

THE DARKER SIDE OF SOUND:
CONFLICTS OVER THE USE OF SOUNDSCAPES
FOR MUSICAL PERFORMANCES

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Abstract

THE DARKER SIDE OF SOUND: CONFLICTS OVER THE USE OF SOUNDSCAPES FOR MUSICAL PERFORMANCES

Musical performances have been a source of complaint and conflict throughout human history. Drawing on Irving Goffman's theory of frame breaks and Mary Douglas' idea of "dirt as matter out of place" (i.e., "noise as sound out of place"), the author proposes that these conflicts often arise when a sonic performance deemed appropriate for one social or cultural context crosses over into another where it is perceived as disruptive, or even harmful. Sonic characteristics, cultural constructs, and physical and/or psychological conditions that are likely to exacerbate these conflicts are also examined.

After exploring how scholars and laymen have defined music and noise, the author presents previous research on the beneficial and detrimental effects of sound on human psychology and physiology, including Victorian beliefs regarding neurasthenia and noise as a cause of illness. The author then examines the unfolding of social conflicts over the use of private and public soundscapes for musical performances in the United States and England from approximately the 1840s through the 1940s.

Four types of performance practice are explored, namely street music, amateur music-making, musical advertising, and political and religious campaigning. Although these categories share commonalities, legislative and judicial bodies have often distinguished between them when crafting regulations or resolving disputes, which in

turn has shaped the nature and intensity of the resulting conflicts. The associated musical traditions examined include the use of barrel-organs by street musicians, pianos and cornets by amateur musicians, radios in storefront windows and public transportation for advertising, sound trucks for political campaigning, and Salvation Army bands for proselytizing.

One outcome of this research is an expansion of Attali's model of noise regulation as a form of repression carried out by an empowered hegemony against marginalized populations. Rather than accepting Attali's model, which rests specifically on musicians as representing the disempowered, the new model takes into account conflicts between individuals from similar demographic backgrounds and cases where music is used as either a form of aggression or a means of forcing the attention of unwilling listeners. The author also discusses the value of historical ethnomusicology to understanding human musical behavior.

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Introduction

Bloomington, Indiana, is similar to many other college towns in the United States. Every fall, a large number of young adults pour into town and take up temporary residence in dormitories, apartments, and rental housing scattered throughout the city. Energetic, eager to explore life, and belonging to a demographic possessing one of the largest amounts of disposable income, these students bring an increased level of social and financial vitality to Bloomington.

Although many permanent residents welcome the yearly incoming migration, it's not without its problems. The students bring cars, which congest the streets and parking lots. They come bearing cell phones, musical instruments, and stereos, which they use to play, communicate, and orchestrate the soundtracks of their lives. Most, although certainly not all, have flexible schedules with three-day weekends and no place to be on most weekdays until 10 AM—a schedule that allows for late night socializing. In short, every fall Bloomington transforms from a sleepy community of lifelong scholars and service workers into one of the most vibrant party towns in the nation.

The tension between town and gown, and between steadfast scholars and more laidback socialites, is palpable. A weekly nine-to-five work schedule, early bedtime hours for young children, and long hours spent writing papers and studying for exams often don't mix well with throbbing party music coming from a neighboring house at midnight, particularly on a Thursday night spilling over into Friday morning. To address the problem of noise complaints, the City of Bloomington has instituted the Quiet Nights Program, which promotes awareness of the City's local noise ordinance.¹ This ordinance prohibits the production of "unreasonable noise," which is defined as any sound produced at a

volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort or repose of reasonable persons of ordinary sensitivities within the city of Bloomington, given the time of day or environment in which the sound is made.²

The ordinance also defines as unreasonable, regardless of other sonic factors, any sound that is audible between the hours of 9:00 PM and 7:00 AM to persons located on premises other than those where the sound originates. More recently, the City instituted the "Lower the Booom!" Educational Campaign, which specifically addresses health issues, safety risks, and public disturbances associated with the high volume levels of low frequency sound produced by cars with hi-fi stereo systems, often referred to by opponents as "boom cars."³

¹ Information on the Bloomington Quiet Nights Program is available through the city's website at: http://bloomington.in.gov/documents/viewDocument.php?document_id=829.

² "Noises Prohibited," Bloomington Municipal Code, 14.09.030, 11 Nov. 2008: http://bloomington.in.gov/code/_DATA/TITLE14/Chapter_14_09_NOISE_CONTROL/14_09_030_Noises_prohibited.html.

³ Information on the Bloomington Lower the Booom! Education Campaign is available through the city's website at: http://bloomington.in.gov/sections/viewSection.php?section_id=65.

Despite the city's efforts to educate residents about the noise ordinance, there are still hundreds of noise complaints called in to the Bloomington Police Department every year. According to a city report, 258 citations were issued for violations of the ordinance in 2008.⁴ Since not every call to dispatch results in a citation, the number of called-in complaints was presumably somewhat higher. Although there are certainly permanent Bloomingtonians who step afoul of the noise ordinance, the sound production activities of college students, including late-night parties and jam sessions, seem to receive the bulk of complaints. When the Indiana University Student Association (IUSA) surveyed students' reactions to the Quiet Nights Program in 2006, it found that many of its constituents feared that the real purpose of the Program was to allow the police to search student parties for underage drinking.⁵ The City of Bloomington seems to have played off of these concerns with its slogan "play it loud, draw a crowd," offering an implicit warning to students that playing loud music may also draw undesired police attention toward other activities.

The Quiet Nights Program has also received opposition from local musicians as well as from the programmers of the annual Lotus World Music and Arts Festival. During informal conversations, members of these groups have mentioned that the government and neighbors shouldn't have control over when and where acts of musical creativity take place. They have also expressed concern that the local noise ordinance could put an end to the Lotus Festival if enough people living near the festival site were to complain and that the fear of being fined might discourage people from making music

⁴ "Noise Complaints Data." The City of Bloomington: http://bloomington.in.gov/documents/viewDocument.php?document_id=2301.

⁵ Laura Jane Hyde, "IUSA, City Warn Residents to Keep Noise Levels Down," *Indiana Daily Student* (Bloomington, IN), 12 Sept. 2005.

in their own homes.⁶ Other residents take exception to the idea of neighbors controlling their musical activities as an invasion of their privacy and property rights.

Bloomington offers prime examples of the types of conflict that arise when people disagree about the use of localized soundscapes for music, and it would make an excellent field site for an ethnographic study. However, my purpose in the present work is not to delve into the specifics of the sonic struggles occurring within Bloomington, which constitute just one recent manifestation of a relatively timeless phenomenon. Rather, I will be examining the history of these struggles from the 1840s through the 1940s in the United States and England. Within the confines of modern society, it is easy to assume that the world has grown progressively louder over the past two hundred years and that communities such as Bloomington are only now exploring how to deal with disagreements over the production of music and the means of regulating it. In actuality, these disagreements predate the Industrial Revolution by centuries, and many modern day ordinances are often little more than revisions of older ones that were originally aimed at regulating the sounds of peddlers, street musicians, and early radios.

The goal of my research has not been to perform an ethnographic study of a single community, although such a project would be valuable and noteworthy, but to examine more broadly what I am calling the “darker side” of musical experience, specifically the phenomenon of conflicts that arise when two or more persons disagree with the use of a soundscape or set of soundscapes for music performances. Perhaps the most familiar

⁶ The reaction of Lee Williams, co-founder of the Lotus World Music and Arts Festival, to the Quiet Nights Program and its negative impact on Lotus and musical creativity in Bloomington in general, were expressed during a round table discussion hosted by the Archives of Traditional Music’s Noon Concert and Lecture Series on 19 Apr. 2002. See: Grey Larsen and Lee Williams, “[United States, Indiana, Bloomington, 2002],” Indiana University, Archives of Traditional Music 02-049-F, listening copy ATL 15898, viewing copy ATLV 180.

shape taken by this phenomenon in the United States today is that of disputes over the use and proposed regulation of home and car stereos with high-powered subwoofers. Other forms include, but are not limited to, noise complaints about amplified pre-recorded music played at parties and commercial venues, rehearsals and performances by musicians in and near residential neighborhoods, musical advertising used by ice cream trucks, and Muzak pumped through mall and office sound systems.⁷

As a locus of musical behavior, these disputes offer a rich and largely unexplored topic for ethnomusicological study. Since its inception in the 1950s, the discipline of ethnomusicology has devoted itself to the study of music as a phenomenon existing in culture, as culture, and as a product of culture, generating a plethora of articles and monographs on music's role in such processes and activities as identity formation, personal and cultural expression, the dissemination of knowledge, ritual experience, healing, and political resistance. In the literature of ethnomusicology and adjacent areas of musicology and the social sciences, however, one encounters a noteworthy bias. Past studies have tended to focus on musical sounds and experiences as physically, mentally, socially, and culturally positive, working from the assumption that music is inherently pleasant, beneficial, and valuable.⁸ Few researchers in these disciplines have explored the potentially detrimental effects of music. And yet music has been the source of numerous noise complaints, served as a catalyst or even as the cause of social and physical conflicts, and functioned as a governmentally sanctioned tool for psychological warfare and interrogation. Many people have mentioned it as one of the factors negatively affecting their physical, psychological, and spiritual health, as well as their

⁷ For a study of the use of programmed music in the Mall of America, see: Sterne (1997).

⁸ Bruno Nettl (1983), 15-19.

ability to work and relax effectively. We cannot truly claim to understand human musical behavior if we fail to take such perspectives fully into consideration.

I find that ethnomusicologists and other researchers have tended to rely on two theoretical models to explain complaints about music or efforts to regulate it, both of which I find problematic. The first involves identifying any expression of disapproval or attempt at regulation with classism, racism, or some other form of intolerance. This view in particular has served as a theoretical obstacle to my work. When I described my research on the Society for Ethnomusicology Listserv, one respondent assured me that people who dislike “loud woofers blasting hip-hop from cars” and restaurants do so because they are racist. In the case of drum groups playing in parks, the same respondent insisted that any complaints were due to an unfair bias against drummers.⁹ Both claims may well be true in individual cases, but it would be naïve to assume that every noise complaint is merely an expression of prejudice or intolerance, and that there is never any other basis for it—particularly given the level of sheer sonic intensity typically generated by some performances.

The other theoretical model commonly applied to these conflicts consists of identifying any effort to regulate music as an attempt by a hegemonic regime to impose its own foreign or economically privileged musical ontology as an act of cultural repression and assimilation. Among the key proponents of this model is Jacques Attali, whose theories have had a profound influence on the theoretical frameworks of

⁹ Comments were made during a listserv discussion on SEM-L in February 2007. One interesting point to note is that a similar debate exists over loud car stereos in Bloomington, Indiana. Since the majority of the people using these stereos are white middle class college students, they tend to dismiss complaints as an act of intolerance by older residents towards young people.

researchers in soundscape studies including Peter Bailey, John M. Picker, and Emily Thompson.¹⁰

After discovering the two predominant theoretical models related to my topic, I quickly began to wonder whether in planning to perform an ethnomusicological study of those complaining and seeking to regulate musical performances I was unconsciously supporting the causes of racism and other forms of social and political repression. As my research progressed, however, several things became clear to me. Although there are cases in which dislike of a performance tradition stems from personal prejudice against people from other religious, ethnic, political, and socio-economic groups, my own research reveals that such conflicts have occurred just as frequently between people sharing the same demographic background. Additionally, there are many cases in which people have reported enjoying a particular type of musical performance within one context while finding it extremely disagreeable within another; they might like barrel-organ music at a country fair or at a party, for instance, but not outside of their home while they're trying to work or sleep. If the dislike of music stemmed from a prejudice against performers, we would expect an individual to resist exposure to it no matter what the context. Conversely, they would have no reason for disliking the music of their peers in any situation. This is often not the case, suggesting that the reasons for complaint stem from other factors.

I agree with Attali and other researchers that the regulation of musical performances has sometimes been used by those in power to repress expressions of social and political resistance by an oppressed and marginalized population. This model is

¹⁰ Attali (1990); Bailey (1996); Picker (2003); Thompson (2002).

appropriate when those in power decide to censor or ban as subversive the songs and musical traditions of minority groups, a few such cases being the Israeli government's decision to censor or harass musicians (whether Christian, Jewish, or Muslim) who protest human rights abuses against Palestinians,¹¹ the mutilation and murder of singer-songwriter and political activist Victor Lidio Jara Marínez following the Chilean coup of 1973, the regulation of African American singing traditions by plantation owners before the American Civil War,¹² the harsh measures taken by schools on reservations to discourage Native American traditions in general, or the decision by Clear Channel to boycott the Dixie Chicks after Natalie Maines made unfavorable comments at a concert in London about President Bush and his foreign policy.¹³

Rather than spurning Attali's model altogether, I have sought to expand upon it in order to improve our understanding of how and why conflicts over the right to control the musical soundscape occur in scenarios where it simply does not fit. We can assume neither that those responsible for producing a contested musical performance are always disempowered or leading a political resistance, nor that those seeking protection from an unwanted musical experience are always bigoted or representatives of a hegemonic power. Conflicts have occurred far more frequently between neighbors with equal access to legal, financial, and political resources.

Furthermore, powerful military and corporate forces have often used music as a tool for aggression and manipulation. Well-known examples include the use of loud music by the United States' Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as part of their efforts to drive the Branch Davidians from their compound in Waco,

¹¹ For recent examples, see: Ben-Zeev (2004) and Korpe (2004).

¹² Smith (2001).

¹³ Nuzum (2001).

Texas, and by the U.S. Army to encourage Manuel Noriega to abandon the sanctuary of the Vatican Embassy in Panama. The United States military is also known to have used loud music as part of its “shock and awe” tactics in Baghdad at the beginning of the Iraq War and has continued to use it as an interrogation tool, as a means of demoralizing enemy combatants, and as a powerful force for revving up feelings of fearless aggression and anger in U.S. soldiers, preparing them to perpetrate and face extreme acts of violence and possibly their own deaths during battle.¹⁴ A less extreme use of music by the empowered against the masses has included its use by corporate powers to advertise products and services despite protests from the public. Similarly, powerful religious and political groups have often used music as part of their efforts to proselytize their beliefs forcibly to the unconverted.

Another factor that points to a need to revise the existing theoretical models is the complexity of the discourse itself. As I studied newspapers and websites, I found that many complaints about sonic performances are based on reasons other than ignorance, political aims, poor taste, or prejudice. People who submit letters to newspapers or post to Internet chatrooms offer a variety of reasons for their complaints that have nothing to do with the producer’s identity. These include an inability to hear other sounds more relevant to the complainant’s current situation, the disruption of sleep and resulting exhaustion, rest orders from doctors due to illness, the inability to concentrate on certain tasks, feelings of anxiety and helplessness, decreased property values, and even physical pain.

¹⁴ Gittoes (2006).

The results of experiments by psychologists and medical doctors, which I will summarize in Chapter Two, show that such complaints are not unwarranted. Although music does have physical, emotional, and psychological benefits, as demonstrated by research in ethnomusicology and music therapy, music—like any other sound—can disrupt concentration,¹⁵ cause or increase negative emotions,¹⁶ prevent sleep, and damage hearing. In its most extreme forms (e.g., the pressure waves produced by explosions and rocket liftoffs), which exceed levels generally reached by music with the rare exception of dB drag-racing, sound can physically tear things apart, including buildings and the internal organs of the human body.¹⁷ To dismiss all complaints about music as necessarily born from prejudice or ignorance would be irresponsible, particularly when it is widely acknowledged that regulations on industrial and occupational sounds are in place to protect public health and safety. Human categorization of sound as “music” or “noise” does little to attenuate the physical effects of harmful frequencies and decibel ranges.

Other effects of music, however, are less extreme and more mysterious. For instance, why can sound be pleasant and exhilarating to one person but undesirable and aggravating to another, or to the same person in a different situation? Complainants frequently offer suggestions to authorities that ordinances should restrict the times, locations, and volume levels at which music can be played. The fact that most

¹⁵ Tremblay, Macken, and Jones (2001).

¹⁶ Västfjäll (2002); Ramirez, Alvarado, and Santisteban (2004).

¹⁷ The audio systems of extreme class dB drag-racing contenders aren’t designed for listening. The systems are triggered by remote from outside of the vehicle, which generally has the doors and windows reinforced and bolted down. The sound levels are measured by microphone at the dashboard. The current world record is 180.5 dB, set on 31 Aug. 2007 by Alan Dante using a single Digital Designs 9918Z 18” subwoofer and four Stetsom 7KD amplifiers built into a Volvo reinforced with concrete. See: Wilkinson (2003); Gilkey (2007 Sept. 5). Numerous articles reference 180 dB as the approximate level reached by a rocket at liftoff and the Apollo lift-off reportedly reached 188 dB: Lipscomb (1974), 16-18.

complainants recommend such restrictions as opposed to an outright ban of music suggests that they are not set on eliminating music performances altogether, but simply on reducing their own ability to hear them under a given set of circumstances. As mentioned above, some complainants point out that they enjoy a particular sound in its proper time and place but find the same sound to be a nuisance in other situations.

The above reactions and stipulations suggest that scholars have been overlooking an important aspect when analyzing complaints about music. Although ethnomusicologists have spent decades touting the importance of context as a key factor in understanding music and musical behavior, few researchers have considered how context influences individuals' perception of the music they are hearing as positive or negative at a particular moment. If an individual enjoys music in one situation but not another, this suggests that along with conceptual frameworks for judging the aesthetic qualities of music, there are also frameworks for judging whether music is appropriate for a given time or place. These frameworks may depend on physical, psychological, emotional, or socially constructed criteria, respective examples being an inability to sleep, an inability to concentrate, increased feelings of helplessness, or a conflict with the belief that one shouldn't listen to secular music on Sundays.

In the case of smaller, more isolated communities, it may be easy for community members to agree upon the appropriate time and place for each type of music and to ensure that it stays there. As communities grow larger, however, and their members begin to take on more individualistic lifestyles and schedules, people's conceptions of what music is appropriate when can quickly come into conflict. For better or worse, the boundaries of soundscapes are porous and the sounds created within the boundaries of

one can easily seep through into the soundscapes of others. Whether this sonic seepage will be welcomed and embraced or treated as an act of audio trespass hinges upon a complex nexus of factors internal and external to the listener. To better understand why these conflicts result, we must examine the perspectives and intentions not just of the sound producer, but also of the unwilling listener as they are contextualized within the circumstances of a specific dispute.

The assumption that people invariably dislike music because they are racially and socially intolerant warrants special scrutiny because of its power to discourage the kind of study I am proposing. Unless a researcher has detailed knowledge of a situation and the participants, he or she can only hypothesize that both the person producing the music and the person complaining about it belong to a different race or social class. To support an interpretation based on intolerance, the researcher must be able to demonstrate that the person complaining not only comes from a different demographic than the person producing the music, but that the complainant also knows the producer's identity. In the case of loud music produced by car stereos or other amplifying devices, the source of the performance could be located several blocks away from the recipient, making it impossible for him or her even to see the sound producer. Another reason for caution in the absence of an explicit statement of racial or class prejudice, is that it may prove difficult to disentangle whether an individual is annoyed by the music because he or she dislikes the identity of the sound producer or if forced exposure to an unwanted musical performance has caused him or her to dislike that specific individual. There may be unspoken feelings of racial and class hatred underlying a complaint, but sometimes

statements like “I dislike hearing loud music coming from car stereos” or “I don’t like rap music” can conceivably mean exactly that—without any hidden subtext.

We often find an assumption that a person belonging to the same demographic as the sound producer would not find the performance annoying. This in turn assumes a certain degree of homogeneity across members of a specific group and may even draw on group stereotypes (e.g., all African Americans like rap music; all Dominicans living in New York like listening to loud music late at night). In some cases, researchers may take for granted that an absence of official complaints by members of minority and underclass groups is a sign that they accept and approve of all musical activities participated in by other members within these groups. Research on community responses to unwanted sound have shown that additional factors help determine whether an individual will register an official noise complaint. Two of the biggest factors are whether an individual has access to and influence over community leaders and whether he or she feels that a complaint will successfully resolve the problem.¹⁸ One article reviewing studies of community responsiveness to unwanted noise reports that even in communities where 70% of the population is slightly too extremely annoyed by an unwanted sound, the number of people who actually register complaints is only around 2% to 19%. Although people who are better educated or possess a higher socioeconomic status are more likely to complain, actual annoyance shows little correlation to economic, educational, or social status. Rather, people are more likely to file a noise complaint when they feel their grievances will be listened to seriously and acted upon.¹⁹ Members of minority and lower class communities, who often lack the social, financial, and political clout required

¹⁸ See Borsky (1969), 192; May (1978), 32.

¹⁹ Maziul, Job, and Vogt (2005).

to be taken seriously by the police and city officials, may simply feel it's pointless to complain or may not even know who to complain to.

Studies of community responsiveness to unwanted sound raise the possibility that members of disempowered minority groups and the lower classes are as disturbed by unwanted musical performances as anyone else but feel that there isn't a system in place for voicing complaints or that their complaints will not be taken seriously by police and city officials. If we assume that silence on the part of these individuals is a sign of their approval, we may unwittingly be promoting the cause of musicians and their supporters at the expense of community members who already feel too disempowered to take action against a perceived problem. Fully assessing these conflicts may require not only listening to musicians and their most vocal opponents, but also surveying the community to determine whether there are other supporters and dissenters who feel that no one is interested in their personal grievances.

Historical Ethnomusicology

My decision to study soundscape disputes diachronically through historic documents rather than synchronically through fieldwork was based on several factors. First, for many ethnomusicologists, myself included, our investment in today's performance traditions make it exceedingly difficult to perform an evenhanded examination of this issue in its modern context. The musicians involved are often informants, friends, or at the very least members of musical traditions that we seek to promote as innately valuable. Even when we are willing to hear out the arguments of those complaining about music as a source of noise, annoyance, and discomfort, we may

be unable to distance ourselves from the musicians' side of the controversy and to accept the expressed grievances as genuine. Not only may we prove more sympathetic to our informants' side of the debate, but our need to maintain their trust and good social relations can result in a conflict of interest.

By examining the conflicts arising over the musical performance traditions of the nineteenth and early twentieth centuries, many of which have fallen out of practice or changed significantly in recent times, we can properly distance ourselves from these debates and examine them in a more objective and disimpassioned manner. Until we understand the thoughts and beliefs of both sides of these conflicts, we will remain unable to understand why they occur or the best way to prevent and resolve them in a manner that is satisfactory to all participants.

Second, my interest lies not so much in studying how people dispute and attempt to regulate musical production within a specific community as it does in studying how Western culture has perceived and dealt with disagreements over sound production in general. Through historical study, we find that the Bloomington of the 2000s is by no means unique: communities throughout the United States and Europe have been grappling with the problem of soundscape disputes for centuries, revealing that the underlying reasons for these disputes are specific to neither Bloomington nor the modern era. Other factors, whether inherent to Western culture or human physiology and psychology, are at play, and a more generalized study helps us to not only pinpoint what these factors might be but to recognize patterns in how these conflicts typically arise and unfold. Although it would be risky to argue that we can predict when and how these

conflicts will manifest, the existence of certain physical, sonic, and social conditions does seem to increase the likelihood of a soundscape conflict, as we will see.

Third, local noise ordinances and nuisance laws have played a major role in the unfolding and resolution of many of these disputes. Although local legislators may occasionally revise or update a city noise ordinance, for the most part the current system has been in place since the nineteenth century. Legislators have had a tendency to revamp existing ordinances or to borrow ordinances from other communities as opposed to drafting them from scratch. Similarly, when interpreting noise ordinances, court officials rely on legal precedents established by previous disputes of a similar nature. To understand how and why these ordinances and interpretations were originally created requires that we look not only at modern day applications but also at the conflicts and discourses that shaped them in the first place. In the case of the United States and England, this means looking back to the nineteenth century, when many communities were first working to establish municipal codes and police departments. In short, since the past plays such a strong role in legal circuits and soundscape disputes are heavily influenced by legislatures and courts, it behooves us to study this issue in all its emergent historic complexity.

Finally, ethnomusicologists have often favored ethnographic approaches as a means of disciplinary demarcation. So long as the methodology is suited to the type of questions that a researcher is attempting to answer, there is nothing wrong with a historical approach *per se*. Still, historical approaches and methodologies have held a precarious position in ethnomusicology due to their strong association with musicology, a sibling discipline from which it has long attempted to distinguish itself. During the

Society for Ethnomusicology's early efforts to create a unique disciplinary identity, historical theories and methodologies were routinely disparaged as inappropriate and as more suitable tools for historical and comparative musicologists. Instead, many members embraced the ways of anthropology and even went so far as to declare fieldwork the hallmark of the discipline.²⁰

In her article “‘Historical Ethnomusicology’: Reconstructing Falasha Liturgical History,” Kay Shelemay described the divide between the two disciplines as one in which musicology was viewed as “an essentially historical pursuit while ethnomusicology [had] as its subject matter living traditions.”²¹ As of 1980, Shelemay felt that this division was beginning to dissolve and that ethnomusicologists were once again embracing historical approaches. Reviewing the current body of ethnomusicological literature, however, we find that few ethnomusicologists have studied past musical practices and behavior as objects of interest in and of themselves. Both Shelemay and Richard Widdess have painted historical approaches as merely a means of studying recent changes. Widdess in particular defined the “twin objectives” of historical ethnomusicology as “the uncovering of historical events, and the study of their relationships in terms of processes of change, taking into account all available evidence, including that of socio-musical continuity and change observable today.”²²

Most works in historical ethnomusicology have used one of two approaches. First, almost every modern ethnomusicological article or monograph makes some attempt at surveying secondary texts, such as prior ethnographies or published histories, to provide a degree of historic depth. In a few cases, ethnomusicologists may also

²⁰ Sewald (2004).

²¹ Shelemay (1980), 233.

²² Widdess (1992).

incorporate a few historic documents that are particularly relevant to their contemporary area of study. These generally brief historic summaries are felt to offer some insight into the origin and development of modern practices. Second, ethnomusicologists, including Shelemay, have demonstrated considerable interest in oral histories, which not only reveal the perspectives of informants regarding the origin and change of their cultural traditions but also illuminate the role that history plays in the lives and performance practices of present day communities.

The ability to apply historic information to modern day performance traditions is clearly an important one; it is one of the things that make history relevant. However, if we focus on present practices as the sole impetus for examining the past, we may overlook forms of musical behavior and performance that were once central to a community but have since died out or even become forgotten by its members living today. What is more, these earlier behaviors and performances may have served as an important arena for discussing issues of medical and religious beliefs, political rights, social taboos, rules for proper etiquette, and the conceptions and functions of music and noise in everyday life. Many of these issues have been carried forward into modern day musical arenas, but viewing earlier discussions as mere antecedents to the present prevents us from grasping their rich totality. When we examine only the bits and pieces of the past that seem relevant to current practices, our understanding of earlier musical cultures is bound to be not only woefully incomplete but heavily distorted.

Ethnomusicologists have come to accept that the best way of understanding a living culture is through an intense immersion in its ideas and practices. The best way of

coming to understanding the cultures of the past is no different and is possible through a close examination of historical documents.

If ethnomusicology is the study of human musical behavior, then it follows that historical ethnomusicology is the study of human musical behavior of the past.

Ethnomusicological works that make use of oral histories are taking a specific approach to accomplishing this goal. Works that present a smattering of historical details in relation to present day practices for the purpose of providing historical depth are generally applying the end result of others' historical research. Although my work will conclude with its own brief application of the past to modern day phenomena, it is primarily an exploration of past forms of musical behavior as objects of interest in their own right.

Whether this work constitutes a form of historical ethnography is a more complicated issue, at least partially dependent on how we define "ethnography." If we define ethnography as an in-depth study of everyday life and practices, then this work lays some claim to that category. It will indeed attempt to reconstruct and trace the perceptions and activities of ordinary people in relation to a specific form of musical behavior. If, however, we define ethnography as long-term immersion in the field, the question becomes more complicated. Several researchers have proposed the idea of archives as field sites,²³ but this idea has always made me strangely uncomfortable in the same way that the idea of culture bearers as living archives has made me uncomfortable. Field research and archival research each involve a unique set of problems involving issues of authority, representation, provenance, and the types of research questions that

²³ Fenske (2007); Bittel (2007).

they can adequately answer. However, there is one key element shared by both forms of research. In both cases, the ethnomusicologist is approaching a rich set of cultural practices and beliefs from the perspective of an outsider. The goal is to become immersed in an almost infinite flow of data and to discover the cognitive schemata—which generally function subconsciously for people raised knowing nothing else—that shape individuals’ interpretation of activities and their understanding of socially appropriate behavior within the context of a specific situation. This task is no less problematic when communing with the dead than it is when interviewing and observing the living.

Source Material

To explore the role of context in conflicts over music and its perceived appropriateness, I will be examining a large body of historical documents with the bulk of the material consisting of newspapers and other vehicles of popular discourse written primarily in England and the United States from roughly the latter half of nineteenth century through the early half of the twentieth century. My goal in choosing this sizable range is to demonstrate that, while the devices and methods for producing sound have often changed, the arguments for and against the regulation of music have remained remarkably consistent. Sleep, health, the necessity of quiet for concentrating on important tasks, the enjoyment of one’s home, and freedom from imposition are commonly stated as reasons for regulating music. The importance of music to one’s livelihood, constitutional rights, pleasure, and the expression of patriotism are often used to defend one’s right to make and listen to music. The amount of recognition that each

side gives to the other's concerns ranges from sympathy coupled with a request for more consideration to outright demonization.

As with any area of contested rights, public and legal forums are central to shaping our understanding of the central issues of the debates, power structures, and strategies involved. These forums also provide insight into how these conflicts originate and evolve. Although the historic nature of my study makes it impossible to observe live interactions, conflicts over soundscapes in Western society have tended to generate a large number of written documents: ordinance texts, transcripts of court cases, newspaper articles, essays, monographs, cartoon and humor pieces, and letters to the editor.

Working with historical documents, and with newspapers and magazines in particular, creates a number of methodological problems. First, people from certain socio-economic backgrounds enjoyed privileged access to these forums. Conversely, individuals who had a poor grasp of written English or who lived in socio-economic situations that discouraged more leisurely activities, such as writing letters to the editor, are less likely to have been represented in these forums. The paucity of materials supplied directly by the lower working classes, the unemployed, and foreigners is somewhat alleviated by interviews and statements of their viewpoints in police reports and trial descriptions, but it is often difficult to tell whether these marginalized groups were accurately represented by such accounts.

Of the conflicts addressed in this work, those concerning the performances of street musicians and peddlers are the most problematic in this regard. The opinions of these performers and their poorer audience members—willing or otherwise—are largely unknown. Although researchers such as John M. Picker have interpreted this silence as a

sign of support, or at least of acquiescence, on the part of poorer listeners, modern research, which will be discussed in Chapter Two, suggests that individual perceptions of sound are not determined by class or race, but rather by individual personality, state of health, and the nature of the activity disrupted by the sound in question. Works espousing the idea that the poor enjoyed and supported musical performances, regardless of the context and activities interrupted, tend to offer little in the way of substantiating evidence. Since members of the lower classes were more likely to work third-shift jobs, to live in high stress environments, and to have less access to legal recourse, the chances of music interrupting their sleep or creating a sense of frustration and helplessness among them would seem even greater than among the leisured and empowered. But in truth, the opinions of the poor on this issue are mostly lost for the period I will be considering here.

We also need to be cautious about the reliability of content when using newspapers as primary source material. Newspaper articles, particularly letters to the editor and editorials, have a dubious reputation when it comes to presenting the facts. Intended as both a source of news and entertainment, any particular article may be guilty of omitting, embellishing, or changing the facts to create a better story for its readers. Letters to the editor may also make use of hyperbole and other discourse strategies to garner sympathy or to shame opponents. Of course, the same is true of any source, be it a piece of correspondence, a government document, or an interview. No work is without its biases and subjective weaknesses and in some ways newspapers are more transparent in their failings than most.

Despite their shortcomings as source material for a study of this sort, newspapers are valuable in several ways. First, they often contain coverage of historic events and

developments overlooked in official histories or that is difficult to locate in other archival documents. Many of the forms of music-making discussed in this work received extensive coverage by the popular press, but there are few if any scholarly discussions regarding the controversies over pianofortes, storefront phonographs and radios, sound trucks, or the Salvation Army's tenacious use of the bass drum for proselytizing. Even histories and handbooks on early radio advertising fail to mention the use of outdoor and mobile loudspeakers, although this use sparked the enactment of city ordinances across the country and a number of court trials, including three at the level of the United States Supreme Court.²⁴

Second, even in cases where newspapermen created works of almost pure fiction, these stories influenced public opinion by supporting or challenging the readers' perspectives and beliefs about the world in relation to a specific set of issues. The same is true of genres such as urban legends and fairy tales. Even when the audience suspects or knows that the stories are historically false, the text still communicates a potentially influential set of social and cultural messages. To be fair, however, many newspapermen did try to get their facts straight and their details can often be verified by other sources. When shown the care required for interpreting any historic document, these popular genres provide us not only with a better understanding of historic issues and events, but also with a rich pool of data on the folk beliefs and opinions of community members about them.

Finally, the community under investigation, namely that of listeners forced to hear musical performances against their will, tends to fit Benedict Anderson's definition of an

²⁴ For a more detailed discussion of these issues, see: Rhodes (1909).

imagined community.²⁵ For a musical performance to disturb multiple listeners to the point of provoking not only face-to-face discussion among these listeners, but also their coalescence into a recognizable group, requires a considerably high decibel level. For the most part, such social formations have been triggered either by an excessive use of loud music by advertisers or by a dense concentration of lesser incidents involving amateur or street musicians. More commonly, unwilling listeners may have found, or at least perceived, themselves to be lone complainants about specific musical performances in the immediate vicinity. In such cases, their understanding of the issue and their connection with other members of this imagined community would have existed solely through mediated sources such as newspapers, magazines, descriptive sketches on records, and monographs on noise pollution. When dealing with one of these imagined communities, such sources allow us to experience the culture shared by their geographically scattered members in much the same form they did.

Another set of sources I used for my research was noise ordinances and court trials. Ethnomusicologists tend to have a negative view of noise ordinances and legal systems when it comes to regulating musical performances. Although there have certainly been cases when these legal systems have been abused to wrongfully repress artists, I suspect this distrust has more to do with a suspicion that governmental agencies may be biased against music producers, perhaps because when conflicts rise to the level of necessitating legal intervention, musicians are generally the ones who are arrested, regulated, fined, and punished. The end result when a musician loses a soundscape conflict is often a very tangible form of government-sanctioned punishment.

²⁵ Anderson (1991).

By comparison, the consequences suffered by unwilling listeners are less visible. There are no regulations against being too quiet, nor is a person likely to be arrested or fined for resisting exposure to a musical performance unless he or she turns to verbal assault, vandalism, or violence. When unwilling listeners loses a noise conflict, the consequences are seldom newsworthy. They may lose sleep, suffer the disruption of quiet nights at home, or be unable to enjoy their own music or their favorite TV program. In more extreme cases, unwilling listeners may find their soundscape so altered that it is continually at odds with their own needs and desires. The resulting stress, sleep deprivation, and annoyance may affect job performance, personal health, and personal well being, and may ultimately force the listeners to abandon their personal living space altogether or to turn to the use of alcohol and medication to mitigate the undesired effects.

Historically, legal and judicial bodies in the United States and England have proven extremely reluctant to regulate musical performances. At least before 1950, the noise ordinances that were enacted often regulated the hours and areas where performances were allowed in order to protect peak sleeping hours, religious services, hospitals, and schools. All-out bans of a type of musical performance were rare, although they certainly did occur. For instance, in 1935, Mayor LaGuardia of New York decided to ban public performances by organ-grinders and by street musicians on ferries.

For a noise violation to have been considered seriously in the courts, let alone to have resulted in a winning case for the plaintiff, generally required repeated and blatant violations of the noise ordinance to the point that the plaintiff was able to provide striking evidence of significant psychological, physical, or financial damage. As we will see, the

burden of proof, both that damage had occurred and that the plaintiff was not abnormally sensitive to sound, rested entirely on the plaintiff. As a result, the odds were weighed heavily in favor of the music producer in the majority of cases.

If ethnomusicological literature suggests that musicians are the sole victims of injustice in the legal system, it may be because ethnomusicologists have dedicated themselves to studying the music of marginalized populations and rectifying clear cases of injustice suffered by musicians. There has been little interest in the study of cases in which music has proven to be a source of misery, let alone those in which it has been purposefully used as a tool for extortion, aggression, or self-gratification at the expense of one's neighbors. This work seeks to help rectify that problem.

Scope and Chapter Summaries

Before plunging into the various uses of music that have the potential to cause soundscape conflicts between music producers and unwilling listeners, Chapter One presents some important concepts and theories that will underlie the remainder of this work. The concept of the "soundscape," which I have borrowed and adapted from R. Murray Schafer's *The Soundscape* (1994), plays an important role throughout this work. Although many of the conflicts I will be discussing may appear at surface level to be over the right to make and control music, they are more deeply concerned with the right to shape and control either the public soundscape or one's private soundscape and the effect that this right has on the soundscapes of others. When viewed in this light, it becomes clearer that the core issue of many conflicts is not when and where one has the right to make music, but rather the problem of allowing everyone the equal right of personal self-

expression and control of their sonic experiences without infringing on the rights of others.

Another pair of concepts that is absolutely critical to a work such as this is that of *music* and *noise*. Most ethnomusicologists, perhaps more so than researchers from other disciplines, are well aware that music is a slippery concept and that a researcher should never assume how it is defined by a specific community or individual. The concept of noise, however, is equally fragmented and problematic and it is important that we understand what is meant by this term whether it is being used by those enmeshed within a conflict, by other researchers, or by myself.

In Chapter Two, I will present a number of the currently existing theories in both the hard and social sciences regarding the effects of music on human physiology and psychology. Researchers including ethnomusicologists, musicologists, music therapists, and critical theorists from a number of other disciplines have tended to explore the benefits of music, generating a number of useful theories explaining the influences of music on identity formation, healing, mood, enhanced learning abilities, trance, and religious or euphoric experiences. Conversely, researchers representing the hard sciences, including audiologists, acousticians, and medical doctors, have primarily studied the harmful effects of “noise.” In particular, these scientists have studied the effect of noise on the physical structures of the human body as well as the psychological impact of noise on stress levels, mental concentration, task performance, listening comprehension, and an individual’s general mood and sense of well-being. Unfortunately, this research provides few definitive answers regarding the detrimental effects of sound. Although scientists have reached a point where they can state the likelihood that a specific sound, particularly

a loud impulse sound, will annoy and otherwise negatively affect a certain percentage of the population, they are generally at a loss for explaining why the same sound will prove detrimental and unpleasant to one person and yet beneficial or neutral to another.

In general, researchers from the hard sciences have tended to avoid studies examining the effects of music on human physiology and psychology. Although surveys of noise complaints frequently highlight music as a source of annoyance and discomfort, scientific studies have primarily focused on music as a potential source of hearing damage. Studies of other psychological and physiological reactions generally use white noise or other similarly consistent sounds. Since the scientific method dictates that controlling the number of variables introduced into a study is of utmost importance to achieving a defensible conclusion, most scientists have been reluctant to tackle experiments based on the fluctuating sonic characteristics of music. The changes in dynamics, timbre, tempo, and frequency simply make it too difficult to pinpoint with accuracy the exact cause of a physiological or psychological reaction and result in questionable data.

To understand how and why music can result in an unpleasant and even a harmful experience for unwilling listeners requires a synthesis of literature from both the social and hard sciences combined with a study of the complaints raised by the listeners themselves. First, a synthesis of the findings reveals that the same sound, whether defined as noise or music by the majority of listeners, can provoke very different responses in two individuals depending on the listeners' personalities and their current context and activity. Particularly useful to understanding these differing responses are

Erving Goffman's theories of frames and frame breaks in combination with studies regarding the effect of sound on the performance of various intellectual tasks.

Second, this synthesis also reveals that certain sonic elements, such as volume, timbre, pitch, percussiveness, instrumentation, or repetition affect the likelihood that music will provoke a negative reaction from an unwilling listener. Although few studies have specifically examined the potential negative effects of music, many of the findings for non-musical sound are echoed in the complaints of people who are forced to experience a musical performance against their will. Since researchers in the social sciences have tended to dismiss these complaints about music as born from mere peevishness or even malicious intent, presenting the findings of researchers from the hard sciences that support similar complaints about less culturally and aesthetically significant forms of sound (i.e., the sounds of white noise, traffic, industry, and construction) may help demonstrate that there is some tangible basis to these claims of discomfort and annoyance.

Chapter Three begins with a discussion of the general environmental and social conditions existing from roughly the 1840s through the 1940s. This period is remarkable for its rapid industrialization and urbanization. While new developments in technology led to an increase in the variety and density of musical and non-musical sounds comprising the average urban soundscape, increased immigration and changes in architecture brought ever larger numbers of people into close, and often uncomfortable, proximity of one another. Although noise has always been a problem in urban centers, this period also witnessed the development of legislation, law enforcement bodies, court systems, boards of health, and anti-noise societies that individual citizens of any class

could turn to (at least in theory) for protection from unnecessary and harmful sounds. When these systems failed, individuals could also turn to the popular press, including newspapers and magazines, to voice their grievances. To understand individual complaints and conflicts, we must also understand the ways in which these various systems shaped perceptions of sound, health, and proper social etiquette as well as the resources and arenas of public debate available to the participants.

Also discussed in this chapter are some of the discursive strategies used by music producers and their unwilling listeners to state their side of a soundscape controversy. Although these strategies do vary somewhat depending on the specific source of the music and its historic and cultural context(s), there is a great deal of similarity regardless of the genre, instrumentation, and role played by the music. Dealing with some of the more common discursive strategies as a topic in and of themselves will not only help to alleviate a great deal of repetition in later chapters, but it will also help to demonstrate how we can apply the theories presented in Chapter One to a large number of conflicts resulting from the contested use of soundscapes for musical performances.

Chapter Four begins by re-examining efforts to regulate street music in England and the United States from roughly the 1840s through the end of the 1930s. Although the forms of street music were myriad, much of the controversy during this period surrounded the activities of organ-grinders and German brass bands. By the mid-1850s, English intellectuals under the leadership of Michael T. Bass and, to a lesser extent, Charles Babbage, were pressing the British Parliament to amend the Metropolitan Police Act of 1839. As the Act stood before its successful revision in 1864, residents were only allowed to seek police protection from street musicians in the case of illness.

Furthermore, the law limited this privilege to the property owner. Employees, renters, dependents, and all other occupants of the property were denied the right to request a street musician to cease his or her performance, no matter what reason they had for disapproving of the music. When Members of Parliament initially scoffed at a proposal to change the Act in April 1858, Bass spearheaded the effort to empower individuals with the right to send street musicians away from their homes, regardless of their reasons for disliking the performance and whether they owned the property.

The street music debate has been presented by historians and critical theorists as an effort by the rising middle class to press its right to political empowerment. Jacques Attali, Peter Payer, and John M. Picker have also interpreted the expressed dislike for street music as demonstrating xenophobia, classicism, a desire to control and sanitize public space, and an overall sense of middle class entitlement. Although a few individuals did clearly express such prejudices, many of these conflicts also occurred between fellow Englishmen or Americans, as well as between middle class neighbors who disagreed on the proper time and etiquette for hiring street musicians to entertain the members of their household. Although the written discourse surrounding these conflicts does occasionally reference class and ethnicity, these references are just as frequently absent, hinting that they were not central to many of the complaints. To fully understand the concerns of those involved requires not only an understanding of the changing street music scene throughout this period, but also an understanding of medical beliefs at the time and of the legal and social recourses available for dealing with particularly aggressive musicians who sought to make money regardless of the physical and psychological toll on others.

Chapter Five considers the role of amateur music-making in conflicts between neighbors. In such cases, the demographic differences between those involved in a soundscape conflict were generally minimal, and often limited to age or gender. In such cases, the music made and enjoyed by one individual within his or her private soundscape over-spilled the physical boundaries of this space and entered the adjacent soundscapes of others. Modern day proponents of anti-noise ordinances often refer to this phenomenon with terms such as *sonic trespass*, *audio trespass*, or even vandalism. This terminology, however, implies an act of willfulness and maliciousness on the part of the music producer. Although this has occasionally been the case and any dispute could certainly escalate into a state of aggressive sonic warfare between the participants, more commonly this problem of over-spilled sound has been due to individuals exercising their rights to self-expression and enjoyment within their home in a manner that unintentionally interfered with neighbors' rights to do the same on the adjacent properties. In their efforts to protect their right to use their personal soundscapes in a manner they saw fit, each side interfered with their neighbors' ability to do likewise.

Although there are numerous modern performance trends that I could explore, this chapter focuses primarily on amateur music-making from roughly the 1840s through the early years of privately owned radios (i.e., 1920s-1940s). In addition to radio, this chapter covers the phenomenon of middle-class and more affluent working-class women learning to play the pianoforte as a female accomplishment and related traditions such as cornet and accordion playing by young men. The arguments in the case of amateur music-making seldom hinge around issues of commerce, although on rare occasions people did take exception to the rehearsal habits of professional musicians. Rather, the

debates over amateur music-making were fraught with discussions of First Amendment and property rights. The right to produce sound and the right to have silence often reached an impasse in legislative and judicial arenas, leaving citizens to sort out their own sonic skirmishes.

Chapter Six covers the use of music for advertising products and services, a topic that overlaps with that of Chapter Three. Like street musicians, a number of retailers made use of musical advertising to make a sale. There were, however, a number of differences which distinguish these two forms of musical advertising. First, in the case of street musicians, the musical performances served as both advertising and product, generally making it impossible for officials to regulate one without regulating the other. To ban street musicians' means of advertising would have effectively banned their means of earning a living. For retailers, on the other hand, music served as an attention getter intended to attract potential customers. In this case, banning musical advertising did not necessitate a ban on the retailers' goods and services, although it did potentially inhibit their ability to sell them.

