamburg; the Talmud Tora School for the Poor in 1805 (fig. 1), a Reform temple (The New Israelite Temple Society) in 1817, and the Israelitische Krankenhaus (the Jewish Hospital), the former Jewish cemetery that served as the main cemetery of the High German Israelite community and the Portuguese community in Hamburg until 1909, in addition to some scattered retail services.

By the mid of the nineteenth century Hamburg’s Jews were no longer overwhelmingly poor, they have managed to be part of the higher social classes in the city. Their population had grown from 6,000 to 10,000 living among 140,000 fellow gentiles⁴. It was still a minority-socially speaking- but as a community they were active and well-organized, they even made great contribution to Hamburg’s finances more than the rest of its population. The social and financial progress of the Jewish community, however, would not have been possible without their good ties with influential Germans. Archaic restrictions were slowly lifted, especially after the big fire of Hamburg in 1842, which led to new demands of reform. The wealthier Jews (who helped with their financial powers to rebuild the city) were also granted the right to acquire some lands of burnt down dwellings and build new houses. Subsequently, restriction to certain streets and prohibition from

owning property was officially removed⁴. By the start of twentieth century, many Jews moved from the densely crowded city center to the Grindel district, and they established their new Jewish neighborhood in Hamburg.



Fig. 1: Talmud-Tora School in relation to the Bornplatz synagogue in Grindel, 1914. (Source: Commons Wikimedia via Architekten und Ingenieure in Hamburg).

2. GRINDEL, THE LITTLE JERUSALEM

"I learnt that I was of Jewish blood. In the home of my parents, and presumably also in the homes of our friends, we never spoke about such things. Such issues were forgotten, needed to be forgotten and finished with. I cannot say whether among the majority of Hamburg's population the consciousness that we were outsiders, of different blood, temperament, history and tradition, had disappeared. Below the surface such feelings must have existed." Carl Elkans, a German Jew who lived in Hamburg before the Nazi time⁶

Generally, when it comes to diaspora groups like Jewish minority, spatial processes become important. Many of its members perceive themselves as a group exiled from their ancient homeland in Palestine, that is why generating a close connection to a distant territory is crucial to create an imagined spatial relation to a former homeland. Establishing a Jewish neighborhood in Grindel was essential to the reinforcement of their sociocultural relations, also their existence as a minority which was an essential piece for them to gain their

right to the city. Kevin Lynch talked about neighborhoods being transformed from an ideal unit of social organization and public accessibility into a concept of control and visibility, some neighborhoods are defined through boundaries and characteristics in the minds of city dwellers³.

With time, Grindel was no longer just a neighborhood where people know each other because they live closely, rather, a domain that bonded people together when things became difficult. Its Jewish community created spaces that conformed with their identity (they even called it The Little Jerusalem) and gave their Grindel its proper Jewish character, cosher shops, bakeries, butcheries, synagogues, religious schools existed, there was also its well-known Café Timpe, where culture, politics and affairs of the day were discussed by Jews and non-Jews. The Jewish social and political life was progressing steadily especially in Grindel, and eventually the Jews were granted almost all they had hoped for. They were eligible to become German citizens, to vote, to be elected to the parliamentary assembly and even to participate in the government⁴. In his seminal essay 'Space, knowledge and power', Foucault talked about the social role of liberating architecture that coincides with the people practicing their freedom within some spaces, like communal spaces, schools, cemeteries, and synagogues.

At that time, synagogues in big cities like Essen, Berlin, Darmstadt, Dessau, and Hamburg were built, they performed as public spaces that contested as a legal entity, a political identity, and a physical space. The construction of a synagogue inevitably negotiated the boundaries of their community within Grindel. It indicated the form and extent to which this minority became part of the majority society which influenced at the end the way it was perceived either as permanent or temporary within the German society. For the Jewish community in Grindel, it was pivotal to build their own synagogue that performed as a corner stone in claiming their existence toward the outsider German world⁷. By the time political power went to the National Socialists (Nazis), approx. 25,000 members of Jewish community lived in the Grindel neighborhood.