As new technologies hit the market, beginning with bells, drums, and bugles and progressing on through band organs, steam calliopes, phonographs, and radio loudspeakers, salesmen quickly adopted them in hopes that the novelty and improved amplification would give them the edge they needed to lure customers away from their competitors. Sonic wars waged to earn customers' favor often resulted in escalating sound levels as each salesman added his or her advertisements to the overall din and attempted to drown out the advertisements of others. If most customers were not opposed to advertisements *per se*, many were disgruntled at the continual and ever more

aggressive efforts to force their attention, particularly when retailers demonstrated a blatant disregard towards their requests to be left alone.

People passively accepted musical advertising as a necessary evil for centuries. By the 1930s, however, the increasing din of urban noise and the availability of less intrusive forms of advertising, including newspaper ads, mailers, and broadcasts over home radios, made the musical advertisements of peddlers, storefront phonographs, and public loudspeakers seem unnecessarily noisy. By 1951, the outrage of U.S. citizens at advertisers for transforming them into “captive audiences” and helpless victims of “forced listening” resulted in the State of Washington bringing the Capital Transit Company before the U.S. Supreme Court. At the heart of the controversy over the regulation of musical advertisements lay the issue of whether merchants’ rights to freedom of speech permitted them to invade the private soundscapes of potential customers or to force their mental attention in public for the sake of making sales.

Whereas Chapter Six focuses on commercial advertising, Chapter Seven focuses on the use of musical performance to promote religious and political ideologies to the public. The chapter begins with a discussion of the use of sound trucks for political campaigning, a practice originated by Huey Long for his grassroots campaign in 1929. Sound trucks were vehicles mounted with loudspeakers connected to a radio, record player, and/or public address system. Although early users of this technology were initially scoffed at by their opponents, its ability to reach rural populations who had limited access to newspapers and privately owned radios soon proved effective in turning the tide of elections. Unlike commercial advertising, political campaigning and religious proselytizing were viewed by courts and legislators as falling squarely under the

protection of the First Amendment. In 1948, in fact, a Supreme Court ruling made clear that sound trucks had become an accepted medium for delivering political and religious oratory. The Court felt the right to use this new technology was so inalienable that it ruled as unconstitutional any local ordinance either fully prohibiting the use of sound trucks or granting local officials the right to issue or withhold operating permits at their sole discretion. When political campaigners decided that this decision gave them *carte blanche* to use sound trucks whenever and however they pleased, Trenton, New Jersey pushed the issue back into the Supreme Court. On this second review, the Supreme Court ruled that city officials could ban the use of sound trucks to make “loud and raucous noises.” This decision allowed local governments to set limits on the volume level and to regulate when and where individuals could operate sound trucks. Other restrictions ran the risk of violating the rights to free speech and religious expression. In both cases, the Court passed its decision with a close four to five margin.

The second part of this chapter focuses on the use of music by the Salvation Army in the United States from the 1880s through the end of the nineteenth century for the purpose of proselytizing. Viewing music as both a metaphoric and literal weapon against Satan in the battle for lost souls, the Salvation Army was extremely reluctant to surrender its bass drums, bands, tambourines, processions, and revivals for the sake of community comfort. The very point of the music was to force people’s attention, to attract crowds, and to agitate them to a point of religious conversion. For the members of the Salvation Army, lessening the reach and impact of the music meant souls unsaved and failure to perform God’s will to the utmost.

The Salvation Army proved a conundrum for the courts and city legislators. The members of the Army willfully broke ordinances intended to prevent street musicians, peddlers, and other salesmen from disturbing the public. The purpose of the music in this case, however, was religious as opposed to commercial. An effort to regulate religious worship, even when it proved unpopular with other citizens, could be construed as the repression of constitutional rights to religious expression and freedom of assembly—a gray area that Salvation Army officers took full advantage of in the courts. Additionally, the Salvation Army could argue that its tactics were not for the benefit of its own members, who frequently suffered discomfort and embarrassment as a result, but rather for the spiritual and social good of England and America's most downtrodden populations. In his book, *In Darkest England and the Way Out*, General William Booth described the population of London as lost in a sea of sin and despair. None but the most aggressive means, he argued, could rescue the poor from the evils of gin, prostitution, debauchery, and the squalid conditions of poverty. Interfering with the musical proselytizing of the Army, one of its most successful tools for drawing in new converts, could be viewed as tantamount to interfering with the Army's program of social improvement for the poor. Although the Army did tone down its tactics by the start of the First World War, turning to movies and offering creature comforts to soldiers overseas, it seems to have done so of its own violation and not that of city administrators.

After exploring the conflicts arising from the use of music as an unwanted product, sonic overspill from one private soundscape to another, an attention getter for advertising, and a tool for political and religious expression, Chapter Eight briefly explores how these models could be applied to modern day musical conflicts. Although

the means of producing and amplifying music have changed over the years, as have the means for contesting the use of private and public soundscapes, the reasons underlying the support and resistance of these musical performances remain very similar to those current throughout the nineteenth and early twentieth centuries. Applying what we have learned about the past to the present helps to illuminate central issues and questions that should be investigated in any future study of conflicts resulting from the contested use of the soundscape for musical performances.

Chapter One

Conceptual and Theoretical Underpinnings

Soundscape Theory

In his pivotal book, *The Soundscape: Our Sonic Environment and the Tuning of the World* (1977), R. Murray Schafer defines a soundscape as “any acoustic field of study.” Although Schafer included musical compositions and radio programs within this rather loose definition, other researchers have most commonly applied his theories when discussing the soundscape as a form of acoustic environment. Remaining closer to Schafer’s original and more flexible definition, I have broken down the idea of the soundscape as a single, city-sized entity into a number of smaller units more closely emulating the idea of the “landscape.” Although we can speak of the urban landscape, we also have concepts of public and private landscaping. The former term refers to the physical shaping of the land in a manner felt to be aesthetically pleasing and enjoyable by local residents and visitors. Private landscaping is performed on privately owned property for the purpose of self-expression, personal pleasure, and the pleasure of one’s visitors. We can also speak of community landscapes, which are privately or collectively

owned but are accessible to members of a smaller community as opposed to the public at large.

In a similar manner, we can refer to urban, public, private, and community soundscapes, each functioning in a manner relatively similar to its visual equivalent. Although there are natural landscapes and soundscapes that develop free of human interference (albeit fewer of them as human inhabitation of formerly uninhabited space progresses), most space functions as a forum for personal or community expression and is consciously shaped to serve the shifting aesthetic tastes, needs, and values of those residing within them. Even when an individual or community isn't consciously aware of their soundscape as a created entity, they often have a great deal invested in it and can take it very personally when someone interferes with their creation. Although not a tangible object, people often metaphorically refer to soundscapes as sustaining physical damage. Silence is "broken" and the intrusion of unwanted sound is sometimes referred to as trespassing, vandalism, or pollution.

As these examples may suggest, soundscapes suffer from many of the same problems as landscapes. Individuals can dispute the best way of shaping urban and public spaces to benefit the greatest number of people. Individuals can also disrespect the rights of others by refusing them access or by "vandalizing" the soundscape for the sake of self-interest. Government and commercial interests can ignore the rights and desires of citizens by blighting private and public soundscapes in the pursuit of political or financial gain. Individuals can either intentionally or accidentally invade the privacy of one another's private space by shaping their soundscape—whether through music or

by demanding absolute silence—in a way that interferes excessively with that of their neighbors’.

Although ethnomusicological literature has frequently focused on the contested use of public space for musical performances, my work will shift this focus slightly to concentrate on contested uses of private soundscapes, particularly when they are impinged upon by owners of neighboring private soundscapes or by powerful commercial, religious, and political institutions making use of public soundscapes for their own financial, political, or spiritual goals.

Also incorporated into Schafer’s work is the idea of acoustic design, a two-part process that involves careful listening and the conscious shaping of the world soundscape as a continually unfolding composition. As part of his ear cleaning exercises, which are intended to teach careful listening skills, Schafer sought to educate people to be more attentive towards their acoustic environment and to learn to recognize positive and negative sounds so that they could consciously shape and improve the world’s soundscape.¹

Unlike Schafer and other participants in the World Soundscape Project, my research has taken a less proactive approach towards soundscapes, and is modeled instead upon the work of researchers such as Mark M. Smith and Emily Thompson.² Like Smith and Thompson, my interests lie in reconstructing the soundscapes of the past to improve our understanding of people’s perceptions and interpretations of sound in relation to their greater social, political, and economic contexts. Although this study primarily focuses on musical performances felt by some listeners to be potentially detrimental to their personal

¹ Schafer (1977).

² Smith (2001) and Thomson (2002).

soundscapes, my approach has been to study the perceptions and behaviors of the participants involved in musical confrontations as opposed to determining whether the performances themselves have made a valuable or detrimental addition to the overall world soundscape.

Theoretical Models for Understanding Noise and Music

When undertaking a study of conflicts arising from the contested use of a soundscape for musical performances, it becomes very important for us to understand what is meant by the terms *music* and *noise*, whether used by past researchers, participants in a conflict, or myself. Unfortunately, previous research examining sound's effects on human beings and its role in human musical behavior has generated so many definitions for these two terms that they have formed a semantic quagmire of ridiculous proportions. Entire books have been devoted to mapping its depths and borders, and I could hardly be exhaustive in my own presentation of the issue without writing another one. Rather than beginning with these individual definitions, I'll first describe the three primary theoretical frameworks shaping my use of "noise" and "music" in this work.

First, Jean-Jacques Nattiez's tripartite model of musical semiology provides a starting point for understanding how members within a specific community negotiate classifications of sonic performances as noise or music. Drawing from Jean Molino's theories of semiological tripartition, Jean-Jacques Nattiez tackled the question of whether there is one solid definition of music that applies within Western art music, let alone to "music" as a universal concept. For Molino and Nattiez, the inherent structure of the object in question is not enough to determine its categorization and meaning. Rather, a

three-part model is applied consisting of a poietic (productive), an immanent or neutral (inherent structure), and an aesthetic (receptive) component. For instance, the categorization and meaning of a so-called “musical” work depends on the perspectives and intentions of the composer and/or performers, the structure of the resulting work, and its reception and evaluation by listeners.³

Dismissing the idea that musical sounds are defined solely by the acoustic characteristic of periodic vibrations, or “pure and simple sounds,” whereas noise is based on non-periodic and complex sounds, Nattiez argued that “musical” is a purely subjective concept based on individual reactions to a large number of sonic characteristics. He then posed the idea that composers have stretched the role of sounds that are acoustically definable as noise within their musical compositions and that composers such as John Cage and Luigi Russolo have treated acoustic noise as the primary source of new musical compositions.

The use of acoustic noise by a composer, however, does not ensure that its re-categorization as music will be accepted by the majority of listeners or even by other composers. Music history does demonstrate a gradual shift as listeners adapt and incorporate specific poietic challenges to their aesthetic sensibilities over time. Examples of such shifts include the eventual acceptance of the tritone, Wagner’s Tristan chord, and Stravinsky’s use of pantonality. The average listener, however, may find it much more difficult to accept Cage’s later works or even atonal compositions as falling firmly into the category of “music.”

³ For more on these theories, see: Nattiez (1990).

Nattiez's model allows for a disagreement between producers and listeners regarding the proper classification of a sonic performance. I disagree, however, with Nattiez's decision to place the concepts of noise and music in a continuum with one another. Placing noise and music in opposition refutes the possibility that an individual could classify a sound as belonging to both categories. In many cases, as we will see below, the criteria applied by an individual for the purpose of classifying a sound allows for dual categorization. Although there are a handful of cases where individuals really do conceptualize of these two terms as natural opposites, it still seems wiser to split Nattiez's model into two separate continuums for categorizing sound, namely noise to non-noise and music to non-music, rather than integrating them into a single and somewhat misleading spectrum.

Irving Goffman provides a second theoretical model for understanding the concept of noise. In his landmark work, *Frame Analysis* (1974), Goffman described "frames" or "frameworks" as a set of schemas which govern the interpretation by participants of actions and events and shape their expectations for proper social behavior. Some primary examples of frames provided by Goffman include make-believe, contests, ceremonials, and rehearsals. Also central to Goffman's theories of frame analysis is the concept of "keying," or the process through which a social event is transcribed within a new frame or schema of interpretation by participants. For instance, wrestling is a keying of the physically observable act of fighting into the culturally constructed category of contest, while *professional* wrestling is generally a rekeying of this contest into a form of theater or make-believe.⁴ The social rules and expectations for each of these categories

⁴ Goffman (1974).

are very different and we would anticipate a different set of behavior from participants and observers in the case of a fight than we would in the case of a wrestling match.

People can, of course, misframe events and this often results in someone having a different interpretation from other participants as to what is really going on. A passerby may stumble onto a movie set and mistake an acted scene for a bank robbery. Vice-versa, in the initial moments of a bank robbery, a cashier may mistake a hold-up for a joke in poor taste. In both cases, the temporary ambiguity as to which frame to apply can lead to errors in interpretation and behavior on the part of the confused participant. In an attempt to help, a passerby may strike an actor dressed as a bank robber while a cashier taken off guard might laugh at the genuine article.

There are several ways in which we can apply Goffman's theories to the concept of noise. Goffman himself suggested two ways. First, a sound originating from outside of a framed event, but still audible to those within it, can result in confusion as to whether the sound is intended to function as part of that frame or if it requires a rekeying to a different type of frame. Although it is possible to ignore out-of-frame activity to a point by placing it into what Goffman called a "channel of disattention," more intense disruptions may call the framing of an event into question or lead to at least a temporary frame break. For instance, we may be able to disattend the sound of a speaker coughing during a lecture, but a frame break is likely to occur if the coughing turns into choking.

Goffman felt that some sounds were particularly apt at disrupting the primary framing of an event:

One should also consider whether or not some sounds are themselves harder to disattend than others, apart from absolute volume. Apparently in our culture irregularly timed sounds are more

distracting than regular ones. More to the point (as will be considered later), sounds that produce an ambiguity as to what frame they are to be heard in seem to produce distraction.⁵

Goffman provided the example of offstage sounds during a play as being particularly distracting because they “draw acute attention to themselves as if they had physically overridden legitimate foci of attention. The reason, of course, is that these ambiguities have to be resolved, lest the individual be forced to remain in doubt about the entire nature of the happenings around him.”⁶ Within Goffman’s model, noise can be defined as any sound—including music—resulting in a frame break felt to be disruptive or detrimental by the participants.

Goffman’s model also allows for disagreement regarding how an event is framed. He provided the example of property damage, which may be interpreted as vandalism by the police, but as play by the teenagers responsible. Whether a sound is noise or non-noise can fall into a similar area of disagreement. Loud music may be interpreted as all in good fun by the sound producer and his party guests, but as sonic vandalism or trespassing by the producer’s neighbors. If we combine Goffman’s model with the soundscape theories discussed earlier, we can treat each soundscape as part of a framed activity. Within one soundscape, music may be seen as serving an important social function and keying participants to expect and respond with specific forms of social behavior. For example, people can use music to key a party, a religious ritual, a commercial advertisement, and so on. The problem arises when this music spills over into a neighboring soundscape involving a different type of framing. The music may confuse participants or be perceived as an inappropriate form of social behavior for that particular framed event. For instance, jazz music coming from a record shop may disrupt

⁵ Ibid., 209-10.

⁶ Ibid., 304-05.

a funeral or a German street band may interrupt a court trial. When it results in a frame break, music is much more likely to be classified as “noise” by the participants involved in the disrupted event.

This leads us to the third model I have drawn upon in defining these concepts. In *Purity and Danger* (2004), Mary Douglas defines the concept of dirt as “matter out of place.”⁷ Douglas found that in many cultures ideas of purity, hygiene, pollution, and taboo are not built around a definable set of characteristics or naturally occurring consequences as a result of breaking a prohibition so much as from the failure of a given entity or mode of behavior to fit within existing systems of categorization. For instance, unclean animals are often ones that fall outside of a culture’s classification schema, thus Judaic law may consider pigs unclean because they possess neither solid hooves nor crop grass, making it difficult to classify them with other forms of livestock.

Based on Douglas’ definition of dirt, one possible way of defining noise, and one used by other soundscape researchers including Karin Björsterveld and Nick Yablon, is as “sound out of place.”⁸ This definition has a strong congruence with the idea of noise as a sound felt to be inappropriate to a specific soundscape or perceived as undesirable within a specific frame. Furthermore, debates over the regulation of music as noise frequently have involved discussions of hygiene, illness, pollution, and deviant social behavior. Noise ordinances and other forms of regulation prescribing taboos for the production of music have much in common with taboos concerning the preparation and consumption of food, as well as rules for proper social hygiene.

⁷ Douglas (2004), 44.

⁸ Björsterveld (2001); Yablon (2007).

Although Bjisterveld and Yablon consider this association of sound with disease and disorder to be an unnatural product of Western middle class society, Chapter Two will show that this is not at all uncommon in other cultures. Hygienic concerns regarding sound are not entirely a product of culturally specific cognitive schema. A blast of 2600 Hz sound at 140 dB is potentially harmful to a listener, regardless of his or her cultural background, just as eating undercooked pork infected with trichinosis presents a true health hazard. These models stress that understanding negative reactions to music requires us to understand the nexus formed by the physical and psychological effects of sound in combination with the current context and the cultural expectations for appropriate social behavior within it. For a conflict to arise from a contested use of a soundscape for a musical performance generally requires a disagreement arising out of this three-part combination.

Definitions of Noise

Of course individual definitions of noise and music vary. The *Handbook for Acoustic Ecology* alone provides four definitions including “unwanted sound,” “loud sound,” a “disturbance in any communication system,” and “unmusical sound.”⁹ All of these definitions, excepting the one of noise as a disturbance to communication, involve a certain degree of subjectivity. The idea of noise as “unmusical sound,” particularly when this definition is based on Helmholtz’s idea of noise as a set of non-periodic vibrations, is highly problematic. Simply possessing pitch or periodic vibrations generally isn’t enough to ensure a sound’s status as music. The pitched whine of a dentist’s drill or a leaf

⁹ Truax (1978), 79.

blower usually isn't labeled as musical (and certainly not as music to one's ears) while the acoustically noisy sounds of crash symbols and snare drums doesn't necessarily exclude them from classification as "musical" instruments.

The idea of noise as non-music has not been seen as a natural opposition by all musicologists. Beginning with Luigi Russolo's *L'arte dei rumori: futurist manifesto* (2004 [1913]), there was an increased interest in the potential for noise to be musical. Russolo felt that the musical arts were increasing in complexity and dissonance, quickly approaching a revolutionary new form of "noise-sound." Since the complex sounds of machinery were beginning to proliferate in the everyday world, Russolo postulated that the purer and simpler sounds of tonal music would cease to trigger an emotional reaction from listeners, requiring an evolution toward noise-sound if the musical arts were to retain their affective power.

Russolo's conception of noise as potential music was picked up by other composers including Arnold Schoenberg, John Cage, Pierre Schaeffer, and Boyd Rice. John Cage and his efforts to find music in all sounds and acts of listening are probably best known through his composition *4'33"*, which turns the incidental sounds made by the audience into an act of musical performance, challenging musicology's pitch-centered definition.

Other scholars have undertaken the effort of defining noise and music based on which sounds are meaningful to the listener. It is interesting to note that the relationship between noise and meaning has been variously described as having a direct and an inverse correlation by theorists. On one hand, scholars such as Theodore Adorno and others inspired by the Frankfurt School feel that the music industry and the increased

presence of music in general have stripped music of its meaning and power, resulting in pop music noise that dilutes and distracts listeners from true forms of musical communication. This definition seems to have some underlying parallels to noise as a disrupter of communication. Music that challenges social and musical norms and carries a meaningful message becomes obscured by mass-produced musical “noise” created solely for the purpose of profit and manipulating consumers. People are so overwhelmed by the noise of the culture industry that they are no longer able to sift out or understand truly communicative music.

A few scholars, such as Douglas Kahn, play on a similar communication-based definition. Kahn defines noise as an utter absence of meaning. In cases where listeners are unable to comprehend a form of music, it may function as noise only to be accepted as music later on. Since even an awareness of sound communicates that the sound exists, Kahn goes so far as to argue that all sounds at least inform listeners of their existence, and thus there is no such thing as noise. This seems to be solely a mental exercise on his part, however, seeing that he discusses how noise is given musical meaning throughout the remainder of his work.¹⁰

On the other hand, theorists such as Jacques Attali have presented noise as a form of political and social communication that is rich with meaning and serves as a language of resistance. Music becomes noise when it opposes the oppressive norms invoked by the authorities. Thus defined, “noise” becomes a positive and powerful force. Once

¹⁰ Kahn, Douglas (1999).

music loses its meaning or its power, whether through repression or commoditization, it ceases to be noise and becomes “silence,” regardless of its sonic characteristics.¹¹

In each of these cases, scholars make little effort to define the difference between musical noise and other forms of communicative noise or between noise that carries meaning and noise that lacks meaning. The confusion of these definitional boundaries has allowed Attali to perform an interesting act of substitution. Having defined noise as an act of political resistance within the context of his own work, Attali goes on to apply his definition to historic documents and government regulations. For instance, a “noise ordinance” seeking to regulate the individual production of sound when other members of the community find it to be disruptive becomes a tool for political repression. Although the intended definition of noise within the context of such regulations is generally that of unwanted or loud sound, Attali ignores this intended meaning and substitutes his own definition of noise as sound created for the purpose of political resistance. As a result, any regulation seeking to control noise becomes an effort to repress political resistance. Any individual seeking the enforcement of a noise ordinance against a neighbor becomes an agent of political repression. Even the “prohibition against noise in apartment buildings after a certain hour” is seen by Attali as leading to “the surveillance of young people, to a denunciation of the political nature of the commotion they cause,”¹² an idea that would probably resonate with many undergraduates in Bloomington.

Although Attali recognizes music as a weapon for ritual murder and violence, he refuses to entertain the possibility that it can be used against anyone other than agents of the hegemony or that it can be misused to harm the innocent or to further repress the

¹¹ Attali (2002).

¹² Attali (2002), 122.

disempowered. Only through mass-production by the culture industry can music be rendered politically powerless—a process that Attali refers to as “silencing.” Any desire or effort to find silence is therefore seen as an act of governmental control, whether it takes the form of censorship or regulating the honking of car horns.

Attali’s sweeping substitution of his own definition of noise is highly problematic, as we will see throughout the course of this work. *Noise: The Political Economy of Music* is based upon a single model of political interaction. Within this model, the musician represents the individual and his or her struggle for personal and societal good against a powerful and vaguely defined hegemony. Attali does not imbue those seeking to regulate music with their own individual identities and desires, but rather treats them as agents acting on the behalf of hegemonic interests, particularly those seeking to undermine potential threats to the power and supremacy of the hegemony itself.

As discussed earlier, there are obviously situations in which Attali’s model works well. There are, however, other power structures possible and the application of Attali’s model can be misleading in many situations. Two primary flaws of his model are that it assumes all power struggles will take the form of an individual against hegemony and that the goals of a musician will always be of greater political and social import than those of the person or people the musician is struggling against. Attali’s model ignores the possibility of a power struggle between individuals with equally valid goals, desires, and social resources. He also ignores the possibility that musicians themselves can act as extensions of a hegemonic power seeking to drown out the voices of individuals or to accrue a social, political, or financial profit at the expense of others. Quite to the contrary, Attali deifies musicians, portraying them as priests violently invoking beneficial

social change. As a result, he has failed to examine both sides of these rather nuanced and complicated struggles. Rather, his work is based solely upon the perspective of the musicians and he problematically applies theories that are well-suited to highly unbalanced struggles between disempowered individuals and highly repressive centralized powers, to all struggles over the production and regulation of music.

Throughout this work, I will present a number of historic cases that demonstrate a greater degree of complexity and variation in the possible conflicts over music than what is provided for by Attali's theoretical model. There is no denying that music is a very powerful force and like any source of power it can be misused, abused, or simply employed in a contest of personal interests where neither side can be said to have more virtuous or beneficial goals in mind than the other. Unfortunately, researchers have often wholeheartedly embraced Attali's theories without examining whether they actually fit the situation. We'll encounter several such applications to the study of the street music debate in Europe from the 1840s through the 1930s.

Definitions of Music

Defining music is even more problematic than defining noise, especially within ethnomusicology. Creating a unified definition for music is much more of a mental exercise than a realistic possibility—particularly since Merriam shifted “music” from referring to sound to referring to processes of social interaction, communication, and cultural production.¹³ Many of the problems underlying this definitional process are covered in considerable detail in Nettl's *Twenty-Nine Issues and Concepts* (1983), so I

¹³ Merriam (1964), 27.

won't repeat them here. Among the more interesting attempts to define this concept is George List's definition of music as "sound patterns that the members of the culture who produce them or the scholar who studies them conceive to be music."¹⁴ Neither Merriam or List's attempts at defining music helps us to distinguish it from other forms of behavioral or sonic phenomenon such as dance or religious oratory, although they do allow us to include these phenomena when a culture group, such as the Dan of Côte d'Ivoire, considers them to be part and parcel of a genre the includes aspects that Western researchers would define as music or musical sound.¹⁵

As with the term "tradition" in folklore, "music" in ethnomusicology now possesses a multi-faceted definition. As of 1991, Anthony Seeger echoed the work of Dan Ben-Amos and offered ethnomusicologists seven strands of music found within the literature of the discipline:

What is music? Audio recordings of music may lull us into thinking of music as sound, but it is more than that. Elsewhere I have defined music as an intention to make something called music (or structured sounds similar to what *we* call music) as opposed to other kinds of sounds. It is an ability to formulate strings of sounds accepted by members of a given group as music (or whatever *they* call it). Music is the construction and use of sound-producing instruments. It is the use of the body to produce and accompany sounds. Music is an emotion that accompanies the production of, the appreciation of, and the participation in, a performance. Music is sound, but it is also the intention as well as the realization; it is emotion and value as well as structure and form (A. Seeger 1987:xiv). Music is composed, learned, performed, and reacted to by members of societies. Music, then, is a system of communication involving structured sounds produced by members of a community who communicate with other members.¹⁶

This definition is reminiscent of Christopher Small's musicking, in which music is transformed into a verb used to import the action of participating in a musical event whether as a performer, a listener, or the ticket seller.¹⁷ And like the definitions offered by Small, Merriam, and List, there are significant problems with Seeger's definition.

¹⁴ List (1979), 1.

¹⁵ Reed (2003), 104.

¹⁶ Seeger (1991), 343-46.

¹⁷ Small (2001).

First, it is highly problematic to define an entity as the intention to create that same entity—we cannot rightly define music as “an intention to make something called music” unless we accept that there are actually two distinct entities by this name. The same is true of defining music as the emotions produced by something called music that in turn results from an intention called music. In all, Seeger offers the following definitions for this concept:

1. Music = Intention to create music
2. Music = Structured strings of sound accepted as music by a group of people
3. Music = The construction of sound-producing instruments
4. Music = Kinesthetic movement to produce and accompany sounds
5. Music = Emotion resulting from the production, appreciation, or participation in performance
6. Music = Value
7. Music = A system of communication within a community

Unfortunately, not one of the seven definitions identified by Seeger offers us insight as to how to differentiate music from other concepts. Definition two could as easily refer to speech, three could refer to the construction of radios and megaphones to broadcast spoken material, four fits the notion of choreographed movement for spoken drama, five fits an emotional reaction to any type of performance, six could refer to almost anything, and seven could also refer to spoken or non-verbal communication. Like Merriam and Small, Seeger has shifted the definition of music to refer to a plethora of behaviors, functions, and processes, but the problem of defining what makes them “musical” and therefore a more appropriate area for ethnomusicological study than mime, spoken poetry, or drama-induced catharsis remains unresolved.

Musicology and music therapy have had their own struggles with defining music. Since the resulting definitions have often sprung from a myopic effort to describe the core works of Western art music, they often exclude much of what would be considered

music by ethnomusicologists. In many theoretical reference works, including the *Harvard Dictionary of Music*, the central object of discussion remains undefined or is vaguely implied by the works, genres, composers, and performers referenced in the text.

Much like Nattiez, my personal interests lie not in providing a concrete definition of music so much as examining the ways in which it has been discussed, particularly in relation to noise, within the context of soundscape conflicts. To ensure that I have encompassed the sounds considered to be musical by those involved, I purposefully have thrown my net wide to capture sonic performances in general before limiting my analysis to genres normally labeled as music by the participants. This approach has had several benefits. First, I discovered that informants associated several genres residing between music and speech, including peddlers' cries, radio advertising, and political campaigns, with musical performances frequently enough to warrant their inclusion. Second, this approach allowed me to examine the similarities in reactions to non-musical sounds such as those of fireworks, animals, and machinery. Within the context of many of these conflicts, the language and strategies used to discuss sound, whether perceived as musical or non-musical, are remarkably similar, a point that will be discussed in great detail in the following chapters.

I have also attempted to avoid the word "noise" as much as possible when discussing these conflicts unless referring to specific statements and opinions expressed by the participants. Instead, I have used the word "sound" as a more neutral term even when referring to acoustically noisy sounds generated by construction and modes of transportation. I have, however, retained phrases that find common usage within these debates or that have a specific legal definition within the discussed situations. These

phrases include, but are not limited to, “noise ordinance,” “noise pollution,” and “noise complaint.” Again, my goal is not to define which sounds fit within the categories of noise or non-noise, but rather to present the thoughts and viewpoints of the participants.

Chapter Two

Sound Medicine: Examining the Detrimental and Beneficial Effects of Noise and Music

To help us better understand the complaints people have raised when unwillingly exposed to musical performances, it is useful to first review the existing literature regarding the effects of sound on the human mind and body. This topic is a complex and well-studied one which has caught the interest of scholars in a number of disciplines including music therapy, medical ethnomusicology, biomusicology, cognition of music, audiology, psycho- and physio-acoustics, and biomedicine.

Combined, these scholars have produced a steady stream of literature ranging from the influence of music on mood to the effects of sound waves from explosions on internal organs. If a discussion of the definition of music and noise could fill an entire book, a mere listing of the works treating the effects of sound on man would easily fill volumes. What follows is by no means an exhaustive presentation of this literature, but rather a sampling intended to demonstrate some of the theories regarding the known effects of sound—particularly music—on human beings.

The Potentially Detrimental Effects of “Noise”

The effects of sound on human beings are frequently broken into three general categories—physiological, psychological, and social. The physiological effects of “noise,” which is generally defined within this research as unpatterned and largely meaningless sound (e.g., sound from traffic construction, machinery, etc.), have received considerable attention from scholars in biomedicine, audiology, acoustics, and similar disciplines.

The basic unit used to measure sound pressure by the International System of Units is the pascal. Since the human ear is capable of hearing as little as 1/20 millionth of a pascal and withstanding up to 20 pascals, this unit proves extremely unwieldy for acoustic measurements. Instead, researchers in acoustics tend to use the *decibel* (dB) scale, which is a logarithmic system used to indicate differences in pressure. Numerous textbooks and scholarly publications discuss this measurement system in great detail, but perhaps more useful for our current purposes is the knowledge that each increase of 6 dB indicates a doubling of sound intensity (i.e., a 56 dB sound will be twice as loud as a 50 dB sound). The following table lists specific decibel levels and the type of source we could expect to produce them (Table 2.1).¹

Extremely high levels of sound are known to have dangerously adverse effects on the human body. Sudden and extreme changes in air pressure produced by explosions and supersonic sound, for instance, can rupture the lungs and other gas-filled organs as well as cause damage to the heart, liver, and ribs without leaving any sign of external

¹ Data, except for dB drag-racing record and Apollo rocket launch (see Chapter One), taken from noise meter page available through the United States Center for Disease Control at: http://www.cdc.gov/niosh/topics/noise/about/hlp/noisemeter_flash/soundMeter_flash.html (viewed 30 Aug. 2009).

dB	Source	dB	Source
0	Weakest sound heard	110	Chainsaw, Jackhammer
30	Whisper	120	Ambulance siren
60	Normal conversation	140	Jet engine at takeoff
90	Lawnmower	165	12-gauge shotgun
93	Belt sander	180	Rocket launch
96	Tractor	180.5	Current dB drag racing record
98	Electric hand drill	188	Apollo rocket launch
105	Bulldozer		

Table 2.1
Decibel levels and the type of sources we could expect to produce them

injury on the victim's body.² Researchers have used high and ultrasonic frequencies played at 145-155 dB to kill mice, rats, and guinea-pigs in laboratory settings and at around 160-165 dB to kill rabbits. Pre-death reactions include seizures. Fatal seizures can also be induced in mice, rats, rabbits, chickens, dogs, cats, and monkeys at lower levels of intensity, ranging from 90 to 134 dB, with 4 to 60 kHz sound. Although human beings have shown a higher tolerance for ultrasound, a 17 kHz tone is capable of causing fatigue, loss of equilibrium, nausea, headaches, and tinnitus at levels as low as 70 dB.³ Less extreme frequencies can cause dizziness and a loss of balance at around 160-165 dB and recent research suggests that exposure to ultrasound at a level of 180 dB would most likely prove fatal.⁴

At the opposite end of the spectrum, sound levels below 200 Hz can also induce dramatic physical reactions. A research team led by George C. Mohr found that a 40 Hz sound at 142-150 dB triggered vibrations of vision, moderate chest wall vibrations, and gagging reflexes in all of the test subjects. 100 Hz sound at 153 dB caused giddiness,

² Richmond (1990).

³ Ultrasound, or sound above the average range of human hearing, is generally defined as starting at 20 kHz. See Stephens and Rood (1978), 291-92, 308.

⁴ Acton (1974), 351.

mild nausea, subcostal discomfort,⁵ tingling sensations, and flushing. 60 Hz at 154 dB and 73 Hz at 150 dB caused coughing, choking, salivation, pain upon swallowing, discomfort in the lower throat, giddiness, and substernal pressure. Similar frequency and decibel levels left subjects fatigued after exposure and a number of them with headaches.⁶

Another dramatic report describing the effects of low frequency sound was made by Vladimir Gavreau following his experiments in Paris with a Levavasseur whistle, affectionately referred to as “Little Monster.” Gavreau described the effects of a five-minute test that involved producing a 196 Hz tone at 160 dB:

...after the test we became aware of a painful ‘resonance’ within our bodies—everything inside us seemed to vibrate when we spoke or moved. What had happened was that this sound at 160 decibels... acting directly on the body produced intense friction between internal organs, resulting in severe irritation of the nerve endings. Presumably if the test had lasted longer than five minutes, internal haemorrhage would have occurred.⁷

Although the internal resonance dissipated over time and the team was ready to continue testing, it is rumored that other researchers in the building were similarly affected and strongly opposed the continuation of Gavreau’s research. The inventor of the original Little Monster, Robert Levavasseur, had rendered himself an invalid (the exact nature of the disability is unknown, but deafness seems most likely) by using it to emit a frequency of 2600 Hz at 1 kW, or approximately 140 dB when measured one meter from the source.⁸

N. Broner, an acoustician, has estimated that low frequency sound needs to reach a level of at least 174 dB before it is capable of rupturing lungs and causing other fatal

⁵ The subcostal region is located immediately below the ribs.

⁶ Mohr, et al. (1965).

⁷ Gavreau (1968), quoted in: Leventhall (2006), 31.

⁸ Ibid. On average, the tones of regular human speech fall between 1000 and 3000 Hz.

injuries.⁹ Although perhaps true in theory, medical doctors have started exploring the possibility that lower decibel levels produced by high fidelity speakers at rock concerts, dancehalls, and as part of car audio systems may be responsible for a number of cases of spontaneous pneumothorax—known colloquially as a “collapsed lung.” These sound systems generally produce peaks of amplitude in the range of 100 to 120 dB, although street-worthy car audio systems can go as high as 150 dB, and the injuries have frequently occurred while in extremely close proximity to the speakers. Granted, the sound may be acting in combination with preexisting structural damage, but the repeated pounding from low frequency, high pressure sound is suspected of triggering the final collapse by placing an unusual amount of strain on a compromised structure.¹⁰

N. A. A. Castelo Branco and M. Alves-Pereira found that long-term exposure to low frequency sound was the cause of vibroacoustic disease in Portuguese air craft technicians, an ailment characterized by the thickening and scarring of tissue in cardiovascular structures. The technicians studied also suffered from abnormally high levels of late-onset epilepsy, thyroid dysfunctions, and diabetes compared to the general population. Exposure to low frequency sound also seemed to be related to an increased number of respiratory problems, movement disorders, and tumors, as well as to temporary cognitive impairment, emotional instability, and sensations of vertigo.¹¹

⁹ Broner (1978), 490.

¹⁰ Noppen, et al. (2004).

¹¹ Castelo Branco and Alves-Pereira (2004).

Sound also can damage the human auditory system at much lower decibel levels. The National Institute for Occupational Safety and Health (NIOSH) has established the following exposure levels for workers to ensure hearing safety (Table 2.2):¹²

Exposure level (dBA)	Duration (hh:mm:ss)	Exposure level (dBA)	Duration (hh:mm:ss)
80	25:24:00	106	0:03:45
81	20:10:00	107	0:02:59
82	16:00:00	108	0:02:22
83	12:42:00	109	0:01:53
84	10:05:00	110	0:01:29
85	8:00:00	111	0:01:11
86	6:21:00	112	0:00:56
87	5:02:00	113	0:00:45
88	4:00:00	114	0:00:35
89	3:10:00	115	0:00:28
90	2:31:00	116	0:00:22
91	2:00:00	117	0:00:18
92	1:35:00	118	0:00:14
93	1:16:00	119	0:00:11
94	1:00:00	120	0:00:09
95	0:47:37	121	0:00:07
96	0:37:48	122	0:00:06
97	0:30:00	123	0:00:04
98	0:23:49	124	0:00:03
99	0:18:59	125	0:00:03
100	0:15:00	126	0:00:02
101	0:11:54	127	0:00:01
102	0:09:27	128	0:00:01
103	0:07:30	129	0:00:01
104	0:05:57	130	< 0:00:01
105	0:04:43		

Table 2.2
NIOSH's recommendation for safe levels of daily occupational exposure to noise

¹² "Table 1-1. Combinations of noise exposure levels and durations that no worker exposure shall equal or exceed from," NIOSH (1998): <http://www.cdc.gov/niosh/docs/98-126/chap1.html>. dB is often followed by a letter ranging from A-D, which indicates the use of a weighting system reflecting the decreased response of the human ear to lower and higher frequencies. See Truax, ed. (1978), 32-33, 118-19.

Although 120 to 140 dB is often cited as the threshold for auditory pain, actual damage to the auditory system begins at a much lower level. OSHA's recommended levels are slightly higher than NIOSH's, and require that employers either limit their workers' exposure time or provide them with an adequate form of hearing protection when levels reach 90 dB.¹³ At 110 dB and above, even short exposure times are enough to cause permanent hearing loss in most individuals in the absence of hearing protection. In addition to hearing loss, exposure to long-term and loud noise can cause not only deafness but a number of other hearing disorders including tinnitus and hyperacusis (abnormal sensitivity to sound).

Harmful effects resulting from more moderate frequencies and amplitudes, particularly those caused by long-term exposure, are more nebulous. As is typical with many areas of medical research, the difficulty of pinning down tangible results is, in part, due to a series of Catch-22 situations faced by researchers. If exposure to a specific type of sound is hypothesized to cause permanent damage, it is unethical to run experiments using human beings, and yet positive results produced by animal testing are considered inconclusive precisely because the test subjects are not human. Experiments performed outside of a laboratory are considered inconclusive because there are too many variables at play to ascertain whether sound is the specific and sole cause of an ailment.

Experiments performed in a laboratory, however, are considered inconclusive because they do not reflect real-life situations. Short-term experiments are unlikely to reveal whether continued exposure to noise would exacerbate any immediate effects observed during the experiment or whether the subjects would habituate themselves to the sound

¹³ Occupational Safety & Health Administration (2006).

over time.¹⁴ Conversely, long-term experiments are expensive and, once again, introduce too many variables to be considered conclusive.¹⁵

The World Health Organization currently recommends daytime environmental sound levels of 35 to 55 dB, depending on whether the location is inside or outside, and a level of no more than 30 dB is recommended for sleeping environments.¹⁶ Among the physiological effects suspected to be caused by long-term exposure to higher sound levels are various forms of hearing damage, increased susceptibility to heart disease and circulatory problems,¹⁷ increased hypertension,¹⁸ increased use of sedatives and other drugs,¹⁹ and increased risk of urogenital defects and pre-labor death in fetuses.²⁰ Low frequency and infrasound are also connected with increased fatigue, headaches, and irritability during and after exposure.²¹

Again, there is considerable debate regarding if and how sound creates these negative effects. One common theory is that noise functions as a stressor, either in isolation or in combination with other stress stimulators. Adding sound to the discomfort caused by dust, heat, overcrowding, or bad odors is likely to increase the overall discomfort of an individual. The body reacts to these stimulants by releasing hormones

¹⁴ Within the context of this chapter, “habituate” and “habituation” refer to an individual gradually becoming accustomed to a sound over time as opposed to the phenomenon of auditory fatigue. One example of habituation would be an individual who is initially annoyed or woken by the city bus every time it passes by his or her new apartment, but who then becomes accustomed, or habituated, to the sound and no longer notices it after the first few weeks.

¹⁵ Some of these conundrums are raised in Stephens and Rood (1978), 297.

¹⁶ World Health Organization (2001 Feb): <http://www.who.int/mediacentre/factsheets/fs258/en/>.

¹⁷ van Kempen, et al. (2002); Ising, Babish, and Kruppa (1999).

¹⁸ Knipschild (1978), 285; Andr  n (1982).

¹⁹ Nivison and Andresen (1993), 270; Job (1999); Cabrera and Lee (2000), 342; Dall’Ava-Santucci, et al. (1988), 291.

²⁰ Zhang, Cai, and Lee (1992).

²¹ Kjellberg, Muhr, and Skldstr  m (1998); Waye, et al. (2001); Castelo Branco and Alves-Pereira (2004). Infrasound is defined as frequencies where an individual hears a regular series of beats or pulses (i.e., 7 beats per second with 7 Hz sound) as opposed to a continuous tone. Most researchers place infrasound within the range of 0-20 Hz.

such as adrenaline, noradrenaline, cortisol, and other “stress” hormones which regulate the body’s various systems.²² Short-term effects, in addition to the change in production and release of hormones, include tensing and relaxing of the muscular system, changes in heart and respiratory rates, as well as in blood vessel diameter and patterns of blood flow throughout the body,²³ temporary threshold shifts in hearing, sleep disruption,²⁴ and changes in gastrointestinal processes.²⁵

Low frequency and infrasound have their own set of odd effects. Moderate dB levels have sometimes been associated with “sick building” syndrome (fatigue, mild nausea, vertigo, headaches).²⁶ Researcher Vic Tandy has suggested that infrasound may be responsible for triggering the chills, visual hallucinations, and feelings of fear and anxiety that people frequently interpret as a haunting. Tandy claims to have exorcised one such apparition by fixing an industrial grade fan producing a 19 Hz standing wave.²⁷

More recently, a team of researchers and musicians introduced a 17 Hz tone into two back-to-back performances of their *Infrasonics* concert at the Purcell Room in London on 31 May 2003. The tone was added to a different pair of pieces for each concert. In congruence with Tandy’s findings, audience members reported “a sense of coldness, anxiety and shivers down the spine” during the affected pieces. The number of

²² Lundberg (1999); Ising, Babisch, and Kruppa (1999); Babisch (2002).

²³ Stephens and Rood (1978), 288-89.

²⁴ Nivison and Andresen (1993); Ouis (1999); Wayne (2004). Temporary threshold shift (TTS) refers to a temporary decreased inability to perceive sounds during and immediately after exposure to loud sound. For instance, an individual may be able to perceive a higher frequency sound at 20 dB before a concert, but only once it reaches 26 dB after the concert. The stuffy or muffled effect that people experience after a rock concert is an example of TTS. Although some damage may have occurred, any decreased hearing ability as a result of TTS will gradually return after a period of hours or days.

²⁵ Chen, et al. (2005).

²⁶ Burt (1996).

²⁷ Tandy and Lawrence (1998): <http://adsabs.harvard.edu/abs/2003ASPC..290...65L.parapsychology.htm>; Tandy (2000): <http://www.richardwiseman.com/resources/Something-in-the-Cellar.pdf>.

“strange experiences” reported by the audience increased by 22% for the effected pieces and the infrasound also increased the overall intensity of the feelings reported.²⁸

Other Factors Determining the Effects of Noise Exposure

Although researchers seem to agree that sound is responsible for triggering physiological reactions, the questions of when, why, and to what degree are much more difficult to answer and begin to enter the realm of psycho- and the sociological research. Several factors are suspected of increasing the chance that sound will cause a physiological response. First, certain sonic characteristics are associated with increased physiological and psychological effects. Overall volume level is clearly one. The greater the intensity of the sound, the greater the chances are that it will attract attention, prove distracting, or cause damage.

Frequency also plays an important role in determining human response to sound. Although more difficult to hear, when people are able to perceive infrasound, low frequency sound, and ultrasound, they often trigger unique physical reactions at much lower decibel levels than sounds consisting of mid- to high-range frequencies. For instance, researchers have found that lower frequency sounds, including borderline infrasound, produce extremely high levels of annoyance in some subjects even when they are barely audible.²⁹ Impulse and intermittent sounds are more likely to trigger responses and to produce annoyance than non-impulse and continuous sounds, which matches Goffman’s claim that these sounds are more likely to cause frame breaks.³⁰ Meaningful

²⁸ Anglis, et al. Archived official website for *Infrasonic* experiment: <http://www.spacedog.biz/Infrasonic/infrasonicindex.htm>.

²⁹ Leventhall (2004); Wayne, et al. (2001).

³⁰ Poulsen (2004); Axelsson and Prasher (2000); Burns (1973), 336-41.

sounds, such as phonemes or those perceived as music, and sounds that change in timbre, pitch, or volume, are also likely to prove more distracting and disruptive.³¹

Based on these criteria, music brings together a set of characteristics that make it a powerful force for triggering physiological change. Rich with intermittent and impulse sounds, meaning, and ever-changing timbres, pitches, and dynamics, music is the perfect tool for catching our attention. Nor is it surprising that some of the most highly contested musical performances have been loud, brassy, percussive, and bombastic. Whether it triggers a positive or a negative reaction, a pounding bass beat that has a frequency of less than 200 Hz and a sound level of over 100 dB is difficult for the human brain and body to ignore.

A second factor that affects whether sound will trigger a physical reaction is the difference in the pre-existing dispositions of the individuals exposed. There are a number of special populations that react more readily to sound as a physical stimulus. For instance, researchers have found that noise is more likely to disturb the sleep of the elderly³² and the language comprehension and acquisition skills of young children.³³ Also more susceptible are people suffering from high blood pressure, heart conditions, and musicogenic epilepsy.³⁴ Several researchers have found that psychological conditions such as depression,³⁵ neuroticism,³⁶ schizophrenia,³⁷ and anger³⁸ increase the likelihood of a person reacting to sound stimuli.

³¹ Lukas (1978), 315; Hockey (1979), 349-50; Hughes and Jones (2001); Botteldooren, De Coensel, and De Muer (2006), 121.

³² Lukas (1978), 316; Collins and Iampietro (1974).

³³ Cohen, Glass, and Singer (1973).

³⁴ Stephens and Rood (1978), 289; van Kempen, et al. (2002); Carter and Hunyor (1988), 291; Avanzini (2003).

³⁵ Dall'Ava-Santucci, et al. (1988), 291.

³⁶ Dall'Ava-Santucci, et al. (1988), 291; Ramirez, et al. (2004), 126.

³⁷ Carlestam, Karlsson, and Levi (1974), 479.

Personality type also plays a role in reactions to sound. Extroverts are more likely to experience neutral or positive effects in reaction to sound while introverts often show adverse physiological and psychological reactions.³⁹ Other studies show that people who enjoy or feel they have control over their sonic environment are less likely to show signs of temporary threshold shift (TTS), stress reactions, and negative emotional responses than those who dislike or feel trapped in a negative sonic experience.⁴⁰ According to Rainer Guski, other personal and social variables affecting individual and community reactions to noise include individual levels of noise sensitivity, fear of harm from the source of the noise (e.g., fear of airplane crashes), perceptions of the sound's source (e.g., necessary vs. unnecessary, beneficial vs. harmful or useless), personal coping abilities, whether the producers of the sound can be trusted to produce only as much sound as necessary for a reasonable purpose, previous history of noise exposure, and expectations for one's living environment.⁴¹

Finally, the current aims and activities of an individual are also known to affect his or her reaction to sonic stimuli. Researchers have demonstrated that sound can be detrimental to activities requiring serial recall, the performance of complex verbal tasks, and the visual monitoring of peripheral signals and information. Sound at levels over 80 dB is likely to affect response times and/or increase error rates.⁴² Introverts, in particular, seem to experience increased frustration and annoyance when attempting to perform

³⁸ Edward Donnerstein and David W. Wilson, 1976, "Effects of Noise and Perceived Control on Ongoing and Subsequent Aggressive Behavior," *Journal of Personality and Social Psychology* 34(5):774-81.

³⁹ Belojevic, Jakovljevic, and Slepcevic (2003); Öhrström, Björkman, and Rylander (1988); Ramirez, Alvarado, and Santisteban (2004); Furnham and Strbac (2002).

⁴⁰ Lindgren and Axelsson (1983); Swanson, et al. (1987); Glass and Singer (1972); Donnerstein and Wilson (1976); Stallen (1999).

⁴¹ Guski (1999).

⁴² Hockey (1979); Furnham and Strbac (2002); Tremblay, Macken, and Jones (2001); Persson Wayne, et al. (2001).

taxing intellectual tasks in noisy conditions.⁴³ Another problem caused by irrelevant sounds is that they may compete with or drown out meaningful aural information, a phenomenon commonly referred to as “speech masking” but which can also occur with other forms of aural communication.⁴⁴ Sound may also disrupt sleep, leading to increased fatigue, annoyance, depression, and a reduced ability to recover from illness and injuries.⁴⁵

As we will see, many, although certainly not all, of the conflicts arising over musical performances tend to feature a combination of sonic characteristics, special populations, and activities extremely conducive to triggering negative physiological and psychological reactions. For instance, a loud, intermittent, and percussive sound may prevent an invalid from sleeping or a continuous mid-range noise may mask a teacher’s voice in the classroom, making it more difficult for young children to comprehend and retain information. Also common are complaints about loud music interrupting complex intellectual tasks such as writing or mathematics. And yet, as demonstrated by a wealth of articles published by music therapists and ethnomusicologists, sound isn’t always harmful even when produced at high volumes. There is considerable proof, in fact, that music is extremely beneficial not only for healthy individuals but also the ill, the injured, and the psychologically and physiologically damaged.

⁴³ Belojevic, Jakovljevic, and Slepcevic (2003).

⁴⁴ Two or more simultaneous sounds do not always prevent a listener from receiving a desired message. The ability to follow a conversation over background noise or other simultaneous conversations is referred to as the “cocktail” or “cocktail party effect.” If the competing sound is similar in frequency and timbre to that of the desired sound, however, a listener may experience increased difficulty perceiving it.

⁴⁵ Rice (2003).

Sound as Sensory Stimulus

Before turning to literature specifically treating the effects of music on human physiology and psychology, it is worthwhile to examine first some of the theories regarding why sound causes these reactions. As with the other senses, hearing is one of the ways we obtain information about our surrounding environment, allowing us to interpret our current situation and the types of action and behavior that are likely to prove the most beneficial. Hearing in particular allows us to perceive potential dangers such as predators, storms, and the approach of threatening objects, before we are able to perceive them visually. Unlike vision, hearing also remains active during sleep, providing us with one of the first indicators of a potentially threatening or unpleasant encounter.

When an individual is exposed to a new sound, the brain is presented with sensory data that it must quickly assess before triggering the appropriate physiological response. In cases where the sound is perceived of as threatening or as ambiguous, the brain orders the release of hormones and other chemicals which induce action in the body's other systems. Some of the changes include fluctuations in blood pressure, heart and respiratory rate, and muscular tension; the redirection of blood flow to areas where it will be the most needed; the slowing or cessation of digestive activities; and a heightened sense of emotion and/or mental alertness. All of these reactions can occur before an individual is even consciously aware of having heard anything. Although individuals bothered by sound are often urged to ignore it and not to allow it to stress them out, this research suggests that physical stress has already occurred before a listener can make a conscious decision about how he or she will respond.

Once the brain perceives a particular state to be over or non-existent, the body gradually returns to a state of homeostasis. Although impermanent, these “fight or flight” reactions put strain on the body and require an increased expenditure of energy. In cases where an individual is unable to determine the source and nature of a sound or to escape from a sound they perceive to be unpleasant or threatening, as is often the case with loud or low frequency sounds, he or she may experience feelings of stress, unresolved fear, anxiety, frustration, and helplessness. Although many subjects become habituated to sounds that they initially find disturbing, lessening their reactions over time, others seem to lack the coping mechanisms that would allow them to adapt to certain forms of sonic stimulation, resulting in a stressful experience with each exposure.⁴⁶ In extreme cases, people can even develop phonophobia, or a fear of sounds normally deemed to be non-threatening, such as the sounds of other people eating or cracking their knuckles.

Another theory is that sound functions as an attention getter, distracting our mental focus from more important and relevant tasks.⁴⁷ Each new sound causes an involuntary “what is it?” reaction in our brain that must be resolved before returning to the disrupted task. In cases of continuous, non-meaningful, and non-changing sounds, the brain can quickly answer the question and move on. When the sound is intermittent, meaningful, and full of sonic variation, the brain has to work a little harder to monitor and identify the stimulus.⁴⁸

Yet another theory is that sound can affect us negatively by arousing our brain and body into a state of over-stimulation. Intense sonic stimuli can make an individual feel overwhelmed and bombarded with sensory data, leaving him or her unable to cope

⁴⁶ Sharp, et al. (1977), 1-3.

⁴⁷ Hockey (1979), 339-40.

⁴⁸ Hughes and Jones (2001).

with relevant data and pushed beyond their homeostatic limits. When sound is viewed as a stimulant of arousal, researchers are better able to explain why one person may perceive it as positive in one situation while a different person or a different situation may cause another response entirely. For instance, extroverts are often seen as stimulus hungry and as having difficulty maintaining the necessary state of physical and mental arousal for task performance. Several researchers have found that extroverts focus better in noisy conditions and are less likely to be bored by a task. Introverts, by contrast, are often on the verge of over-stimulation and hyperarousal, particularly when performing complex mental tasks, and often find the same sound levels distracting, annoying, or uncomfortable.⁴⁹ Similarly, sound may improve performance when an individual is feeling drowsy by raising his or her level of arousal, but prove detrimental in cases where individuals are already overly aroused by other stress factors such as job pressure or a number of simultaneous tasks.⁵⁰

The Potentially Beneficial Effects of “Music”

Considering all of the potentially detrimental effects of noise exposure listed above, it is interesting to see that music therapy, ethnomusicology, and related fields such as biomusicology have found music to have almost exclusively beneficial effects. In some cases, it is precisely the types of sound known to trigger harmful physiological changes and annoyance that are used in healing. Music therapists have used low to moderate intensities of low frequency sound to treat a variety of physical and

⁴⁹ Sharp, et al. (1977); Elliott (1971); Belojevic, Slepcevic, and Jakovljevic (2001); Belojevic, Jakovljevic, and Slepcevic (2003).

⁵⁰ Hockey (1979).

psychological ailments.⁵¹ Low levels of ultrasound are used to warm and loosen injured muscles as part of physical therapy and to monitor fetal developments during pregnancy. Loud, low frequency, and bombastic sounds are frequently used in healing rituals throughout the world to induce catharsis and trance states.⁵²

The uses of music as a tool for healing are numerous. Many of the following applications have been summarized and discussed in much greater detail by Dale B. Taylor in *Biomedical Foundations of Music as Therapy* (1997) and in Alice-Ann Darrow's edited volume *Introduction to Approaches in Music Therapy* (2004). Rather than re-performing their review of the massive amount of literature produced by music therapists and biomedical researchers, I have drawn heavily upon Taylor and Darrow's works to create the following summary of music's suspected benefits. When appropriate, I have also included a number of other works that supplement Taylor and Darrow's findings.

Probably the most common applications of music for therapeutic purposes occur within psychological evaluations and treatment. In some cases, it is the creation of music that proves the most beneficial for the patient. For the mentally disabled or the emotionally damaged, music serves as an important outlet for creativity and self-expression. For those coping with diseases such as cancer or intense emotional trauma, music offers a non-threatening means of expressing feelings and concerns, perhaps because of music's nature as an abstract, indirect, and multi-channel mode of communication.⁵³ Music also offers a structured form of interaction between doctor and patient and between patients and other people, helping to build social skills and to foster

⁵¹ Olav (1992); Punkanen 2006.

⁵² Koen (2006); Friedson (1996).

⁵³ Horesh (2006); Dileo, ed. (1999); Gaynor, M.D. (2002).

reintegration into normal society.⁵⁴ Furthermore, music has proven to be a valuable tool in control reversal therapy, which therapists sometimes use to treat patients recovering from eating disorders. By performing and teaching others to perform music, patients regain a sense of control that is often lacking from their lives—a lack that many therapists feel may encourage them to exercise extreme and dangerous control over personal eating habits.

Musical performance may also serve as a motivator in physical therapy. If patients enjoy playing music, then playing a percussion instrument to rebuild arm strength and mobility or playing a wind instrument to improve a respiratory or pulmonary condition may make physical therapy more pleasant. Integrating music performance with physical therapy may help to improve patients' perceptions of and devotion to treatment as well as increase their willingness to cooperate with caregivers.⁵⁵

Music therapists also utilize passive listening to music as part of various psychological treatments. For instance, music therapists have found that music helps to improve the mood and cooperation of patients and that it effectively reinforces good behavior. Music also serves as a useful tool in various psychotherapy exercises including hypnosis, free association, and guided imagery exercises, perhaps by lowering patient inhibitions and by generating feelings of rapport and safety.⁵⁶ Some therapists also prescribe music for use in personal meditation exercises at home.⁵⁷ Within surgical waiting rooms and operating rooms, as well as within hospitals in general, music helps to

⁵⁴ Clair (1996); Barz (2006).

⁵⁵ Dileo, ed. (1999).

⁵⁶ Fachner (2006); Gaynor, M.D. (2002).

⁵⁷ Gaynor, M.D. (2002); Lind (2007).

mask the sounds of machinery, distressed patients, and other sounds that tend to make patients feel anxious or annoyed.⁵⁸

Music has served an important role in treating patients with neurological and cerebral injuries and disabilities. Although researchers aren't exactly clear as to why music proves beneficial in these cases, one common theory is that music allows the brain to access and order speech, kinesthetic, and memory centers through the use of alternative neural channels. Alzheimer patients have demonstrated improved recall abilities and reduced anxiety during music therapy treatments. Patients suffering neurological speech impairments are sometimes able to sing when they are incapable of speaking, and the shared characteristics of rhythm, tempo, and inflection can help patients to rebuild the prosody elements of speech. In physical therapy, music can help restore motion to limbs or a sense of rhythm to movement when patients are unable to consciously cause these normally automatic reactions through other means. Music has even proven helpful in reaching and guiding patients out of comas, perhaps because hearing is one of the few senses that remains active during unconsciousness.⁵⁹ This is not to say that music can miraculously and fully cure a neurological problem where other forms of treatment have failed, but it does seem to tip the balance in a few cases, perhaps by improving patients' willingness to perform therapeutic exercises in combination with an enhanced access to alternative neural pathways in the brain.

Finally, therapists have often used music to counteract a number of psychosomatic and stress-related symptoms. According to Taylor, sound stimuli is received and processed by all parts of the brain. As a result, music has "an effect on

⁵⁸ Lind (2007); Rice (2003); Friedrich (2004).

⁵⁹ Fachner (2006).

those structures in the human brain most responsive to emotional behavior, the hypothalamus and limbic system, thereby inhibiting negative emotional reactions which can delay or otherwise interfere with the treatment or recovery process.”⁶⁰ Music also can stimulate the brain into releasing opiates which function as natural painkillers. The use of music during or after surgery tends to raise pain thresholds and can reduce the need for anesthesia and painkillers by as much as twenty to fifty percent.⁶¹ Taylor also mentions that music helps to reduce pain for burn victims, cancer patients, and mothers during childbirth.

Other physiological reactions to music include reductions of muscular tension, blood pressure, respiratory rates, anxiety, and fatigue, as well as improved healing times and immune responses—the exact opposite effects suggested by many researchers studying biomedical reactions to non-musical sound. A few music therapists have even connected these benefits with improved chances of cancer remission and recovery from comas.⁶²

We find similar effects described in ethnomusicological literature treating the use of music in traditional and ritual healing. Ritual specialists seldom rely on music alone to treat illness and often work in combination with herbalists and doctors trained in Western medicine, particularly in the case of severe injury and extreme cases of viral and bacterial caused illnesses. However, one way that ritual music may produce direct physiological effects is through the production of natural opiates to reduce pain. Benjamin Koen, for instance, discovered that Badakhshani healers in Tajikistan use *falak* and *maddâh*

⁶⁰ Taylor (1997), 64.

⁶¹ A twenty reduction in painkillers and anesthesia is mentioned in: Koen (2006), 61; a fifty reduction in sedatives and analgesic drugs is mentioned in Taylor (1997), 55.

⁶² Gaynor, M.D. (2002); Sharma, Kauffman, and Stephens (1996); Aldridge, Gustorff, and Hannich (1990).

performances to supplement and decrease the amount of anesthesia and painkillers used in medical treatment.⁶³ Judith Becker has also suggested that music-induced trance may function, in part, as a natural painkiller.⁶⁴

Much of what is culturally defined as “illnesses” requiring ritual intervention overlaps with Western ideas of psychological and psychosomatic ailments.⁶⁵ This is not to say that these illnesses are any less real or that they lack tangible consequences for the sufferer. As the central control center for the production of hormones and neurological signals, the brain is suspected of playing a major role in the prevention and recovery from a wide range of physical ailments and injuries. When our mental well-being is compromised, so are our body’s abilities of resistance and recovery.

Some of the most commonly recognized symptoms of illnesses resulting from witchcraft, breaking taboos, and offending supernatural beings include headaches, nausea, changed eating habits, diarrhea, general aches and malaise, social withdrawal, and depression. Yorùbá healers use healing ceremonies with music to treat symptoms including headaches, stomachaches, diarrhea, various mental and emotional disorders, plus infertility, premature death, and bad luck.⁶⁶ Stephen M. Friedson mentions that Tumbuka healers in Malawi view headaches as a classic symptom of *vimbuz*a possession, but that they also use *vimbuz*a ceremonies to treat “bad stomachs,” fever, and general

⁶³ Koen (2006), 61.

⁶⁴ Becker (1994).

⁶⁵ Although psychosomatic is used here to refer to ailments caused by psychological distress, this should not be interpreted as meaning that the illness is all “in the head” of the patient or that he or she has conscious and independent control over an illness. The idea of psychosomatic illnesses as an act of make believe or emotional failure on the part of the patient tends to stem from popular, as opposed to medical, understandings of human psychology.

⁶⁶ Omibiyi-Obidike (1998).

malaise.⁶⁷ Koen mentions that *falak* music is used specifically to deal with stress and depression, particularly when they result from misfortune and loss.⁶⁸

These ailments were also commonly recognized by 19th and early 20th century physicians in Europe and the United States as symptoms of a disease known variously as “neurasthenia,” “nervous prostration,” “nervous collapse,” and “shattered nerves”—a condition that will be discussed in more detail later on. What is truly interesting is that modern music therapy, ritual healers, and nineteenth century doctors all found sound to play a vital role in either treating or potentially exacerbating these conditions.

Other uses of music by traditional healers resemble psychotherapy. Music is frequently used during diagnosis to obtain details about the cause of the patient’s condition. During rituals, music is often described as fostering personal expressions of grief and suffering, emotional catharsis, social reintegration, correcting social wrongs and tensions, and offering alternative coping mechanisms.⁶⁹ In its most extreme forms, ritual music can induce altered states of consciousness such as deep meditation or the trances accompanying spirit possession and shamanistic journeys. A few researchers, following the lead of Andrew Neher, have suggested that these reactions are the result of “auditory driving,” a process through which the rhythm of the music entrains the frequency of an individual’s brain waves, generally increasing the production of theta waves. These theta waves are associated with states of deep trance and meditation.⁷⁰ The research is far from conclusive, however, and Gilbert Rouget argues that the effects of music are solely

⁶⁷ Friedson (1996) and (2000).

⁶⁸ Koen (2006).

⁶⁹ Roseman (1991); Hutson (2000); Koen (2006); Hoskins (1988); Janzen (2000).

⁷⁰ Neher (1962). A few similar studies examining the use of ritual music to induce altered states of consciousness include: Maas and Strubelt. (2006); Mauer, Sr., et al. (1997); Park, et al. (2002).

a product of culture and psychological conditioning. Rouget, in fact, refutes the possibility that music has any direct physiological effect at all.

Rouget's theory that psychological and social factors play an important role in invoking and maintaining altered states of consciousness are difficult to dispute. More problematic is his insistence that sound is incapable of triggering physiological changes. Focusing on the ear alone, we know that sound causes tiny muscles to contract and vibrates the hairs and bones of the inner ear. In the case of extremely loud sounds, these hairs can be sheared away by the force of the sound pressure whereas continuous sound at a lower intensity can overwork the adjacent cells, depleting their energy and gradually starving them to death. The fact that loud sounds can be felt tangibly throughout the body, even in the deaf, is further evidence of sound's physiological affects.

Rouget's reasoning for dismissing sound's physiological influences is based solely on the incongruence of trance reactions across cultures and among individuals within the same culture. He argues that if sound had a physiological influence, then we would expect the same sound to uniformly and universally trigger a trance reaction in all those exposed to it. This clearly does not happen. Not only do few people experience trance within a given ritual, but a wide array of sounds made up of very different sonic properties are used to trigger trance in different cultures.

There are several problems with Rouget's theories. Rouget assumes that there are no variations in physiological systems across individuals—but these variations are well established and accepted in biomedical research. He also ignores that many of those who experience trance are participating in a ritual precisely because they are in a state of physiological disruption marked by symptoms such as headaches, dizziness, digestive

problems, etc. This is certainly the case when the patient is the one who enters trance, but healers are also often initially selected through illness and extreme sensitivity to sound. Furthermore, patients are often placed in closer proximity to, or in the direct path of, the produced sound, exposing them to higher decibel levels than audience members at the periphery of the ritual space or musicians standing immediately behind their instruments.

Another weakness of Rouget's work is that it proposes an "all or nothing" model. Either music triggers trance and should do so without fail and without aid from other forms of outside stimuli or we have clear proof that it has no physiological effect at all. One of the most popular theories coming out of biomedicine and other related fields, however, is that altered states of consciousness are triggered by sensory overstimulation. In the case of illness or psychological distress, our physiological systems are already under a considerable degree of strain—another explanation for why patients are likely to experience trance while the healer, musicians, and audience members remain unaffected. As a sensory stimulant, music does not function in isolation, but in combination with alcohol, drugs, light and other visual data, physical movement, and any emotional or psychological distress. Healing and trance rituals frequently incorporate one or more of these other elements in addition to music, increasing the likelihood of overstimulation.

Even in cases where music fails to trigger such a dramatic physiological reaction as seizures or trance, it still may have triggered less extreme physiological reactions. There are clearly many cases in which music is used for healing without even the expectation that it will trigger violent trance. In short, Rouget has failed to consider all the variables that go into determining whether or not music can affect us physiologically. Although he

may ultimately prove to be correct in his hypothesis, we have a long way to go before accepting it as fact.

The Potentially Harmful Effects of “Music” as “Noise”

Although poorly explored, music is recognized as having potentially harmful effects by music therapists and ritual healers. In her work with recovering drug addicts in Israel, Tsvia Horesh discovered that certain genres such as heavy metal, rap, Israeli Mediterranean, rave, techno, and house music often triggered memories of street fights, abuse, and drug use as well as feelings of apathy, anger, hopelessness, and despair for her patients. Horesh refers to these genres as types of “dangerous music” or as a “siren’s call” that can lure former addicts back into drug use. The reactions to these genres can be so extreme, that Horesh’s ultimate recommendation is to teach patients how to cope with their emotional responses to music within a safe environment of group therapy and rehabilitation. Horesh feels that the failure to do so can leave patients vulnerable to the seductions of this gateway drug once they are reintegrated into society.⁷¹

In treating patients with a combination of low frequency sound and music to help former drug addicts recall and face traumatic memories, Marko Punkanen also discovered that he needs to carefully regulate the music. Music is so effective at altering his patients’ emotional states that they easily can slip into a state of hypo- or hyperarousal, causing them to dissociate or to feel as if they are reliving traumatic events in the present. Punkanen deals with this problem by helping the patient to select “anchor music,” or music with strong positive associations for that specific individual. Whenever therapy

⁷¹ Horesh (2006).

pushes a patient towards a dangerous emotional state, Punkanen is then able to switch to the anchor music to regulate him or her back to a healthier level.⁷²

Tore Tvarnø Lind found that the administration of music to post-surgery patients to help reduce pain and anxiety has to be carefully regulated. Not only are certain sounds felt to be inappropriate, such as classical music with a wide range of dynamic contrast, but patients who are over-stimulated may experience adverse reactions to the additional stimulus. In one case, Lind witnessed a patient groaning with pain and vomiting when the nurse activated the MusiCure system in his hospital room.⁷³

In his work on music and trance, John J. Pilch hypothesizes that there are two general types of people. The first group consists of people who approach trance from the bottom up and whose nervous subsystems are susceptible to the driving and entrainment effects of percussive rhythms at around 220 bpm. The second group of people approaches trance through mental reflection and meditation and seems to prefer silence or quiet music for establishing a trance state. For this second group, more intense forms of music not only fail to induce trance, but are also extremely agitating and hinder their process of meditation.⁷⁴ This division is also mentioned by Gilbert Rouget, although he refers to the two states as trance and ecstasy respectively. According to Rouget, music often plays a useful role in bringing about the level of over-stimulation that seems to trigger a state of trance, but achieving ecstasy requires silence. Rouget even goes so far as to claim that music and the achievement of ecstasy are completely incompatible.⁷⁵

⁷² Punkanen (2006).

⁷³ Lind (2007).

⁷⁴ Pilch (2006).

⁷⁵ Rouget (1985), 11-12.

When reviewing the type of music selected for music therapy, we find that the most popular choices include more sedate forms of New Age and Classical music, including the sounds of Tibetan temple bowls, soft music with nature sounds, Bach, and Mozart. More energetic genres seem reserved for group, physical, and certain forms of psychotherapy. This is not to say that other styles and genres of music would prove dangerous or non-beneficial so much as to point out that the forms of “music” used for healing by Western music therapists seem to be tightly circumscribed.

Similarly, we catch glimpses of the restrictions placed by ritual healers on music-making in a number of ethnographies, although the point is seldom dwelled upon. Marina Roseman learned that the Temiar in Malaysia have very strict rules for when ritual and social music are allowed. The Temiar consider ritual music and storytelling to be nighttime activities, both of which must cease about one hour after sunrise. Conversely, instruments used for making social music such as flutes, mouthharps, and tube zithers are limited to daytime use. To play these genres or instruments at the wrong time is considered a breach of ritual rules and social order capable of causing death, illness, or misfortune. Performing ritual music in the open air or any form of music in the jungle is believed to attract the attention of tigers and illness beings. There are also restrictions against holding rituals on the same night as storytelling events and against performing either of these two genres during the mourning period following a death.

The Temiar are very sound conscious in general. Loud and sudden noises, such as thunder, gunfire, and car horns, may startle and detach a person’s head soul. The Temiar believe that losing one’s head soul is the primary cause of illness. According to Roseman, the Temiar are leery of entering the towns surrounding the village because the

constant array of startling sounds is believed to be extremely dangerous. At the end of her fieldwork, Roseman found herself the center of several rituals intended to strengthen her head and heart souls against the sonic assaults she was about to face.⁷⁶

Examples of restrictions, prohibitions, and requirements for musical performances, particularly within the context of religious and healing rituals, exist in almost every culture and are not difficult to locate. Cultures commonly associated with placing strict rules on the time and place for performing specific genres of music include various Australian Aboriginal and Native American communities, which frequently prohibit the performance of sacred music in secular contexts. Many sects of Islam and Christianity also prohibit the performance of secular music in sacred contexts or avoid secular performances altogether as a potential source of spiritual and physical danger.⁷⁷

We also find that traditional healers are often heavily involved in selecting and conducting the performance of ritual music. Patients are thoroughly diagnosed to determine their ailments, the potential cause of their illness, and often their current state of relations with family members, the community at large, and any supernatural forces. This diagnosis sometimes occurs within the context of ritual, as is the case with the Tumbuka or the Ashanti of Ghana. Within these rituals, music often serves as a tool for identifying the source of illness or as a facilitator for communicating with the divine.⁷⁸ Once the healer determines the cause of illness, he or she can then prescribe the appropriate form of treatment.

⁷⁶ Roseman (1991).

⁷⁷ The application of the term “music” is used here in the broadest and most generalized sense. Muslims, in particular, are unlikely to refer to religious sonic performances as “music” and many would consider acceptable genres of secular sonic performance to be genres of “sung poetry” or “folk song” instead of “music.”

⁷⁸ Friedson (1996); Wilson (2006).

In cases where healers determine that a healing ritual involving music is necessary, either they or their assistants keep close watch over the patient and adapt the sonic aspects of the performance to the patient's needs. In sessions involving trance, participants are often monitored for a state of approaching crisis or transition. When these signs manifest, the ritual specialists frequently implement a change in tempo, dynamics, rhythm, or intensity to produce the desired climax. In some cases, the healer may shriek or play an instrument such as a bell or a rattle near the patient's ear. In others, the change is brought about by a musical shift in the performance as a whole, such as the introduction of new rhythms, timbres, or tempos.⁷⁹ Although the type of sound used and its combination with other elements such as drugs, dance, visual stimulation, hyperventilation, and fasting may vary, the use of music in ritual is seldom left entirely to chance or the untrained.

Sound as Music versus Noise

Whether music will prove harmful or beneficial seems to hinge on five primary factors: 1) the sonic characteristics of the sound, 2) the current physiological and psychological state of the individual, 3) his or her current social context, 4) the goals and tasks that the individual is attempting to accomplish, and 5) the appropriateness of the music's sonic characteristics to these conditions. A person who is overly stimulated and who needs to become less so for the sake of sleeping or completing a complex mental task may not react well to rousing music unless, perhaps, it brings about catharsis and thoroughly resolves any psychological and social sources of tension. A social situation

⁷⁹ These techniques are described in: Roseman (1991); Rouget (1985); Hutson (2000); Jackson (1968).

perceived as requiring solemn funeral music may be disrupted by music associated with levity and dancing. Such music may be welcomed, however, once the mourning period is ended and the participants seek to enter a state of emotional recovery. A speaker seeking to attract a crowd's attention and to emotionally stimulate them into action may find brass band music more appropriate than silence. An extrovert may need rousing music at the end of the day to shake off boredom and to achieve a state of euphoria, while the introvert next door requires soothing sounds to reverse the effects of stress and over-stimulation.

Western society is neither unique in its association of music and noise with ideas of illness and pollution nor in its efforts to regulate sounds deemed to be potentially dangerous. If anything, Western society is unique in protecting the rights of individuals to produce sound when and how they please even when it is widely recognized as potentially harmful to others and to the community as a whole. In complex and diverse societies, there are hundreds of ways that the music used to fill an individual's physical, psychological, and social needs can come into conflict with those of others. In Western society, much of the power for preventing and resolving these conflicts is no longer in the hands of traditional healers and ritual specialists, who are just as likely to come into conflict with one another as are their patients and followers, but in those of medical organizations, noise abatement committees, legislative bodies, the police, and the courts. What the next few chapters will reveal is exactly how complicated the matrices of personal needs, community beliefs, medical science, and institutional regulation truly are.

Chapter Three

Theme and Variations: Common Issues Shared by Street Music and Other Forms of Music-Making

Before exploring the conflicts resulting from various forms of late nineteenth and early twentieth century music-making in isolation, it is beneficial to first discuss some of the factors that affected the number and severity of complaints regardless of the person producing the music and their reasons for doing so. A unified discussion of these factors not only reduces the need to repeatedly raise them as issues throughout the next four chapters, but it also emphasizes the role of sound as the primary source of complaint in the majority of cases as opposed to an intolerance for members of other classes, nationalities, and ethnicities. No matter who was involved in these auditory conflicts and what their differences were, we find that technology and the sonic characteristics of the music played a major factor in influencing the likelihood of the disruption of a framed activity—an effect sometimes consciously implemented by music makers seeking to

disrupt others for the purpose of advertising, extortion, or sonic warfare—and the formulation of complaints by unwilling listeners.

The Influence of Technology on Soundscape Conflicts

Effects of Architecture

At least five technological conditions existed during the Victorian era which influenced the public's perception of musical performances. First, in today's world of hermetical and climate-controlled buildings, it is easy for us to forget that air conditioning was all but unknown to people before the mid-nineteenth century. Although Dr. John Gorrie began experimenting with the use of air conditioning to cool buildings sometime before 1851, air conditioners didn't become a practical reality in homes until after the Second World War.¹ From late spring through early fall, people living in England and the United States before this time would have relied upon open windows as their primary means of climate control. To close these windows as a means of reducing outdoor noise would have increased the discomfort of hot and stuffy rooms. Furthermore, many people believed that blocking out fresh air was a potential health hazard.

This period also pre-dated all but the earliest scientific studies in acoustics, giving rise to a host of other architectural problems. In many large cities, closely cramped, multistory, stone buildings created "street canyons," which trapped, reflected, and increased the overall effect of musical and non-musical sounds.² The outer walls of most homes and apartments probably would have possessed some form of insulation against

¹ Jones, Jr. (1997).

² Payer (2007), 777.

the cold, possibly composed of straw, newspaper, or horsehair felt, but the use of materials for insulating against urban noise would remain unstudied until Wallace Clement Sabine's experiments in the 1890s and early twentieth century.³ Efforts to build soundproofed rooms at this time were experimental and largely a hit or miss affair. The soundproofed studies commissioned by Thomas Carlyle in 1853 and by Joseph Pulitzer in 1903 both turned out to be among the noisiest rooms in their respective London and New York homes despite the exorbitant cost of building them and the fifty-year period between the two projects.⁴ Even wall-to-wall carpeting, which plays a major role in dampening reverberations inside modern homes, was unavailable to Victorians. Large area rugs proved to be a mixed sonic blessing, primarily because the sound of women and servants repetitively beating rugs outside apartment windows and in backyards was another frequent source of noise complaints.

Apartments presented several other acoustical problems. Many complexes consisted of older single family dwellings divided into multiple apartments through the installation of thin partitions or "party walls." These would have done little to block the noise from neighboring flats and probably would have served as a fabulous tympanum—a design flaw that proved central to numerous complaints about amateur music-making. The practice of constructing apartment buildings in close proximity to one another, separated only by narrow alleyways or small backyards, would have made amateur music-making and radios audible not only to those in the same complex, but also to those in neighboring complexes.

³ Thompson (2002).

⁴ For discussions of these soundproofed studies, see: Holme (1965); Hillel (1995).

Effects of New Industrial and Urban Sounds

The second set of technological conditions that influenced noise complaints in this period was the advancement of industry. While buildings offered inadequate protection from outside sounds, modern industry was generating new sounds by the score. People had complained for centuries about the sound produced by horses' hooves and poorly constructed carts clattering across cobble stones, as well as about the sounds of poultry, cats, street peddlers, barking dogs, playing children, and drunken revelers. The maintenance of urban utilities now added sounds such as the rumbling of coal down coal chutes and the clanging of metal garbage cans on trash days. Large factories were often audible to the surrounding communities and new forms of transportation, including omnibuses, street cars, and locomotives, far surpassed the din of their predecessor the horse cart. Clattering gears, wheels, and other mechanical parts were supplemented with bells, gongs, sirens, and steam whistles to announce the start and end of work shifts, the arrival of transportation, the availability of wares and services such as peanuts and scissors grinding, and to warn people out of the path of approaching vehicles. Mrs. Julia Isaac Rice, who founded the New York Society for the Suppression of Unnecessary Noise in 1906, discovered that steamboat crews used steam whistles not only for their intended purpose of signaling other boats and harbor masters, but also as a creative means of social communication. With the help of students from Columbia University, Rice made record of over 3,000 steam whistle blasts audible from one locality during an eight hour span from 10 PM to 6 AM.⁵ This is an average of 375 steam whistles blasts per hour or 6.25 whistles per minute during a time when most people are sleeping.

⁵ “‘Going Up!’ to Escape Noise.” *The Fort Wayne News and Sentinel* (IN), 23 Oct. 1919, p. 4.

The increased development and density of urban centers in general meant more churches with church bells tolling the hours and more vehicles, people, and animals competing to be heard. Nor was the problem limited to the United States and England. Peter Payer, in a study of the historic soundscape of Vienna, describes how a sentry used to stand atop of St. Stephen's Cathedral and shout warnings to the fire department through a megaphone. By 1855, the sentry's cry was no longer audible over the sounds of urban life and was replaced by an electrical warning system. During the same period, the trumpet signals on Viennese emergency vehicles were replaced by louder sirens to ensure that they could be heard over the increased din of traffic.⁶

The plethora of new and increased sounds has several implications for the study of noise complaints about music. First, the general increase in din led to an overall concern on the part of many medical men and citizens regarding the impact of city noise on psychological and physiological health. One of the popular medical theories of the time was that each person possessed a limited amount of "nerve force." Many well-respected doctors believed that the human body generated a finite and depletable amount of nervous electricity. This electricity allowed the mind and body to function and was expended through physical and mental activities, general over-stimulation of the five senses, and overindulgence in decadent or sinful activities. Doctors theorized that a severe depletion of nervous electricity, or a nervous *depression*, could result in nervous prostration, hysteria, hypochondria, melancholia, and other forms of mental and physical distress. These terms, as used in Victorian medical literature, actually cover a host of psychological and physiological illnesses including, but not limited to, tenderness of the

⁶ Payer (2007), 777.

scalp, cerebral irritation, headaches, noises in the ears, deficient mental control, feelings of hopelessness, various phobias, flushing and fidgeting, bad dreams, insomnia, drowsiness, lack of thirst, tenderness of the teeth and gums, dryness of the skin, desire for stimulants and narcotics, sweating, salivation, back and other pains, spasms, tremors, heart palpitations, sensitivity to the weather and temperature, localized numbness, ticklishness, itching, chills, hot flashes, yawning, tooth decay, exhaustion, hay fever, writer's cramp, whiplash, and seizures.⁷ As is probably demonstrated by the numerous and sometimes contradictory symptoms on this list, nervous illness became a catchall category for psychosomatic illnesses and ailments not fully understood by doctors at the time. Many doctors felt that the source of these symptoms resulted from a weak or injured nervous system and that additional research would soon reveal the specific and elusive cause of their related injuries.

Sound, along with bright light, could deplete people's nerve force by overstimulating them, startling them, depriving them of the restorative properties of sleep and relaxation, or by distracting them and increasing the amount of nerve force required for completing a demanding intellectual task. Physicians found that many nervous patients suffered from hyperesthetic hearing or hypersensitivity to sound. Albert Abrams, a practicing physician from the turn of the twentieth century, explained that such patients could be startled by the slightest sounds and that "even melodious music is borne with intolerance" by people with a hyperesthetic condition.⁸ Since any irritant could further damage a person suffering from a severe nervous condition, doctors frequently

⁷ This list of symptoms was obtained from: Beard (1888), 19. Beard was one of the leading physicians studying neurasthenia at this time. For a detail discussion of Victorian views on neurasthenia and other nervous disorders and somatic illnesses, see: Oppenheim (1991).

⁸ Abrams (1904).

instructed family members to confine invalids in a chronic condition to quiet, darkened rooms, to protect them from any form of irritant, and to prevent them from moving about or expending energy on intellectual activities such as reading or writing.

Doctors seem to have instilled in the mind of family members, and the public in general, that securing these conditions was a matter of life and death for invalids in a precarious state. The avoidance of noise was also felt to be beneficial to intellectuals as a means of preserving their store of nerve force and protecting them from unnecessary illness. Perhaps the most famous and extreme example of these medical beliefs put into practice is Dr. Silas Weir Mitchell's rest cure, which received scathing criticism from Charlotte Perkins Gilman in the form of *The Yellow Wallpaper*, a novel about a woman driven insane by enforced bed rest and based on Gilman's own experience with Mitchell's treatment in 1887.

In light of these medical theories, unwanted music was yet another form of potentially dangerous sound capable of depleting nervous energy and causing discomfort, disease, or even death for those already weakened and ill. Although more recent research has disproved or modified many of these theories, today's scholars should keep in mind that people did believe them at the time and found the detrimental potential of sound to be disturbingly real. It is also important to recall the second chapter of this work. Just because the idea of nerve force has fallen out of popularity does not mean that noise has become completely disassociated from psychological and physiological illness. If not entirely conclusive, numerous twentieth century studies have shown a strong correlation between noise and fatigue, depression, stress, increased blood pressure, heart disease, and the speed of recovery from serious injury or illness. In his work on Victorian complaints

about barrel-organ-grinders, John Picker described how “driven nearly mad by street music over his final years, John Leech allowed this to exacerbate what was already for him a serious heart condition.” We know, however, that Leech, who was an illustrator for the London humor magazine *Punch*, suffered from *angina pectoris*, or pain caused by the heart not receiving enough blood. In its more serious forms, *angina pectoris* frequently results in heart attacks. Medical researchers currently suspect that noise exposure may lead to “an increase in diagnosed hypertension, medication use, visits to the GP, and eventually the prevalence of IHD [Ischaemic Heart Disease], including angina pectoris and myocardial infarction.” These same researchers feel that the effect of noise-related factors on health problems such as angina pectoris and myocardial infarction warrants additional research.⁹

Although Picker suggests that the real cause of Leech’s illness was his xenophobia, Leech was known to be sensitive not only to the music of Italian barrel-organ-grinders but to a wide array of curious sounds. F. G. Kitton, a Dickens scholar and one of Leech’s fellow illustrators, related the following episode:

On one occasion he [Leech] had been invited to a friend’s house in the country for a few days’ hunting, and after a short night’s rest he was awakened at an early hour by a grating sound caused by the gardener rolling the gravel under his window; which had such an effect upon his nerves that he got up, packed his things, and was off to town before any of the family were aware of it!¹⁰

William Powell Frith, Leech’s biographer, had a discussion with the artist a week before his death describing the soundscape that surrounded his home:

I heard he had not been well, and, in reply to my inquiry, he said he should be well enough if he could get away from his neighbourhood. Back and front of his house, he said, noises of all kinds were incessant; his servant’s time was taken up in sending away street musicians; the cries of the hawkers were awful, work was impossible to him except under agonizing conditions—a butcher’s cart passed and repassed his house repeatedly with a dog in it that barked continually. He then mentioned other nuisances, and concluded his grievances with a sentence which I can never forget.

⁹ van Kempen, et al. (2002), 17.

¹⁰ Kitton (1892), 429.

“Rather, Frith,” he said, “than continue to be tormented in this way, I would prefer to go to the grave where there is no noise.” Before that day week his desire was accomplished, his ever-to be honoured grave had received him, and he was deaf to all noises forevermore.¹¹

Leech’s reactions in both of these passages strongly suggest that his nervous state resulted from, or was at least exacerbated by, an extreme sensitivity to noise as opposed to xenophobia. Shortly before his death, Leech’s physicians, including a Dr. Quain, had warned him to avoid excitement and anxiety of any kind and that absolute rest was his only chance of survival. Although it would be remiss to claim street music as the primary factor precipitating Leech’s death, it appears to have at least served as a stressor that placed further strain on his already precarious medical condition.

Picker also dismisses as mere hyperbole Thomas Carlyle’s claim that Italian foreigners, referring specifically to organ-grinders in this context, had killed John Leech and hundreds of other nervous people.¹² Carlyle’s comment probably wasn’t so much hyperbole as an actual belief supported by some of the most respected medical men of the age—and one echoed in many letters to the editor in newspapers across the United States and England. Like radio today, the sound of hand-organs was nearly inescapable in the latter half of the twentieth century and keeping organ-grinders away from the sickroom window was an insurmountable task.

Nor are these beliefs and theories about the negative effects of sound on critically ill patients so farfetched in today’s era. Most hospitals are protected by noise ordinances to increase the chances of a patient’s recovery and, as we have seen, there are continually new studies asserting the value of maintaining a quiet—or at least an acoustically controlled—soundscape around the critically ill and injured. As ethnomusicologists, we

¹¹ Frith (1891), 297-98.

¹² Picker (2003), *Victorian Soundscape*, 42 and 73.

should be at least as open-minded to the medical beliefs and concerns of people from the past as we would be to those of people from another culture. As we delve deeper into some of the conflicts over localized soundscapes, we'll find that understanding these medical beliefs can greatly expand our understanding of many situations, whether or not the beliefs themselves have been disproven by modern medical theories developed by the believers' descendents. If we are reluctant to dismiss the beliefs of other cultures about spirit possession and trance as biomedical reactions to hyperventilation, hunger, drug use, and sleep deprivation, it is inconsistent and counterproductive to dismiss the medical beliefs of people from an earlier time as mere superstition.

Even when not directly related to illness, people from the nineteenth and early twentieth century felt that noise in general increased fatigue, disrupted concentration, and reduced the possibility of intelligible conversation. After addressing an inquiry to teachers and administrative figures regarding the noise levels in their schools, Rice received numerous letters from teachers and children attesting to fatigue, the inability to hear lecturers, sore throats from shouting, and the complete disruption of lessons by urban sounds—including those created by street musicians and street peddlers. Rice was particularly concerned about the effects of noise on children and invalids. Because of her efforts in promoting and publicizing the results of noise-related research, in 1907 officials from cities across the United States began passing zoning ordinances that protected schools and hospitals from unnecessary noise. Rice and several other authors felt that street music, along with peddlers' cries and signaling devices, fell squarely within the

category of unnecessary noise. Louder forms of street music, such as German brass bands and barrel-organs, were particularly disliked.¹³

The general increase in city noise also helps explain why certain performers such as flautists and harpists were complained about within the context of amateur music-making, but seldom as a part of street music. The gradual increase in overall din may also explain a shift towards louder musical instruments by buskers and the use of megaphones and signaling devices by barkers and peddlers. Quieter instruments, particularly those possessing a timbre and frequency range similar to that of the ambient background noise, would have been inaudible unless the listener was within close proximity to the performer. Soft-voiced instruments were a blessing, perhaps, to lodgers and homeowners seeking a bit of peace and quiet, but for the musicians playing them they proved to be an ineffective means of attracting attention and advertising their business. Given the sizable variety of musical instruments and ensembles described by writers at the time, German brass bands, barrel-organs, and street pianos seem to have attracted a disproportionate amount of attention. Mechanical musical instruments had the added advantage, or disadvantage depending on the perspective, of having greater stamina. While the lips of the German band and the fingers of the girl playing the pianoforte would eventually tire out, a seasoned organ-grinder could keep a crank turning for hours.¹⁴ In the realm of amateur music-making and advertising, phonographs, radios, and player pianos presented the same problem. In his manual on repairing player pianos,

¹³ Rice (1911); "Brooklyn a Noisy Town and the Reasons Why: Suggestions for the Disposition of the People Who Are Responsible for Existing Conditions," *Brooklyn Daily Eagle*, 26 June 1901, p. 20; "Useless City Noises," *Brooklyn Daily Eagle*, 2 July 1901, p. 6.

¹⁴ Bass raised this complaint in *Street Music in the Metropolis* (1864), 81.