3. DO SYNAGOGUES BESTOW IDENTITY ON JEWISH COMMUNITIES?

"When one observes the building as a whole ... one gains the strong impression that the entire, so harmoniously divided structure in a way represents a living organism as a symbol of that spirit that are supposed to be manifested in its walls: Judaism not as something finalized, but as something living, which finds itself in an organic state of flux." Rabbi Bruno Italiener²²

Up to the nineteenth century synagogues were protective spaces for Jewish communities, isolated from non-Jewish society. Under constant threat of hostility and anti-Semitic attacks, synagogues were places of refuge. Their architecture, accordingly, was guarded and intentionally made unrecognizable in the cityscape, but this all changed over time. After the Jews gained their socioeconomical strength in the second half of nineteenth

century, synagogues started to take prominent locations in the urban fabric, aligned with other buildings so that their facades were visible from the streets⁸.

This shift in the architectural stylization, and the stability of Jews in Grindel, influenced the architect Semmy Engel to design a freestanding Romanesque synagogue of golden-brown brick and topped with a large dome. It was located at Bornplatz in Grindel Quarter (where almost 40 percent of Hamburg's Jewish population resided) and was built between 1904 and 1906 (fig.2). The interior space had a classical layout, with a gallery for women, while the central space of the synagogue was reserved for men⁴. At that time, it was the largest synagogue in northern Germany, and its location and size made it a symbol of the self-assurance and legal equality of Hamburg's Jewish community, it was a strong signal on how the Jews acquired their right to their city. This all changed dramatically after 1933.



Fig 2: Bornplatz Synagogue in Grindel- Hamburg 1906. (Source: Commons Wikimedia via Stiftung Historische Museen).

4. THE NIGHT OF BROKEN GLASS

In 1933 Hitler and his Nazi party came to power, as a sole ruler of Germany he announced the State of Emergency, and also issued many unjust decrees and laws. Several rights were no longer applied, such as freedom of expression, right of assembly, and confidentiality of the mail, not to mention that police could search houses and arrest people mainly Jews and political opponents⁹. The Jewish minority was systematically stripped of their civil rights as they were no longer considered citizens. They were excluded from politics, culture, society, and economy, and could no longer vote or work for the government⁹. Jewish goods were also boycotted with a painted Star of David on their shopwindows. Aggressive acts against them took a different turn after a German diplomat was shot in Paris by a Polish young man in 1938 as a revenge for his family

after they were deported to Poland like many other Jews. This incident gave the Nazis the pretext for sanctioning organized pogroms on that minority just two days following the shooting. In just one night (between 9-10 November 1938) known as Kristallnacht (Crystal Night: the night of the broken glass) 1,000 synagogues were burned, 7,500 Jewish businesses were smashed, and young Nazis invaded Jewish homes and hacked everything into pieces with axes while assaulting the residents⁸. On that night, Bornplatz Synagogue was one of those affected. The public dismantling of the buildings lasted for months, literally before the eyes of the German population, and synagogues were removed from the urban space. On July 14, 1939, the newspaper *Hamburger Tageblatt* published a picture of the demolition work with the cynical words: *"There are still a few sad remains of rubble today, a friendly green space will soon bring joy to all fellow Germans."*¹⁰

In fact, in 1939 the Jewish community was forced to sell their synagogue's property and everything on it to the city of Hamburg. According to the district office, it was a 'rubble property', which was basically not considered to be usable. During the war, a high-rise bunker was built in 1942 next to the site as a shelter during air raids. After 1945, the university took over the grounds and used the converted bunker as an office building and the rest of the site as a car park (fig. 3).



Fig 3: The Nazi bunker in Grindel- Hamburg. (Source: Commons Wikimedia).

5. A WALK THROUGH THE MEMORY-LANE

“Memory is not an instrument for exploring the past but its theatre. It is the medium of past experience, as the ground is the medium in which dead cities lie interred. He who seeks to approach his own buried past must conduct himself like a man digging”¹¹

For a long time after the war, Germany was a place of retreat for the few survivors after the killing of six million Jews in the Shoah, for them life in Germany as the land of the perpetrator was unthinkable, not to mention reestablishing community infrastructure and synagogues. For many years, they lived largely invisible in many cities like Hamburg, and synagogues were perceived as Erinnerungsorte (places of remembrance).