William Braid White shared the following account of how truly tireless a mechanical piano could be:

Some two years ago the present writer was called to repair an old player. It had stood for about five years in the clubrooms of an Elks' lodge, and the merry Brothers of the B.P.O.E. had practiced playing it with an assiduity worthy of even a better cause. According to the voluntary testimony of neighbors, twelve hours per diem represented the usual work of this long-suffering instrument. In fact, there was general rejoicing when it broke down, while muttered imprecations might have been heard when it was known that the instrument was to be repaired and made capable again of doing an honest day's work.¹⁵

Based on letters to the editor, twelve hours outstrips the daily practice time of all but professional and very determined amateur pianists by about seven or eight hours. Since people were none too thrilled when much shorter stints of their neighbors' music-making intruded on their domestic activities, one can only imagine the "imprecations" muttered by the neighbors in response to this mechanical barrage by the local Elks.

Effects of Improved Transportation

A third technological condition affecting the music scene in the latter half of the nineteenth century was the improvement of transportation. Much of the music that people complained about was performed by itinerant and newly arrived immigrant musicians. Before the start of the nineteenth century, the majority of the itinerant musicians came from Savoy carrying trained animals and musical instruments such as the hurdy-gurdy to cities in France, Italy, and England. Since Paris enacted a prohibition against street performers in 1790, the wave of itinerant musicians seems to have hit Paris before the end of the eighteenth century. According to John E. Zucchi, by 1814 Lombardy was overrun by Swiss and Savoyard vagrants exhibiting dancing animals and playing on tambourines and bagpipes to the point that the region was no longer able to

¹⁵ White (1909), 28-29.

sustain them. Early Italian street performers imitated these acts, but soon introduced new instruments such as the hand-organ. There was already a sizable number of street musicians emigrating from the Duchy of Parma by 1815 and by 1816, Paris passed another law specifically targeting barrel-organs.¹⁶

In London, the number of Italian itinerant musicians didn't really reach a noticeable level until the 1830s, perhaps due to the difficulty of crossing continental Europe and the English Channel. Since the first commercially viable locomotives weren't established until the 1810s and regular ocean steamship routes weren't in place until late 1830s, transportation options were extremely limited at the beginning of the century, particularly for the lower classes. As transportation technology improved and became more readily accessible to those of lesser means, large numbers of German and Italian musicians were able to travel across country and the Atlantic Ocean with the sole purpose of wandering the city streets in the spring and summer and then returning home sometime in the fall. From the 1840s on, the overall number of street musicians, artists, peddlers, and performers would continue to grow and peaks in migration would become influenced more by local political and economic situations than travel limitations.

Effects of Changes to Musical Instruments

A fourth set of technological conditions that affected conflicts over music came in the form of technological improvements to various musical instruments. Mechanical musical instruments and brass instruments both witnessed transformations that increased their variety, popularity, versatility, and dynamic capabilities. Although mechanical

¹⁶ Zucchi (1992).

musical instruments existed as far back as the third century BC with the creation of the hydraulis by Ctesibius of Alexandria, these machines were uncommon and predominantly the playthings of the rich until relatively recently. In 1598, for instance, a mechanical barrel-organ made a suitable royal gift from Queen Elizabeth I to Mehmet III, the Sultan of the Ottoman Empire.

By the late eighteenth century, barrel-organs began appearing in public houses and churches where they provided musical accompaniment for singing and, in secular settings, dancing. Although still relatively rare, barrel-organs were already inspiring the occasional amusing story, such as one about how a parishioner forgot to change the barrel on an organ shared by a public house and the local church. According to the story, upon starting up the organ to play the first hymn of the Sunday service, it startled the waiting congregation by rattling out one of the latest popular tunes. Another early account described an organ that developed a mind of its own and launched into a jig at double tempo during a prayer. Refusing to stop and loud enough to be heard from the adjacent cemetery, the organ was finally carried to a nearby farm and dumped there so that the service could continue unaccompanied.¹⁷

The real problems with barrel-organs, however, seem to have started with the creation of portable street models around the middle of the eighteenth century by Italian organ maker Giovanni Barberi of Modena. Proving more conducive to wandering the thoroughfares, these portable models began to catch on with street musicians—most notably itinerant Italian street musicians. By the early nineteenth century, symbiotic networks of organ-grinders and organ manufacturers were popping up in urban centers in

¹⁷ Both stories appear in: Ord-Hume (1978).

Western Europe and the United States.¹⁸ By the turn of the twentieth century, organ-grinders could be found in countries around the globe including Mexico, Jamaica, India, and parts of Africa.¹⁹

Forever seeking new and more profitable novelties and perhaps engaged in competitive one-up-manship, the city streets of the world were soon filled with mechanical musical instruments of every conceivable size, shape, and timbre combination ranging from the soft-voiced bird and flageolet organs to the so-called “monster” band organs and street pianos designed to be audible for several city blocks and occasionally claimed by observers to be audible for miles.

Newer models of mechanical musical instruments, whether competing with one another or with the sounds of traffic, seemed capable of creating louder and louder music.

Charles Manby Smith mentioned that when horse-and-cart organists

burst forth into utterance, the whole parish is instantly admonished of their whereabouts.... They perform entire overtures and long concerted pieces, being furnished with spiral barrels, and might probably produce a tolerable effect at the distance of a mile or so—at least we never heard one yet without incontinently wishing it a mile off.

Smith described the bass frequencies as a “sepulchral roar... so deep that you might almost count the vibrations of each note.”²⁰ Low frequencies, which are capable of traveling long distances, were also featured in the following description of a street piano from an 1896 newspaper in Lima, Ohio:

Long before the dweller in a quiet neighborhood is aware of what tune the dreaded thing is hammering out, the “tum tum tum” percussion of the bass can be absolutely felt, and to brain workers the sensation of this continued drumming or throbbing is peculiarly maddening.²¹

¹⁸ For a more detailed discussion of the history and development of barrel-organs, see: Ord-Hume (1978).

¹⁹ “Paragraphs about Musical Events Here and Elsewhere,” *Boston Daily Globe*, 19 Jul. 1908, p. 41; “Barrel Organ at a Discount,” *The Gleaner* (Kingston, Jamaica), 10 Oct. 1902, p. 29; “Miscellaneous News Items,” *Brooklyn Daily Eagle*, 3 Jan. 1868, p. 1; “From Italy to Africa,” *Newark Daily Advocate* (OH), 9 Sept. 1885, p. 1.

²⁰ Smith (1852), 199.

²¹ “The Terrific Tum Tum Tum,” *The Times-Democrat* (Lima, OH), 7 Aug. 1896, p. 6.

Even smaller hand-organs could be heard for a block or two, often resulting in two or more of them being heard simultaneously along their more regular routes.

The king of the mechanical musical instruments, however, was the steam-powered calliope. Created in 1855 by Joshua C. Stoddard, the first public performance was held in Worcester, Massachusetts and was heard loud and clear at a distance of five miles. One woman who was interviewed afterwards commented that she thought that the Angel Gabriel was sounding the last trumpet. Stoddard's parents quickly ostracized him and the City Fathers of Worcester forbade him from playing his calliope within city limits.

Stoddard went on to found the American Steam Piano Company, which marketed the calliope to fairgrounds and other entertainment venues. Arthur S. Denny, one of Stoddard's financial backers and later the president of the company, proved even more ambitious. By 1859 he was able to boast of a steam calliope with a compressor capable of producing 150 pounds of pressure per square inch and distinctively audible at a distance of twelve miles. One of the instruments was even purchased by a government-owned lighthouse in Nova Scotia for use as a foghorn. The giant calliopes were more within the realm of large business owners as opposed to street musicians, however, and will be discussed in Chapter Five.²²

Brass instruments went through a similar metamorphosis in the nineteenth century. In 1842, Adolphe Sax began experimenting in earnest with brass instruments capable of chromaticism. Köbel, Weidinger, Blühmel, Stözel, and Adolphe's father, Charles Sax, were among a number of manufacturers performing similar experiments

²² Ord-Hume (1978), 339-41.

throughout the late eighteenth and first half of the nineteenth century. Sax, however, greatly improved the chromatic capabilities of these instruments through the use of piston valves. Another benefit of these valves was that they did little to increase the difficulty of playing Sax's brass instruments.²³ Although brass instruments had played in various ensembles before this time, composers had to keep their limitation to overtones in mind or at least limit chromatic passages to the trombone. As a result, pre-Victorian street music, including "street bands," was generally limited to stringed and wind instruments. Thanks to Sax, this instrumentation would soon change. Following the creation of the piston valve, England and the United States experienced a surge in popularity of cornets, tubas, and horns. The new brass instruments quickly appeared in operatic orchestras, the hands of amateur musicians, and military, community, company, religious, and Temperance bands on both sides of the Atlantic. Chromatic brass instruments also led to the rise of German street bands beginning in the late 1840s. German street bands enjoyed the unique privilege of not only dividing critics over whether they were part of the street music nuisance but also inspiring intense loathing and indignation in other street musicians—both points to be discussed in the next chapter.

Although the improvement and popularity of brass instruments had some impact on the amateur music-making scene, far more instrumental were changes in keyboard instruments. Soft-voiced claviers, harpsichords, and virginals probably wouldn't have made much of a sonic impression on the neighbors and they were more or less playthings of the rich, who had no close neighbors to begin with. Even pianofortes, when they first appeared in the eighteenth century, were few in number and primarily limited to the

²³ Russell and Elliot (1936).

homes of extremely wealthy patrons seeking to own a musical novelty. Fitted with a new and powerful hammer mechanism capable of striking a quick and powerful sequence of notes, pianofortes massively out-powered their quieter cousins. Still, handcrafted grands were a cumbersome and expensive commodity, and few people could devote the funds and living space to such a luxury. It wasn't until the successful development of an upright pianoforte in the 1820s and the mechanization of the production process beginning in the 1830s that this louder and highly percussive instrument became a significant part of private soundscapes across England and the United States. These changes greatly reduced the space and money required for storing and purchasing a pianoforte and made them accessible to families throughout the echelons of the middle and working classes. English manufacturers reportedly turned out 23,000 pianos in 1850, or an average of 450 pianos a week. Around 80 to 90 percent of this output consisted of upright pianos. By 1910, manufacturers in Great Britain alone produced 75,000 pianos annually.²⁴

Manufacturers of pianofortes in the United States lagged behind their English counterparts at first. A mere 9,000 pianos were produced in 1851. By 1860, U.S. manufacturers turned out 21,000 pianos and by 1910 the production had soared to more than 360,000 pianos a year. Combined, the United States, Great Britain, Germany, and France—the four leading manufacturers of pianos—turned out over 610,000 instruments in a single year.²⁵ The ability to mass produce pianos helped to reduce the cost. At the end of the 1830s, a cottage piano cost around 42 to 80 guineas (£40, 1s. to £84 in an era when the middle class earned approximately £100-500 annually). By 1887 a new piano

²⁴ Loesser (1954), 387-89, 428.

²⁵ Ibid., 495, 511, 590.

could occasionally be purchased for as little as 12 guineas and many retailers offered secondhand instruments and payment plans in an effort to further extend their market. By 1911, consumers could purchase even high-quality grand pianos second hand at a cost of £14 to £16.²⁶ In many cases, these reductions in cost also entailed a reduction in the quality of materials and craftsmanship, often resulting in a degradation of the instrument's sound quality and tuning.²⁷

Since a household generally shared a single piano and a purchase could obviously survive a generation or two of playing, it's hard to say exactly how dense the number of pianos in a neighborhood could be at any given time. By the close of the nineteenth century, however, pianos were hardly a rare commodity except perhaps in the poorest of neighborhoods where we might still expect to have found them in public houses and the occasional tenement common room. No longer limited to the center of sprawling drawing rooms in single family dwellings, the pianoforte entered cramped apartment complexes and its music proved a powerful force in shaping the soundscape of not only its owner's home, but also those of the adjacent apartments.

Another musical instrument that experienced a number of technological disimprovements, as far as its opponents were concerned, was the radio—also known during its formative years as the “wireless set” or “home loudspeaker.” The latter name is probably the most telling. The radio itself wasn't a problem, but rather the technological advances in amplification, such as the invention of the dynamic loudspeaker in 1924 by Chester W. Rice and Edward W. Kellogg, which allowed people to switch from privately audible headsets to the more extensively audible loudspeaker.

²⁶ Pearsall (1975), 125.

²⁷ Scott (1989), 46.

At least one radio reporter specifically criticized this transition, claiming that loudspeakers made a radio audible for a range of 500 to 1000 feet during the summer months when people had their windows open.²⁸

Complaints about home radios began appearing in letters to the editor, however, before either the development of the dynamic loudspeaker or the firm establishment of the radio as a public medium. In 1922, the radio was primarily the domain of amateur radio operators as opposed to a general consumer market. There were sets for sale, but most early radio hobbyists were capable of building their own sets and were just as likely to broadcast content as to receive it. Although Westinghouse, General Electric, and RCA had taken to the air from a number of studios located across the country, amateur broadcasters still accounted for most of the 500-plus broadcasting stations available to their fellow operators.²⁹ It is in this same year that we find the first scattering of complaints about radio enthusiasts using their equipment to seek out the rare bits of material floating out on the radio ether. Judging from these earliest complaints, at least a few radio enthusiasts proved unsuccessful at locating human-generated content.

The honor of judging the first lawsuit against a pair of noisy radio operators seems to go to Chancellor J. E. Martineau of Pulaski Chancery Court, Little Rock, Arkansas. A restraining order was sought by several persons against the operators, a father and son, to prevent them from using their wireless set between the hours of 9:00 PM and 7 AM. They complained that the set made buzzing sounds that interfered with

²⁸ Joseph Jastrow, "Keeping Mentally Fit," *The Hartford Courant*, 8 Oct. 1928, p. 10; "Congratulations New York," *Christian Science Monitor*, 24 May 1930, p. 4.

²⁹ Barnouw (1990).

their sleep.³⁰ Chancellor Martineau declared that the buzzing was a sound to which people could grow accustomed and therefore not a nuisance. In the very same week, a woman in Waterbury Connecticut filed a complaint with City Health Officer T. J. Kilmatrin, claiming that the buzzing from a radio dynamo on the third floor of her building was keeping her husband awake and disturbing other neighbors as well. Although the radios were not included in the city's sanitary code as potential nuisances, in this case Kilmartin offered to investigate the situation and promised to restrict the hours of radio operation if he felt the noise was capable of depriving neighbors of their sleep.³¹

As GE, RCA, Westinghouse, and AT&T improved their programming and marketing strategies, they were able to lure more home consumers into the relatively uncharted waters of radio ownership. The number of complaints continued to remain relatively low for the first few years. The initial absence of conflict may have hinged on several factors. First, very few people actually owned radios until the end of the 1920s. The technology was not only expensive, but complicated and not particularly user friendly. Much like pianofortes, early loudspeaker radios were playthings of the rich and eccentric. For instance, another early set of complaints was aimed at Colonel Edward H. R. Green, owner of a sizable mansion and the Round Hill Estate in Nonquitt, Massachusetts. Enamored with radio, the Colonel quickly built the world's largest broadcasting plant and hosted outdoor radio "concerts" which were accessible to the

³⁰ "Radio Not Nuisance Decision of Court," *Janesville Daily Gazette*, 18 Apr. 1922, p. 2; "Editorial Notes," *Christian Science Monitor*, 24 Apr. 1922, p. 18.

³¹ "Complains Radio Spoils Her Sleep," *The Hartford Courant*, 30 Apr. 1922, p. 7.

public and clearly audible to the surrounding town.³² Although complaints about the outdoor concerts quickly disappeared from the news, the Colonel continued to back radio experiments and by 1925 his mansion became a research site for MIT scientists experimenting with radio waves, water particles, and lightening discharges.³³ In short, to furnish the equipment capable of creating a truly large-scale radio disturbance before 1924 took a considerable amount of cash and technical support, both of which the millionaire Colonel happened to have at his disposal.

A second reason for the delay in complaints was that the majority of stations broadcasting were doing so for only a few hours a day. The infrastructure for radio broadcasting was not developed to the point of supporting twenty-four-hour broadcasts. In cases where stations made early experiments with late night broadcasting, we do find the occasional sign of resistance, particularly when the station offered a more energetic musical selection. Reverend T. Yeoman Williams, a minister of the South Congregational Church in Chicago, complained to Health Commissioner Bendeson in February 1924 that his neighbor's radio kept him awake by playing loud music into his bedroom until 2:00 AM and sometimes later.³⁴ An article in the *Reno Evening Gazette* from April of the same year described a mounting tension between radio enthusiasts, would-be sleepers, and landlords in New York apartment complexes over efforts to impose curfews on the late night use of radios:

The issue in this new war, which the landlords of apartment houses face with fear and trembling, is whether or not the ether, after say eleven o'clock at night, shall be made free for dormancy. In other words shall, or shall not, the traditional eleven o'clock 'noise curfew' be maintained?

³² "Protests Surprise Col. E. H. R. Green: Thought Radio Concerts Pleased Hearers," *Boston Daily Globe*, 17 Jul. 1923, p. 7.

³³ Massachusetts Historical Commission (1981), 12.

³⁴ "Minister Asserts Radio a Nuisance," *The Lincoln Star* (NE), 22 Feb. 1924, p. 8; "Chicago Pastor Reports Radio Disturbs Sleep," *Los Angeles Times*, 22 Feb. 1924, p. 3.

Radio as everybody who owns a receiving set, or lives near one, knows, is just getting steamed up at eleven o'clock. From then on until about three in the morning, the wild ether waves are made to shimmy to strains of jazz, sent forth from a dozen or more late sending stations, here and throughout the country.

Radio 'bugs' certainly haven't any idea of passing up these concerts so that their more sedate neighbors may sleep.³⁵

The above trope of sleep deprivation due to jazz would become exceedingly common by the 1930s as the radio and the sounds of brass, percussion, and saxophones spread to the mainstream.

A third reason why radio may have failed to provoke many noise complaints in its earliest years is that the first broadcasting stations were not particularly powerful. Descriptions of early radio use suggest that finding an audible signal, particularly from more distant stations, was not an easy task. Amplification was such a constant need that the earliest consumer radios lacked an easily adjustable volume control. Instead these models had a series of six tubes, two dedicated to amplification. All of this extra amplification came in useful when picking up a faint or distant signal, but resulted in a bit of a problem when the number and power of local broadcasters increased. A six-tube radio might bring in a station located in the nearest big city at a pleasant level, but would be at a blaring volume when tuned in to a local station. "Tuning" or "toning" down the volume generally entailed removing tubes from a rather finicky and complicated contraption and so many operators probably left well enough alone even if the volume was a little on the loud side.³⁶

³⁵ Rowland Wood, "Sleepers vs. Radio Fight Battle at Midnight," *Reno Evening Gazette*, 19 Apr. 1924, pp. 1-2.

³⁶ Joseph Calasterra, "Fifteen Minutes a Day of Radio," *Boston Daily Globe*, 14 Mar. 1924, p. 17; "The Silent Audience Speaks," *The Washington Post*, 13 Oct. 1929, p. A9.

Even without undue amplification the radio, like the phonograph, could also become a problem when brought out onto the porch or placed near an open window.³⁷ Throughout the 1920s and '30s, a sizeable number of complaints refer to the use of radios in windows and outside as a thoughtless and inconsiderate act. We also find a seasonal association between loud radios and spring. For instance, one 1939 article referred to the “blasting of your neighbor’s loud speaker into your living room” as one of the “infallible signs of spring.”³⁸ Warmer spring weather meant open windows, which effectively removed two layers of sound buffer between the operator and his or her unwilling listeners.

A final factor that may have protected radio from noise complaints for its first few years was its novelty. In the beginning, curious neighbors may have been willing to tolerate and possibly even enjoyed listening to broadcasts of music and programs from the neighboring apartment. Lacking their own equipment, listening to their neighbor’s radio would have been one of the few ways to listen to the hottest new form of entertainment. By the 1930s, the novelty of radio was wearing thin. The sounds of radios emanated not only from neighboring houses and apartments but also from store fronts and roving “sound trucks” used to advertise products, politicians, and religious beliefs. By the 1940s, radio systems were installed in various modes of transportation including streetcars and taxis. Although phonographs with megaphone attachments had caused similar problems, radios seemed particularly apt at sparking public ire and the

³⁷ Dorothy Dix, “Dorothy Dix’s Letter Box,” *The Hartford Courant*, 9 Aug. 1928, p. 10; “The Dial’s Diary: The Abridged Radio Magazine of Practical Aid, Information and Entertainment,” *The Hartford Courant*, 14 Aug. 1927, p. D8; Mrs. Charlton M. Clark, “Loud Speakers Drown Out Zoo,” *The Washington Post*, 17 Nov. 1929, p. F1.

³⁸ Larry Wolters, “Noise Nuisance Requires Police of Appeasement,” *Chicago Daily Tribune*, 16 Apr. 1939, p. SW4.

thorough saturation of private and public soundscapes with the raucous sounds of jazz, jingles, and political hoopla inspired a number of United State Supreme Court cases, which will be discussed in more detail in Chapters Five and Six.

Effects of Musical Obsolescence

Fifth and finally, a set of technological inventions began to contribute to the demise of many of the forms of live music discussed in the following chapters—forms which had ultimately been unaffected by decades of letters to the editor and local legislation. In 1877, Thomas Edison invented the phonograph and by the close of the century, the phonograph and its competitors were affordable to all but the poorest consumers. Recorded sound, however, quickly became yet another source of complaint, merely taking the place of the barrel-organ, amateur music-making, and various forms of musical advertising. The nineteen-aughts also witnessed the rise of the cinema, which initially provided street musicians with a captive audience in the form of outside ticket queues, but ultimately served as a competitor for the money and leisure time of the lower and middle classes. The 1920s brought the radio with an unlimited supply of free music and dramas.³⁹ One organ-grinder reportedly blamed radio supply stores, which used loud music to advertise their machines and allowed passersby to hear a variety of music for free as they walked down the street, for the downfall of the street music industry.⁴⁰ Although each of these new inventions left their own mark on nineteenth and twentieth century soundscapes, as they gained in popularity they often replaced other forms of

³⁹ Similar theories for the decline of street music are offered in: Rouse (1999) and Cohen and Greenwood (1981).

⁴⁰ “Our Town and Its Folks,” *New York Times*, 4 Jan. 1925.

musical entertainment and advertising, both for use in musical production and in noise complaints.

Common Complaints about the Sonic Aspects of Music Making

Loud Music

Whatever the source of music and the reason for its production, complainants spent a great deal of time discussing the sonic characteristics of undesired musical performances, including overly intense sound levels, bad timbres, broken instruments, poor tuning, a lack of musical skill or knowledge on the part of the performers, and the mechanical nature of the music. Although these complaints were generally combined with ones regarding the ill timing of musical performances and the resulting disruptions, a performance perceived to be below par tended to increase the nuisance factor for many people. Not only was the music deemed inappropriate to the unwilling listeners' current social context and activities, but its poor quality made them unwilling to listen to it even in the most suitable of circumstances.

It is to be expected that people complained more frequently about louder forms of music. After all, softer music is less likely to possess the acoustic energy necessary for crossing property lines and penetrating party walls and, when it does, it's easier to escape by moving from one room of the house to another or to drown out with the listener's own sound sources (phonographs, music boxes, etc.)—although these tactics were, of course, luxuries unavailable to many members of the working classes who resided in single room apartments or lacked access to automated musical instruments. Depending on the sonic characteristics of the music, other ambient urban sounds such as noise from passing

vehicles, pedestrians, and nearby industries would also have tended to mask or drown out softer music.

Proximity of the sound source would also affect the perceived loudness of the sound. A flautist on the other side of a party wall or directly beneath a listener's open window is more likely to be audible than one on the opposite side of the street or on the far side of the apartment complex. Instruments such as flutes, violins, cellos, and even lone cornetists feature more prominently in complaints about the next door neighbors than they do in complaints about street music. Even so, the majority of complaints about amateur music-making were reserved for loud instruments such as pianofortes and radios.

Some critics found loud music distasteful and vulgar, no matter what the source or context. In his 1916 work, *City of Din*, McKenzie asserted that music was meant to be gentle and appealing as opposed to rough and violent, stating that "blaring music is, in a word, noise, and the vilest of all noise, for lilies that fester stink far worse than weeds." McKenzie's sentiments extended not only to street and amateur-made music, but also to the works of Richard Wagner and John Philip Sousa, who he felt produced a "kind of bastard music" typical of "the loudest and noisiest of all civilizations, the American."⁴¹

Whether the music of Wagner and Sousa was significantly louder than music by other composers of the day is a complex question. Wagner's expanded use of thick and complex harmonies, and the composition by both men of bombastically accented passages that took advantage of Sax's technological advances in brass instruments suggest that their new uses of timbre and instrumentation may have proved just as upsetting to people as an actual increase in decibels. Sousa and Wagner were both

⁴¹ McKenzie (1916), 63-64.

known for their introduction of powerful bass brass instruments, including the Wagner tuba, the ophicleide, and the Sousaphone. These instruments would have definitely boosted the prominence of lower frequencies in large ensemble music to a new level. For similar reasons, the Salvation Army's heavy reliance on the bass drum for its parades and outdoor revivals often made it a target of noise complaints from nearby residents.

Wagner's music in particular was a popular topic for jokes and cartoons (fig. 3.1).⁴² In the recorded sketch "Maggie Clancy's New Piano," Maggie's father interrupts her performance of a Wagner piece to inquire whether the new piano is broken and comments that he had thought someone was shoveling coal down the coal chute.⁴³ The *New York Herald* published a brief comic piece about an organ-grinder killed by grinding Wagner operas on his instrument, while another piece from the *Syracuse Herald* depicted an organ-grinder who refused to play Wagner for any price after breaking three organs and killing two monkeys with his music.⁴⁴ The *Atlanta Constitution* described a one man band consisting of "two drums, cymbals, a bagpipe, and numerous and sundry other instruments of torture" as allowing a listener to "imagine himself in the midst of a Wagnerian festival."⁴⁵ Based on such jokes, it seems safe to conclude that Wagner was at least as unpopular with some people as street music, perhaps more so.

⁴² "'The Music of the Future!'" *Punch* 92, 28 May 1887, p. 262.

⁴³ Jones and Spencer, performers. 1906. "Maggie Clancy's New Piano." Edison Gold Mould Record 9311. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, Cylinder 3089.

⁴⁴ "Found Dead," *New York Herald*, reprinted in: *The Standard* (Ogden, UT), 29 Dec. 1891; "Wagner Taboo," *Syracuse Herald*, 14 Mar. 1909.

⁴⁵ "Gossip of the Streets," *The Atlanta Constitution*, 16 Dec. 1887, p. 5.



Fig. 3.1
Punch cartoon poking fun at the new sounds of Wagner

In the radio era, jazz proved to be the new raucous music that drew fire from critics. One person compared the sound of jazz to “the battle of Argonne as fought between a boiler shop and a battery of saxophones.”⁴⁶ Much like the German brass band music listened to by the previous generation, jazz made use of trumpets, trombones, and percussion. The resulting sound was loud, brassy, and generally energetic. The exuberant, driving quality that gave jazz its reputation as exciting dance and party music also made it less than ideal for sleeping—a fact attested to by the numerous complaints from sleep-deprived apartment dwellers.

In some cases, the ability to hear instruments from a long distance away was treated as a strong indicator of their loudness. One anonymous writer commented that ensembles of flutes and strings couldn’t be heard past half a block while a good brass

⁴⁶ “Did You Hear That?” *Los Angeles Times*, 1929 Sept. 28, p. A4.

band could be heard for three.⁴⁷ H.R. Haweis, author of the 1873 book *Music and Morals*, also commented that brass bands were louder, as well as “hardier in organization,” and perfectly capable of drowning out their softer string counterparts.⁴⁸ Some brass players invested in instruments specifically designed to play louder than ordinary band and orchestral instruments and one cornetist explained that this was so that band members could be heard over traffic, particularly when playing in the weaker registers of their instruments.⁴⁹ Guiseppe (Joseph) Molinari, who was the founder and owner of G. Molinari & Sons, one of the largest major barrel-organ importers and manufacturers in the United States, stated that people grossly over-estimated the number of street organs and pianos in Brooklyn. Since the sound of a single organ could be heard for “a number of blocks around,” their volume merely gave listeners the impression that there were far more players than Molinari’s modest estimate of 150 performers.⁵⁰

While people often questioned the manners of pianists and other amateur musicians who displayed a lack of sensitivity towards their neighbor’s close proximity, they questioned whether the intense sound levels produced by many louder instruments and ensembles were at all necessary. Like the old lady interviewed about the first calliope performance mentioned above, some writers compared the sounds of mechanical musical instruments and brass bands to those of disaster and Armageddon. Smith’s horse-and-cart organs produced the roars of cataracts, an 1810 poem called “To a Hand Organ” described the instrument as capable of splitting hills, and the author of 1895 article for the *Brooklyn Daily Eagle* commented that he hardly noticed city noise

⁴⁷ “Play Flutes, Not Horns,” *Boston Daily Globe*, 26 Jan. 1896, p. 25.

⁴⁸ Haweis (1873), 551.

⁴⁹ “A Talk with a Street Cornetist,” *Brooklyn Daily Eagle*, 12 Sept. 1886, p. 15.

⁵⁰ “Hurdy Gurdies Go into the Dead Past,” *New York Times*, 16 Apr. 1935, p. 23.

anymore “unless it be the music of a brass band or a manhole explosion.”⁵¹ Nor were metaphors of disaster limited to street musicians and calliopes. The *New York Evangelist* described the Salvation Army as trying to reach God and people in need of salvation with “the roar of the elements, the tempest, the earthquake, or the fire.”⁵² Critics of the pianoforte craze described them as producing musical deluges that overwhelmed weary listeners.⁵³ Radios produced “violent eruptions” in the middle of the night.⁵⁴

Large bells, whether hung in churches or civic institutions, were not only compared to earthquakes, but were sometimes capable of generating tangibly destructive vibrations. In Boston, people living in the vicinity of the Christ Church tower on Salomen St. and the Church of the Advent belfry complained that they were afraid the bells’ vibrations would break their windows.⁵⁵ Although this fear was probably unfounded with smaller bells, larger ones were capable of destroying architectural structures. The series of giant Tsar Kolokol bells, cast in Moscow throughout the seventeenth and early eighteenth centuries to prove the greatness of several Russian Tsars, were particularly renowned for their power. The third Tsar Kolokol weighed 160 metric tons and was only rung on special occasions after warning local residents to expect its vibrations, which were akin to small earthquakes. In 1730, Empress Anna Loannova ordered the casting of a fourth Tsar Kolokol weighing 220 tons. Fortunately for the neighborhood, the bell cracked while attempting to rescue it from a fire in the foundry. One historian speculates that the bell would have remained silent even if the accident

⁵¹ Smith (1852), 199; “To a Hand Organ,” *New-York Weekly Museum* 22(36), 13 Oct. 1810; “Hearing the Silence: Noises that Disturb Only When They Cease,” *Brooklyn Daily Eagle*, 22 Dec. 1895, p. 22.

⁵² [No Title], *New York Evangelist*, 10 Jun. 1897, p. 16.

⁵³ Wentworth (1849).

⁵⁴ “Radio Sets,” *The Hartford Courant*, 12 Jun. 1933, p. 8.

⁵⁵ Pauline Carrington Bouve, “Bells and Bell Ringers of Boston,” *Boston Daily Globe*, 25 Aug. 1912, p. SM4.

hadn't occurred because "not only would it have created earthquake-like vibrations, destructive to surrounding Kremlin walls and cathedrals, but also its sound would have been about one octave lower than the lowest key on the piano" (roughly 14 Hz).⁵⁶ According to Haweis, the vibration of the seven bells at a church in Peking, the greatest of which weighed nine tons, hung in an unsuitable belfry and literally rang the tower to pieces—a fate Haweis described as far from uncommon when community members failed to reverse the gradual toll that heavy bells and their vibrations had on the supporting machinery and tower masonry.⁵⁷

Poor Sound Quality

Although sounds had to be at least loud enough to be perceptible if they were to invoke a conflict, and significantly loud sounds could be expected to generate a greater number of complaints, music didn't have to be earsplitting for unwilling listeners to find it aggravating. Bad timbre was another frequent source of complaint. When complaining about timbre, people frequently relied on metaphors, comparing the sound of various musical instruments to things deemed unpleasant such as the sounds of illness and suffering or those of noisy animals. Barrel-organs and occasionally concertinas were described as "wheezy" or "asthmatic." One author described them as wind broken, asthmatic, croupy, and congested.⁵⁸ Concertinas had the special honor of being referred to as "constantscreamers."⁵⁹ Smith described handbarrow organs as starting up with a

⁵⁶ Lukianov (1999): <http://www.russianbells.com/history/history1.html>.

⁵⁷ Haweis (1873), 356, 380.

⁵⁸ "A Solo on the Organ," *Every Saturday*, 1 Oct. 1870, p. 627.

⁵⁹ See examples in: 1 Oct. 1870, "A Solo on the Organ," *Every Saturday: A Journal of Choice Reading*, p. 627; "Ghostly Music," *Church's Musical Visitor*, 10 Jul. 1881, p. 269; Russell (1997), 140.

“hiccoughing kind of sound, as though the pipes were gasping for breath.”⁶⁰ Still others described hand-organs as groaning.⁶¹ Flutes, fiddles, singers, and peddlers often shrieked or screamed or were at least shrill.⁶² Phonographs screeched and squalled,⁶³ while radios blared.⁶⁴

Comparisons of various musical instruments to animal sounds appear even more frequently and Smith once again offers us two particularly colorful examples. In one case, he described a new French barrel-organ containing pipes and metal reeds as producing “a succession of sudden hoarse brays as an accompaniment to a soft melody, suggesting the idea of a duet between Titania and Bottom.”⁶⁵ Even more interesting is his description of the average instrument used by the horse-and-cart organists:

Their machines are some of them vast structures, which, mounted upon stout wheels, and drawn by a couple of serviceable horses, might be mistaken for wild-beast vans.... The piercing notes of a score of shrill fifes, the squall of as many clarions, the hoarse bray of a legion of tin trumpets, the angry and fitful snort of a brigade of rugged bassoons, the unintermitting rattle of a dozen of more deafening drums, the clang of bells firing in peals, the boom of gongs, with the sepulchral roar of some unknown contrivance for bass, so deep that you might almost count the vibrations of each note—these are a few of the components of the horse-and-cart-organ, the sum-total of which it is impossible to add up. Compared to the vicinity of a first-rater in full blow, the inside of a menagerie at feeding-time would be a paradise of tranquility and repose.⁶⁶

Smith, however, wasn’t the only one to rely on these strategies. An article from the *Boston Daily Globe* compared the sound of the cheap brass instruments that made up the average local street band to the “roar of an angry bull.”⁶⁷ One cartoon in *Punch*

⁶⁰ Smith (1852), 198.

⁶¹ “A Solo on the Organ,” *Every Saturday*, 1 Oct. 1870, p. 627; Anon. (1874), 496.

⁶² For examples, see: McKenzie (1916), 65; L. T. (1880), 50; M. D., “Concerning Noise Makers: A Physician Enters Protest Against the License Given to Them,” *Brooklyn Daily Eagle*, 18 January 1899, p. 2.

⁶³ Frederic J. Haskin, “The Modern Serenade,” *Fitchburg Daily Sentinel* (MA), 13 Oct. 1917, p. 4; “Nickelodeon Proprietors,” *Newark Advocate* (OH), 29 Feb. 1908, 6.

⁶⁴ “Haled for Radio’s Blare,” *New York Times*, 13 Sept. 1929, p. 37.

⁶⁵ Smith (1852), 198.

⁶⁶ *Ibid.*, 199.

⁶⁷ “Our Street Musicians: Their Qualities, Good and Bad,” *Boston Daily Globe*, 30 Jun. 1873, p. 8.

compared bagpipes to the sound of pigs (fig. 3.2)⁶⁸ and another suggested that English wait bands, a form of performance group that had evolved from musical night watchmen and was predominantly active at Christmas time, sounded like a yowling cat (fig. 3.3).⁶⁹ Nor were the sounds of musical instruments the only ones animorphized. In letters to the editor, peddlers not only shrieked but howled and croaked.⁷⁰ Amateur musicians were also targeted with similar language and an author going by the initials “L. T.” called on a mix of animalistic and chaotic noises, stating that “they thump, they bang, they bellow, they roar, they shout, they scream, they squeal.”⁷¹ Phonographs and radios squeaked and squawked while radios howled.⁷²

As with most laymen’s discussion regarding timbre, the use of metaphor suggests more than specifies what made various musical sounds objectionable. Wheezing and asthmatic sounds were probably caused by damaged reeds, leaky bellows, and cracked cases on barrel-organs and concertinas, which would have resulted in a significant amount of air leaking from the instrument, perhaps serving as the nineteenth century version of tape hiss or pops and clicks on an LP. Given the extreme abuse these instruments faced from constant daily use in all varieties of weather, such problems were likely to develop. References to shrieking and screaming could indicate a dislike for the upper register of women’s voices and instruments such as flutes and fiddles, which tend to be louder and less controlled in their uppermost register.

⁶⁸ “A Real Soldier,” *Punch*, 30, Jan.-Jun. 1856, p. 140.

⁶⁹ [No Title], *Punch*, 30, Jan.-Jun. 1856, p. 12.

⁷⁰ Anon. (1885), 569; G. M. Cole, “A Man of Grievances,” *Brooklyn Daily Eagle*, 1 Aug. 1888, p. 3.

⁷¹ L. T. (1880), 48.

⁷² “Nickelodeon Proprietors,” *Newark Advocate* (OH), 29 Feb. 1908, 6; “Friend of the People,” *Chicago Daily Tribune*, 10 Jun. 1925, p. 8; “Sound Trucks,” *The Kingston Daily Freeman* (NY), 21 Sept. 1937, p. 4.



A REAL SOLDIER.

Friend. "MY GOOD ALFRED! WHAT THE DEUCE ARE YOU ABOUT?"
 Alfred (in the Fusilier Guards). "WHY YOU SEE, OLD FELLOW, WE ARE TO HAVE A CORPS OF SCOTCH BAGPIPERS ATTACHED TO THE REGIMENT.—SO, I'M TRYING TO ACCOMMODATE MYSELF TO CIRCUMSTANCES, AND GET ACCUSTOMED TO THE NOISE!"

Fig. 3.2

Punch cartoon comparing the sound of bagpipes to that of pigs



Old Lady. "Oh, ah! yes, it's the Waits. I love to listen to 'em. It may be fancy, but somehow they don't seem to play so sweetly as they did when I was a girl. Perhaps it is that I'm getting old, and don't hear quite so well as I used to do."

Fig. 3.3

Punch cartoon comparing the sound of English Wait bands to a yowling cat

Comparing the sounds of musical instruments and voices to those of suffering was probably intended as more of a discourse strategy than one of description. Street and amateur musicians in particular were often referred to as torturers, fiends, villains, and murderers. When their medium of choice wasn't referred to as a torture device, either the instrument or the music was frequently described as the subject of sadistic violence. For instance, a self-proclaimed "Music-Hater" drew attention to the double meaning of musical "execution" by young men and women on piano, German flute, and keyed bugle. Music-Hater found that "the pastime of the musician is selfish and cruel; he gratifies his ruffianly taste at the cost of incalculable suffering to five-sixths of the miserable beings within the range of his instrument of torture; *for such every musical instrument is!*" He then goes on to recommend that criminals be subjected to professional, amateur, and street music performances as punishment:

For murder I would have a concert for life, or a perpetual oratorio; for homicide ten years perhaps of the Italian opera; for highway robbery a musical festival, or two, if there should be aggravating circumstance; shop-lifting and picking of pockets might be punished with a certain number of tunes on a barrel-organ or dulcimer, at the discretion of the court; usury might appropriately be restrained by the jew's harp; housebreakers by the dread of being sent to the house robbed, and kept chained to the leg of the piano-forte until the musical education of the young ladies of the family is completed; treason and blasphemy—what should we have for these?—I have it—the traitor, if a male, I would marry to a prima donna; if a female I would give her such a husband as Paganini; the blasphemer should suffer a torture which would satisfy even Captain Gordon,—I would inflict on him Mozart's Creation.⁷³

This list of musical punishments levels the playing field, lumping instruments and genres associated with the lower, middle, and upper classes into a single source of torment.

The passage is reminiscent of Jerome K. Jerome's "The Ghost of the Blue Chamber." In Jerome's story, a wealthy old gentleman is rumored to have killed a number of musicians in his neighborhood. The murders included choking a wait

⁷³ "Confessions of a Music-Hater," *The New York Mirror*, 8 Dec. 1832, p. 179.

balladeer with a piece of coal, poisoning a German band with a railroad service pork pie, and strangling a muffin man with his own wares. Other mysterious disappearances and deaths claimed by the old man's ghost included those of seven cornet and trombone players, a harp player, and an Italian barrel-organ-grinder. Being egalitarian in his aims, the old man convinced a female guitarist and a bass viol player to elope with one another, effectively ending their musical careers. He also boasts to the story's narrator that he used to poison poets and youths playing nighttime serenades on their concertinas in batches of ten to save on expenses. Not content to kill musicians in the flesh, when the spirits of the dead musicians return to torment him in the afterlife, the old man's ghost dispatches of them one by one over the course of twenty-five years.⁷⁴

"Music-Hater" and Jerome were not the only authors to complain about the torments of undesired music. Another author described grinders as filling "the air with the racked ghosts of old familiar tunes, shrieking in torture under the turn of this mill."⁷⁵ In *The Miseries of Human Life*, James Beresford described a female neighbor as wrestling with her piano until it "did not resist any more, but only complained. *I* gave in, too. I became pretty near going 'right off the handle,' to be numbered among the killed and wounded of the 'Battle of Prague.'"⁷⁶ Generally the abuse heaped upon female pianists involved less colorful descriptions and people spoke of young women drumming, thumping, or pounding their instruments. Accounts of the Salvation Army describe them as engaged in all out musical warfare, which seems appropriate enough since, as will be seen in Chapter Six, the Army used and embraced this metaphor itself.

⁷⁴ Jerome (1891).

⁷⁵ "Noisy New-York," *New York Times*, 12 Jul. 1873, p. 5.

⁷⁶ Beresford (1853), 83. The "Battle of Prague" was a popular and much overplayed piano piece.

Animal sounds also appear more strategic than descriptive, although there is a predominance of adjectives such as howling, squealing, and screeching which suggest a degree of roughness. It seems more likely that these adjectives were intended to question the musical nature of the sounds by comparing them to the artless sounds of animals. In a few cases, authors did use these adjectives to dehumanize the musicians themselves, such as one article in *The Examiner* which use the phrase “grunts and squeaks of a herd of filthy German swine” to describe the performances of German street bands.⁷⁷

Although, as pointed out by Picker, it is important to acknowledge the racist sentiments underlying such remarks, this doesn’t necessarily entail that complaints about the music were unfounded. As demonstrated in Sharon Lockyer and Michael Pickering’s “Dear Shit-Shovellers: Humour, Censure and the Discourse of Complaint,” complaints about social transgression have often been expressed metaphorically through comparisons to “excrement, pigs and arses,” as well as to filth in general and the body grotesque.⁷⁸ Although unfortunate, drawing attention to a person’s status as a foreigner was seen as an acceptable way of drawing attention to his or her social transgression in the eighteenth and nineteenth centuries, perhaps more so than comparing them to excrement and arses.⁷⁹ Referring to people as various animals perceived to be ill-mannered or filthy (e.g., pigs, jack asses, dogs) is still a common tactic for emphasizing annoyance with behavior perceived as socially unacceptable. Even if we dismiss

⁷⁷ “The Street Nuisances,” *The Examiner*, article quoted in Bass (1864), 96. Picker provides this along with an even more vivid comparison of Germans to howling apes and baboons as evidence that the dislike of German street band music stemmed solely xenophobic defenses of territory against foreign invasion as opposed to any legitimate reasons on the part of the complainants (2003), 51-52.

⁷⁸ Lockyer and Pickering (2001).

⁷⁹ Comparison with the scatological and the anal, however, are clearly evident in modern day debates appearing on Internet forums and comment pages as will be evidenced by some of the material cited in Chapter Eight.

complaints such as the one above as unfounded racist attacks, it is dangerous to assume that *all* complaints about music by foreign performers were inspired by racism. A large number of complaints regarding unwanted music make no reference to the nationality or race of the performers and many of the groups complained about, including middle class female pianoforte players, English wait bands, and Civil War veterans playing the barrel-organ, would have shared the same race and nationality as the person complaining.

Other adjectives were also used to describe the timbre of disagreeable music. Pianos, mechanical instruments, and tambourines rattled or jangled. Stringed instruments and phonographs scratched, horns tooted or blasted, and percussion instruments crashed. Taken in combination with non-musical urban sounds, the resulting soundscape was often described as pandemonium, din, cacophony, bedlam, infernal, or the sound of Babel. With so many timbres to catch the attention, the end sonic result was undoubtedly overwhelming at times.

People not only complained about the asthmatic wheezing of cracked concertinas but about instruments in other states of disrepair, including those missing parts. A missing pin or string on an instrument meant missing notes. Smith, for example, described a pitiful case in which a padrone sent out a “harmlessly insane Italian lad” with a blackened (presumably charred) street piano that only had two strings left:

Three turns of the handle, and the all but defunct instrument ejaculates ‘tink;’ six more inaudible turns, and then the responding string answers ‘tank.’ ‘Tink—tank’ is the sum-total of his performance, to any defects in which he is as insensible as a blind man is to colour. As a matter of course, he gets ill-treated, mobbed, pushed about, and upset by the blackguard scamps about town; and were it not for the police, who have rescued him times without number from the hands of his persecutors, he would long ere now have been reduced to as complete a ruin as his instrument.⁸⁰

⁸⁰ Smith (1852), 200.