In 1949, the Jewish community, painstakingly formulated by Holocaust survivors, reclaimed their Bornplatz property, however, the financial authorities at the time did not respond to their demands⁸. This all, however, changed in 1952 when ‘Stuttgart Community Synagogue’ was built incorporating a community center into its religious structure (this was a common architectural solution after 1945). The structure of the complex was subtle and looked more like a residential building than a religious one⁷. Historians interpreted this in two ways, the first was related to the shortage of building materials after the war, and the second was due to the state of Jews in Germany as a wish for seclusion and desire to attract a minimum of attention. This was followed by waves of awareness of Jewish spaces influenced by local initiatives whose research and historical work led to the creation of memorial stones, plaques, and places of remembrance. In early 1960s, many new synagogues inspired by the post modernism architectural styles were built in cities like Karlsruhe, Bonn, Hanover, and Hamburg, which symbolized a new start for the Jewish communities within Germany. The synagogue that was built in Hamburg, was built away from Grindel, it also comprised a praying space, a community center, and a staff dormitory, but the complex was subtle in style to avoid any unnecessary conflicts with the surrounding postwar non-Jewish community (fig.4). Its street is partially closed due to fears of possible attacks. This synagogue, built thirty years after the Bornplatz, was robbed of its public impact within the urban fabric⁷.

Many Jewish and non-Jewish Germans perceive a synagogue as a space connected to nostalgic images from 1938 of burning and destructed synagogues, which became a visual staple of anniversaries and days of remembrance. Something that constantly fed a culture of guilt within the German community and became an integral part of German national self-perception with notions of shame, guilt, and an ambivalent national attachment prevalent¹². This association with guilt weakens with each generation, but an active remembrance is necessary to prevent a possible repetition of the past as an omnipresent underlying threat. For around seventy years, three generations of Germans have been caught up in a collective psychological problem

related to the Nazis crimes. Each generation since the Holocaust has developed its own relationship to that past. Actual historical events may not always fulfil the need to come to terms to what once happened, and groups might tempt to forget, to re-construct, and reinvent themselves to maintain a positive self-concept, but others in the social milieu may not allow this to happen¹³.



Fig 4: The Hohe Weide synagogue- Hamburg. (Source: Commons Wikimedia).

In the 1970s and 1980s, numerous small local history societies embraced the remaining Jewish spaces. They cooperated with the authorities to protect the historical monuments, securing the buildings, and finding appropriate uses that would respect the synagogue's history, like cultural centers, museums, and memorials. The religious Jewish spaces from the past were changed by non-Jewish, who engaged German-Jewish history and tradition into creating secular places. Those new spaces performed as surrogate spaces for imagining Jewishness (like the former synagogue in Kippenhein in southern Baden, which uses the spaces as a venue for reading, public discussions, and concerts)⁷. Rebuilt synagogues after 1989 in Germany especially in Duisburg, Dresden, Munich and Berlin also became the most important Jewish centers for German-Jewish memorial culture. Many of the former schools, synagogues, and community centers have been rebuilt and repurposed in one form or another.

Nowadays, newly founded Jewish schools, societies, and associations, as well as new regulations for the Jewish community, created reassuring potentials for the Jews regarding their Jewishness and their citizenship. Consequently, even religious spaces, or spaces formerly shaped by religion, became experimental settings for

a modern way of being Jewish away from the old practices. This goes along with what Kevin Lynch says in his book *Good City Form*, about areas in the city that have been preserved and restored to some former condition, and this is not just for tourists but on behalf of their permanent residents. Those residents are most often new residents, attracted by the historic quality of the area, passing through time in waves of gentrification³. And that is exactly what Grindle represents to its new Jewish community. Following this social awareness in Hamburg, sculptor Margit Kahl was assigned to create an artwork in 1983 on the exact plot of Bornplatz Synagogue. Kahl came up with the idea of creating a mosaic floor pattern that visibly replicated the dimensions of the ceiling vault on the ground. She traced the outline of the synagogue, its complex domed roof, and its vault with the help of cobblestones exactly in the place where the destroyed building stood (fig.5).