The *Brooklyn Daily Eagle* published a blurb, perhaps fictional, about a deaf organ-grinder who was insensible to the plight of his instrument and proceeded to crank the handle on a vandalized hand-organ for half a month before someone told him it made no sound at all.⁸¹ More frequently, a damaged instrument would be missing only a note or two, but since many of the songs were well-known to almost everyone, their absence would not have gone unnoticed.⁸² An article first published in the *New York Sun* referred to hand-organs in this condition as “wheezers” and stated that builders intentionally left out notes to make them sound more mournful so that they would invoke sympathy from passersby.⁸³ The brass instruments used by community and factory bands were seldom in better condition. In their 1936 history of the British brass band movement, Russell and Elliot describe many players as self-taught and playing on old, battered, leaky instruments.⁸⁴

Tuning was no less of a problem. A bent pipe on a barrel-organ, cheap and much abused instruments, and/or a lack of intonation on the parts of the performer all contributed to intonation problems. Haweis mentions that barrel-organs and small string ensembles were frequently out of tune.⁸⁵ An article primarily targeting steam whistles from *Lippincott's Magazine of Popular Literature and Science* made a similar comment about street fiddles and other stringed instruments.⁸⁶

Street pianos and band organs were particularly problematic to keep in tune because of their complexity. Fortunately, given the considerable sonic intensity produced

⁸¹ “Miscellaneous Items,” *Brooklyn Daily Eagle*, 27 May 1880, p. 1.

⁸² For one such discussion, see: Anon. (1845).

⁸³ Reprinted in: “Wheezers,” *Boston Daily Globe*, 9 Apr. 1893, p. 31.

⁸⁴ Russell and Elliot (1936), 125-26.

⁸⁵ Haweis (1900), 385, 552.

⁸⁶ Anon. (1873).

by these instruments, the owners seemed more adept than most street performers at keeping their instruments in good working order. An 1893 article from Boston described the process of repairing, maintaining, and tuning instruments as a daily ritual among serious street organ and piano owners.⁸⁷ Although there are few accounts of out-of-tune street pianos and band organs, Smith described the tuning process as a harrowing experience in itself:

By a piece of particular ill-fortune, we came one day upon one undergoing the ceremony of tuning, on a piece of waste-ground at the back of Coldbath prison. The deplorable wail of those tortured pipes and reeds, and the short savage grunt of the bass mystery, haunted us, a perpetual day-and-night-mare, for a month.⁸⁸

Despite his overall objection to the encounter, Smith did admit that the grinder had a knack for tuning his instrument.

Of course, the intonation of amateur musicians was no less fallible. In some cases, neighbors bought pianos that they either couldn't afford or simply neglected to keep in tune.⁸⁹ In 1900, the *Brooklyn Daily Eagle* published a sketch called "An Accommodating Neighbor" in which the lady of the house is surprised by a visit from the piano tuner. When she explains that she didn't hire a tuner, the tuner replays "No, but the man next door did."⁹⁰ Church bells were also susceptible to their own sonic fallibilities and Haweis complained that many church bells were cracked, out of tune, and discordant.⁹¹

⁸⁷ "Hand Organ Symphonies: An Early Morning Rehearsal in Italian Quarters of the North End," *Boston Daily Globe*, 28 May 1893, p. 9.

⁸⁸ Smith (1852), 199.

⁸⁹ "The Home Department," *Christian Union*, 28 Aug. 1890, p. 269.

⁹⁰ "An Accommodating Neighbor," *Brooklyn Daily Eagle*, 28 May 1900, p. 6.

⁹¹ Haweis (1897), 386.

Poor Performance Quality

Sometimes musicians not only lacked a sense of intonation but were simply incapable of playing their instruments. For most of the nineteenth century, a sizeable number of street musicians were children apprenticed, and often practically enslaved, to a padrone. In most cases the padroni had no intention of teaching their young charges how to play their instruments—assuming that the instruments were even in a playable condition. A few children, such as Cagliardo Coraggioso, a Victorian era street musician and an early victim of the padrone system, did learn to play tolerably on their own. Most however, were described as merely scraping or plucking at their instruments in a feeble sort of manner.⁹²

Children were not the only performers deficient in playing ability. Many people recognized that there were several tiers of street musicians. Out-of-work professional musicians and a few self-taught talented individuals were generally appreciated—although not at all times and in all situations. Younger musicians and less talented performers were tolerated, if not enthusiastically encouraged. A few writers asserted that “Music, be it ever so badly executed, is still better than no music at all; and the children of the street may, perhaps, be lifted in soul a little by the strains of the wheeziest hurdy-gurdy that ever was invented.”⁹³ Most people, however, recognized the existence of a bottom tier of performers consisting of those who either could hardly play at all or made no pretense at possessing musical skills and merely made noise on their instruments. German street bands in particular seem to have run the gamut from semi-professional and highly regarded to groups of young men just learning their trade. We find not only

⁹² Hoppin (1994), 9; Coraggioso (1938). There is one unverified claim that “Cagliardo Coraggioso” is actually a pen name used by Eugenio D’Agostino.

⁹³ “Our Street Musicians: Their Qualities, Good and Bad,” *Boston Daily Globe*, 30 Jun. 1873, p. 8.

descriptions in written accounts but also audio imitations on commercially released records. Particularly striking are two versions of the descriptive sketch “The Passing of a Circus Parade” released by Victor in 1902 and Columbia circa 1906. Following the announcement “Here comes the German band!” by a member of the crowd, both records treat us to a depiction of a German band playing the “Lauterbach song” (better known by its first line, “Oh where, oh where, has my little dog gone?”). The Columbia version of the sketch presents a clean, rather unremarkable performance of the piece while the Victor version presents it complete with bad intonation and a missed final note by the trumpet.⁹⁴

Likewise, amateur musicians were expected to be proficient, or at least tolerable, but certainly weren’t held to professional standards. Writing for *The Atlanta Constitution*, George Fitch described six grades of community brass bands consisting of “good, bad, unendurable, horrible, atrocious and worse.” He went on to say:

There are only a few [bands] of the first grade, but almost every small town has a band of the sixth grade. It is composed of earnest young musicians who meet in a lodge hall every Saturday night and practice while the inhabitants stuff cracks in the doors and windows and put on tight shoes to divert their minds. Many a time death has paused over a small town to take toll, but as he has listened to a fourteen fragment band rolling through “Poet and Peasant” in a heavy sea, the cornets, four beats in the lead, with the clarionets and alto horns catching up fast, and the bass horn fast on a bar and sending up distress signals, he has shuddered and passed on.⁹⁵

Many authors recognized that women entered into the institution of amateur piano playing as a form of female accomplishment or womanly duty to improve their social status and marriage prospects. A few complained that women often lacked musical talent and abilities. Not only were passages performed with a complete lack of musical expression, but they were often filled with wrong notes, rushed off in overly fast tempos,

⁹⁴ Spencer and Girard, performers. 1902. “The Passing of a Circus Parade.” Victor M-1382-[1]; Spencer and Girard, performers. ca. 1906. “The Passing of a Circus Parade.” Columbia A277 (746-9).

⁹⁵ George Fitch, “Brass Bands,” *The Atlanta Constitution*, 20 Jan. 1913, p. 4.

and played at a steady, loud dynamic throughout. One writer to *Churches Musical*

Visitor described the abuse of “Home, Sweet Home,” by female pianists:

How many attempt, and how few can play it! It is rattled off by Miss Fortissimo in her usual noisy style.... This piece, suited for public performance when properly rendered, is constantly thrust into the hands of incompetent school-girls, and rattled over in an excruciating way. Here we have one of the secrets of a vicious style of playing—the modern forcing system—attempting music beyond the powers of the performer. The result is a miserable, slovenly rattle. No one should attempt to play music he or she can not completely master after moderate practice with ease. It should be executed neatly, deftly, easily, and every point studied to make it “speak.” That is the real way to learn music and to become an artistic player. Noise is not Music.⁹⁶

This “miserable, slovenly rattle” would be the end result performed at a drawing room concert after many hours of practice and probably was much improved from the repeated attempts and renditions heard by the next door neighbors.

Although a lack of playing abilities and poorly maintained instruments were often due to a lack of knowledge and resources on the part of many street musicians, at least a few individuals used this lack of skill and musical quality strategically. Some unscrupulous individuals used their performances to extort money from unwilling listeners and found poor performances advantageous, as explained by a fictional organ-grinder to one of his competitors:

“I say, Bill, ow is it as you always gets so much more nor me, ven your organ isn’t worth so much as mine by five shillin’ and you plays nothing but old Robin Gray, and the Duke or York’s March, and God save the King, and the Undred-and-Fourth-Psalm, and sich like, vile I flares up with the Unters’-Chorus, and Ome sweet Ome, and Bonnets o’Blue and lots o’ good ‘uns?”

“Vy, I’ll tell you ‘ow’ it be; you see ven I goes to ire a horgan, I gets von as bad out o’ chune as I can, vile you does nothing but luk hout for a good un. So nobody takes no notice on you; but ven I begins to flare up with mine, the gemmen hopens the windy, and chucks me sixpence to go away.”⁹⁷

Various accounts suggest that the act of extortion was far from fictitious, a matter which I will discuss in the next chapter.

⁹⁶ London Society, “Modern Music,” *Churches Musical Visitor*, Jun. 1873, p. 2.

⁹⁷ “The Barrel-Organ Nuisance,” *Atkinson’s Casket* (Philadelphia, PA), 1 Jan. 1836, p. 11.

Returning to the issue of the sonic quality of music in general, by the late 1890s the city of Boston began submitting its street musicians to a form of musical emissions test as a means of ensuring a certain level of sound quality and preventing people from begging. In cases where the musician's instrument was poorly maintained or out of tune, or where the self-proclaimed musician proved completely incapable of playing his or her instruments, he or she was refused an annual permit until the problem was rectified. The first few years, officials seemed to refuse a relatively large number of performers permits on these grounds. In 1898, 20 musicians out of 150 were refused a license, or roughly 13%.⁹⁸ The harshness of the test seems to have done little to deter the number of street musicians in Boston. In 1900, 500 organ-grinders went through the permit test. The administrator of this test, Professor Patterson, doctor of music, explained his criteria:

“We do not expect symphonic strains,” remarked the professor, “but we do insist that the tunes that are played shall not cause distress to the public because of lack of real harmony. Technique is not necessary. But monkeys are barred.”⁹⁹

Whether this last stipulation meant monkeys were barred from the testing site, from the city streets, or from playing the organs—a trick occasionally used by organ-grinders to amuse an audience—is unclear.

Boston's musical emissions tests remained a popular topic and received coverage in various papers up through April 1936. Boston's regulations also served as a model for New York City, which instituted its own test in 1916.¹⁰⁰ More recently, England has begun auditioning performers for one-hour slots in old Covent Garden, a practice that Rouse described as “suspiciously tourist-oriented” in 1999. Although the one-hour slot

⁹⁸ “Check on Street Musicians,” *Boston Daily Globe*, 25 Dec. 1898, p. 16. A rather lengthy article describing the process of testing the instruments appeared a few weeks earlier in: “They Played Before the Censors,” *Boston Daily Globe*, 2 Dec. 1898, p. 5.

⁹⁹ “Play Away, 206,” *Boston Daily Globe*, 7 Sept. 1900, p. 4.

¹⁰⁰ “New York Hand Organs Must All Be Tuned; City Puts Ban on Discord,” *The Washington Post*, 17 Sept. 1916, p. ES9.

seems rather limiting and may be an attempt to allow as many musicians as possible to participate without overwhelming residents and passersby, the practice of auditioning street performers was already a 100-year-old tradition in the United States and almost a 150-year-old tradition in Germany by 1999, and clearly predates the modern tourist industry.¹⁰¹

A few individuals complained about the finer points of musical execution. Most music performed on the streets had already proven popular in other venues including opera houses, music halls, penny gaffs, and parlors. People generally knew many of the songs backwards and forwards by the time they hit the streets and could pick up on small changes to the tune. Smith, for instance, had numerous complaints about the pinning of barrel-organs:

The barrels of some are so villainously pricked that the time is altogether broken, the ear is assailed with a minim in the place of a quaver, and *vice versa*—and occasionally, as a matter of convenience, a bar is left out, or even one is repeated, in utter regard of suffering humanity.¹⁰²

Changes to the number of measures and durations probably were not uncommon for mechanical musical instruments. The arrangers had to adjust songs to fit the barrel and the limited note range for smaller instruments. An 1889 article in the *Newark Daily Advocate* described the practice of young women attempting to perform duets with barrel-organ-grinders outside their windows. These duets generally failed because of the exact time kept by the organ and the limit of many hand-organs to only twenty-six keys. The writer commented that “the maker often finds it a difficult job to get his harmony and

¹⁰¹ Rouse (1999), 156; see earlier in this chapter for comments on sound quality checks in Germany.

¹⁰² Smith (1852), 198.

accompaniment in so small a compass. This will account for the departure from the score of a piece in many cases when heard on the hand organ.”¹⁰³

Another musical problem faced by street musicians was tempo. Haweis’ one regret for German street bands was that they constantly took songs “at a pace or in a style which proves that the player has never heard them on the stage, nor has the faintest notion of what they mean.”¹⁰⁴ Barrel-organs were particularly prone to run slipshod with the tempo, perhaps because of the ease of turning a crank at any tempo the performer wished. Another author looked forward to the day when

we shall be spared the dreadful affliction of listening to “Hear Me, Norma,” rendered in two-step time, or “Every Little Movement Has a Meaning All Its Own” played like the Virginia reel. Our Italian friends who appeal to us with more or less enticing strains from the curb must be taught to cultivate repose. They must be convinced that they cannot transform “andante” into “allegro” with impunity, simply because they are in haste to pass around the hat. It is a serious matter. Already the list of musical fatalities due to this cause is shockingly long.¹⁰⁵

Rumor has it that a famous composer once rushed out on a startled organ-grinder playing one of the composer’s pieces at the wrong tempo. The composer cried something along the lines of “No, like this!” and began cranking the instrument at the correct speed. The grinder went away but returned the next day having learned his lesson and added a placard to his instrument testifying that he was a pupil of the composer. This story has been attributed to at least Rossini, Sousa, and Mascagni.¹⁰⁶ The story may have stemmed from an 1880 paper describing how Rossini used to compose in bed and rushed out in a “sketchy toilet” to teach the grinder the correct tempo while shouting “*Cosi! cosi!* Never play my air again unless you play it as I do.” In this version, the astonished organ-

¹⁰³ Ernest Jarrold, “Organ Men of New York,” *Newark Daily Advocate* (OH), 3 Dec. 1889, p. 3.

¹⁰⁴ Haweis (1900), 548.

¹⁰⁵ “An Evil to Be Curbed,” *The Syracuse Herald*, 18 Jun. 1911, 16.

¹⁰⁶ See respectively: Crowest (1881), 141; “Street Music Reform,” *Brooklyn Daily Eagle*, 10 Aug. 1899, p. 6; “Mascagni, the Troubled,” *The Atlanta Constitution*, 8 Apr. 1903, p. A8.

grinder doesn't return for a second confrontation.¹⁰⁷ On other occasions, it was the grinder's assistant and not the grinder himself who set a poor tempo. As mentioned above, the grinder's monkey occasionally took a literal turn or two at the crank, causing one writer to observe that monkeys "seem to have extremely faint perceptions of time."¹⁰⁸

The same faint perception of time was apparently true of female pianists who, when attempting to play duets with passing street pianos, found it a difficult challenge because the pianos kept "absolutely exact time."¹⁰⁹ Female pianists took other slights on the account of hand-organs. James Parry, one of Bass' correspondents, complained that one of the problems with barrel-organs was that they "play off, without the slightest trouble, a tune which has taken perhaps weeks to get through with difficulty, which is very disheartening to the young player."¹¹⁰ Another author recommended introducing barrel-organs into the home in place of pianos not only because it would improve the quality of music, but because it would also release women from hours of practice and allow them to focus on their household duties.¹¹¹

Choice of Musical Selection and Repetition

Even when musically superb, the acceptance of any given performance was far from assured. The reception of a performance also hinged upon the tunes selected, as well as other factors to be discussed in the respective chapters including the time of the performance, the current state and environment of the listener, and the listener's overall

¹⁰⁷ Lake (1880), 52.

¹⁰⁸ Anon. (1845), 16.

¹⁰⁹ Ernest Jarrold, "Organ Men of New York," *Newark Daily Advocate* (OH), 3 Dec. 1889, p. 3.

¹¹⁰ Bass (1864), 31.

¹¹¹ Wentworth, (1849).

perception and interaction with the performer. In ethnomusicology, scholars often attribute the existence of pop hits and globalization to the ability to record and play back music through the phonograph and its descendents. At least in terms of Europe and North America, mechanical musical instruments, street musicians, and sheet music for parlor instruments proved perfectly capable of saturating the nineteenth and early twentieth soundscapes with the latest popular song. If a tune proved popular at the opera or in the music halls, music publishers and mechanical instrument manufactures scrambled to generate arrangements for barrel-organs, brass bands, and the amateur musician.

Although street music was very unlike records in that consumers couldn't purchase and collect specific recordings, its ability to spread a popular tune until it became inescapable is very reminiscent of modern radio. At least two papers circulated the following story treating the role of barrel-organs in spreading popular tunes:

Rudyard Kipling often gets heartily sick of hearing some of his own songs and poems. On one occasion, while out walking with a friend, he heard a barrel organ roll out his South African war ballad, *The Absent Minded Beggar*, long after the whole thing was over.

His companion made some comment, to which the poet replied, "Do you know, if it was not suicide, I'd like to murder the man who wrote that."¹¹²

A period cartoon reprinted in Ronald Pearsall's *Victorian Popular Music* depicts the life of a hit song entitled "Throw 'em All Out" by a fictional composer named Tompkins. Both the song's popularity and Tompkins' elation soar when first the music halls and then Her Majesty's Guards play it. When the song hits the "At Homes," or domestic music rooms, Tompkins is already tiring of his own tune. To the composer's growing dismay, it then progresses through the piano organs, German bands, and hand-organs.

¹¹² "Ruddy's Narrow Escape," *Boston Transcript*, reprinted in *The Wall Street Journal*, 11 Feb. 1929, p. 2.

Tompkins flees to the country, only to hear his song once again played by a fairground steam organ. At this point the composer is driven insane by his own tune and is reduced to the life of village idiot.¹¹³

Although a bit melodramatic, the cartoon does give a clear sense of how stubbornly a song could linger in the Victorian soundscape. The cartoonist omits, however, that popular tunes often reappeared set with new religious lyrics by the Salvation Army, as in the case of “Champagne Charlie” / “Bless His Name He Sets Me Free.” In a few cases, the song would then be parodied a second time by the Skeleton Army, a loosely organized group of roughs that aggressively opposed the Salvationist’s activities, this time set with anti-Salvation Army lyrics. On a contrary note, Rossini was rumored to be pleased with the role of the barrel-organ in spreading his music. When Bellini boasted that his songs were sung in the streets of Paris and London, Rossini reportedly replied, “but mine *grind!*”¹¹⁴

Similar to modern day radio chart toppers, people soon grew tired of hearing popular tunes. Street musicians often followed set routes and played a limited number of tunes. As a result, they treated the customers along their route with the same tunes weekly, or even daily. In the case of hand-organs and musicians incapable of playing more than a few songs, listeners often found themselves treated to a musical loop that lasted minutes or, if a street musician settled down on a well-traveled and lucrative intersection, even hours. Philip G. Hubert, Jr. commented that if anything drove him to suicide, it would be hearing an “hour of ‘Silver Threads among the Gold’ upon an organ at one end of the block, together with ‘Hear me! Norma!’ upon an organ at the other

¹¹³ Cartoon captioned “The Amusing History of a Popular Song,” reprinted in Pearsall (1973), 109. The origin and original title of the cartoon are unclear.

¹¹⁴ Winter (1993), 77.

end.”¹¹⁵ He further complained of hearing “*Il Trovatore*” and “Hear me! Norma!” interpreted by several million organs and compared the endless repetition of the latter to death by Chinese water torture.¹¹⁶ A stagnant repertoire was less of a problem with street pianos, and a correspondent to the *Bucks County Gazette* commented that they were a “great improvement over the old hand-organs which year after year piped the same discordant notes. No one ever expected them [the hand-organs] to grind out a new tune, and the same music seemed to be arranged for all of them.”¹¹⁷

Although perhaps pleased at first with the street music phenomenon, publishers may have grown more wary of it by the end of the century. The following article described the rise and fall of a hit song:

Clifton Bingham, the author of “In Old Madrid,” “Love’s Old Sweet Song” and “The Dear Homeland,” once said: “The moment a song is put ‘on the streets,’ as we call it, it becomes tremendously popular. You hear it everywhere. Every boy hums it as he goes to school. It is played in every street. But my publisher shakes his head sadly when that day comes. It is generally the beginning of the end—a boom which dies away. People get tired of hearing the same song wherever they go, whatever the song may be, and the song of the barrel organ is not welcome in the drawing room. So that the putting of a song on the street organs means a fleeting fame, and then—well, too often an utter relapse and complete oblivion.”¹¹⁸

As we’ll soon see, the complete fall of a song into obscurity wasn’t a guaranteed fate. Many songs that were once played by street musicians, parlor instruments, and the Salvation Army are still popular as old favorites today and some almost have a status of American and English folk tunes. Still, the incessant presence of a song probably meant at least a temporary financial death for many publishers.

Since everyone was trying to cash in on hit song, the chances of more than one musician playing a popular tune on any given day—including the girl next door on her

¹¹⁵ Hubert, Jr. (1894), 634.

¹¹⁶ Ibid., 634-35.

¹¹⁷ “Our Philadelphia Letter,” *The Bucks County Gazette* (Bristol, Penn.), 19 Apr. 1894, p. 1.

¹¹⁸ “Kills the Song,” *The North Adams Evening Transcript*, 16 Oct. 1900, p. 2.

pianoforte—were rather high. Barrel-organ cobs were designed to contain a short piece of music. The cylindrical structure meant that the piece would loop *ad infinitum* until the grinder stopped playing or changed barrels. Since new cobs were expensive, particularly for someone with a precarious income, most grinders possessed a limited number of tunes seldom added new pieces to their repertoire. A song that listeners had tired of before it even finished its rounds in the music halls could linger for years. Apparently one grinder had made the rounds in South Paris, Maine for around thirty-seven years. With the exception of one or two selections, he had been playing the same songs for nearly four decades.¹¹⁹ Another writer joked that New York was eagerly awaiting the arrival of thirty-four new organ-grinders from Paris. He went on to describe the faults of the current organs touring the outskirts of New York:

For the past two summers residents in these semi-rural districts have been driven indoors pleasant evenings by barrel organs that date back to the stone age of the industry. The organ grinders have made more money from people who paid them to go away than those whose ears were pleased with this sort of noise. They never even changed their route and night after night the same old tunes would disturb the same neighborhood. One of these agony producers explained that the territory was now so divided that there could be no rivalry. Perhaps the French organs are no better and the fact that the police are driving them out of Paris is suspicious, but they will probably have the one redeeming quality of being different.¹²⁰

That this story was printed for the amusement of people in Montana says a little about the range of the organ-grinder phenomenon.

The specific songs that people complained about tended to vary from year to year. Some songs, particularly musical hall and cinematic hits, received immediate attention from street music opponents within a year of their publication. For instance, Mackay complained about “Not for Joseph” and “Champagne Charlie” as part of the street music

¹¹⁹ “Odd Items from Everywhere,” *Boston Daily Globe*, 13 Aug. 1918, p. 12.

¹²⁰ “Gossip of New York during the Week,” *Anaconda Standard* (MT), 19 Jan. 1902, p. 26.

lineup for 1868, both of which were first performed in 1867.¹²¹ The popularity of many of these songs with street musicians seems to have waned rather quickly. This phenomenon was still evident in 1936, although the new chart toppers included songs such as “Isle of Capri,” “I’m Putting All My Eggs in One Basket,” and “The Music Goes Round and Round.”¹²²

Operatic and patriotic pieces seemed to have enjoyed much longer performance periods. *Il Trovatore* was first performed in Rome in 1853 and was described as “the most popular grist of the organ-grinders” in New York City in 1856; the tune was still around in 1900.¹²³ During the Civil War, one organ-grinder was described as playing not only relatively new patriotic favorites such as “Rally Round the Flag,” “Dixie” and “John Brown,” but also old standards including “Marseilles,” “President’s March,” and “Yankee Doodle.”¹²⁴

A few songs also seem to have been strongly associated with specific forms of music-making. The “William Tell Overture” was popular with brass bands while Highland pipers primarily stuck to Scottish national tunes.¹²⁵ Black-faced minstrel groups had a soft spot for American “coon songs” and rags. Most musical selections, however, were performed by a variety of instrumentalists and street singers. Overly

¹²¹ Mackay (1868).

¹²² “Street Musicians Tune Up as Hurdy-Gurdy Season Opens,” *Christian Science Monitor*, 6 Apr. 1936, p. 11.

¹²³ “New-York City,” *New York Daily Times*, 11 Sept. 1856, p. 3; “Has a Rival: The Street Piano’s Place Taken by the Paris Organ,” *Portsmouth Herald* (NH), 3 Mar. 1900, p. 1.

¹²⁴ Anon. (1865).

¹²⁵ “Our Street Musicians: Their Qualities, Good and Bad,” *Boston Daily Globe*, 30 Jun. 1873, p. 8; “Street Music in London,” *Church’s Musical Visitor*, Oct. 1882, p. 348; Mackay (1868).

popular piano pieces included songs such as “Maiden’s Prayer,” “Battle of Prague,” and “Comrades.”¹²⁶

Other songs definitely stand out amongst the complaints either as being excessively popular for their time or as having long-term appeal. During the 1898 sound check of local organ-grinders in Boston, around fifty instruments were pinned to play “Banks of the Wabash,” published just the year before.¹²⁷ Although most likely an exaggeration, a 1911 article in *The Atlanta Constitution* claimed that “one hundred thousand barrel-organs were constructed to play nothing else” but selections from Gilbert and Sullivan’s *H.M.S. Pinafore*.¹²⁸ Some all around warhorses across the various forms of music-making included “Partant pour la Syrie,” the “Old Hundredth Psalm,” “God Save the King” (or “Queen,” as appropriate), “Silver Threads among the Gold,” “The Last Rose of Summer,” “Sweet By and By,” “Daisy Bell” (better known as “A Bicycle Built for Two”), selections from *Il Trovatore*, and “Sidewalks of New York.” The undisputable champion of unpopular popular tunes, however, was undeniably “Home, Sweet Home” from the 1823 opera *Clari, Maid of Milan*. An early reference to the performance of “Home, Sweet Home” by street singers appeared 1831.¹²⁹ In 1880, the countless performances of “Home, Sweet Home” by street musicians and amateurs inspired one writer to ask, “Would not the composer of ‘Home, Sweet Home,’ whoever he may be, turn in his grave if he knew that his innocent composition was daily torturing the most Christian souls into mingled thoughts of hatred and revenge?”¹³⁰ By the end of

¹²⁶ Complaints about “Battle of Prague” appear in at least: “The Piano Nuisance,” *Chicago Daily Tribune*, 27 Apr. 1873, p. 8 and Beresford (1853), 83.

¹²⁷ “They Played Before the Censors,” *Boston Daily Globe*, 2 Dec. 1898, p. 5.

¹²⁸ “Gilbertian Anecdote,” *The Atlanta Constitution*, 9 Jul. 1911, p. A2.

¹²⁹ “A Complaint of Street Minstrelsie,” *The Atheneum*, Apr. 1831, p. 327.

¹³⁰ L. T. (1880), 47.

the 1880s, people had complained about the song as performed by music boxes, vocalists, pianos, banjos, accordions, cornets, a flageolet, and—of course—barrel-organs.

With the invention of the phonograph and later the radio, the popular tune of the moment seems to have changed with increasing frequency, making it difficult to pin down a candidate for most annoying due to repetition. For early phonograph records, “Yes! We Have No Bananas” is a strong contender. The song even inspired a musical response, entitled “I’ve Got the ‘Yes! We Have No Bananas’ Blues.” The lyrics are from the point of view of a man trying to escape the sound of “Yes! We Have No Bananas,” only to hear it at the cabaret and coming from the beak of his own parrot. The original song was apparently popular with amateur piano players as well, based on the line “‘Bananas Bananas’ I wish I could break up a million pianos.” One sheet music edition of the blues response uses a collage of genuine news articles inspired by the song “Yes! We Have No Bananas” as a background for a fruit vendor covering his ears (fig. 3.4).¹³¹ The types of activities and social situations interrupted by music also overlapped a great deal whether it was produced by street musicians, amateur music-makers, advertisers, or political and religious campaigners. The nuances, however, warrant individual treatment over the course of the next four chapters. Our exploration begins with the conflicts over the regulation of street music from the 1850s through the start of the Second World War. Since the debates over street music from this period provide some of the earliest and richest information on soundscape disputes resulting from musical performances, I will be devoting some extra attention to this section before proceeding with the other areas.

¹³¹ Lew, lyrics, Hanley and King, music (1923); Cantor, performer. 1923. “I’ve Got the ‘Yes! We Have No Bananas’ Blues.” Columbia 81149-3 (A-3964).

The above tropes, as well as many of those discussed in Chapter Three, will continue to resurface through the remainder of the work.



Fig. 3.4
Cover illustration for “I’ve Got the ‘Yes! We Have No Banana Blues’”

Chapter Four

The Daily Grind: The Role of Barrel-Organs, Street Bands, and Other Forms of Street Music as Product

Although there are still occasional conflicts between street musicians and community members today, this particular social problem seems to have developed and flourished during the nineteenth and early twentieth centuries. Written complaints about street musicians, defined here as those individuals who perform for the purpose of soliciting money outside of a formal entertainment industry or system of hire, were relatively scarce before the start of the nineteenth century. The debate over the so-called “Street Music Question” or “Street Music Nuisance” began to build up steam in the 1830s along with the early industrial movement. The debate hit a minor peak in the 1860s, particularly in London, and then swept the rest of England and the United States from the 1880s through the close of the century. From there, street music experienced a steady decline. By the 1920s and ’30s, the majority of letters and articles discussing street music seldom presented complaints, but rather spoke of organ-grinders and German street bands with wistful tones of nostalgia. By the 1950s, newspapers published only a

handful of articles on street music, primarily covering the retirement of the few remaining barrel-organ-grinders, and spoke of this performance tradition as a past form of musical culture.¹ Short and bittersweet, the golden age of street music in urban England and the United States existed in a time shortly after the mass production of musical instruments and improved transportation increased the profitability of the itinerant trade and just before the invention of phonographs, cinemas, radios, and automobiles would lead to its gradual demise.

Previous scholars have often ignored the impact of technology and economics on the street music scene. Instead, many of them have targeted the enactment of city noise ordinances as a form of social repression or have explored the potential role that government regulation may have played in street music's decline. Peter Bailey, for instance, associates the 1860s peak in noise complaints in London with a struggle for refinement by the English bourgeoisie against the perceived vulgarity of foreign and working class noise. Bailey writes, "Freedom from noise became a defining characteristic of the English bourgeoisie, as much a mark of their nationality as their class."² Bailey also expresses his belief that the middle classes sought to silence the noise of the proletariat and foreigners as a threatening democratic force.

In his article "The Sound Proof Study: Victorian Professionals, Work Spaces, and Urban Noise," John M. Picker draws from Bailey's work and also associates the 1860s peak in the London street music debate with the simultaneous rise of the middle class. Picker lists the reasons for these noise complaints as a "nationalist longing to defend

¹ See, for example: "Rites for Last of Old Organ Grinders Set," *Chicago Daily Tribune*, 1957 Jun. 25, p. 4; "City's Last 'Young' Organ Grinder Cranks a Lone Salute to Spring," *New York Times*, 24 Mar. 1951, p. 14.

² Bailey (1996), 60.

English culture from the taint of foreign infiltration; a corporeal concern to protect bodies from the debilitating effects of urban life; and greatest of all, a fierce desire to uphold economic and social divisions between the lower and middle classes.”³ Much like Bailey, Picker often presents the complaints of unwilling listeners as a discursive strategy used to prove themselves worthy of “deference, legislative action, and, of course, quiet.”⁴ According to Picker, these goals were achieved through a constant territorial skirmish with the street musicians who threatened to emasculate the male intellectual voice and workspaces of the home with the feminine and domesticated sounds of unwanted music. In his book, *Victorian Soundscapes*, Picker further examines the Street Music Question as a means of achieving “collective action and self-definition” by the members of the middle class.⁵ In both of his works, Picker identifies the true motivations behind noise complaints as middle class xenophobia, classism, and intolerance. Picker further assumes the claims of physical and mental discomfort expressed by those involved to be fabrications intended to disguise their elitist prejudices.

These theories regarding the relationships between class, power, and sound control are not unique to Bailey and Picker’s works, and have proven popular with other scholars studying nineteenth and twentieth century opposition against a steady increase in urban noise. In his work on the reactions of citizens to the rising decibel level of the Viennese soundscape, Peter Payer ultimately colors the discourse over noise as having “camouflaged a class struggle, in which the middle classes strove to dissociate themselves from the so-called brute and unruly behavior of the proletariat.” Payer argues that complaints seldom targeted factories and church bells and focused instead on the

³ Picker (1999-2000), 431.

⁴ Ibid., 435-36.

⁵ Picker (2003), 42.

acoustic expressions of the lower classes, such as “their crying and shouting” and their way of playing the piano, thereby demonstrating interest in regulating only lower class behavior.⁶

In “Echoes of the City: Spacing Sound, Sounding Space, 1888-1916,” Nick Yablon examines the activities of New York’s Society for the Suppression of Unnecessary Noise and zoning efforts in general as an effort to cleanse middle class neighborhoods of ethnic, industrial, and working-class sounds. Yablon’s unfavorable view of zoning as a form of gentrification extends not only to the exclusion of these sounds from residential neighborhoods, but also to efforts by officials to limit them around hospitals, schools, asylums, court houses, and religious institutions.⁷

Karin Bijsterveld, in her study of noise abatement campaigns in Europe and North America from 1900 to 1940, describes the right to make and regulate noise as a privilege belonging to powerful, generally white, middle and upper class men who expected women, children, servants, and the lower classes to remain silent. According to Bijsterveld, those in power became obsessed with regulating sound, a symbolic form of strength and control that could be used by the working classes and other marginalized populaces to disturb the social hierarchy.⁸ In her book, *Mechanical Sound: Technology, Culture and Public Problems of Noise in the Twentieth Century*, Bijsterveld primarily approaches the idea of urban noise regulations and health concerns as stemming from a middle class “culture of control.” Although Bijsterveld recognizes that industrial and transportation noise negatively affect all classes and seems to more or less accept their regulation as necessary, the effort to regulate the use of radios and gramophones in

⁶ Payer (2007), 785-87.

⁷ Yablon (2007).

⁸ Bijsterveld (2001).

private homes is presented as a move by middle class officials and socialists to silence the voice of the common man and to hamper his means of self-expression.⁹

After reading the above works, I found myself discontented by their explanations of the rise of the street music debate. During this period, church bells and factories, frequently claimed by scholars as representing the soundscapes of the middle class, were equally open to criticism and the large majority of complaints regarding the piano specifically targeted female performers from middle class backgrounds—issues which will be discussed in later chapters. Similarly, unnecessary shouting was generally seen as a nuisance whether it came from peddlers, pub patrons, the local men’s club, or trolley parties on their way home from Coney Island. Nor were foreigners the sole targets of complaints—wait bands and police bands composed solely of Englishmen received open criticism in London, particularly during their periods of peak activity during the Christmas season. We also find complaints by American authors about barrel-organ music played by Civil War veterans. Overall, people’s reactions to these performances often depended more on the time of day and the degree to which these sounds disrupted their lives than on the social class of the people producing them.¹⁰

What I find the most troubling about the arguments made in these works is their dismissal of people’s stated concerns regarding the detrimental effects of unwanted music on their physical and mental health as stemming solely from prejudice and the Victorian cult of sensibility. I have therefore reexamined the street music question by surveying a

⁹ Bijsterveld (2008).

¹⁰ Examples of complaints about shouting appear in: “Noises at 4 A.M.,” *Brooklyn Daily Eagle*, 29 Aug. 1900, p. 2 [trolley parties]; “The Lambs Are Noisy,” *Brooklyn Daily Eagle*, 18 May 1896, p. 6 [men’s social club]; “Relief Asked: From Alleged Nuisances in Hudson Avenue,” *Brooklyn Daily Eagle*, Aug. 1891, p. 4 [complaints about African American bar by local residents—including other African Americans—as attracting rowdy patrons].

large number of period sources including newspaper articles, letters to the editor, short stories, sound recordings and other works specifically treating and depicting the Street Music Question. What I've discovered is that the complaints and social dynamics are far more complicated than they initially appear. For instance, a large number of complaints were not aimed at the street musicians themselves but at middle class neighbors who encouraged them to establish regular routes through the neighborhood. An examination of the social contexts surrounding street music further reveals that people's perceptions of these performances were affected by the rise and decline in the number of street musicians, changes in legislation, the increased availability of other forms of musical entertainment, the activity disrupted by the music, and concerns about health and safety, among others. To better understand the controversy over street music, we must first examine and understand its historical and social contexts.

A Brief History of Street Music

Many authors have presented street music as a phenomenon that has always existed and which experienced a peak of activity in the mid-1860s before legislation and modern entertainment media drove it into a state of decline around the turn of the twentieth century. This description is relatively accurate when we look at street music's overall history, but it also experienced a series of smaller rises and declines within this larger continuum. Although there is some variation among cities in Europe and the United States, depending on factors such as the implementation and strictness of ordinances, geographic accessibility, and localized wars and economic depressions, we

can break the larger continuum from the 1740s through the 1950s into a series of stages, roughly covering the following years:

1740-1789	Street music primarily performed by local beggars and other unfortunates as a form of mendicancy
1790-1813	A few entrepreneuring itinerant musicians from Continental Europe (particularly France, Savoy, and Northern Italy) begin visiting London and are accepted as a novel form of entertainment
1814-1845	Gradual rise in the number of itinerant musicians from Continental Europe in England and the United States following the end of the Napoleonic Wars; migration further encouraged by improved travel conditions, famines, economic hardship, and localized political skirmishes. Padroni with apprenticed child musicians begin appearing
1845-1870	Surge of street musicians, particularly Italian organ-grinders and German street bands, caused by political and economic unrest in Italy and across continental Europe in general. First serious efforts made to regulate street music in England and the United States. Italian organ-grinders are partially replaced by wounded Civil War veterans in the United States
1871-1879	Street music goes into a state of minor decline in most places, although activity appears to have increased in Boston and Chicago. Concern over abuse of child street musicians by padroni hits its peak
1880-1913	Surge in number of street musicians, particularly Italian organ-grinders, due to political and economic turmoil in southern Italy. Local efforts made to regulate street music in the United States
1914-1920	Decline in street music due to World War I and economic prosperity
1921-1939	Surge in number of street musicians in England due to the decision to lift street music restrictions as a means of counteracting unemployment and economic depression
1939-1959	Street music goes into decline as a result of World War II, changes in street traffic, competition with new entertainment media, and improved economic opportunities

Table 4.1
Periods of Rise and Decline in the Activity Level of the Street Music Scene

One of the earliest complaints about street musicians comes to us not in the form of a written complaint or commentary, but rather a visual one. In 1740, William Hogarth created an engraving of a London street scene entitled *The Enraged Musician* (fig. 4.1). Rev. John Trusler, a contemporary of Hogarth's, commented on the plight of the visiting Italian musician depicted in the painting as follows:



Fig. 4.1
Hogarth's *The Enraged Musician*

He is, by the inscription on the house, over the way, supposed to live in the neighbourhood of a pewterer, whose constant hammering is no small disturbance. Our author seems, here, to have let none of the most material or customary noises of *London* streets escape him. In front, are some children at their noisy sports, one of whom is hollowing, and, beating of a drum; another, dragging a tile upon the stones, and, another, winding a racket. In one place, is a ballad-singer, bawling out the *Lady's fall*, with a squalling infant in her arms; in another, a man grinding of a cleaver, whose machine standing on the foot of a dog, sets him yelping. Here, we see a girl crying her milk, and there, a sow-gelder sounding his horn; here, a fellow dissonantly blowing his hautboy, there, another, crying of fish; in one place, a paviour ramming down the stones; in another, a dustman ringing his bell. To these are introduced the chattering of a parrot, and, the squalling of cats; and, to complete all, from the top of the chimney is heard the cry of the sweeper, and, from the tower of the church, the ringing of bells, it being, by the flag, supposed to be a day of rejoicing.¹¹

Contrary to this contemporary description, David Cohen and Ben Greenwood, authors of *The Buskers: A History of Street Entertainment*, treat Hogarth's engraving as an accurate depiction of London's overcrowded streets and as an effort by the families living on them

¹¹ Reverend John Trusler, 1768, *Hogarth Moralized*, reprinted in: Barlow (2005), 274.

to draw attention to their poverty and to annoy the wealthy for the purpose of extorting money.¹² This interpretation has several problems. First, outside of the blind oboe player, the ballad singer, and the chimney sweep, the majority of the animate beings pictured in the painting are children, tradesmen, and animals—not the poor and the homeless. The little girl with the rattle and the little boy with the drum are dressed in such a manner as to suggest at least middle class status or patronage. Church bells are also subtly referenced.

A more accurate interpretation of Hogarth's engraving is to treat it as an inventory of potentially annoying London street sounds at the start of the 1740s. This inventory is relatively similar to those that would follow for the next 150 years and includes the sounds of animals, bells, playing children, tradesmen, peddlers attracting attention to their wares, and street musicians selling music. By nineteenth century standards, the representatives for street musicians are relatively sparse in Hogarth's engraving and take the form of the ballad singer and the oboe player. Neither of these forms of street music would have attracted much notice by the 1850s, when they would have been drowned out by the sounds of traffic and those of more intense musical competitors including brass bands and barrel-organs. This engraving, however, adequately demonstrates that street musicians were not perceived as an entirely new nuisance during the nineteenth century.

Other early complaints about street music in England have been passed on to us through Charles Knight's 1841 multi-volume edited work, *London*.¹³ Knight's work also described Hogarth's engraving, adding the following comments:

Hogarth's blind hautboy-player, and his shrieking ballad-singer, are no caricatures. The execrable sounds which the lame and the blind produced were the mere arts of mendicancy. The principle of

¹² Cohen and Greenwood (1981), 131-32.

¹³ Knight, ed. (1851).

extorting money by hideous sounds was carried as far as it could go by a fellow of the name of Keiling, called Blind Jack, who performed on the flageolet with his nose. Every description of street exhibit was accompanied with these terrible noises. The vaulter, and the dancing lass, and the tumbler creeping through a hoop, and the puppet-showman, and the dancing dogs, and the bear and monkey, had each their own peculiar din, whether of drum, fiddle, horn, or bagpipes, compared with which the music of Morose's bear-ward and fencer would have been as the harmony of the spheres.¹⁴

One point of interest in this passage is that the author employed the past tense to discuss the use of music for mendicancy and as an accompaniment to street performances. This suggests that these particular uses were already in a state of decline by 1841.

The closing description of street music in Knight's *London* also mentioned a contemporary trio consisting of organ, triangle, and tambourine (all trying to outplay each other for the delighted bystanders), a Parisian street singer, a singer accompanying herself on the hand-organ, glee-singers, Italian guitarists, and other occasional instrumentalists. The author saw these performers as a sign that London street music was "advancing" to the point that the 1839 Metropolitan Police Act would soon be unnecessary for protecting householders from their solicitations.¹⁵

Not everyone during this second period of 1790 through 1845 agreed with the assessment of the street music situation presented in Knight's work. In 1806, James Beresford published *The Miseries of Human Life; or the Groans of Samuel Sensitive, and Timothy Testy*. Beresford's work consisted of a list of complaints about life in London in the form of a prolonged dialog between the two fictional characters named in the title. Samuel Sensitive added the following to the list of complaints:

On a sultry day, in London—being compelled by the heat to sit with the windows of a ground-room wide open, while an organ-grinder, or ballad-singer of the basest degree, are exhausting their

¹⁴ Ibid., 142.

¹⁵ Ibid., 143.

whole stock of dissonance within two or three yards of your ill-starr'd ears; yet you cannot drive, or even fee them away, as they are paid for torturing you by some barbarians at the next door.¹⁶

The references to hot weather, dissonance, long performances, barbarity, torture, and the encouragement of street musicians by the neighbors are all themes that would continue to the end of the century and beyond.

For street music in the United States, one of the earliest complaints I've located is a poem published in 1810. It is, quite fittingly, about a hand-organ:

To a Hand Organ

Out on your noise, yet blastit wight,
That breaks my slumbers ilka night,
Grind in' your tunes for very spite
 Through thick and thin!
Ye'd make a Christian swear outright
 To hear your din.

Sure you must be some smoutie ghote
Let loose frae hell's infernal coast;
Ane of auld Clootie's muckle host,
 An' yelpin choir,
Sic as he keeps to skelp and roast
 Wi' brunstone fire.

Did ye but ken the pangs I feel
To lay and list your cursed squeal,
Ye wad na grind anither peal
 Sae harsh and deep;
But gang in pitie to the deil,
 An' let me sleep.

There is na musick in your din,
Nay, sic a discord ye begin,
Ye jar the ve y windows in
 Wi' tortured tune;
If murder be a deadly sin,
 Ye'll rue it soon.

To please the deil au'd Orpheus played,
And for his wife i' fiddlin paid,
Ou dhiphin's tail Arion rade
 The billows stripin,
Baith drew the oaks frae hill to glade
 By dint o' pipin.

¹⁶ Beresford (1807), 73. Beresford's book was first published in 1806 and was reprinted a number of times between 1806 and 1826.

But ye wad do things greater still;
Your noise wad drawn a water mill,
Ye'd scare the woods and split the hill,
Sae great your power.
And ony mortal wight ye'd kill
In half an hour.

If pilgrimage to holy shrine
Wed stap your unco gration whine,
Or souse ye in the Red Sea's brine,
For aye to sleep;
Right soon I'd make the penance mine,
And think it cheap.

But if ye heed nor prayer nor spell,
And winnz stop that croakin yell
For a' poor bard can sing or teil.
Or ony boon;
I'll try if brickbats can avail
To change your tune.¹⁷

Much like Beresford's work, many of the themes and discourse strategies in this passage are also found in complaints throughout the nineteenth and early twentieth centuries in England and the United States. Particularly notable are references to barrel-organs and other street musicians disrupting sleep, the desire for revenge against unfeeling street musicians, and metaphors comparing street music to the infernal and to destructive forces of nature. This implies a remarkable continuity in complaints about street music on both sides of the Atlantic and well into the first half of the twentieth century.

Still, this poem and Beresford's reference to nuisance organ-grinders were rare for the 1790s through the 1810s. At the turn of the nineteenth century, Londoners and Americans seem to have genuinely enjoyed the novelty and quality of street music, in particular that by Italian performers. In his autobiography *Wandering Minstrel, the Life Story of Cagliardo Coraggioso* (1938), Coraggioso described how his grandfather traveled with two other men to London. Coraggioso reported that the group was quite popular throughout England and that it was even summoned by the Queen to make a command

¹⁷ "To a Hand Organ," *New-York Weekly Museum*, 22(36), 13 Oct. 1810.

performance before the Royal Family. Upon returning home, Coraggioso's grandfather was able to use his share of the earnings to buy land and property. Coraggioso's father repeated this pattern with similar success a few years later.¹⁸ The majority of musicians traveling at this point appear to have been entrepreneurs who went in with other men to purchase animals and musical instruments in hopes of further expanding their social status and financial holdings. There does seem, however, to have been a small number of organ-grinders and street singers who emigrated due to political dissatisfaction and localized invasions by Napoleon.¹⁹

Ripening Conditions for Itinerant Musicians in London

So how did the street music scene go from attracting the occasional complaint in the eighteenth century and the first part of the nineteenth century to being what many people on both sides of the Atlantic referred to as an "infestation" by the 1850s? Improved technology has already been mentioned as one factor, but political and economic factors were also at play. John E. Zucchi, writing on the child street music scene, marks the end of the Napoleonic Wars and the Congress of Vienna in 1814 as a turning point for street music. With the wars over, the route from Italy to Paris and then on to London would have become less dangerous and more appealing, particularly during the European famine of 1816-1817. The increase in itinerant street musicians in Paris was high enough by 1816 to inspire an ordinance requiring them to apply for permits. Although a large number of Italian itinerant musicians remained in Paris despite this

¹⁸ Coraggioso (1938).

¹⁹ Juliani (1998). *Building Little Italy*. Although Juliani's work treats immigration to Philadelphia, one presumes that Italian immigrants would have also entered more accessible cities such as Paris, London, and New York.

ordinance and a general suspicion towards street musicians as potential organizers of political uprisings (perhaps explaining some of Attali's hostilities towards noise regulations), many more musicians continued on to London. By the end of the 1820s, complaints about street musicians began appearing in the *London Times*.²⁰

Not all street musicians came from Italy, however, nor is the nationality of the performers even specified in many of the complaints from this period. Although street music opponents mentioned barrel-organs, two of the earliest complaints in the *Times* also mentioned bagpipes, clarinets, parchment drums, and wait bands. A letter to the editor published on 2 June 1828 complained that street musicians often attracted large crowds, which in turn made people more vulnerable to pickpockets, disturbed the tranquility of people's homes, and endangered invalids. The author of another letter published on 19 December of the same year complained that the "waits," or night watchmen, woke him every morning at two or three o'clock with performances on fiddle and French horn.²¹

The number of street musicians and published complaints continued to increase in London throughout the first half of the eighteenth century. Many Italian peasants suffered from the economic slump of the 1820s and then from a series of small rebellions throughout the 1830s. By 1839, street musicians had earned mention in the Metropolitan Police Act, which granted householders the right to drive them away in the case of illness or other "reasonable" cause.

²⁰ More on the padrone system will appear later in the chapter. See also: Zucchi (1992); Winder (2004).

²¹ Constant Reader, "The Nuisance of Street Music," *The Times* (London), 2 June 1828, p. 4; A Sufferer, "Waits," *The Times* (London), 19 December 1828, p. 2.

Italy's political growing pains continued throughout the 1840s, particularly in the south where economic development lagged considerably behind the rest of Italy. Seeing the success of their compatriots returning home from England most likely encouraged an ever increasing number of men to try their hand at itinerant musicianship throughout this period. Once affordable portable barrel-organs became available, almost anyone could perform street music without obtaining specialized training in playing an instrument. As a result, barrel-organs greatly increased the popularity of itinerant musicianship as a trade. These decades also marked the first appearances of Italian child street musicians in London. Contracted from their parents for a set period of time with the expectation that they would be apprenticed in a trade, these children were brought over by a *padrone* and put to work exhibiting animals and/or performing upon musical instruments in the streets.

Poor harvests in 1846 and 1847 and the Italian revolutions of 1848-49 resulted in economic hardship for many people, which undoubtedly further increased the allure of itinerant musicianship as a get-rich-quick scheme. Poor finances probably also encouraged a number of desperate parents to apprentice off a few of their children to anyone offering ready cash and a more promising future for the child. Vienna, Prague, Budapest, and Paris were also affected by revolutions, making London and North American cities such as New York and Philadelphia attractive alternatives to musicians fleeing the disrupted areas. The same continental upheaval may have also encouraged a number of early German street bands to migrate to London and the United States.²²

By the time Coraggioso arrived in England as a child street musician, probably around the late 1840s or early 1850s, although the exact dates of his described life events

²² Winter (1993), 71.

are unknown, London and the surrounding towns on England's main highways were already proving rough territory for itinerant musicians. The members of Coraggioso's troupe were frequently requested to move on by police and homeowners or harassed by gangs of working class boys. Coraggioso found that more remote locations such as farms, rural villages, seaside resorts, and the cities of North Wales proved musician-friendly and profitable. Although the boys and men working under Coraggioso's padrone generally headed in different directions at the start of each work week, a lucrative locale would encourage the padrone to send the entire company there the following week. The troupe would continue to play in the area until the people grew tired of them and their profits dwindled.²³

When Coraggioso returned to the coastal areas a few years later, he found them completely overrun with musicians, particularly German brass bands and Italians playing every variety of instrument. Coraggioso wrote:

As a young boy I had never seen tramps or beggars selling goods from door to door. Tascarino's company was the only tramping company of musicians and beggars I ever saw; I knew, because I was one of the company. But now German bands, Italians with different kinds of instruments, hundreds of Frenchmen selling garlic and onions, had found their way over; tramps of every description had invaded the country, and this was why people had got tired of it all. There was not one single place along the coast where musicians were allowed to play. When we reached Bangor, that sweet old town where everything used to be nice and quiet, we found the town had been made the head-quarters of Italians, Germans, Frenchmen, and the meeting-place of pedlars, beggars, &c.—all had made Bangor their meeting-place. That little town had become the melting-pot of North Wales.²⁴

This passage challenges the theory that the dislike of street music was solely due to a middle class fear of foreigners, the working classes, and the vulgar. Even street musicians seemed to realize that people were being overwhelmed by too much of what had formerly been a good thing. By June 1850, social researcher and journalist Henry

²³ Coraggioso (1938).

²⁴ Ibid., 170-71.

Mayhew estimated that there were 250 ballad singers and 1,000 street musicians, including 250 string bands and 5 early German brass bands, in London alone.²⁵

By November of 1857, the street music problem in Belgravia and Pimlico encouraged 400 householders to sign and present a petition to Marques Westmeath to bring before the House of Lords. When the petition was presented on 29 April 1858, Viscount Dungannon sneered at it as a matter of “trifling and insignificant character.” The Bill was then effectively killed by Lord Lyndhurst, who argued that it was far too harsh and would bar amateur musicians, high caliber bands, and street musicians hired by customers from playing within London city parks and the city’s outlying rural areas.²⁶ Lyndhurst suggested that

[h]is noble Friend possibly was not aware that as his Bill was to be coextensive with the Police Act, and the Police Act operated in a radius of fifteen miles from Charing Cross, it would affect a district thirty miles in diameter. So that if any person played a single tune or a single note upon a flute in a public road at a distance of ten or fifteen [sic] miles from London, he would be an idle and disorderly person, and was to be immediately dragged before a magistrate, and committed to prison for a month with hard labour. That was the main provision of his noble Friend’s Bill. Was it possible that such a measure could pass their Lordships’ House?²⁷

Marques Westmeath admitted that he had little experience in drafting Bills and the House of Lords rejected a second reading. The writers for *Punch* grumbled that Lord Lyndhurst and his peers knew nothing of the problem complained of by the petitioners because they were able to withdraw into the perfect quiet of their estates when it suited them.²⁸ The grievances put forward in the original petition, including the inability to work at home or

²⁵ Mayhew (1880), v. 5, 1. Band statistics from Zucchi (1992), 81.

²⁶ “Street Organs, Petitions,” *Hansard’s Parliamentary Debates*, 3rd Series, 20 Apr. 1858, p. 1351-53.

²⁷ “Barrel Organ Suppression Bill,” *Hansard’s Parliamentary Debates*, 3rd Series, 29 Apr. 1858, p. 1925-30. For popular coverage of the Bill’s reading, see: “Torture in England,” *The Times* (London), 9 Nov. 1857, p. 8; “Punch’s Essence of Parliament,” *Punch* 34, 1 May 1858, p. 173’ [No Title], *The Times* (London), 30 Apr. 1858, 9; “Parliamentary Intelligence: House of Lords, Thursday, April 29,” *The Times* (London), 30 Apr. 1858, p. 6.

²⁸ “Punch’s Essence of Parliament,” *Punch* 34, 8 May 1858, 183.

to protect invalids from sounds perceived as dangerous to their condition, would not receive serious attention from Parliament until 1864.

The number of street musicians in London, particularly Italian organ-grinders and German brass bands, continued to grow in the 1860s, as did the number of complaints in the London *Times* and the cartoons and comic sketches treating the topic in *Punch*. Among the letters published in the *Times* were several sent in by Charles Babbage, a famous London mathematician and creator of the differential engine. Babbage would go on to include a much noted chapter on “Street Nuisances” in his *Passages from the Life of a Philosopher* (1864). Babbage’s writing tends to demonstrate his considerable egotism. Comments such as “the great encouragers of street music belong chiefly to the lower classes of society” or that twenty-five percent of his and other intellectual workers’ time was being “squandered upon [the English government’s] most worthless classes,” have earned Babbage a position as one of the four most frequently used figures to represent the London street music debate. Thomas Carlyle, John Leech, and Michael Bass, the famous brewer, hold the other three positions. Babbage seems to be the most despised of the four, although Carlyle makes for a close second.²⁹

The Italian Counter-Revolution in 1861 would have only encouraged additional migration in the first part of the decade—Babbage estimated that the number of Italian street musicians in London had risen to 1,000 by 1864.³⁰ By 1863 a London-based anti-street music movement was in full swing under the leadership of Michael Bass. This final push may have been inspired, in part, by the failing health of John Leech and his inability to achieve the sickroom silence prescribed by his physicians. Under the

²⁹ Babbage (1864), 338, 345.

³⁰ Babbage (1864), 339. Note that the earlier figure of 1,000 London street musicians reported by Mayhew in 1850 included musicians from all nationalities.

encouragement of several unnamed persons, Bass proposed to Parliament a number of amendments to the 1839 Metropolitan Police Act (2 & 3 Vict. c. 47, s. 57). When his motion was turned down on technical grounds, Bass began to receive regular correspondence regarding the street music problem, including some from a large number of professional musicians and intellectual figures such as Charles Dickens and Charles Babbage.

In 1864, Bass compiled newspaper articles treating street music along with a number of letters representing the most prestigious musicians, artists, and intellectuals in London at the time, into a book entitled *Street Music in the Metropolis*. The purpose of this book was to convince Parliament of the need to alter the following italicized passages within the 1839 Act:

That it shall be lawful for any *householder* within the Metropolitan Police District personally, or by his servant, or by any police constable, to require any street musician to depart from the neighbourhood of the house of such householder on account of the *illness* of any inmate of such house; *or for other reasonable cause*; and that every person who shall sound or play upon any musical instrument *in any thorough fare near* any house, after being so required to depart, shall be liable *to a penalty of not more than forty shillings*, and in default of payment to be imprisoned for any period *not exceeding one month*.³¹

Bass and his supporters felt that the existing Act had several major flaws. First, only the householder was granted the right to request a street musician to move along, although he could exercise this right through a servant or police constable. By law, women, servants, lodgers, employees, members of social organizations, or anyone else who did not own the effected property were not allowed to register their own formal complaint against a street musician. Although a number of current scholars complain that Bass and his supporters were seeking to exercise a self-perceived middle class right to control the working classes, they often ignore that this clause in the earlier Act was classist and sexist. Only

³¹ Italics used in Bass' book to emphasize passages under debate. Bass (1864), 1-2.

the few Londoners who actually owned their homes, predominantly males from the middle and upper classes, were given the legal right to call this law into action.

Second, the Act only allowed street musicians to be moved on from thoroughfares and not from other public spaces adjacent to the householder's property. This meant that street musicians could play with impunity in squares, cul-de-sacs, and alleyways. Bass and his supporters felt this to be an arbitrary distinction and found that even in cases of severe illness, a musician requested to move on by a homeowner or police officer could simply shift his or her position from the street in front of the house to an alleyway at the side or back of the house.

Third, many work-at-home intellectuals and artists wanted to change the clause "on account of the *illness* of any inmate of such house; or for *other reasonable cause*." These Bass supporters found the wording of the Act too vague to offer them adequate protection from the constant concert of street music that continually interrupted their mathematical calculations, composition of texts or music, music lessons, and other activities requiring a high degree of mental concentration or uninterrupted communication. The Act also proved inadequate for protecting the sleep of young children, who required naps during the daytime, or that of third-shift workers, such as night policemen and factory workers.³²

As a result of the vague wording, a complaint due to any cause other than illness required a police constable to contact his sergeant who, in turn, was to contact the police superintendent or inspector at the local station. In an age before telephones, this was probably not a fast process and the constable would have to wait for the request and final

³² Babbage (1864), 343; Bass (1864), 25.

decision to make their way up and down the hierarchy before making the musician move on. Even if the superintendent determined the cause to be reasonable, any protest on the part of the musician would require the householder to appear before a magistrate to provide evidence of his case. If the magistrate decided this evidence was insufficient, the musician was then immune from future complaints and had free reign to play before the householder's home as often and for as long as he or she wanted.

Finally, the 63rd section of the Act required that the street musician commit offense "within view" of a police constable in order to be arrested without a warrant, even in cases of severe illness. This stipulation caused two problems. First, all but the most oblivious of musicians would notice when the householder or one of his servants went to fetch a police constable. The musician could then quietly await the constable's arrival and contest the householder's claim. A particularly famous case involved J. Frederick Stanford's efforts to prosecute Antonio Capatali for playing before his house while he was seriously ill. The magistrate dismissed the case on the grounds that Capatali had been sitting on his organ and not actually playing it when the constable arrived, requiring that the constable obtain a warrant before making the arrest.³³

Although Bass and his supporters do not appear to have objected to the idea of warrants in theory, actually issuing an effective warrant proved impractical. There was no system in place verifying the name and address provided by the street musician and most street musicians were clever enough to falsify this information. Unless a police constable happened upon a conflict between a street musician and a householder by chance, the law was all but unenforceable. At one point, Babbage attempted to go above

³³ Bass (1864), 44-53.

the magistrate to reverse a ruling favoring an Italian organ-grinder that frequented his property. His unsuccessful efforts to obtain a more favorable verdict from the Court of the Queen's Bench cost him a few shillings shy of £104, or a year's salary for a skilled workman.³⁴

One last odd point about Bass' reprinting of the 1839 Act is that he emphasized the phrases "a penalty of not more than forty shillings" and "not exceeding one month," the later referring to the term of imprisonment for those unwilling or unable to pay the fine. Although Babbage's book recommended impounding and possibly destroying musical instruments unless the owner's paid the required fine, Bass seems to have emphasized these phrases as a point of debate without making his own suggestions for alternative consequences.³⁵

The 1839 Act was amended by Parliament on 10 June 1864 to include three of the four requested changes. First, once requested to move on, street musicians were no longer allowed to play in either the thoroughfare or any public place near the complainant's home. Second, the arresting constable no longer needed a warrant before taking an offender into custody, provided that the complainant accompanied the constable and the offender to the nearest police-station and signed the charge sheet. The phrase "or any reasonable cause" was changed to "or on account of the Interruption of ordinary Occupations or Pursuits of any Inmate of such House, or for other reasonable or sufficient Cause."³⁶ The one request refused by Parliament was to change "householder" to a more inclusive word that would have rendered women and other non-landed residents capable of bringing the law to bear against offenders. The 1864 version of the

³⁴ Babbage (1864), 354-56.

³⁵ Babbage (1864), 360; Bass (1864).

³⁶ Mews (1897), 41.

Act also decreased the maximum term of imprisonment from a month to three days, but since the old Act was not officially repealed, this change in wording did not divest magistrates of the power to set a one month sentence.

Ultimately, the changes to the Act failed to prove effective and complaints about street music continued. Enforcement remained difficult and, in some cases, musicians or their middle class patrons proved able and willing to pay the occasional fine. Still, Bass was hailed as a hero by *Punch*, which showered him with praise in the form of poems and cartoons (fig. 4.2).³⁷

Ripening Conditions for Itinerant Musicians in the United States

Due to transportation issues, it took a while longer for street musicians to make an impact on U.S. cities. Published complaints appeared in New York and Boston as early as the 1830s, but wouldn't reach a significant level until the mid- to late-1940s.³⁸ Throughout the 1840s and '50s, many large American cities were feeling the strain of industrial development, urban expansion, increased poverty, and rampant overcrowding as a result of increased immigration. Complaints about street musicians, particularly organ-grinders and German street bands, and noise in general frequented newspapers including the *New York Times* and the *Brooklyn Daily Eagle*. In 1856, a report that 1,000 immigrants, including 59 organ-grinders, had disembarked in Castle Garden, New York on Oct. 8th, quickly turned into a rumor that "the passengers of two ships lately arrived at

³⁷ "Clearing the Streets," *Punch* 47, 6 Aug. 1864, p. 55. Two other items in praise of Bass include: "Three Cheers for Bass and His Barrel of Beer," *Punch* 46, 28 May 1864, p. 222; "Brayvo, Bass!" *Punch* 46, 21 May 1864, p. 214.

³⁸ See, for example: "Small Trades in Philadelphia," *The Ariel* (Philadelphia), 1 May 1830, p. 6; "Organ Grinders—Locomotive Music," *Atkinson's Saturday Evening Post* (Philadelphia), 23 Nov. 1833, p. 1; "Confessions of a Music-Hater," *The New York Mirror*, 8 Dec. 1832, p. 179.



CLEARING THE STREETS.

MR. BASS (ASIDE). "THAT'S MY THUNDER!"

Fig. 4.2

Punch cartoon praising Bass' success at amending the 1839 Metropolitan Police Act

New York were all organ-grinders!”³⁹ During the same year, *Flag of Our Union*, a Boston newspaper, declared that the city’s streets were “overrun with itinerant grinders.”⁴⁰ Four years earlier, writers from another Boston-based publication, *Littell’s Living Age*, had expressed interest in the decision made by authorities in Cologne and Leipzig to license only competent street musicians. The writer of the article suggested that a similar system could be put in place to regulate Boston’s musicians and organ-grinders, foreshadowing the regulation system that the city would adopt towards the end of the century.⁴¹

Also in 1856, an announced reduction in fares from New York to California attracted a number of fortune seekers, including hundreds of organ-grinders, to try their luck out West.⁴² Apparently the number was not so great as to relieve New York of its perceived problem and on 24 August 1857, General Superintendent F. A. Tallmage issued General Order No. 23. This order required all police officers to stop “the intolerable nuisance of hand-organs in the public streets” on their beats after 10:00 PM or they would face prompt suspension.⁴³ A year later, Boston also forbade street musicians to play after 10 PM with the additional stipulations that musicians were required to obtain a license and were not allowed to play for more than ten minutes at any one location. In the spring months, Boston’s city officials found themselves issuing upwards of seventy-five licenses a day.⁴⁴

³⁹ “Summary,” *New York Observer and Chronicle*, 9 Oct. 1856, p. 327; “Editorial Inkdrops,” *Flag of Our Union*, 8 Nov. 1856, p. 357.

⁴⁰ “Editorial Inkdrops,” *Flag of Our Union*, 3 May 1856, p. 141.

⁴¹ [No Title], *Littell’s Living Age*, 31 Jan. 1852, p. 402; “A Police in B Sharp,” *Littell’s Living Age*, 18 Dec. 1852, p. 576.

⁴² “For California,” *New York Times*, 5 Mar. 1858, p. 4.

⁴³ “New-York City,” *New York Daily Times*, 26 Aug. 1857, p. 8.

⁴⁴ Effie Bailey, “Boston Street Music,” July 1869, made available through Street Arts & Buskers Advocates, <http://www.buskersadvocates.org/saahistory.html>.

In Philadelphia, where the number of new immigrants was considerably lower than in cities such as New York and London, the 1860 census listed 189 Italians employed in the city. Sixty of these men, or roughly thirty-one percent, listed themselves as musicians. Historian Richard N. Juliani, who studies early Italian immigrant communities in Philadelphia, suspects that these musicians were predominantly organ-grinders.⁴⁵ In addition to the sixty men noted in the census, there would have been a number of itinerant street musicians as well as child street musicians who escaped the notice of the census takers.

In the United States during the 1860s and early '70s, the overabundance of street musicians began to spill over from New York and Philadelphia into cities such as Chicago, which had mostly escaped their attention in previous decades. As a result of the Civil War, there was a slight shift in demographics of the street music scene. Wounded veterans, particularly those incapable of holding regular work, quickly filled the streets. Many of these men—particularly those missing fingers, hands, or entire arms—turned to barrel-organ grinding to earn a living, creating competition for the Italian grinders. By 1873, Boston reacted to the continuous stream of new musicians entering town by limiting the total number of available street music licenses to 120.⁴⁶

By the mid-70s, complaints about street music as a perceived nuisance in New York and Philadelphia dwindled, although this period did mark a considerable increase in interest in the child street musician problem and witnessed efforts to regulate and ferret out the padroni. Paris had begun cracking down on the padrone system in the late 1860s.

⁴⁵ Juliani (1998), 210.

⁴⁶ "City Nuisances," *Chicago Daily Tribune*, 8 Jun. 1873, p. 8; A Subscriber, "The Hand-Organ Nuisance," *Chicago Tribune*, 23 Jul. 1871, p. 3; "A Solo on the Organ," *Every Saturday: A Journal of Choice Reading*, 1 Oct. 1870, p. 627; "Our Street Musicians: Their Qualities, Good and Bad," *Boston Daily Globe*, 30 Jun. 1873, p. 8.

Although confused by the quasi-vagabond status of adult street musicians, Parisian officials were quick to label child street musicians as beggars. In the summer of 1867, approximately 3,000 child street musicians were performing in Paris and roughly 1,200 of these children were between the ages of eight and ten.⁴⁷ Responding to these reports, Paris police arrested and expelled 1,500 child street musicians and expelled an additional 400 in 1868. This deportation encouraged many padroni to take their young charges on to larger cities in the United States, including New York, Philadelphia, Chicago, Cincinnati, Baltimore, and San Francisco, as well as London. By 1868, one informant estimated for the Italian consul that there were seventy-two padroni in New York City alone who managed a total of 153 adults and 198 children and teenagers. The same year, the Italian government estimated the total number of padroni operating in America and Europe at 343 with approximately 7,000 children under their control.⁴⁸

Although the so-called padroni-run “white slave trade” had existed in the United States since at least the 1840s, the sudden surge in numbers in the 1860s seems to have drawn the attention of newspapers, which in turn provoked public indignation and legislation, particularly in the mid-1870s. The disapproval of the child street musician market existed not only in England, France, and the United States, but in Italy as well. Italian officials saw not just the extortion of children, but also the large number of their countrymen involved in street music and other quasi-vagrant trades, as a source of national embarrassment.⁴⁹ Zucchi argues that the total number of Italian child street musicians working around the world at the peak of trade in the late 1860s and early 1870s

⁴⁷ Zucchi (1992), 53-66.

⁴⁸ Hoppin (1994), 17-18.

⁴⁹ Ibid., 114. For early commentary by an Italian citizen criticizing itinerant Italian musicians as a national embarrassment, see: L. Mariotti, “To the Editor of the Times,” *The Times* (London), 7 Jan. 1845, p. 7.

was probably lower than that estimated by the Italian consul, but still in the range of 3,000 to 6,000 children. Zucchi further estimates that fewer than 1,000 children each worked in London, Paris, and New York during this time with an additional 25 to 100 children working in cities such as Barcelona, Rio de Janeiro, Chicago, and Moscow.

According to Zucchi, trafficking in children gave the world of Italian street musicians a scandalous reputation, and one that met with just as much disapproval by community members within Italian diasporas.⁵⁰ In mid-November 1868, Italy's Parliament took steps towards breaking up the child street musician trade and attempted to reduce the overall number of organ-grinders and street musicians emigrating from the country. Despite the controversy over child street musicians, however, much of the 1870s seems to have marked a lull in street music activity in the United States and London.

Street Music Hits Its Peak

The same cannot be said of the period from 1880-1910. In the 1880s, the Italian government began the process of privatizing agricultural areas. As a result, many peasants found themselves holding strips of land too small to be profitable. Others fell victim to high mortgages and taxes and lost their land altogether. As a result, the 1880s saw a mass exodus of Italian peasants, particularly from the economically impoverished South, seeking work opportunities in England and North America. In the thirty-year span from 1880 to 1910, southern Italy also experienced cholera and malaria epidemics, two volcanic eruptions, an earthquake, and a forty-foot tidal wave. From 1880 through 1930,

⁵⁰ Ibid., 39.

4.5 million Italians entered the United States alone.⁵¹ The job markets in the United States and England simply could not absorb this many workers, many of them unskilled, leading to a new surge in the number of street performers, peddlers, and vagrants seeking to eke out a living on the streets.

As the number of Italian organ-grinders once again reached 1,000 individuals in London, officials mulled over the idea of placing additional restrictions on street musicians.⁵² In the United States, city officials across the country rushed to establish and update ordinances regulating street music, particularly that by organ-grinders and German brass bands. On 1 November 1889, Mayor Grant signed an ordinance prohibiting organ-grinders, street bands, and other musical instruments from the streets of New York City.⁵³ Apparently the ban drove an estimated 200 to 500 organ-grinders from the city towards locales as remote as South Carolina and Ohio.⁵⁴ To the horror of people in the neighboring city of Brooklyn, including the local street musicians who found their established territories suddenly besieged by outsiders, Grant's decision to completely ban street music in New York City resulted in hundreds of musicians commuting across the river into Brooklyn every morning.⁵⁵ Grant's ban was quickly downgraded to restricted hours, reducing some of the musical strains placed on the neighboring communities.

By the mid-1890s, the majority of cities including New York favored licensing in combination with restricted hours and zoning as opposed to banning street music

⁵¹ Mangione and Morreale (1993).

⁵² For discussion of regulating street music in London, see: [No Title], *New York Times*, 27 Sept. 1882, p. 4; Zucchi (1992), 168. Bills to this effect were presented before Parliament during the 1890-91 and 1897 sessions.

⁵³ "No More Street Music in New York," *Washington Post*, 1 Nov. 1889, p. 1.

⁵⁴ Earnest Jarrold, "Organ Men of New York," *Newark Daily Advocate* (OH), 3 Dec. 1889, p. 3.

⁵⁵ "A Chance for Organ Grinders," *New York Times*, 13 Nov. 1889, p. 8. Note that Brooklyn and New York City existed as two separate cities at this time.

completely. A few cities, most notably Boston, also required street musicians to undergo a form of musical emissions test to ensure that their instruments were tuned and in working condition. Even with licensing, the number of street musicians must have been considerable. An 1898 newspaper article reported that there were 264 licensed *organ-grinders* in Manhattan and 689 in Brooklyn—a total of 953 organ-grinders, or roughly ten organ-grinders per every square mile. It's important to note that this number does not include German brass bands or other forms of street music.

Reports of street music complaints and new regulations remained high throughout the 19-aughts and early teens, and then cut off abruptly from 1913 to 1920. There are probably several reasons for the sudden silence regarding the street music scene, most notably that newspapers and readers would have found World War I to be a more newsworthy concern. Another likely reason for a decline in the number of complaints about street musicians is that there was probably an overall decline in the number of street musicians. Wartime economies are well known for supplying jobs to unskilled and semi-skilled laborers and would have provided job opportunities for a number of men and women who were street musicians out of necessity as opposed to desire.

It's also difficult to imagine that the environment would have been favorable to the *German* street bands and in 1915 one writer suggested that these bands could arouse either pro-German sentiment or antagonism depending on the perception of the listeners.⁵⁶ The United States' involvement in the war seems to have further soured things for the German performers to the point that an author writing in 1921 explained that the name "German band" had nothing to do with ethnicity of the performers, but was

⁵⁶ "Notes and Comments," *Christian Science Monitor*, 17 Aug. 1915, p. 18.

merely a type of street band, suggesting a diminished role of actual Germans in this performance genre.⁵⁷ Another writer mentioned that the “little German band received its quietus” during the war, but was returning to its old haunts by 1926.⁵⁸

As in the case of the Civil War, World War I left behind a number of wounded veterans, particularly in London. The number of people who had been physically and financially ruined by the War was so considerable that by 1921 the British Parliament had repealed previous bans against street music, once again allowing beggars, including a large number of wounded soldiers playing hand-organs, to seek charity in the West End.⁵⁹ Despite a 1926 ban prohibiting the Italian Foreign Office from issuing passports to itinerant musicians, the number of street musicians in London grew quickly—one small Wisconsin paper reported there were over 10,000 vagrant peddlers and musicians on English streets in Sept. 1930. By March 1938, Londoners were once again seeking to ban street singers and musicians, but their number wouldn’t drop again, however, until World War II.⁶⁰

In the United States, street music doesn’t appear to have ever bounced back to its pre-WWI levels and the majority of articles from the 1920s on either discuss the mysterious and unfortunate decline of street music or take the form of sentimental stories. While the number of licensed organ-grinders in Manhattan and Brooklyn alone had been

⁵⁷ “German Bands,” *Christian Science Monitor*, 26 Mar. 1921, p. 3.

⁵⁸ “Street Music Is Changing, But Lives on in the City,” *New York Times*, 7 Nov. 1926, p. X6.

⁵⁹ “After War Labor Conditions England Bad, Beggars Many,” *Port Arthur Daily News*, 27 Apr. 1921, p. 8.

⁶⁰ Milton Bronner, “Queer Loophole Makes London Beggar’s Heaven,” *Appleton Post Crescent* (WI), 30 Sept. 1930, p. 12; “Troubadours in Town,” *Christian Science Monitor*, 18 Mar. 1938, p. 20; on ban by Italy: “War Has Removed Organ Grinders,” *The Hartford Courant*, 5 Apr. 1926, p. 16; “London to Lose Tony and Jacko,” *Christian Science Monitor*, 25 Feb. 1926, p. 2.

reported as 953 in 1889, there were only 150 grinders licensed in all of New York in 1925.⁶¹ By 1934, this number had further declined to a mere 54.⁶²

Considering that there were 899 fewer organ-grinders in 1934 than in 1889, Mayor La Guardia's decision to completely ban street organs on 9 March 1935 is somewhat puzzling. A number of people have reported that the real reason behind the ban was the following traumatic event from Mayor La Guardia's childhood, as published in his autobiography:

I also got my first glimpse of racial feeling born of ignorance, out there in Arizona. I must have been about ten when a street organ-grinder with a monkey blew into town. He, and particularly the monkey, attracted a great deal of attention. I can still hear the cries of the kids: "A dago with a monkey! Hey, Fiorello, you're a dago too. Where's your monkey?" It hurt. And what made it worse, along came Dad, and he started to chatter Neapolitan with the organ-grinder. He hadn't spoken Italian in many years, and he seemed to enjoy it. Perhaps, too, he considered the organ-grinder a fellow musician. At any rate, he promptly invited him to our house for a macaroni dinner. The kids taunted me for a long time after that. I couldn't understand it. What difference was there between us? Some of their families hadn't been in the country any longer than mine.⁶³

There does seem to be a grain of truth behind the popular idea that La Guardia's ban was an act of revenge against grinders for this moment of childhood indignation. La Guardia himself admits that his childhood experience caused him to ban the organ-grinders with a "great deal of gusto."⁶⁴ His decision, however, was also inspired by a report from the New York Police Department showing that street organs obstructed the flow of traffic. Another traffic concern influencing La Guardia decision was that street organs frequently attracted children into the middle of the street, potentially putting them in the path of passing trucks and automobiles. Furthermore, La Guardia complained about his correspondents' ignorance of the padroni racket, which took advantage of the grinders by charging exorbitant fees to rent the organs, reducing the profession to little more than a

⁶¹ Brooklyn was incorporated as part of New York in 1898.

⁶² "Hand Organ and Hurdy-Gurdy Join Hansom Cab in New York," *Christian Science Monitor*, 31 Dec. 1935, p. 6

⁶³ La Guardia (1948), 27.

⁶⁴ *Ibid.*, 27.

form of begging. Based on the latter line of reasoning, La Guardia had also banned the auctioning of licenses for performing on ferry boats to itinerant musicians during the previous year as a form of endorsed begging.⁶⁵ Whatever his reasons, La Guardia's decision wasn't popular and was stubbornly resisted by street musicians and citizens alike in the form of letters to the editor, radio interviews with musicians designed to promote their side of the debate, and petitions signed by thousands of street music supporters.

A *New York Times* interview with Edward Molinari, one of the last and most prominent hand-organ manufacturers, was printed a month after La Guardia's announcement and suggests that more than the ban was responsible for the demise of the barrel-organs:

"The whole musical instrument business is shot," Mr. Molinari said. "We do a few repairs here on merry-go-rounds, and once in a while we sell a second-hand hurdy-gurdy. We haven't even sold one of those in the last two years."⁶⁶

When asked about the few hand-organs still in use on the streets, Molinari guessed that most were around forty years old. Not only hadn't he made any new instruments since 1928 or 1929, but he was unable to sell off the remainder of his existing stock.

La Guardia's ban was later repealed by Mayor Lindsey on 20 May 1970, but by this point the damage had already been done to the street music industry—although not necessarily by La Guardia. Ultimately a market of supply and demand, street music went into a steady decline, stabilizing at its currently low levels. The working classes, who had been the biggest supporters of street music, were lured away by other forms of cheap entertainment.

⁶⁵ Ibid., 27-28.

⁶⁶ "Hurdy Gurdies Go into the Dead Past," *New York Times*, 16 Apr. 1935, p. 23.

One organ-grinder suggested in 1924 that Prohibition was the primary reason for the decline of street music in the United States because it had closed down the saloons and taverns where many street musicians obtained their best patronage.⁶⁷ Stretching from 1919 to 1933, Prohibition does seem to have overlapped the period of decline in licensed organ-grinders. A number of current scholars have also theorized that many foreign immigrants, including Italians, left jobs such as peddling, street music, and food vending once Italian communities and social networks became more firmly established, allowing these men and women to move on to more respectable and lucrative careers.⁶⁸

A 1952 article described the situation as follows:

Neither the radio nor the phonograph killed the barrel organ. It was prosperity. Men like J. Capero, of Philadelphia, who made Joe's organ thirty years ago and sold it for four hundred dollars, have faded out of business. After all, they flourished on poverty. It is not that people don't want to hear the barrel organ any more. Most do. The barrel organ is almost extinct because nobody wants to play it. Everybody has a job. Everybody wants to be a boss. Everybody, that is, except Joe Ferrari.⁶⁹

At least in the case of barrel-organ and street piano owners, those who remained in the business witnessed the obsolescence of their instruments. As the number of street musicians declined, it was no longer profitable for manufacturers to make new instruments, organ cobs, or street piano rolls, so they either changed businesses, retired, or simply passed away.⁷⁰

A few savvy street musicians invested in cutting edge technology such as phonographs and radios as replacements for their barrel-organs and street pianos, but

⁶⁷ "Organ Grinders and Monkeys Have Lately Become Extinct," *New York Times*, 16 Nov. 1924, p. X8.

⁶⁸ Juliani (1998).

⁶⁹ Douglas Dacre, "I Grind Her 'Till She Bust," *Maclean's*, 1 March 1952, pp. 22-24.

⁷⁰ One organ-grinder discusses his problem obtaining new songs and repair work in: Douglas Dacre, "I Grind Her 'Till She Bust," *Maclean's*, 1 March 1952, pp. 22-24.

such efforts seem to have been extremely limited and short lived.⁷¹ The number of customers undoubtedly dwindled as the novelty of these new devices faded and they were introduced into an ever-increasing number of homes. There would be little incentive to pay for what could be had for free at home or in greater variety at a penny-in-the-slot phonograph arcade.

In England, World War I seems to have first reduced and then temporarily boosted the number of London street musicians in the form of wounded war veterans. World War II, however, severely curtailed their numbers without a similar recovery. In the case of men and women who had fallen on hard times and turned to street music to earn their living, the increased number of wartime jobs available to the unskilled labor force was enough to lure them away. Germany's bombings of England in 1940 and 1941 disrupted performance routes either by destroying neighborhoods or by necessitating their temporary evacuation. In some cases, buildings housing barrel-organ retailers and repair shops were destroyed, preventing street musicians from purchasing or maintaining instruments. Perhaps already in a state of decline, the disappearance of these resources and services may have delivered a death blow to organ grinding in England.⁷²

Most likely, all of the above factors played at least a small role in the downfall of the street music as a widespread industry. By the 1950s, the flood of letters and articles complaining about street music had changed to a trickle of nostalgic pieces from people wistfully remembering the street bands and organ-grinders that entertained them in their youth. Through the eyes of these authors, it's easy to wonder how people could ever

⁷¹ "Ultra-Modern Organ-Grinder Saves Labor and Serves Berlin Public Better with His Radio Set," *Boston Daily Globe*, 2 Apr. 1924, p. 4; "Phonograph Displaces 'Hurdy Gurdy' in Brooklyn Suburb," *Lincoln Evening News* (IL), 8 Apr. 1910, p. 11.

⁷² Eileen Soper, "London's Organ Grinders Carry on," *Christian Science Monitor*, 27 Sept. 1941, p. WM4.

have hated the happy sounds that made poor children dance, helped the weary men and women of the tenements forget their troubles, and magically restored sick children back to health.

Causes for Complaint

Although the peaks in street music activity in London and various cities throughout the United States vary to some degree, the complaints raised by unwilling listeners and the reasons they provided for avoiding these performances share an amazing degree of similarity across locations and time periods. These consistencies may be, in part, due to exchanges in communication between England and the United States, particularly after the transatlantic telegraphic cable was laid in 1866. Given these similarities, I shift now from a historical to a topical survey of the street music debate. Although this survey will continue to focus on England and the United States, I occasionally will reference parallel cases in mainland Europe or other parts of the world when they offer additional insight into the extent and complexity of this controversy.

Too Many

When we juxtapose the number of complaints against the influx of foreign itinerant musicians, a clear and simple pattern emerges—the more musicians, the greater the number of complaints. We can even follow the initial increase of complaints from city to city as improved transportation first allowed grinders to reach Paris and London in the 1790s, then the primary United States entrance ports of Five Points, New York, and Philadelphia in the early 1850s, followed by Boston in the second half of the decade, and

Chicago in the 1870s. We also find that the number of complaints remained relatively low in rural areas of the United States. Some plantation owners actually welcomed the sight of organ-grinders because the novelty inspired their workers, whether slaves or freemen, to temporarily increase their levels of production.⁷³ Similarly, in cities where street music was banned, was strictly regulated, or had disappeared, writers seemed more prone to submitting nostalgic stories about the days of the barrel-organ-grinder and German street band.

It shouldn't be too much of a surprise, then, that one of the most frequent complaints about street musicians was that there were simply too many of them. The street performances that had once served as occasional and novel distractions increased to a nearly steady stream from early morning until nightfall. Although the day usually started off with the sounds of milkmen and other peddlers crying their wares and ended with the sounds of cats in various states of passion and newsboys shouting headlines, the sounds of street musicians filled in the greater duration of each day. The first performance groups often arrived as early as 7:00 AM and street music could be heard as late as midnight or even 1:00 AM.⁷⁴ Following the decision by New York City officials in 1893 to lift Mayor Grant's ban on street musicians and to instead restrict their performances hours, one writer complained that the musicians started ferrying to Brooklyn, where there were no such restrictions, at the beginning and end of their usual routes. As a result, they could be heard as early as 4:00 AM and as late as midnight.⁷⁵

⁷³ Anon. (1865); "Organ Grinding," *Boston Daily Globe*, 12 Nov. 1893, p. 31.

⁷⁴ "Organ Grinder," *New York Daily*, 6 Apr. 1855, p. 8; Babbage (1864), 338; "War on Street Music," *New York Times*, 21 Jul. 1900, p. 12.

⁷⁵ "This Music without Charm," *New York Times*, 7 Jun. 1893, p. 12.

In 1868, a London journalist by the name of Charles Mackay, finding himself too distracted by street music to focus on his primary writing project, decided to take detailed notes on the time and duration of the performances occurring outside his home throughout the day. The outline of his overall schedule is as follows:

- 8:30 – Twelve-piece German band plays excellent renditions of overtures and pieces from popular operas for twenty minutes.
- 9:00 – Italian barrel-organ-grinder performs “Partant pour la Syrie,” “Not for Joseph,” and “Champagne Charlie” and refuses to leave until author threatens to call the police.
- 9:40 – Black-faced minstrel group performs “prime favourites” including comic and sentimental songs for fifteen minutes.
- 10:30 – Two men sing “We Have No Work to Do-o-o,” but the performance is very unsuccessful and they only receive a penny and leave quickly.
- 11:00 – Old man whistling at a nearly inaudible level.
- 11:15 – Lascar tom-tom player, described as “an abominable monotonous outrage... every now and then breaking out into a moan, a whine, a grunt, a shriek, or all these four diabolically blended into one.”
- 12:05 – German brass band composed of boys and lads who for ten minutes “play so loudly and so execrably that I wish the ‘Fatherland’ had them back again.”
- 12:40 – Female organ-grinder with baby on organ goes up and down the street very slowly performing “Partant pour la Syrie.”
- 1:15 – Italian boy plays hurdy-gurdy for five minutes while whistling accompaniment. Moves two houses down when requested and author would fetch policeman if there were one around.
- 1:40 – Another Italian with a barrel-organ and monkey.
- 2:30 – Young man performs “The Last Rose of Summer” and “Auld Lang Syne” for ten minutes on cornet-a-piston, but not well. Still, his performance attracts half-a-dozen women to their windows and seems to be a success.
- 3:15 – Highlander on bagpipes plays “Bonnie Laddie” and “Reel of Tulloch.” Cooks, housemaids, and children are very pleased and lots of children from around the ages of eight to ten dance frantically to second song. A policeman, however, doesn’t care that the children enjoy it and orders the piper away.
- 3:55 – Blind violin player performs Scottish tunes very poorly, but author suggests that only the blind should be allowed to play in the street to reduce the “plague of minstrelsy in London.”
- 4:10 – Punch and Judy show entertains numerous children, the local policeman, and the author.
- 5:00 – Barrel-organ-grinder plays “Champagne Charlie,” “Not for Joseph,” and “Adeste Fidelis.”
- 5:25 – Barrel-organ-grinder performs “Partant pour la Syrie” and “Adeste Fidelis.”
- 6:00 – Fiddle, concertina, and vocal trio performs badly for five minutes and the music is an “even worse infliction than the barrel organ.” They receive nothing from the people living on the street.
- 6:20 – Man with a big drum and a monkey riding a dog.
- 7:00 – Seven black-faced minstrels perform “Ben Bolt,” “Moggie Doorall,” “Little Maggie May (encore requested),” and other popular favorites.
- 7:30 – A barrel-organ-grinder plays unspecified tunes.
- 8:00 – Ragged woman sings “Annie Laurie.”
- 8:15 – Barrel-organ begins playing, but is ordered off by a policeman. The “organ fiend,” however, returns in five minutes and grinds out “Old Hundredth Psalm” for ten minutes, but receives no encouragement from the residents.

- 9:00 – Unemployed professional musician performs “Comin’ through the Rye,” “Ye Braes o’ Bonnie Doon,” “The Last Rose of Summer,” and “Bonnie Dundee” on guitar accompanied by “the rich full voice, of a cultivated soprano.”
9:45 – Newsboy cries.⁷⁶

Using the durations supplied by the author, or rough estimates of performance times when not otherwise provided, we achieve a rather interesting look into the spacing of street music performances throughout the average day. Twenty-four performances are spaced out over about 13.5 hours from 8:30 AM to around 10:00 PM. Of these 13.5 hours, performances occupied approximately 3 hours and 25 minutes and were interspersed with about 10 hours and 15 minutes of quiet—or at least non-musical sound—giving us a ratio of 1 hour of music for every 3 hours of quiet. The performances are brief, ranging from about 5 to 20 minutes each, but the intermissions between performances are also short, lasting about 10 minutes to 45 minutes in duration with an average length of 26 minutes. If typical, this schedule suggests that third-shift workers, invalids, and work-at-home intellectuals would have found it difficult to sleep or work for even half-an-hour at a time without musical interruption.