Fig 5: The current vacant plot of Bornplatz with the artwork by Margit Kahl in 1983 on the ground representing the floor plan of the original building. (Source: Commons Wikimedia).

This artwork might appear very modest and minimalist in material, shape, and technology, however, it successfully captures the absence of the original space of the synagogue. Through this work, three dimensions of loss are being reflected: the building itself, the surrounding community, and its location within the city. And one can feel this while standing in the middle of that space, pretending there is an invisible glass wall surrounding, it leads the imagination through a memory lane to how the synagogue was exactly before its demolition without the need to build one. It is the most timeless form of memorializing Jewish places. But what does the new Jewish community in Grindel feel about that space?

6. TO REBUILD OR NOT TO BUILD

"It is intolerable that Jews are again exposed to such a horrible threat," German Justice Minister, Christine Lambrecht¹⁴

The threat and attacks posed by anti-Semitism, right-wing extremism, Islamist terrorism against the Jewish community in Germany has been very high in recent years. On October 9, 2019, while Jews in Halle City were celebrating Yom Kippur, a right-wing extremist attacked their synagogue and injured a couple of people¹⁵. Another one happened in 2021, when a 16-year-old Syrian boy and three other people have been arrested in Germany over a suspected Islamist plot to attack a synagogue¹⁴. The role of synagogues as safety spaces for its community forcibly changed to be death traps.

*"A building is not the answer to rising anti-Semitism. More needs to be done to reduce resentment in people's minds." And: "Basically, we are only being given back what once belonged to us."*Entrepreneur Daniel Sheffer¹⁶

Since the attack in Halle, demands for building a new synagogue in Bornplatz that would perform as a new refuge (just like in the past) against hatred and antisemitism were rising. But many at the same time questioned if a building can fight racism, homophobia, or anti-Semitism. For the Jewish culture, that space is a sacred representation of God, and the existence of a synagogue is important for their religion. The imagination and reconstruction of Bornplatz synagogue is a crucial attempt to redeem and secularize the space that one belonged to God and was forcibly taken from them¹⁷. For a long time, Jewish representatives and politicians had this constant desire to assert the position of Jews and make them visible in a nation-state where only a few Jewish places, such as synagogues, survived on account of destruction by the Nazis even though another synagogue is already active few blocks away. Nowadays, in addition to that synagogue in Hohe Weide, there is also a Jewish elementary school, the Talmud Torah school and cafés with kosher food all serving the community of around 4,000 Jews residing in Grindel.

"It was a proud building, and we want to show that again,"
Philipp Stricharz, Jewish community leader

The call for rebuilding the synagogue was mainly perused by the chairman of the community Philipp Stricharz. After many debates in the past few years with the federal government, the Jewish community finally got the approval to keep going with the project with a funding budget of 65 million euros. The plan for the synagogue is to create a space where young people and adults get the opportunity to know Judaism, where prejudices can be dismantled. It will perform as an active advocate against right-wing extremist ideas in our

country, it will also open new prospects for the Jewish people of Hamburg to promote interreligious exchange in our urban society¹⁸.

The concept of the project is to create two synagogues in one complex, one for the Orthodox and one for the liberals, in addition to apartments, a café, rooms for exhibitions, meetings and community life. A modern security concept that dispenses with walls is intended to ensure that the community can be protected and open to the district at the same time¹⁸. Every passerby should be able to recognize the Jewish complex including the Talmud Torah school as well. The Jewish community wants a building that embodies the past but also meets the needs of the nowadays community. As for the bunker on site, which is strongly connected to the whole story of the synagogue, historically speaking, and which is also a listed building, the plan is to remove it. It is said that the massive high-rise building would stand directly in front of the new entrance to the east-facing synagogue, and the new Jewish community cannot develop in the shadow of a Nazi bunker.

Building a new synagogue would also mean removing the famous mosaic artwork by Kahl from the eighties, with claims that the original vault of the old synagogue is exactly underneath it. This artwork worked as a protector of the space for a longtime, it prevented other constructions from taking over that plot of land for other purposes, especially that the Jews do not own the land while the city is listed as the owner in the land register. There is also a tendency to include this piece in the new building either as a floor pattern or on its façade.

Discussions in Germany mainly revolved around the question of whether a replica of the old synagogue or a newly designed building should be built, while in Israel the situation was different. In 2021, Jews who live in Israel and whose ancestors lived in Hamburg totally opposed to the rebuilding of the new synagogue. In a letter sent to the German authorities in Hamburg, and signed by Israeli historians, public figures, Israeli citizens, they clearly asked the question: ‘would it not be more useful to channel the funds to develop and furthermore purposeful elements of Jewish culture and tradition? And yet, if members of the community sense the need for another synagogue, one can certainly find an alternative location that does not override the memorial, created by the late Margrit Kahl in 1988, to convey the loss due to destruction.’¹⁹. At the same time, a survey by the Federal Foundation of Baukultur found that 80% of people in Germany find the reconstruction of destroyed buildings according to historical models is basically a good idea.

The meaning of the synagogue, however, as a space that confirms the Jewish identity can be argued. In research done by Silvia Necker, she states that place and location are no longer decisive for the meaning of space, rather the performance within it. For example, the internationally successful Jewish Museum in Berlin now appears to be making a greater contribution than many synagogues. And yet, it is places such as

synagogues, museums, and cafes that launch the imagination and spatialization of urban Jewish spaces, however and by whomever they may be shaped²⁰. But must the identity of the Bornplatz square as a Jewish space and place exclude the appreciation of the site as a more generalized "zone of memory" represented in the existing artwork?

In Grindel there is also Café Leonar, a Jewish café that is frequented by different people with different religions. It is a good example of a communal space that promotes the Jewish identity without the need to be formulated by a religious identity. In that sense, the café and the museum work well in connecting people together and fighting hatred and antisemitism. We rarely hear attacks against cultural venues, but we mostly hear attacks on synagogues.

7. REFLECTIONS

Hamburg is a city that has a tangled conglomeration of spatial representation for memories like many German cities, and the question of how people, nowadays, can place themselves in relation to the past and to the future is pressing. Is it even possible that buildings and rebuilt spaces help traumatized nations to recover their mental balance and fight against hatred? While the world we live in today is the most socially aware and connected in human history, too many people still experience the daily indignities created by social injustice in all its variations. A recent survey stated that Antisemitism appears to be deep-rooted in the German society where regular harassment has become part of their normal everyday life. Almost 80% do not report serious incidents to the police or any other body, often because they feel nothing will change. Over a third avoid taking part in Jewish events or visiting Jewish sites because they fear for their safety and feel insecure, and the same percentage has even considered emigrating²¹. Urban culture of remembrance usually becomes a heated subject of controversial public debates. This can be applied to the attempts in Hamburg to preserve, reconstruct or rebuild historical buildings. When architecture is perceived as a symbolic representation and associated with experiences of violence and historical crimes such as the Holocaust, such discussions take on a complex nature, and in most cases, it does not reach the right solution. Can we, as architects, play a role in delivering other options that would eventually help solve society's most urgent challenges and promote social justice? Can we make spaces that allow everyone to become their best selves through the power of design, without any association to religions while emphasizing the right to the city at the same time? When it comes to the Jewish topographies, especially in Germany, we need to explore subversive perspectives on places and spaces for the majority and to rethink the spatial assumptions that have been taken for granted for a long time.

We need to ask ourselves, what is the best way to represent the culture of remembrance? In what way can we preserve memorial sites and further develop them without overshadowing segments of their accumulated history? And most importantly, would a monumental new replica of the original Bornplatz synagogue fill the void left by destruction or will it in some sense replace the empty space that already succeeds in evoking memory and thoughtfulness of what was destroyed and undermine the tragedy that was perpetrated by the Nazis?

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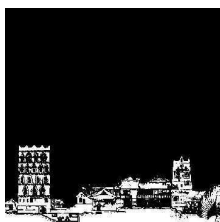
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