Another point of interest highlighted by Mackay’s schedule is the role of the organ-grinders. Out of the twenty-four performances, eight are by organ and hurdy-gurdy grinders. Not only did the organ-grinders make up one third of the acts, but they also counted for around an hour’s worth of music. If this disproportionate representation was typical of London and other cities, it suggests one possible reason why organ-grinders were more frequently targeted by complaints and regulations than other street musicians. Mackay’s schedule seems congruent with other reports from the time. A fictional schedule, originally published in *Punch* and reprinted in *Littell’s Living Age*,

⁷⁶ Mackay (1868), 230-33.

represented peddlers and street musicians in a series of twenty-eight appearance by “demons” who drive a young bard named Edwin insane. Six of these appearances, or one-fourth, are by demons with organs.⁷⁷ A letter from Babbage to Bass included the mathematician’s statistics on the number of street performances audible from his home. Out of 165 performances in ninety days, 96 of the performances were by street organs, accounting for more than one half of Babbage’s daily musical interruptions.⁷⁸ There are also, of course, the 1898 statistics for Brooklyn and New York, showing that there was an average of ten organ-grinders per square mile.

If complainants seem to have targeted organ-grinders over other forms of street music during these debates, in all likelihood it was because the street organs dominated the musical soundscape.⁷⁹ Bearing the latest popular tunes or old favorites, grinders functioned as a form of proto-radio, which was available for hire by individual customers throughout the day. Unlike radios, however, each barrel-organ was limited to an extremely narrow dynamic range and the portable street models were designed almost exclusively for outdoor use. With the exception of some of the softer-voiced varieties, such as the bird organ, any street organ hired to play a private performance was likely to produce a more public performance for the neighbors as well.

Since no one was in charge of coordinating the daily street music schedule, except perhaps in cases of padroni or where several musicians shared the same residence, there were no guarantees that the musical acts would occur one at a time. Given the carrying power of many mechanical musical instruments and brass bands, the sounds of street

⁷⁷ “Demons of Pimlico,” *Punch* 33, 21 Nov. 1857, p. 215; reprinted in: *Littell’s Living Age*, 1 Jan. 1858, p. 20.

⁷⁸ Bass (1864), 21-22.

⁷⁹ For more on the amount of attention devoted to organ grinders in these debates, see Picker (2003), 46.

performers often overlapped and the phenomenon of multiple performances occurring simultaneously was often commented upon:

Every man has probably had moments in his life when he has not been sane upon the question of barrel organs. He has perhaps been placed in different circumstances. Let us say he occupies a corner house. On one side, at the bottom of the street, commences the ‘Chick-aleary Bloke;’ on the other side, at the bottom of another street, is faintly heard ‘Polly Perkins;’ both are working steadily up to a point—that point is his corner house—let us say your own corner house. You are in your study writing poetry; nearer and nearer draw the minstrels, regardless of each other, and probably out of each other’s hearing, but both heard by you in your favourable position. As they near the point the discord becomes wild and terrible; you rush into the back study, but the *tom-tom* man is in the yard; you rush out of the front door to look for a policeman—there is none; you use any Italian words you can recollect; at the same time, pointing to your head, you explain that your father lies dangerously ill up-stairs, and that several ladies are dying in the neighbourhood; you implore the Italian to move on, and the scene ends in No. 1 slowly grinding down the street which No. 2 came up, and No. 2 grinding up the street which No. 1 has just come down. At such moments we are apt to speak recklessly on the great subject of barrel organs, and we sometimes—idle employment!—write letters to the newspapers, which are pardonably one-sided. The fact is, the organ question, like all other great questions, has two sides to it, although we seldom hear but one.⁸⁰

This description of the effects of hearing multiple street musicians at once also provides some insight into the driving force for at least a few letters to newspaper editors. Haweis, the author of the above paragraph, had no objection to street music overall and even blessed the organ-grinder as an Orpheus in the hell-like environment of the poorer neighborhoods, but many individuals found the sound of multiple musicians playing simultaneously to have a maddening effect.⁸¹

Although the overlap in performances was generally a matter of chance due to musicians wandering through the city and across each others’ routes, other musical clashes resulted from territorial struggles. German street bands, perhaps due to the confidence inspired by their sheer numbers and ability to drown out most other instruments, could be particularly aggressive. In his autobiography, Coraggioso described a few of the typical face-offs between German bands and organ-grinders as

⁸⁰ Haweis (1873), 543-44.

⁸¹ Ibid., 546.

they fought for the limited sonic terrain not yet restricted and regularly patrolled by the English and Welsh police forces. Apparently one tactic the bands used was to set up beside or even around another performer who had already drawn a crowd and was currently in the process of playing. This tactic effectively blocked off the outnumbered performer visually and audibly and allowed the band members to intercept any monetary reward from the audience. Once, as an experiment, Corragosio and his business partner refused to back down to a German band and instead continued to grind their band organ, an instrument conceivably capable of producing a steady volume of 90 to 110 dB. He described the sonic battle as follows:

We were doing well, and were playing in the centre of the main street when a large German band came along, all carrying their instruments and musicstands. They stopped beside us, circled round (there were about twenty of them), and started to play a very loud march. We continued to play, and when they saw we were not going away they began to play louder and louder. They played and we played. The medley of music went on (it sounded like a conglomeration of show organs) until at last a policeman came along and chased us all away. Well, we were quite satisfied. They did not get their own way any more than we did. They went away first, all talking and staring at us, but we had found a way to beat them at their own game.⁸²

According to Corragosio, the grinders in England gained the upper hand when they learned that brass players couldn't play while watching someone eating citrus fruit because it made their mouths water and pucker. Supposedly grinders all over Britain began eating lemons and oranges in the faces of their enemies.

German street band aggression did not exclude other German bands. When New York temporarily banned street music in 1889, the established Brooklyn bands found their turf invaded by the ousted exiles. There is at least one account of a musical battle breaking out between two groups:

The other day a New York band was playing in front of a saloon on Graham avenue, while half way down the block a home combination of about the same caliber was running an opposition entertainment. The blowers from across the river were resplendent with gold lace and gilt buttons

⁸² Coraggioso (1938), 173-74.

and as they were first on the scene considerably the larger crowd was gathered about them. The Brooklyn players saw what was going on as they turned the corner, and with little or no fuss they settled down in front of a caravansary not more than a hundred feet away. Then there was fun for five or ten minutes. Every player evidently considered his reputation at stake, and the volcano of sound they blew out of the respective instruments was, to say the least, astonishing.⁸³

This spontaneous arrangement appeared to be friendly enough until it came time to claim money from the on-looking saloon keeper, who refused to give any money to the New York City street band, sparking a physical confrontation between the two groups.

These aggressive displays also extended to financial matters and German street bands were infamous for undercutting local groups. Local bands were generally comprised of men from separately run households with families to feed. If they wanted to pay their bills, they simply couldn't afford to match the low rates charged by the German street bands, which were often comprised solely of single or newly married men sharing a one- to two-room apartment. Since they required a lower income to support themselves, German bands often were able to underbid their competitors and claim plum jobs playing for parades and at various civic and social celebrations. This raised not only the ire of English string bands in mid-nineteenth century England, but also that of musicians' unions in the United States.⁸⁴ In 1894, the Musical Mutual Protective Union of Brooklyn placed considerable pressure on the board of Aldermen and Mayor Schieren to ban non-Union street bands as opponents of organized labor. Although the Aldermen passed the resolution, Mayor Schieren felt that the street bands provided enjoyable music to the poor and ultimately vetoed the resolution in November 1894.⁸⁵

⁸³ "Too Much Tune: Brooklyn Overrun by Exiled Troubadours," *Brooklyn Daily Eagle*, 15 Nov. 1889, p. 1.

⁸⁴ For transcripts of interviews with members from an English string band and German brass band regarding pricing issues, see: Mayhew (1850), v. 5, 1-2.

⁸⁵ "Deaf to Charms of Music," *New York Times*, 20 Nov. 1894, p. 9; "Street Music," *Christian Advocate*, 29 Nov. 1894, p. 773.

Union musicians continued pressuring government officials to ban itinerant musicians. In January of 1929, members of the International Union of Musicians urged the United States Immigration and Naturalization Committee to redefine “artist” so that the number of itinerant musicians entering New York and other U.S. cities could be limited. The Union members explained that they were already suffering increased unemployment as a result of “talking and sound movies” and that they felt the invasion of foreign musicians was dangerous to their livelihood. They further expressed their belief that musicians should be entitled to the same protection provided to mechanics and other skilled laborers. Ironically, Union members wanted to grant admission rights only to instrumental musicians of distinguished ability, perhaps based on the assumption that established professional musicians were unlikely to undercut Union rates. The issue of protecting American musicians from foreign competition was presented before the House of Representatives on 18 January 1929.⁸⁶ Ultimately, the Immigration and Naturalization Committee, the House, and the Senate agreed with the Union and published a report supporting their desire to limit the number of itinerant musicians who entered the country and evaded contract labor laws.⁸⁷

In some cases, complainants perceived of sonic conflicts as internal to the ensemble. We’ve already encountered the following description of an amateur band:

Many a time death has paused over a small town to take toll, but as he has listened to a fourteen fragment band rolling through ‘Poet and Peasant’ in a heavy sea, the cornets, four beats in the

⁸⁶ “Immigration Ban Aimed at Musicians,” *New York Times*, 17 Jan. 1929, p. 33

⁸⁷ *Construe the Contract Labor Provisions of the Immigration Act of 1917 with Reference to Instrumental Musicians, and for Other Purposes*, HR 10816, 71st Cong., 2nd sess., *Congressional Report*, H.rp.1575 (21 May 1930); *To Clarify the Application of the Contract-Labor Provisions of the Immigration Laws to Instrumental Musicians*, HR 8235, 72nd Cong., 1st sess., *Congressional Report*, H.rp.258 (23 Jan. 1932); *For the Protection of Musicians*, HR 8235, 72nd Cong., 1st sess., *Congressional Report*, S.rp.419 (11 Mar. 1932).

lead, with the clarionets and alto horns catching up fast, and the bass horn fast on a bar and sending up distress signals, he has shuddered and passed on.⁸⁸

Haweis described a similar phenomenon in London among cornet and bass horn duets:

On these occasions the cornet flourishes wildly, and appears to be carrying on a kind of guerilla warfare with his panting antagonist, which ends in the successful demolition of the latter, who finally wheezes and puffs himself to death, whilst the cornet screams a pæan of victory.⁸⁹

A writer for *Punch* went so far as to provide a visual depiction of the sonic chaos created by a guitarist and double bass player (fig. 4.3).⁹⁰

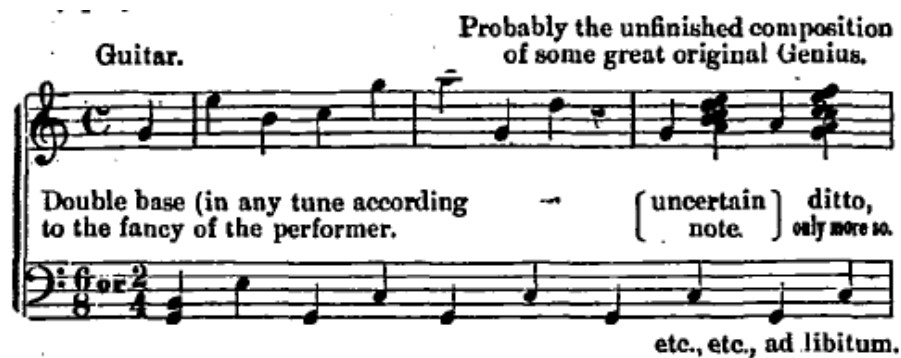


Fig. 4.3
Punch cartoon depicting internal musical conflict between two performers

This is not to say that all street music, or even street music by German bands, was bad. Many of the harshest critics were quite complimentary of street bands, both of the English string and German brass variety, when they were in good form. Even Haweis in his critique of street music admitted that a “full-blown brass band, with drums, plays fine music, and is patronized in high places.”⁹¹ One of Babbage’s court cases was dismissed because Magistrate Broughton felt the bands played remarkably well and that the “clause

⁸⁸ George Fitch, “Brass Bands,” *The Atlanta Constitution*, 20 Jan. 1913, p. 4.

⁸⁹ Haweis (1873), 549-50.

⁹⁰ “London’s Unmusical Season,” *Punch* 46, 28 May 1864, p. 226; reprinted in Bass (1964), 73-75.

⁹¹ Haweis (1873), 547.

in the Police Act was intended to apply to barrel organs and other instruments which sent forth discordant sounds.”⁹²

Like with many other forms of street music, however, one of the problems that occurred was that the success of a few dedicated and skilled performers often encouraged a horde of other musicians to follow in their financial footsteps. In many cases, money as opposed to love and talent for music motivated these performers, and the difference didn’t go unnoticed. The poorer quality ensembles were often referred to as “infant” German bands in England and as “[mud]gutter” bands or orchestras in the United States.⁹³ Charles Mackay, the author who tracked the schedule of musical performances occurring in his London neighborhood over the course of a day, also noted this split. While a talented German band was hired by Mackay’s neighbors twice a week and received financial encouragement from the surrounding households, a band composed of younger performers played poorly and apparently without much compensation from nearby listeners.

If we examining Mackay’s schedule overall, we can detect a clear hierarchy of performances preferred by the neighbors. Punch shows, the better German band, the better of the two black-faced minstrel groups, and the semi-professional lady vocalist and guitar player were all well-received and the neighborhood offered them monetary encouragement to establish a regular route. A few of the other performers, such as the bagpipe player, the organ-grinder with a monkey, and the bass drum player with a monkey riding a dog, primarily received encouragement from children and their nurses.

⁹² “Police,” *The Times*, 27 July 1859, p. 12.

⁹³ “Street Music in London,” *Church’s Musical Visitor*, Oct. 1882, 348-49; “Too Much Tune: Brooklyn Overrun by Exiled Troubadours,” *Brooklyn Daily Eagle*, 15 Nov. 1889, p. 1; “Farwell the German Band: Mud Gutter Orchestras Must Cease Their Discordant Lays,” *Brooklyn Daily Eagle*, 15 Nov. 1894, p. 12.

A third tier of musicians, consisting of mediocre performers and pitiable figures such as the mother playing the hand-organ and the inaudible whistler, received a few pennies from newcomers to the city and those sympathetic to their plight. The bottommost tier consisted of the remaining organ-grinders, a bad vocal duet, and the fiddle, concertina, and vocal trio, all of whom received little to nothing. Mackay even tried to drive off the organ-grinders, who served as the sole source of confrontation for him and the policeman on duty.

The two odd cases on Mackay's list appear to be the Lascar tom-tom player, most likely a tabla player and vocalist who probably would have puzzled Victorian era Londoners as a novelty act, and the young male cornet player. Although Mackay describes the cornetist as a poor player, the performance quickly drew a number of female listeners to their windows. Mackay subtly suggests that it was the performer and not the performance that served as the main point of interest in this case, an idea supported by the cornet's association with rakish young male bachelors—apparently an appealing sight to many unmarried women at that time.⁹⁴

Poor Tune Selection

Tune selection was another factor affecting the reception of a performance. I have already discussed the aggravation caused by an overly popular song in Chapter Two. But no matter how novel or hackneyed it was, playing the wrong song at the wrong time could prove disastrous. One organ-grinder selecting an Irish piece for his Irish audience, played "Battle of the Boyne Water," a song sung by the Orange Order to

⁹⁴ Mackay (1868), 230-33.

celebrate a Protestant victory by King William III over James II and one that remains controversial to this day. The grinder's Catholic audience began throwing bricks at him and he was even knocked about by an unsympathetic policeman.⁹⁵ A German band member described a similar situation involving his ensemble in a small mining town near Denver, Colorado:

Our audience was pretty tough, but nevertheless attentive. The airs played seemed to give satisfaction until we began to perform the opening bars of "God Save the Queen." Suddenly and without any warning a big, brawny Irishman drew a revolver and calling to me to hold my instrument at arm's length (I was playing the big horn), he deliberately fired two shots. One missed, but the other taking effect bored a hole an inch in circumference through the base of the instrument, thereby entirely injuring its tone. I laughed and attempted to pass the incident off in a joking way. Afterwards I found out that the marksman was an Irish refugee whose hatred of Victoria was of the bitterest description, and being a little drunk he was angered at hearing the air, and on the impulse of the moment acted in the manner described [sic] above.⁹⁶

More typically, an old or unpopular song simply wouldn't appeal to listeners and they would either refuse to pay for the performance or try to drive the musicians away, as described by Mackay.

Disruptive to Work and Sleep

Even when a tune was well-played and well-suited to a specific audience, listeners could still find it inappropriate to their current task or situation. In 1917, Frederic J. Haskin published an article complaining about a tendency on the part of authorities to assume that enjoyable musical sounds were not a nuisance:

They speak of making automobile horns and trolley bells musical, so that the blare and clang of street traffic will become a medley of notes and chimes. That would be lovely, but the experience of many individuals indicates that music is more fatal to sleep than plain noise. The very rhythm of the tune running through the head, unless the music is faint or distant, or of a soothing lullaby strain, makes sleep impossible. For sleep is in itself a rhythm and it cannot be adjusted to rag

⁹⁵ "A Son of Sunny Italy," *Brooklyn Daily Eagle*, 24 Mar. 1878, p. 1. The overall tone of this interview suggests that it may be specious. However, the article is still useful as an example of social expectations for reactions to a potentially dangerous song selection by a street musician ignorant of its political implications.

⁹⁶ "Street Music," *Brooklyn Daily Eagle*, 21 Mar. 1887, p. 2.

time. You can sing a child to sleep with a slow song in a minor key, but to sing “Dixie” or “Waiting for the Robert E. Lee” in a loud voice to a sleepy child would be to torture it. The same is true of a sleepy adult.⁹⁷

Several decades earlier, James Scully argued that good music was worse than poor music and even noise, because when scholars needed to concentrate they did their “best not to hear the disagreeable noise. Pleasurable sounds, on the other hand, even when not very loud, may disturb attention as grateful allurements. We feel our wills half drawn over to the side of the insidious intruder.”⁹⁸

Before presenting his recorded schedule, Mackay admitted that

even the best of music, when it breaks suddenly upon the ear of one who is engaged in thoughtful labour or hard study of any kind, is not agreeable; but when discord, instead of harmony, bursts upon the outraged silence of the library, the studio, or the sick-room, then is music but another name for misery.⁹⁹

Mackay reasserted this idea by expressing that the weekly morning performances by a German band would be commendable “if they took place in one of the parks at a seasonable hour, or people were not compelled to listen to them unless they pleased.”

Furthermore, he suggested that street music in general would be better if it were “concentrated within a couple of hours every day” as opposed to taking place anywhere and everywhere throughout the day.¹⁰⁰

Picker has done an excellent job of demonstrating the annoyance that many intellectuals felt at having their concentration interrupted while at work. Although Picker explores these complaints as stemming from the middle class’ sense of entitlement and as reflecting their efforts to purge the streets of foreigners and members of the lower classes, it is worth further examining some of these confrontations to see if other factors may

⁹⁷ Frederic J. Haskin, “The Modern Serenade,” *Fitchburg Daily Sentinel* (MA), 13 October 1917, p. 4.

⁹⁸ James Sully, “Civilisation and Noise,” *The Eclectic Magazine of Foreign Literature*, Feb. 1879, 228.

⁹⁹ Mackay (1868), 230.

¹⁰⁰ *Ibid.*, 231 and 233.

have been at play. For instance, in the last chapter we saw that a number of complaints were generated by school teachers and children in the United States forty years after Bass' work was published in London. Perhaps aware that the desire for quiet during intellectual pursuits was often associated with the middle class, one teacher writing to Rice commented that:

Coming from surroundings where noise and loud talking are universal, school should be a place of peace, where [students] will only hear well-modulated voices and will be expected to use the same. Instead of this, we are obliged practically to yell at each other and even to ask the girls to speak more loudly. In a neighborhood like this where the pupils, underfed and poorly clad, are apt to display signs of nervousness, street noises are frequent causes of inattention and of restlessness.¹⁰¹

At least one of Bass' correspondents, a man by the name of T. J. Pearsall, wrote a letter voicing a similar complaint. In this case, it wasn't school children who were affected by the music, but rather working class adults attending the London Mechanics' Institution for the purpose of learning a trade and bettering their lot in life. Not surprisingly, Pearsall took issue with the fact that he was unable to invoke the 1839 Metropolitan Police Act to protect his students from the disruption of street music. Neither the students nor the instructors fit the definition of "householders" as stipulated in the 1839 and 1864 Acts and therefore were excluded from the powers the Acts granted.¹⁰²

If we further examine other letters to Bass, we find an assertion by J. M. Rodwell, Rector of St. Ethelburgas, that:

I never yet knew a poor person, with whom I have spoken on the subject, who did not bitterly complain of the grind-organ. I particularly advert to the feelings and sayings of the poor, because it is often, though most erroneously, supposed that restrictions on street music would be a diminution of their few pleasures.¹⁰³

¹⁰¹ Rice, (1911), 734.

¹⁰² Bass (1864), 34-35.

¹⁰³ Ibid., 13.

In his next letter to Bass, Rodwell clarified that the close of his letter did not refer to street music as an annoyance to the clergy, but rather “as an annoyance to the *poor*, especially the sick and dying.”¹⁰⁴ Similarly, G. Smith assured Bass that it was “a gross mistake to suppose that the working classes generally supported “street musicians and that his landlord was certain he could rally support from a number of tradespeople in the neighborhood.”¹⁰⁵ In a separate letter to Bass, a Js. Hall described a petition:

signed by all classes—quite as freely by the smaller householders and tradesmen as by the richer. A clergyman who has the care of one of the districts of Paddington, and is well acquainted with the feelings and tastes of his numerous poor, gave it to me as his confident opinion that if they were polled the majority would be against street music.¹⁰⁶

Complaints by the working classes about street music are also found outside of Bass’ work. Thomas Wright, a skilled artisan, described enjoying the sounds of street music on Saturday evenings and holidays. When working the third shift, however, he bemoaned the inevitable noontime appearance by an organ-grinder, as well as the sounds of peddlers, housework, and children playing. The music either kept him completely awake or induced a “direly dreamful, snatchy, and unrefreshing” sleep.¹⁰⁷ This particular response to street music still prevailed forty years later. In 1908, the Civic Club Committee on Unnecessary Noise in Philadelphia received a flood of letters from women with “husbands who are employed at night and whose health is breaking down since no sound sleep can be obtained during the day by reason of the din kept up by street venders, peddlers, newsboys, and organ-grinders.” The author of the article made the following comment:

What impressed me most was that none of these letters came from the residential quarters where complaints against noise might be ascribed to nervousness and hysteria, but all from hard-working

¹⁰⁴ Ibid., 14.

¹⁰⁵ Ibid., 100.

¹⁰⁶ Ibid., 29.

¹⁰⁷ Wright (1970 [1868]), 193.

men and women in the tenement districts, districts whose inhabitants, if we are to believe the noise apologists, would actually suffer if deprived of the familiar and stimulating noises of the street. Colonel Waring gave it as the result of his experience that the people of the slums really like clean streets; and now it would appear that they really like quiet streets.¹⁰⁸

Unfortunately, the Board of Health could offer no immediate help to the women and their husbands because there were no city noise ordinances and therefore no legal means of taking action against the noise-makers. Examples such as these suggest that unwanted street music wasn't exclusively a middle class problem. Although seldom asked their opinion on the matter, when such occasions did arise, working class individuals did voice complaints.

This brings us to some of the other contexts in which people disliked street music. A common complaint, as we have seen, was that street music disrupted sleep. It seems unlikely that the desire for uninterrupted sleep would have been a middle class value. Given their lack of resources and crowded living conditions, the poor would have found it even more difficult to secure quiet sleeping conditions. A musician performing between the hours of nine at night and the early morning hours was more likely to wake sleepers than one performing at other times of the day. Not only are there fewer non-musical sounds during these hours, greatly reducing the ambient background noise normally masking the sound, but these hours overlap with the time when most people are asleep. This is undoubtedly one of the reasons that so many ordinances have focused on restricting street music to daytime hours. In fact, one London writer suggested in 1889:

If street music were only permitted say, from 8 A. M. to 8 P. M., the affliction would be deprived of the worst part of its sting, which I take to be the striking up of a barrel organ in your neighborhood at 10 or 11 P. M. An enactment of this kind would only be a statutory limitation of the hours of labor, and as such should be welcomed by organ grinders themselves. Let us, then, unite in a movement to secure a twelve hours' work day for organ grinders and twelve hours'

¹⁰⁸ Oakley (1908), 351.

night's rest for ourselves.¹⁰⁹

At least one letter to the editor encouraged similar restrictions, although of more limited hours, for the city of Brooklyn:

Is there no redress for property owners against a public nuisance, such as the street bands sometimes are? Is there no limit to their hours of playing? I have two small children as regular as the sun sets do they get awakened every Monday and Thursday evenings, from 8 o'clock until half after. Every mother of a family, and there are many on the street, is as annoyed as I am. We are content to be an audience up to 6 P.M., but after that infants and invalids would like to find the quiet and peace that night is supposed to bring and not be annoyed week after week in their own houses by strolling musicians.¹¹⁰

Unfortunately, restricting street music to daytime hours did little to protect the sleep of people with more irregular schedules including invalids, very young children, and third-shift workers.

Weekly cycles also affected perceptions of music. A street band might be considered indispensable for a holiday parade and appropriate entertainment for a Saturday evening, but completely unacceptable on a Sunday morning. A large number of cities in England and the United States specifically banned the performance of outdoor music on Sundays and if the music of a neighbor or business owner infringed on the religious or leisure activities of the day, it was certain to be mentioned in the complaint.

The seasons heavily influenced people's reactions. Since the Victorians lacked air-conditioning, summer meant open windows and numerous nights spent in miserable, sleepless discomfort. Weary and irritable, people actually sent letters to newspaper editors, such as the following, asking them to remind people that music was more easily heard through open windows:

As the time will soon be here when the windows of private residences will have to be kept open at night, I would be grateful to the EAGLE if it could do something toward abating the nuisance of brass bands playing around the streets at night. There are hundreds of little children and tired

¹⁰⁹ "Torture of Organ Grinders: How an Englishman Succeeded in Relieving Himself of It," *Brooklyn Daily Eagle*, 23 December 1896, p. 2.

¹¹⁰ "The Nuisance of Street Bands," *Brooklyn Daily Eagle*, 27 Mar. 1893, p. 2.

mothers who have frequently been startled from sleep by having one of these discordant bands step in the vicinity of their homes and blast out their hideous noises. Prospect Park Hill is blessed with two such bands of eight pieces each, who alternately come around every other night and blow until about 10 o'clock, although I believe the law does not allow street musicians to play after 9 o'clock. Stringed instruments are not so bad, but if you have not had the experience I have had, and undoubtedly numberless others, I would take this opportunity to inform you that it is an outrageous nuisance, and to make a bad matter worse their repertoire from season to seasons begins with "The flowers that bloom in the Spring," and ends up with "See Saw."¹¹¹

When the temperature hit 93.5 degrees Fahrenheit in Boston, it warranted a lengthy news article that colorfully depicted the oppressive nature of a 1906 heat wave:

Simmering asphalt and burning brick and stone sent up like a radiator an invisible vapor that choked the pedestrians, scorched, almost, their feet and burdened their steps till many faltered and some fell. Horses, too, dragged loads that, while made light as possible, were even then too heavy. No less were the animals spared than mankind, for many of them stumbled to the ground and lay there prostrate.... At Marine park many hundreds sought a shelter and welcomed the light air from across the bay. Some were stretched on the grass, dozing and tired, but were as cool as it was possible to be on a day such as yesterday. On the long iron pier men, women and children with no more encumbrances in the form of clothes than they could help sit or leaned against the railings, but did not move unless forced to do so.... It was not a day to play and not a day to dance, for the organ-grinder and the hurdy-gurdy men had only slim audiences and audiences that refused to be inspired by even the most shredded of ragtime.

Given the torporic reaction of even street music enthusiasts in the above passage, one can only imagine the irritation it would cause for someone who already found the sounds annoying.

Several authors, most notably Ray Bradbury in "Touched with Fire" (1955), have mused on the possibility of high temperatures driving people to murder. Bradbury's magic number for this turning point in human nature was 92 degrees Fahrenheit, a degree-and-a-half cooler than the temperature inspiring the above description. Victorians spoke of the combination of inescapable heat and music as causing illness, the death of invalids, and suicide.

Ironically, street music seems to have been primarily a spring and summer phenomenon in most places, starting in about April and running through September.

¹¹¹ "Street Bands at Night: An Appeal for the Discouragement of the Nuisance," *Brooklyn Daily Eagle*, 9 May 1887, p. 5.

People often described organ-grinders as being among the first signs of spring weather along with the robin.¹¹² In the southern United States, the schedule appears to have been reversed for many street musicians, organ-grinders in particular. When the weather grew too cold in the North, many performers either migrated south or back to their homes in Italy to avoid exposing themselves and their instruments to bad weather conditions.¹¹³

Disruptive to Communication and Rituals

Another complaint about street music was that it interrupted and drowned out communication. Although the thought of a dinner party momentarily breaking off an exchange of pleasantries might not inspire sympathy, street music also interrupted more important conversations. Returning to Rice's campaign for quiet zones around schools, we find that one of the largest concerns shared by children and teachers alike was their inability to hear one another over the daily sounds of the city. Rice summarized the situation as follows:

As for the teachers, their earnestness was convincing as they assured me that nothing but the utter impossibility of making themselves heard above the surrounding din could force them to subject their classes and themselves to anything so distressing and so unhygienic as working in unventilated class-rooms, and declared that their greatest desire was to obtain even a moderate degree of quiet which would enable them to be heard without shouting and to understand what was being said without following the motions of the lips.... In a certain school it was reported that four teachers were spending most of their salary for throat and ear treatment, while vocal paralysis was complained of in another.¹¹⁴

One teacher commented that the disturbances surrounding the school were so great that she and her colleagues had taken to writing directions on the chalkboard.¹¹⁵ Although

¹¹² As sign of spring: "Monkeys and Organ Grinders," *Christian Watchman and Reflector*, 15 Apr. 1852, p. 46; "Street Music," *Brooklyn Daily Eagle*, 21 Mar. 1887, p. 2.; Gilbert Swan, "Lights of New York," *Syracuse Herald*, 28 Mar. 1928, p. 8.

¹¹³ "Organ Grinding," *Boston Daily Globe*, 12 Nov. 1893, p. 31.

¹¹⁴ Rice (1911), 732-33.

¹¹⁵ *Ibid.*, 733.

street musicians did not comprise the whole of the uproar, they were definitely seen as contributors.

Communication between music instructors and their pupils was also thwarted. In *Street Music in the Metropolis*, Bass described receiving a petition signed by numerous musicians throughout London. Unable to find steady employment as performers, many professional musicians relied on teaching music lessons as their primary or sole source of income. It was a short distance from teaching in parlor rooms to becoming a street musician one's self, as is evidenced by the professional guitarist and soprano towards the close of Mackay's street music schedule and an 1886 interview with a Brooklyn street cornetist.¹¹⁶ At least one of Bass' correspondents spoke of a musician at risk of losing his income from lessons due to the constant interruptions by an organ-grinder, a story which I will discuss in more detail below.

In some cases, the form of communication interrupted by music caused extreme spiritual and emotional distress for the participants. James A. Murray complained to Bass that street music started as early as 8 AM in his neighborhood and utterly disrupted family prayers. Another anonymous woman complained that she had changed the hour of family prayer four times, but still couldn't manage to secure fifteen minutes without interruption.¹¹⁷ On the less religious side of things, there have been at least two separate reports of court cases interrupted by street music:

A "Hetty Sorrel"—a young unmarried woman—was being tried before him at the Worcester Summer Assizes on the serious charge of child murder.... Presently the jury filed back into court and delivered their verdict of "guilty." The judge had assumed the black cap, whilst the trembling creature in front of him stood, supported by female prison wardens, awaiting her doom. Just at this moment, when all the court were hushed in silence, the strains of a barrel-organ came through the open doors from the street outside. Quickly lifting up his head, the judge, in slightly heightened tones, called out to the ushers: "Stop that music—close that door. It is sadly out of

¹¹⁶ "A Talk with a Street Cornetist," *Brooklyn Daily Eagle*, 12 Sept. 1886, p. 15.

¹¹⁷ Bass (1864), 102, 17.

place with the painful duty I have to perform.” The order was at once complied with, and the judge, his eyes bedimmed with tears, passed the dreadful sentence.¹¹⁸

In 1921 a brass band interrupted the cross-examination of a witness during a trial for four men accused of rape.¹¹⁹

Street music also interrupted other somber moments, such as the gathering of family members around the dead or dying.¹²⁰ On rare occasions, the interruptions could prove amusing instead of distressing, such as in the case of an ill woman who believed herself near to death:

Her hours of suffering were cheered by the glimpses of the unseen world that came to her, and one day she called to her attendants who were grouped about her in hourly anticipation of her decease: ‘Oh, that heavenly music! Don’t you hear it?’ Strongly impressed, in spite of themselves, by her fervor, the rest strained their ears to catch the harmonies of heaven, when a cyclonic burst of sound from a street piano manipulated by an Italian across the street swung full into the rollicking measure of ‘Johnny, Get Your Gun.’ There was a moment’s silence in the sickroom, then an involuntary burst of laughter in which the sick woman joined. From that moment a reaction set in, and today, though still an invalid, she has the prospect of years of life before her.¹²¹

In this case, the timely interruption of the barrel-organ seems to have called attention to the woman’s acts of melodramatics, turning them into a subject of humor and discouraging future outbursts.

Danger to Invalids

The sickroom was deemed an equally inappropriate setting for street music by many Victorians and Edwardians. As mentioned earlier, highly respected doctors felt that quiet was crucial for the recovery of patients in critical condition or for those with a precariously low reserve of nerve force. This prohibition against sounds wasn’t limited

¹¹⁸ “Builders of Our Law: Lord Esher,” *The American*, Jul./Aug. 1902, p. 526.

¹¹⁹ “Asks Mistrial as Girl Faints,” *Boston Daily Globe*, 21 Nov. 30, p. 1.

¹²⁰ For examples, see: “Many Complaints Made,” *Brooklyn Daily Eagle*, 23 May 1900, p. 1; “Local Matters,” *Fitchburg Sentinel* (MA), 20 Sept. 1901, p. 2.

¹²¹ “Saved by an Organ Grinder,” *Davenport Daily Leader* (IA), 25 Oct. 1893, p. 2.

to just street music. In 1896, Girdner wrote that physicians were quite sure that noise in New York played a considerable part in death and illness rates. He explained that physicians frequently prescribed:

‘perfect quiet’ in order that the flickering spark of life remaining in the patient may be brought back to a healthy flame. Yet in nine cases out of ten, that perfect quiet he deems so important cannot be had, owing to the noises from the street. Especially is this true in warm weather when windows must be kept open.¹²²

Girdner also emphasized that any overstimulation and irritation of the brain or nervous system, whether through the auditory nerves or other sensory channels, was “essentially disease-producing.”¹²³

To achieve a perfect state of quiet, family members often placed straw on the road outside of the house to dampen the sound of horses’ hooves and carriage wheels. Door knockers were swaddled with cloth or nailed down. The children and young women of the house were forbidden from playing the piano and the entire household tiptoed around the room of the invalid. If the patient’s condition and family resources allowed, doctors often urged them to make an excursion to a seaside resort, country cottage, or a watering place for hydrotherapy sessions.¹²⁴

The dangers sound posed to the ill were felt to be alarmingly real and complaints about street music frequently mentioned the impact of sound on invalids. Babbage, perhaps among the better known individuals to write about this topic, asserted that street music “irritates the invalid; deprives the patient ... of that repose which, under such

¹²² Girdner, M. D. (1896), 299.

¹²³ Ibid., 298-99.

¹²⁴ For discussion of overall treatment of nervous conditions, see: Oppenheim (1991); for recommendation on rectal injections, see: Beard (1888), 178-80. These cures were often combined with other more unpleasant treatments including cupping, leeches, galvanism (electroshock therapy), hysterectomies, and injections of defibrinated blood, milk, or beef broth up the rectum. Drug treatments included doses of iron and quinine, as well as laudanum, mercury, arsenic, and/or strychnine. Unfortunately for the poor, seaside resorts and long stints of bed rest were often out of the question. Mercury and strychnine pills, by comparison, were relatively cheap.

circumstances, is essential for his recovery.” Always the statistician, Babbage also estimated that approximately twenty-six people were sick on his street at any given time and dangerously irritated by the music.¹²⁵

Babbage was not the only person to raise this issue, however. Five years later, a writer in New York claimed to “have known an invalid reduced to a dangerous nervous condition simply by hearing during an hour, at a critical point in the fever, the strains of a hand-organ, more than a block distant, and beyond appeal by the attendant.”¹²⁶ A man named James Greenwood also targeted organ-grinders for intruding on a plethora of inappropriate situations:

How much of good brains are frittered and addled and ground to waste by the organ demon? How many fatal errors in figure summing are attributable to him? How many aspiring young magazine writers have been driven mad, and how many ripening buds of poetry are blasted and prematurely nipped off by Jacko grinning and mowing and operating on his music machine under the window that he may earn a half-penny? Nor is this the most of the mischief that the ogre is the author of. How many wearily pillowed heads has he tortured with his unseasonable din,—how many respites of sleep long prayed for has he broken in on and utterly destroyed? How many sick children does he mercilessly disturb and put to pain so that he may extort a penny as hush money?¹²⁷

More than twenty years later, an 1890 article in the *Medical and Surgical Reporter* demonstrated that these attitudes still prevailed among the medical men of Philadelphia:

The experience of every physician must have furnished him with illustrations of the damage these noises do to the sick: the children waked from sleep which their poor little frames needed; the old people, robbed of their short respites from wakefulness; the brain-weary, cheated of their release from care and thought; the nervous, irritated and exasperated almost to madness—in fact, every physician must look upon strolling musicians as a source of most serious injury to health as well as to comfort. For this reason the physicians of Philadelphia will be glad to know that an attempt is being made to curtail the extent of the harm done by them in this city. An ordinance will be considered in the City Councils next week, which gives to householders the right to require any street musician to ‘move on,’ if disturbing him or his family, and we hope it will pass. We have only one thing to suggest in regard to it, and that is that it might be amended so as to give every person whatsoever the right to require street musicians to depart, and not to householders only.¹²⁸

¹²⁵ Babbage (1864), 337, 353.

¹²⁶ “A New Crusade Needed,” *New York Times*, 22 Aug. 1869.

¹²⁷ Greenwood (1868), 289.

¹²⁸ “The Curse of Street Musicians,” *Medical and Surgical Reporter*, 17 May 1890, p. 589.

In some cases, the illness and death brought on by street music was described as happening more abruptly. Anthony Trollope, one of the most prolific English novelists of the Victorian era, was reportedly killed by a barrel-organ in 1882:

A barrel organ was the indirect cause of Anthony Trollope's last illness. He was writing as fast as he could for the press, when a man brought one of these street nuisances under his window. He went out in a great passion to stop it, and the excitement brought on the serious brain attack of which he died. If men who enter for the public entertainment would be content with less work and smaller profits, how much anxiety it would often save them!¹²⁹

Undoubtedly a few writers used references to the sick and the weary, particularly distressed children and overworked mothers, as a discourse strategy to garner sympathy for their cause. The negative effects of street music on personal health and well being, however, were confirmed by the medical experts of the day.

There are also more descriptive accounts, both true and fictional, of specific reactions to street music in relation to its affects on the ill. More than one of Bass' correspondents described their experiences with defending family members from street music. James S. Kingdon, whose doctor had ordered that his wife was to have "perfect quiet" if she was to recover from a dangerous illness, accidentally started a brawl with an organ-grinder when the grinder refused a request to move on. Another anonymous correspondent described a similar, although less violent, encounter:

A dear member of my family, who had been dangerously ill under surgeon's care for nine weeks, and was in a process of slow and very nervous recovery, was so afflicted with sleeplessness that *brain fever* was apprehended. After repeated remedies for several nights, he at length dropped asleep, just at those morning hours when this infliction [street music] begins. His wife, his mother, and the female nurse, although they had been up several nights, feared to leave the room for rest or refreshment, lest the movement should break his slumber; at this very time *crash comes THE BAND!* I sent a servant to adjure them to pass on; they would not. His wife went down with the same entreaty; they would not. I went down myself; but of course by this time the dispute and noise of instruments had roused and alarmed the invalid, *who became quite delirious the same evening*. So much for the present right to order the musicians to "move on."¹³⁰

¹²⁹ "From over the Water," *Manitoba Morning Free Press* (Winnipeg), 9 Jun. 1894, p. 6.

¹³⁰ Bass (1864), 15-18. Italics in original.

As evidenced by the passages above, street music was particularly associated with intensifying or even provoking brain fevers. Belief in this unpleasant ability was widespread enough to find its way into works of fiction, including Jane Austin's *Outpost*. In chapter XIII, Mrs. Ginniss, a washerwoman, is keeping vigil over her sick daughter. We pick up the scene with Mrs. Ginniss trying to spark some sign of comprehension and interest from the child with one of her toys:

But, although the languid eyes of the child followed her motions for a moment, no shadow of a smile stirred the parched lips; and presently the eyes close, as if the effort were too much for them. Mrs. Ginniss laid the toy upon the table, and took up the cup of beef-tea.

"Have a soop of yer dhrink, darlint?" said she, tenderly holding the cup to the child's lips, and raising her head with the other hand; but, with a moan of impatience or distress, the weary head turned itself upon the pillow, and the little wasted hand half rose to push away the cup...

Suddenly, from the room below, was heard a strain of plaintive music. The organ-grinder, for some reason or other, was trying his instrument in his own room; although, remembering the sick child above, he played as softly and slowly as he could. It was the first time he had done so since Cherry had been ill; and Mrs. Ginniss anxiously watched her face to see what effect the sounds would have.

The air was "Kathleen Mavourneen;" and, as one tender strain succeeded another, the watchful nurse could see a faint color stealing into the child's face, while from between the half-closed lids her eyes shone brighter than they had for many a day.

"If it plazes her, I'll pay him to grind away all day, the crather," murmured she joyfully.

The song ended, and, after a little pause, was succeeded by a lively dancing-tune.

"She'll not like that so well," thought Mrs. Ginniss; but, to her great astonishment, the child, after listening a moment, started upright in her chair, her eyes wide open and shining with excitement, her cheeks glowing, and her little hands fluttering.

"Mamma, mamma! I'm Cherritoe! and I can dance with that music, and mamma can play it more"—

The words faltered upon her lips, and she sank suddenly back upon the pillows in a death-faint. At the same moment, Teddy came bounding up the stairs and into the room.

"Go an' shtop that fool's noise if yees brain him, an' ax him what's the name o' that divil's jig he's playing!" exclaimed Mrs. Ginniss as she caught sight of the boy; and Teddy, without stopping for a question, hastily obeyed.

In a moment he was back. "It's the cachuca, mother; but what's the matter with the little sister?"

“Whist! She’s swounded wid the noise he’s afther making,” replied his mother angrily, as she laid the wasted little figure upon her bed, and bathed the temples with cold water.¹³¹

An interesting point to note about this scene is that it plays only a small part in the story as a whole. This description of the impact of an organ-grinder’s music on a sick little girl doesn’t seem to serve as a diatribe against street music and its dangers so much as it offers a depiction of a real life predicament. It’s also interesting to note that the slower tune initially promised to have a restorative effect, but the jig severely exacerbated the patient’s condition. A similar moment occurs in James Joyce’s *Dubliners* when Eveline remembers her father angrily sending an Italian organ-grinder away from the sickroom window with a sixpence the night her mother died of a fever.¹³²

Many modern day scholars have dismissed nervous prostration and shattered nerves as a middle class phenomenon stemming from a cult of sensibility. As mentioned earlier, these and other related medical terms covered a wide range of poorly understood physiological and psychological problems, ranging from malnutrition and minor depression to autism and advanced stage syphilis. Even in cases now classified as psychological or psychosomatic, Janet Oppenheim reminds us in her book on Victorian era theories of neurasthenia not to confuse the idea of psychological problems with the popular misunderstanding that such illnesses are all in patients’ heads and therefore under their conscious control.

Oppenheim presents an excellent discussion of the Victorian mythos of the cult of sensibility. Although she attacks stereotypes held by the middle class, she does so by exploring how doctors later came to accept that members of the working classes were just as susceptible to nervous diseases as the middle classes, if not more so. Early in the

¹³¹ Austin (1867), 105-107.

¹³² Joyce, James (2005), 43.

nineteenth century, Dr. James Kay was already questioning the idea that nervous diseases were the domain of the middle class alone. Oppenheim tells us that “Kay saw such wretchedness ending in the gin shop, but magistrates, policemen, and good Samaritans throughout the century also found it leading to suicide, among the urban and rural poor alike.” Literary authors of the day tended to be equally astute in their observations. John Milner Fothergill felt the good food and leisure time enjoyed by the middle and upper classes made them less likely to suffer from depression, an opinion shared by Henry Mayhew. Oppenheim explains that doctors tended to dismiss the ability of working class patients to suffer from the same nervous illnesses as their more prosperous patients because

little in their upbringing, education, professional training, and adult social intercourse prepared them to deal with the emotional troubles of patients engaged in a constant fight to avoid starvation. Medical writers willingly acknowledged the strain and hardship of these lives and expressed concern over the devastating combination of poverty and physical fatigue, but many aspects of working-class lifestyle appalled them. With their concern heavily diluted by horror and disgust, they could scarcely help viewing men and women from the lower classes as people apart.

In cases where doctors did work with lower class patients, they were more likely to see their illnesses as stemming from physical strain than from mental and emotional exhaustion. Doctors also tended to spare the feelings and reputations of wealthy patrons by diagnosing their relatives with “nervous prostration” or “nervous collapse” when they would diagnose a similar condition in a working class patient as insanity.¹³³ The perception of nervous illness as the exclusive domain of the middle and upper classes began to shift towards the end of the nineteenth century. Oppenheim assures us that the

¹³³ Oppenheim (1991), 104-07.

nervous breakdowns of the Victorian era “respected no barriers of class, age, or gender.”¹³⁴

The universality of nervous illness is further supported by a survey of Victorian medical literature and journals performed by Francis Gosling. Gosling states:

Given that neurasthenia has been associated by historians primarily with the upper classes, the diversity of the patient population reported in medical journal literature is surprising; nervous Americans represented a spectrum of occupations from farmers to bank presidents.

Gosling found 307 individual cases reported in medical journals from 1870 to 1910. 217 of these cases listed the patient’s occupation. Although 75 of the patients were from upper and middle class professions, 57 were skilled and semi-skilled laborers, including bookkeepers, bank tellers, butchers, storekeepers, tailors, carpenters, wire weavers, and brass polishers. Another 21 patients were unskilled laborers, including servants, waiters, and waitresses, and 44 were housewives of undetermined status. The final 17 patients were students, retirees, dependents, and asylum inmates, also of undetermined status.¹³⁵ Even if we presume that the 61 persons of undetermined status were actually members of the middle and upper classes, this study still suggests that *at least* one out of every three patients (78 to 138) belonged to the working classes. The ratio could, however, be as high as two working class patients for each middle or upper class patient.

In short, instead of examining whether the health concerns of the underprivileged classes were silenced and ignored by middle class medical experts, modern scholars have accepted that these complaints were non-existent and questioned whether nervous prostration itself was real. This has caused a few individuals to conclude that members of the underprivileged classes experienced an unconditional enjoyment of urban noise and

¹³⁴ Ibid., 4.

¹³⁵ Gosling (1987), 31-32.

that the health concerns voiced by members of the middle classes were merely an expression of self-entitlement and a sign of oversensitivity. As seen in Chapter Two, more recent studies of community responsiveness to urban noise have shown that the poor equally dislike forced exposure to sound, but are far less likely to express their complaints to officials or through public forums. Although scarce, there is just enough evidence in the form of working class complaints about street music to suggest that a similar scenario existed in the nineteenth century. By dismissing the health concerns of the economically privileged, we may be ignoring a very real source of annoyance and discomfort for people in general.

Other Safety Concerns

Other dangers caused by street musicians were more directly observable than nervous prostration. Louder instruments such as band organs, street pianos, and brass bands did not go well with skittish horses. There were numerous instances of runaway carriages injuring and even killing nearby children. Babbage reprinted one such story from 1861 in which a German band frightened the steeds pulling a horse-slaughterer's cart, causing "numerous fractures and contusions to six children ranging from six to eleven years old."¹³⁶ Writing in 1852, Charles Smith noted that the London police had already barred horse-and-cart-organists from the thoroughfares because they panicked other horses. The House of Commons apparently was considering prohibiting them entirely.¹³⁷ Reports of horses panicked by street music also proliferated in the United States into the early twentieth century. For instance, in Lewiston, Maine, in 1893, an

¹³⁶ "Shocking Occurrence—Six Children Run Over and Mutilated," *Daily Telegraph*, 3 Oct. 1861, cited in Babbage (1864), 343.

¹³⁷ Smith (1852), 199.

eight-year-old boy was killed and a three-year-old boy badly injured when a horse frightened by a street piano ran into a group of children.¹³⁸

In less serious cases, horses frightened by street musicians merely caused injuries or property damage. When acting as a mount as opposed to a beast of burden, a skittish horse would sometimes try to throw its rider, often resulting in a good scare if not injury. Modern researchers have not always been sympathetic to the victims of these accidents. Responding to a report of a young girl frightened out of her wits when an organ-grinder caused her mount to rear, Picker abstracts the incident as an effort by xenophobic middle class Victorians to portray the musician's "effect on the social order and female body as a kind of animalistic chaos with no apparent penalty."¹³⁹ Although an interesting theory, it fails to consider the dangers posed by several hundred pounds of rampant horse flesh to its rider, which seems a far more practical reason for complaining about the street musician who set it in motion. It is also safe to assume that the owners of these horses, often working class men such as horse slaughters, would have disapproved of these situations.

Breaking from the usual patterns discussed above, on one occasion a German street band startled a pair of steers in Baltimore, Maryland. Instead of running in terror from the strains of "Sweet Violets," the steers charged the band and its onlookers, quickly clearing the streets. The description apparently so caught the attention of the staff at the *National Police Gazette* that they dedicated space to a very large illustration depicting the confrontation (fig. 4.4).¹⁴⁰ A bit more bizarre, is the account of an organ-grinder whose playing attracted a curious, circus-trained, dancing rhinoceros that had escaped from its

¹³⁸ "A Street Piano Startled Them," *Middletown Daily Times* (NY), 31 May 1893, p. 1.

¹³⁹ Picker (2003), 73.

¹⁴⁰ "Steers Attack Street Musicians," *The National Police Gazette* 50(505), 21 May 1887, p. 3.

zookeepers. There is also the story of Julius Goldman, a Jewish organ-grinder who used his music to frighten away a pack of hungry wolves that had been stalking him through a Latvian forest.¹⁴¹

Organ-grinders' monkeys were known to cause problems and monkey attacks occasionally did occur. Coraggioso confessed that he hated working with monkeys precisely because they tended to attract trouble. On at least one occasion, two boys teased his monkey to the point that it bit the little girl who served as his next customer.¹⁴² In Savannah, Georgia, an organ-grinder and his monkey were taken into custody after the latter bit a little girl.¹⁴³ A woman in Hexton, England, was rumored to have died of convulsions two days after a monkey jumped on her back and badly frightened her.¹⁴⁴ A fictional cartoon from the *Boston Daily Globe* depicted a similar event, although one with worse repercussions for the grinder and his monkey than for the frightened maid (fig. 4.5).¹⁴⁵ Frequent references to monkeys scurrying to upper story windows to collect pennies suggest that such scenes did occur, although the results of these startling encounters probably were less dramatic.

Overall, the monkeys seem to have had a worse time of things than their customers. Young boys in particular seemed fond of handing them pennies heated on woodstoves. A fictional depiction of this particular prank, along with some of the other

¹⁴¹ "Good Stories For All," *Boston Daily*, 13 Nov. 1899, p. 8; "Hand Organ Routs Wolves," *The Hartford Courant*, 7 Nov. 1926, p. D14.

¹⁴² Coraggioso (1938).

¹⁴³ "Itinerant Monkey Arrested for Biting Savannah Child," *The Atlanta Constitution*, 13 Dec. 1922, p. 11.

¹⁴⁴ "Short Paragraphs," *Hartford Daily Courant*, 19 Sept. 1859, p. 2.

¹⁴⁵ "The Man, the Maid, and the Monkey," *Boston Daily Globe*, 12 Apr. 1896, p. 40.



THE WRONG STEER.

HOW A PARTY OF STREET MUSICIANS WAS SUDDENLY DISPERSED IN THE STREETS
OF BALTIMORE, MD.

Fig. 4.4

National Police Gazette cartoon depicting an unwise mix of street music and livestock



Fig. 4.5
Boston Daily Globe cartoon depicting an encounter between a customer and a monkey

hardships faced by street musicians, appear in the recorded sketch, “Pedro the Hand Organ Man.”¹⁴⁶ In many cases, monkey attacks were acts of self-defense, such as in the case of a boy in Georgia who was bitten on the ear after punching and otherwise teasing a monkey.¹⁴⁷ Overall, people seemed to enjoy monkeys and it’s not uncommon to find more modern photos of small children hugging simians nearly their own size. Despite the problems they caused, monkeys often delighted children long after the music had lost its appeal and grinders found them useful for increasing their profits.

As mentioned earlier in the discussion of La Guardia’s reasons for banning organ-grinders in New York, people also expressed concern over the tendency of street musicians to obstruct traffic and to attract large crowds of onlookers. Today’s scholars sometimes complain that efforts to clear these musical obstructions showed a favoring of commerce and transportation, which is probably true enough. There is also evidence that these spontaneous crowds encouraged petty theft. According to Babbage, when performances took place on narrower streets, the constant crush of bodies helped to disguise the activities of pickpockets.¹⁴⁸

La Guardia’s fear that barrel-organ-grinders could lure children into the path of traffic also seems to have had some basis in truth. In New York in 1873, a little girl was so excited by the sound of an approaching barrel-organ that she ran out into the street to meet it and was stuck down and killed by a team of horses pulling a wagon.¹⁴⁹ Twenty-

¹⁴⁶ Spencer. 1907. “Pedro, the Hand Organ Man.” Edison Gold Moulded Record 9487. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, Cylinder 3189.

¹⁴⁷ “Monkey Bites Young Boy,” *The Atlanta Constitution*, 14 Dec. 1902, p. A5.

¹⁴⁸ Babbage (1864), 345.

¹⁴⁹ “Courant Notes,” *Hartford Daily Courant*, 21 Aug. 1873, p. 2.

one year later, *The Boston Daily Globe* published a story in which a little girl was unable to hear the sound of an approaching wagon over the sound of the street organ she was watching. She was crushed beneath the wheels and died shortly after.¹⁵⁰ A 1901 account from *The Hartford Courant* described a six-year-old boy who was struck by a trolley while crossing the street to hear an organ-grinder.¹⁵¹ In this last case, the boy escaped unscathed. Although three accounts in twenty-eight years hardly suggest an epidemic of street music-related accidents, it's quite possible that mere hearsay about such accidents was enough to inspire fear in many parents the same way that urban legends about razor blades in Halloween candy make today's parents wary of treats from strangers. Even if such accidents were extremely uncommon, the possibility that their child could be lured into the path of oncoming traffic by a street musician probably did worry a number of parents enough to raise the issue with city officials.

Forced Listening and Encouragement by Neighbors

All other issues aside, many people might have been content with the street music situation if they had been given the choice *not* to listen to it. Unlike most products and services, street music was generally provided before the performer either asked permission from a potential customer or secured funds for playing. Upon completion of the performance, listeners were expected to make a charitable donation—another factor that increased the similarity between street musicians and vagrancy.

Some street musicians also proved notoriously difficult to “move on,” or drive away. Organ-grinders and brass bands appear to have seldom done so when requested, or

¹⁵⁰ “Run Over and Killed,” *Boston Daily Globe*, 19 Apr. 1894, p. 7.

¹⁵¹ “Struck by a Trolley Car,” *The Hartford Courant*, 12 Apr. 1901, p. 16.

further aggravated people when they did comply by merely moving over to the next house. In cases where someone in the household was ill or a specific musician proved to be a nuisance, police assistance was often difficult to find, especially in poorer, less patrolled neighborhoods. In 1867, for instance, Thomas Wright described a group of young men harassing vendors at the Isle of Dogs, a working class district six miles below London Bridge. The men would dance and sing around the vendors and then say “give us something to leave you alone.” Since there were few policemen in the district, the vendors had no choice but to comply if they wished to end the harassment.¹⁵² The difficulty of securing any penalty against even a repeat offender has already been discussed.

At least in London, if the neighbors enjoyed or requested a performance, the chance of sending a musician away diminished significantly. Musicians seldom hung around or returned to neighborhoods where no money could be made. A regular patron, however, increased the likelihood of frequent visits as well as the chance of attracting other musicians in search of a sympathetic customer. Many letters and articles expressed anger towards the next door neighbors, their children, or their servants for encouraging a nuisance known to annoy those living nearby. One of the earliest such complaints is found in James Beresford’s *Miseries of Human Life*. The two main characters grumble about having to listen to a bad organ-grinder or ballad singer beneath their open windows on a summer day, particularly when they are unable to “drive or even fee them away, as they are paid for torturing [them] by some barbarians at the next door.”¹⁵³ To clarify, the “barbarians” who hired street musicians generally didn’t come from the poor and

¹⁵² Wright (1967 [1867]), 256.

¹⁵³ Beresford (1807), 73.

working classes. For instance, when ex-Governor Warren Lippitt complained to the Mayor and the Chief of Police for Providence, Rhode Island, that his neighbors were disrupting his family's sleep with a hired street piano, his neighbors included Col. Frank F. Carpenter, E. F. Dunbar, Col. H. Anthony Dyer, and United States Senator Nelson W. Aldrich.¹⁵⁴

Victor Baune, a member of the House of Commons, suggested that a neighbor desiring street music could at least invite the musicians inside:

Those who want to hear barrel-organs, should think it no hardship to have to call the grinder into their houses, and give him a few pence to play for them; but in a well-regulated country, it is a disgrace and an anomaly that one inhabitant of a square, by giving money and encouraging these pests, should have it in his or her power to make 300 or 400 people more or less uncomfortable, miserable, or frantic, according to their nervous disposition.¹⁵⁵

Inviting street musicians onto private property, however, sometimes complicated situations instead of improving them. Another of Bass' correspondents, actor Alfred Wigan, complained that when he was seriously ill, his neighbor not only hired a German street band, but then invited the performers up onto his balcony after Wigan had a constable drive them away. Since the performers were then on private property, nothing more could be done to stop the performance.¹⁵⁶

Occasionally a situation would develop in which neighbors hired street musicians solely for the purpose of annoying their neighbors. This happened frequently to

Babbage:

Some of my neighbours have derived great pleasure from inviting musicians, of various tastes and countries, to play before my windows, probably with the pacific view of ascertaining whether there are not some kinds of instruments which we might both approve. This has repeatedly failed, even with the accompaniment of the human voice divine, from the lips of little shoeless children, urged on by their ragged parents to join in a chorus rather disrespectful to their philosophic neighbour.¹⁵⁷

¹⁵⁴ "Music Hath No Charms for Him," *Boston Daily Globe*, 12 Jul 1899, p. 6.

¹⁵⁵ Bass (1864), 7-9.

¹⁵⁶ *Ibid.*, 16-17.

¹⁵⁷ Babbage (1864), 349.

Nearly seventy years later, author and journalist O. O. McIntyre described a similar act of sadistic encouragement by his friend, Dick Berlin:

One of these old wrecks whose heart seems to have outlived the body—the grinder of a tin-panny street piano. I had watched him being chased the entire length of a snooty block in the Sixties with window waves. He stood at the curb around the next corner a picture of frustrated dejection. The man with me—Dick Berlin if you must know—had a macabre sense of humor. He gave him \$2 with the proviso he return to the block and play an hour. I wonder if he did.¹⁵⁸

Sometimes the reason for hiring a street musician could prove more strategic. On one occasion, Oscar Hammerstein accepted a \$100 bet that he could write an entire opera in forty-eight hours. The man who made the bet, or another enemy of Hammerstein's, is rumored to have hired an organ-grinder to torment him. The author of the article commented:

That was why an organ grinder took his stand beneath the composer's window yesterday and could not be pelted away with nickels, though he did succumb to ice water.... Perhaps Mr. Hammerstein's opera, composed in forty-eight hours, under stress of calls and hand organs, will not be the same kind of a success as "Die Goetterdaemmerung."¹⁵⁹

In 1939, George Weller, a Memphis business owner, hired an organ-grinder and monkey to "amuse" the Auto Mechanics Union picketing outside his shop, supposedly in return for their picketing amusing him.¹⁶⁰ Such cases seem to be exceptions, however, and most decisions to encourage street musicians were based on the entertainment value of the music as opposed to its ability to annoy the neighbors.

Other complaints directed towards neighbors focused not on their encouragement of street music in general, but of specific tunes. In 1916, one author described an organ-grinder who came by his apartment on a weekly basis. One day the organ-grinder first played "Marseillaise" and then followed it with "Wacht am Rhein." Much to the

¹⁵⁸ O. O. McIntyre, "New York Day by Day," *The Chronical-Telegram* (Elyria, OH), 13 Nov. 1933, p. 3.

¹⁵⁹ "A Forty-Eight Hour Opera," *Brooklyn Daily Eagle*, 29 Sept. 1893, p. 4.

¹⁶⁰ "Proprietor, Amused by Picket, Enlivens Scene with Monkey and Organ Grinder," *The Galveston Daily News*, 4 Apr. 1939, p. 1.

annoyance of the German author, partway through the second selection, the grinder was paid by a French woman to switch back to the “Marseillaise.” The author promptly paid him to switch back to “Wacht am Rhein.”¹⁶¹ A very similar confrontation involving the same two tunes apparently occurred between the French and German legations in New York in 1927.¹⁶²

What is particularly interesting about these and similar confrontations is that the street musician plays a similar role to the radio in later debates. The focus is not on the musician and the acceptability of his or her performance practices, but rather the lack of taste and etiquette on the part of the offending neighbor. We even find similar expressions of indignation that the instrument in question is played outside as opposed to behind closed doors, where the music would at least be less audible to other community members.

Extortion

A few street musicians were unscrupulous enough to extort money from unwilling listeners. This seemed to have worked particularly well for organ-grinders, perhaps because the mechanically monotonous sound and limited repertoire of their instruments proved extremely irksome to many people. Throughout the nineteenth century, there was a frequently repeated joke about an organ-grinder who is tossed a nickel to move on only to declare that he knows the value of peace and quiet and never moves on for less than a

¹⁶¹ “Neutrality and Tunes,” *Boston Daily Globe*, 14 May 1916, p. 41.

¹⁶² Old Observer, “‘Big Bill’ and Haut Politique,” *The Washington Post*, 5 Nov. 1927, p. 6.

quarter.¹⁶³ By contrast, one writer commented that bagpipers seemed to be among the few street musicians who actually played after receiving payment as opposed to scurrying off with their “hush money.” He theorized that bagpipers primarily played national airs at the request of their countrymen as opposed to playing for bystanders in general.¹⁶⁴

Street musicians who preferred extortion were often said to target the houses of intellectuals, musicians, and the severely ill. With straw on the street outside and swaddled knockers on the front door, the latter would have been easy to locate. Many a person probably bent quickly under the pressure of extortion when the life of a family member depended on absolute quiet. James S. Kingdon described the following confrontation that resulted when a grinder refused to meet his demands to stop playing without payment:

I said “No. If I begin to pay, I must continue it. You must stop.” He then made an insulting gesture, commonly called “taking a sight,” and went on playing. As every note had a serious effect upon my wife, I placed my hand upon the strap of the organ, cautiously abstaining from touching the man, and said, “Now, I insist on your stopping until a police constable can be fetched.” The man immediately detached from his organ the pole upon which the organ is rested, placed the organ upon the ground, and using the pole with both hands, showered blows with wonderful rapidity, any one of which was sufficient to have killed me.¹⁶⁵

Kingdon was not the only one reluctant to pay grinders for extortion. James Greenwood warned about paying off organ-grinders with a penny:

But beware of the pitfall! Should you be weak enough to yield that first single penny your doom is sealed. It is merely a hushing fee entitling you to rank amongst the organ man’s regular customers. The torturer will now regard himself as regularly engaged, and exactly a week from the time when you committed the fatal error, he will turn up again, his countenance beaming with a smile of recognition as you amazedly look out on him from your window, and he won’t budge until he gets his penny. Nor is this all. You are duly reported at the head-quarters of the sworn brotherhood of grinders as another to the long list of victims willing to pay for peace, and for the

¹⁶³ *Punch* published cartoons on this topic before 1869, see: “A New Crusade Needed,” *New York Times*, 22 Aug. 1869, p. 4. The joke existed before this time, however. A 1833 version retold in the United States refers to a grinder refusing to move on for under a ninepence— [No Title], *The New-York Mirror*, 6 Jul. 1833, p. 7; for examples from the United States referring to musicians refusing to move on for under a fip and a quarter, see: “Small Trades of Philadelphia,” *The Ariel* (Philadelphia), 1 May 1830, p. 6 and “Contemporary Humor,” *Brooklyn Daily Eagle*, 19 May 1887, p. 4.

¹⁶⁴ John Albee, “Street Musicians,” *Christian Union* (New York), 24 Sept. 1885.

¹⁶⁵ Bass (1864), 15-16.

future no organ or hurdy-gurdy bearer will pass your door without giving you the opportunity for exercising your philanthropy.¹⁶⁶

Once an extortionist had been paid, the real problems began. In 1882, a nurse in New York complained that she had had to pay and feed twelve grinders in one day to drive them off. When the grinders “began swarming in the next day,” she was forced to call for police protection.¹⁶⁷ Occasionally writers would compare grinders to the Old Man of the Sea, a rickety-looking figure appearing in the *Seven Voyages of Sinbad* who, once offered a ride on the hero’s shoulders out of pity, holds on with surprising tenacity and refuses to release him.¹⁶⁸ Other writers compared them to the hydra, a mythological creature that grew two heads for each one it lost, implying that more grinders appeared for each one successfully driven away.¹⁶⁹

Extortionists targeted more than the sickroom, however. The Victor Talking Machine Company experienced problems after making a spontaneous one-time recording of a street piano in their studio. Their unusual encounter with “Signor Grinderino” is described in the memoirs of recording engineer Raymond Sooy:

1908: (early spring) The first notes of spring are always the birds and the hurdy-gurdy or street piano man, so early this spring we heard Signor Grinderino, down on the street, grinding out his tunes, and, as an experiment, we thought we would get Signor Grinderino to bring his hurdy-gurdy up on the elevator to the laboratory and have him grind out a couple of tunes for us in order that we could record same.

These records turned out to be so unusual that they were put on sale and made quite a hit, and so did we with Signor Grinderino because we gave him two dollars for his work and that was a lot of money for him.

After this date, we found it a task to get rid of him as every morning regularly he came around, stood in front of the laboratory and ground out his tunes until we had to chase him away in order to keep him from spoiling the other records which we were recording.¹⁷⁰

¹⁶⁶ Greenwood (1867), 226.

¹⁶⁷ 31 Oct. 1882, “News and Notions,” *Hartford Daily Courant*, 1.

¹⁶⁸ Greenwood (1867), 225; Webster, Jr. (1870), 658.

¹⁶⁹ For an example of a comparison between the battle to enforce regulations against an endless stream of street musician and chopping off the heads of a hydra, see: “A Complaint of Street Minstrelsie,” *The Atheneum*, Apr. 1831, p. 328.

¹⁷⁰ Sooy (1898-1925): <http://www.davidsarnoff.org/soo.html>.

Two dollars was undoubtedly quite a payoff for a few tunes, and probably enough at the time to make any artist desperate for a second recording session. A “Signor Grinderino” did record another album for Victor two-and-a-half years later, although it’s difficult to say if the songs are by the same man and he was that determined, or if Victor simply co-opted the name for a different performer.¹⁷¹

As mentioned above, not only could the extortionist himself prove difficult to get rid of, but he could quickly attract companions as evidenced by the following 1857 letter to the London *Times*:

Sir,—Once upon a time some medical students, desirous of pursuing their studies in peace, took up their abode in what they innocently deemed one of the quietest streets in Edinburgh.

But their studious repose was direfully interrupted by those fearful sounds to which you lately so touchingly alluded. An Italian boy with a monkey and hurdy-gurdy first startled their ears with dismal discords. An agonized student rushed forth, and, with fatal rashness, gave him sixpence as an encouragement to depart. As might be anticipated from this insane act boy, monkey, and hurdy-gurdy returned next morning with redoubled grindings, and were succeeded at brief intervals by fiddlers, kilt-clad pibroch players, flat-nosed German torturers, and all the barrel organists and showmen that Auld Reekie could produce.

Like true Britons, the medical students called a meeting to devise a remedy for this fearful calamity—they appointed a chairman, secretary, and committee, and raised funds. But how were these funds to be made available to hush the discord and restore the harmony of silence? Assuredly not by bribing the enemy to go away—they were not quite so verdant. Nor did they anticipate such pleasing freshness in the musicians. But an embryo Havelock stood forth and thus arranged a campaign—“Let every student supply the little boys of the house wherein he lodges with a tin pan and an iron spoon; when a musician or noisemaker of any sort appears let them at once surround him, and on their successfully driving him by their superior noise from the street let them be rewarded liberally by the committee.” The counsel was at once received and acted on, and the result was perfectly successful in banishing the foe.¹⁷²

Although many of the above examples are relatively benign, some extortionists could prove vicious. Babbage complained that some organ-grinders would follow professional

¹⁷¹ The recordings released include a one-sided disc with “Harrington Medley” on Victor V-5478 (matrix B6177=2), recorded 8 May 1908, and a two-side disc of “When It’s Tulip Time in Holland” and “Georgia Grind” on V117884 (matrices 16598=5 and 16599=4), recorded on 5 and 15 Nov. 1910. Date information obtained respectively from: Steven Abrams, *The Online Discographical Project*, <http://settle.fateback.com/vic16500.html> and information provided by Abrahams through: David Lewis, “Signor Grinderino,” 78-L (listserv posting), 30 Jul. 2006.

¹⁷² E.A.R.S., “The Organ Nuisance: To the Editors of the Times,” *The Times* (London), 21 Nov. 1857, p. 7.

musicians from house to house as they gave lessons, insisting on an extortion fee of a shilling to half-a-crown for each lesson. One of Bass' correspondents, going only by the initials "E. N.," made a similar complaint, remarking that music professors needed to be protected because they were frequently targeted by street musicians who, after having successfully received their hush money, would send their colleagues to perform similar acts of extortion.¹⁷³ This particularly aggressive behavior toward music teachers, many of whom had taken up teaching lessons to make ends meet in the first place when they were unable to obtain a profitable position with a professional ensemble, cost the teachers customers and a substantial chunk of their income.

Performance Art versus Begging

Other street musicians were less aggressive in collecting alms. Instead of extorting money through musical blackmail, they consciously constructed an image to inspire pathos in passersby, as in the following description:

An old colored woman on a West Side street near the river does a thriving business hiring out cracked orguinettes. She is an adept in "making up" characters so as to excite pity and charity. She can "ossify" one leg or both at the knee, convert strong arms into withered ones, distort hands, make great sores, etc. Her charges are moderate, the investment being but 50 cents a day with the make-up thrown in.¹⁷⁴

This air of dejectedness, disability, and overall poverty was often carefully cultivated. Coraggioso provided several detailed accounts of his padrone's efforts to shape his appearance. On two separate occasions, Coraggioso received new and respectable suits of clothing from charitable people he encountered. The new clothing threw his padrone into a rage because he felt people wouldn't feel pity for a boy dressed in good clothing.

¹⁷³ Babbage (1864), 340; Bass (1864), 27.

¹⁷⁴ "Grinding for Money," *Chicago Daily Tribune*, 26 Nov. 1893, p. 34.

The padrone immediately traded the good set of clothing at a pawnshop for a ragged suit and pair of boots that were several sizes too big. Not satisfied with the result, the padrone also cut open the toes on Coraggioso's boots. On another occasion, the padrone put dried peas in all of the boys' boots to make them limp when they walked. He then padlocked the boots closed so that the boys couldn't remove the peas. This trick worked a little too well and the peas had to be surgically removed from the soles of Coraggioso's feet by a local doctor. The padrone was summoned before a judge and was sentenced to fourteen days in jail for cruelty.¹⁷⁵

Several decades after the above incident, we find an account of a father—or perhaps another padrone since they often falsely declared familial relations to their apprentices upon arrival in the United States—performing a similar trick with a little girl in his charge:

Lieut. Bonfield looked closely at the child and became convinced from the contour of her side that there was something fraudulent about the supposed missing arm. He sent the child to the Harrison Street Annex with instructions to have her examined by the matron.... Both the physician and matron were astounded and filled with pity at the sight which was revealed to them. The child's left arm was strapped tightly to her side with cotton bandages and long pieces of sticking plaster. The bandages were dirty and evidently been used a long time. The arm was cramped and almost lifeless at the extremity from the torture of weeks. The girl shrieked in agony as the physician tenderly tore away the bandages.¹⁷⁶

The little girl did recover the use of her arm and the padrone was turned over to the humane society. Both this and Coraggioso's stories show the great length to which some street musicians went to increase their profits. The same stories also serve as a preview of people's complaints that the encouragement of street music was an endorsement of the child street musician trade, sometimes referred to as "white slavery." Other tricks used by street musicians were less elaborate and included wearing ragged clothing, displaying

¹⁷⁵ Coraggioso (1938).

¹⁷⁶ "Plastered to Her Side: Organ-Grinder Pretends His Child Has Only One Arm," *Chicago Daily Tribune*, 3 May 1896, p. 1.

a baby in a bassinet on top of a barrel-organ, and keeping their change cup nearly empty. Following the Civil War, some street musicians passed themselves off as war veterans.¹⁷⁷

Of course not all street musicians who appeared injured, destitute, or in uniform were feigning. For those down on their luck or incapable of holding other employment, street music provided a way of making a living. Many people found performing in the streets to be a shameful experience and treated it as a last resort. In the 1830s, one writer complained of an organ-grinder who had his wife sing beside the organ in the streets. The writer went on to explain that the grinder was perfectly healthy and capable of working on his own and that there was nothing “more revolting to the feelings than that presented by this couple.”¹⁷⁸ Although the author’s belief that women should be confined to the home parlor as ornaments is a bit rankling by current standards, the idea of them working in the streets was seen as vulgar at the time. Five decades later, a member of an English band flatly told Henry Mayhew:

the better class of musicians are nearly all married men, and they generally dislike to teach their wives music; indeed, in my band, and in similar bands, we wouldn’t employ a man who was teaching his wife music, that she might play in the streets, and so be exposed to every insult and every temptation, if she’s young and pretty.¹⁷⁹

While researching Victorian popular music, Andrew Rouse found additional examples showing that even occasional performances on the street by a woman during the nineteenth century shamed her and her husband. He recites an account by an anonymous navvy of the one occasion that his wife turned to street singing to help them make it through the week. When he asked his wife to sing a few songs, she replied, “Oh, Bill... I don’t like it; I’m shamed, Bill.” Bill convinced her to sing the song and after an hour

¹⁷⁷ “Our Street Musicians: Their Qualities, Good and Bad,” *Boston Daily Globe*, 30 Jun. 1873, p. 8.

¹⁷⁸ “Organ Grinders—Locomotive Music,” *Atkinson’s Saturday Evening Post* (Philadelphia, PA), 23 Nov. 1833, p. 1.

¹⁷⁹ Mayhew (1880), v. 5, 2.

they headed home and made do with what she had earned. The navvy closed his account with “and so we went home; and, thank God, we’ve never had to come back to her singing in the street again, and I hope we never shall.”¹⁸⁰

Still, many people saw playing for money as preferable to absolute vagrancy. At least it allowed the performer to claim that he or she were doing some form of work to earn a living as opposed to begging charity.¹⁸¹ For the blind, deaf, and injured—whether by birth, or through war, disease, and industrial accidents—street music was one of the few viable work options. Organ grinding in particular served as a viable trade for even the most tragically disabled, as demonstrated by this description of a wounded Union soldier by Thomas Edison:

He was blind in one eye. He had a big scar above the other eye. One of his legs was cut off below the knee. His other leg was severed above the knee. His left arm was cut off below the elbow. His right hand was mutilated so that only the little finger remained. With that finger he turned the organ handle and brought forth a doleful tune. A big brute of a Southerner came along and stopped in front of the organ, looking the cripple soldier all over. Then he drew a ten dollar bill out of his pocket and tossed it on the organ. As he started away the old soldier called after him to know if he had not made a mistake, saying that no man had ever given him a bill before. The Southerner turned about with a fierce look and responded that he was willing to give ten dollars any time to see a Yankee sliced up like the organ grinder, because that was the way he would like to see every blankety blanked Yankee carved up.¹⁸²

A sad account and one that again eludes previously proposed models for conflicts over street music. In this case, we find a man supporting a street musician solely due to his blatantly expressed hatred for foreigners from the North. Although certainly an atypical example, it does demonstrate some of the layers of complexity surrounding the interactions between street musicians and their listeners.

¹⁸⁰ Autobiography of an anonymous navvy in: Burnett, J. *Useful Toil*, 47. Originally published in Macmillan’s Magazine, Vol. V, 1861-1862, cited in Rouse (1999), 152.

¹⁸¹ For one example of this discussion, see “Grinding for Money,” *Chicago Daily Tribune*, 26 Nov. 1893, p. 34.

¹⁸² “Why Edison Is a Republican,” *Canton Repository* (OH), 22 Feb. 1892, quoted in Israel (1998), 32.

Whether the performers themselves saw street music as a means of escaping outright begging or as preferable to a regular job, the very presence of a musical instrument proved confusing to authorities. In cities that banned vagrancy, street musicians walked a delicate line. One of Mayor La Guardia's primary reasons for banning organ grinding and the performance of street music on ferries was that he saw them as a thin disguise for begging. Zucchi explained the situation as follows:

Itinerant performers and especially child street musicians proved to be a difficult case for philanthropists and charitable agencies, as well as for lawmakers, police, and magistrates. They formed part of that frightening mass of rural poor who seemed to invade the cities and threaten the social order. They were not technically beggars, wanderers, or vagrants, but their 'useless' occupations, rural manners, and strange speech and dress made them a threat to the urban order. Although it could be argued that they earned their keep, they none the less requested money from people in a manner that resembled begging: they did not demand specific amounts of cash. They did not have a scale of charges or established prices for their services. The line between mendicancy and work was not clear.¹⁸³

Public opinion varied as to whether the performers were begging charity or working hard for a living. Organ-grinders in particular held tenuously to the claimed title of "musician" because, at least by surface appearances, playing their instrument involved little more than turning a handle.

In some cases the quality of the music was seen as central to the debate and one author expressed the opinion that "the organ-grinder never becomes a beggar until the sound of grinding has become low indeed and there is positively nothing to be had out of it."¹⁸⁴ One lengthy feature article in the *Boston Daily Globe* argued that no form of street music could be considered begging and that even a very poor musician was "trying, with as much determination and soul, to entertain, and be as true to his task, as was ever Stavenhagen, or Mozart, or Beethoven." The writer further argued that "It would hardly be a wonder if the street musician's instrument did not often make a discordant shiver in

¹⁸³ Zucchi (1992), 7.

¹⁸⁴ "Grinding for Money," *Chicago Daily*, 26 Nov. 1893, p. 34.

sympathy with the player who braves the bleak, wintry blasts” and that the goal was not to “make the neighborhood howl, but to make an honest living.”¹⁸⁵ An anonymous woman from New York once suggested, “There is no reason why an organ grinder should be regarded as an altogether discreditable member of the community; his vocation is better than that of begging, and he certainly works hard enough for the pennies thrown to him, lugging his big box around the city from morning until night.”¹⁸⁶ Still others felt sympathy for those too physically impaired to pursue other employment, but disdained beggars feigning illness or injury as taking advantage of their charity. Able-bodied men were expected to work normal jobs so that the less physically demanding task of performing street music could be reserved for the blind and disabled.

Although the debate over the status of street music was never completely resolved, one result was that many late nineteenth and early twentieth century bills and ordinances often made reference to beggars, peddlers, street musicians, and/or organ-grinders as distinct groups for the purpose of clarification. A Brooklyn general order passed by Police Superintendent McKelvey in 1895 serves as one example. This order later became a template for ordinances in numerous other cities:

No person shall beat a drum or play on any musical instrument in any street, avenue or public place in the city of Brooklyn to attract the attention of any persons to any show of beasts or birds or other things in said city; nor shall any person perform or hire or procure any other person to perform on any musical instrument in any street or public place in said city before the hour of 9 A.M. nor after the hour of 9 P.M. No person shall perform on any hand organ or on any other musical instrument in any of the streets or public places in said city before the hour of 9 A.M. nor after the hour of 9 P.M. of any day, nor during any part of the first day of the week....¹⁸⁷

The cited portion of this ordinance can clearly be broken into three parts. The first part outlines a ban on musical instruments used to gather crowds to traveling exhibits and

¹⁸⁵ “Boston’s Street Musicians Are Not Idle Beggars,” *Boston Daily Globe*, 7 Apr. 1895, p. 36.

¹⁸⁶ MacCabe (1872): <http://www.gutenberg.org/files/19642/19642-h/19642-h.htm>.

¹⁸⁷ “Let Organ Grinders Beware,” *Brooklyn Daily Eagle*, 2 May 1895, p. 10.

shows. The second restricts hours when itinerant musicians are allowed to play. The third part repeats these same restricted hours for hand-organs before going on to specify that a Sunday ban and zoning restrictions apply to hand-organs *and* musical instruments. Less common is a bill proposed in 1930 in Appleton, Wisconsin, which recommended a fine of one hundred to five hundred dollars for any “vagrant, drunkard, mendicant, street beggar, organ grinder, gambler, [or] common prostitute” caught loitering or attempting to entice men into any public place or place of business.¹⁸⁸ Why Appleton officials decided to lump beggars and organ-grinders in with prostitution and gambling is unknown.

Association with the Padrone System and Other Criminal Activities

Some organ-grinders were involved in other activities that people found disagreeable, further inciting them against barrel-organ performances. Although the padrone system had begun much earlier, from the 1870s through the close of the nineteenth century Italian street musicians were associated by many listeners with the practice of “white slavery,” or the purchase and exploitation of children for the sake of making money. The padrone system should not be seen as synonymous with the exploitation of children, however. More frequently padroni would serve as culture brokers in a foreign country, providing their countrymen with access to resources, training, and employment as well as helping them to work within or under the radar of regulating institutions. These services were offered in exchange for part of the profits earned by the apprentice during his contracted servitude in a number of trades, one of

¹⁸⁸ “Legal Notices,” *Appleton Post-Crescent* (WI), 21 February 1930, p. 14.

which was street music. Many padroni would also provide free passage to and from Italy and a musical instrument that their countrymen could play in the streets for money.

Although a number of padroni were undoubtedly fair in their dealings and many worked exclusively with adults, there were a number of unscrupulous individuals who contracted children. They then subjected these children to abuse and squalid conditions to obtain a larger margin of profit for themselves. These men often made contracts with the child's parents, misrepresenting the work as a form of apprenticeship in which the child would be well taken care of and taught a trade in exchange for an agreed upon stint of service.

Once overseas, the padrone would often require the children to work the streets, regardless of weather and their state of health, for long hours six days a week (most cities prohibited street music on Sundays). The padrone would often set a specific quota that each child would have to meet to "earn" their keep. Caraggioso's padrone established the following rules for his party:

STRICT REGULATIONS FOR THE BOYS

Rule 1. If any of the boys went back at night to the lodgings with less than 2s. 6d., he had to go to bed without supper.

Rule 2. If less than 2s., no supper and no bed, and he would have to sleep in the kitchen or under the bed.

Rule 3. If less than 1s., no supper, no bed, and three strokes on the bare skin with the end of his strap, which had a large buckle at the end of it.

Rule 4. The boss would spy on the boys all day and if any one bought even a halfpennyworth of anything, he would be punished accordingly.

Rule 5. Everything we got from kind people must be brought home, especially foodstuffs; no one must eat anything. Everything was to be brought to the lodgings for supper and breakfast. Those who had nothing to bring got nothing to eat, and were not allowed to receive any food from others

of the company. Members of the company only ate after the bread bag which we all carried was full to the top.¹⁸⁹

Even when successful at meeting their quotas, the children were often housed in cramped quarters and fed scanty or nearly inedible rations, and the overall impression is that their primary sustenance came from the charitable handouts they received from strangers along their performance routes. Coraggioso described sleeping in lice-infested hotels and being fed old cheese and small scraps of bacon and kipper. His padrone made tea for the boys by gathering used tea leaves from common room teapots with a pinch of fresh leaves and sugar added. Both the fresh leaves and the sugar were begged by the boys from local grocers. On Sundays, Coraggioso and his companions were fed a thin soup broth while their padrone ate the meat shaved from the soup bones.¹⁹⁰

From 1860s through 1870s, British and American papers began showing a great deal of interest in reporting the cruelty of the padroni. This increased interest isn't surprising considering that the Italian government estimated in the late 1860s that the total number of padroni in Europe and America had reached 343 with operations involving over 7,000 children. Particularly popular were stories of padroni who kept dozens of children closeted together in a state of near starvation as well as accounts of little harpists and violinists who died of exposure on cold winter nights trying to meet their quotas. In some cases, children died from injury or illness, abandoned by padroni reluctant to pay high medical costs.¹⁹¹

Public sentiment regarding how to handle child performers was mixed. In his 1872 book, *Lights and Shadows of New York Life*, James McCabe ruminated that any

¹⁸⁹ Coraggioso (1938), 44-45.

¹⁹⁰ Ibid., 50-51.

¹⁹¹ For a detailed discussion of the padroni system and its coverage by British and American newspapers, see: Zucchi (1992).

money given to the children only encouraged their owners and the padrone system in general, but not giving money could result in a specific child receiving a beating or being refused supper and shelter for the night.¹⁹² Officials in Italy and abroad sought to regulate the trade in children and to bring the offending padroni to justice, but these men often proved elusive and could defend their position with signed contracts. Even when their acts of cruelty proved beyond the pale, padroni often had their young charges so terrified that they refused to testify in court. As mentioned earlier, when Coraggioso's padrone was sent to prison for a clear case of extreme cruelty, the sentence was only for two weeks. There was little to protect the child from retribution at the end of such a ludicrously short punishment. This seedy side of Italian street music undoubtedly colored the experience for many people.¹⁹³

On occasion, street musicians were also associated with more serious crimes. There are a few reports of organ-grinders attacking onlookers, although generally the reports make clear that the grinders were harassed or physically threatened before taking action. Apparently a few London organ-grinders, or thieves disguised as organ-grinders, trained their monkeys to steal valuables from unattended rooms.¹⁹⁴ Far more common than reports of actual crimes, however, were claims that street musicians, particularly organ-grinders, "murdered" music or "robbed" people of sleep.¹⁹⁵ Overall, organ-grinders appear to have been rarely arrested for any crimes in the United States. In Atlanta, Georgia, out of the 85,049 arrests made in 1888, only 7 of the individuals were organ-grinders. This number is incredibly low, particularly when compared to the

¹⁹² McCabe (1872): <http://www.gutenberg.org/files/19642/19642-h/19642-h.htm>.

¹⁹³ "Street Noises in London," *New York Times*, 23 Jan. 1880, p. 2.

¹⁹⁴ "Thieves among the Monkeys," *Ballou's Dollar Monthly Magazine*, Jun. 1856, p. 535.

¹⁹⁵ For examples, see: "An Evil to Be Curbed," *The Syracuse Herald*, 18 Jun. 1911, p. 16; "The Curse of Street Musicians," *Medical and Surgical Reporter*, 17 May 1890, p. 589.

number of stenographers and policemen arrested—13 and 25 respectively.¹⁹⁶ Statistics for Brooklyn were similarly low. Organ-grinders accounted for only 2 of the 26,669 arrests made in 1876 and for 3 out of 25,709 arrests made in 1886.¹⁹⁷

A few newspaper accounts do suggest a tenuous connection between organized crime and organ grinding. On December 4, Antonio Morello shot Francisco Mele, a one-armed organ-grinder, as he was “basking in the four o’clock sunshine” at the corners of Mulberry and Bayard. Morello’s reason for shooting and killing Mele was that Mele had insulted his wife. The story of the arrest in the *Hartford Courant* and two stories covering Morello’s trial in the *Brooklyn Daily Eagle* all present a similar account of the event.¹⁹⁸

Mafia historians, however, present a different picture. Antonio Morello was apparently one of the three founding members and the patriarch of the 107th Street Mob, later known as the Black Hand and famous for its “Barrel Murders,” in which the mutilated bodies of rivals were stuffed into oaken barrels and discretely deposited about the Brooklyn city streets. In the early 1890s, the 107th Street Mob’s biggest rival for control of the Brooklyn docks was the Neapolitan Camorra. One of the Camorra’s most influential members was none other than a “Francesco Meli,” who Morello is reported as having shot on 4 December 1892 to defend his family honor after one of Meli’s underlings robbed his wife.¹⁹⁹

¹⁹⁶ “Curiosities of Crime,” *The Atlanta Constitution*, 17 May 1889, p. 4.

¹⁹⁷ “Criminal Caprice in Brooklyn,” *Brooklyn Daily Eagle*, 11 Mar. 1888, p. 4; “Superintendent Campbell’s Report: Police Statistics Prepared by Frederick L. Jenkins,” *Brooklyn Daily Eagle*, 4 Mar. 1886, p. 1.

¹⁹⁸ “Shot the Organ Grinder,” *Hartford Courant*, 5 Dec. 1892, p. 1; “A Padrone on Trial for Murder,” *Brooklyn Daily Eagle*, 19 Jan. 1893, p. 12; “A Padrone’s Fight for Life,” *Brooklyn Daily Eagle*, 23 Jan. 1893, p. 10.

¹⁹⁹ “Antonio Morello,” *Wikipedia*, http://en.wikipedia.org/wiki/Antonio_Morello (last accessed 15 Nov. 2007).

Another crime report tells of three brothers, Gaetano, Frank, and Ferdinand Santepeo, confronting Brooklyn organ-grinder, Rafael Cuinio, over “rights of territory.” The three brothers nearly cut off Cuinio’s ear and left him with fifteen stab wounds on his face and back. The story is curious and reminiscent of the Morello-Meli confrontation.²⁰⁰ Since real Italian street musicians shared living quarters in large numbers, lacked regular employment, made mysterious earnings, and wandered the streets at all hours of the day and late into the night in a manner that made them highly conspicuous, yet individually forgettable, early members of organized crime might have found organ grinding to be a useful cover. Still, one anticipates that the number of mafia members disguised as organ-grinders and violinists was probably insignificantly small.

Unofficial Methods of Dealing with Street Music

Given the ineffectiveness of the law and its enforcement, some people were tempted to take the resolution of street music conflicts into their own hands. We’ve already seen the example of a group of medical students that armed a mob of young boys with pots and spoons to drive away street musicians. French dramatist Guillaume Victor Émile Augier, on seeing the novelist Jules Sandeau throw a coin to an organ-grinder to drive him off, scoffed at Sandeau efforts and described his own approach. Whenever a grinder approached Augier’s window, he applauded enthusiastically until the grinder held out his hand for money, at which point Augier quickly closed the window and drew the blinds. Disgusted by this display, eventually all the organ-grinders in the neighborhood boycotted Augier’s home. A writer for the *Warren Ledger* in Pennsylvania, learned to

²⁰⁰ “Organ Grinders Fight, One Badly Cut Up,” *Brooklyn Daily Eagle*, 12 Aug. 1902, p. 6.

shout the warnings of Italian policeman, including “Camate!” and to imitate the gestures of annoyed Neapolitans.²⁰¹

Other tactics were less benign. A poem by Roy K. Moulton describes bombarding an organ-grinder with Victorian-style water balloons:

A LITTLE SLICE O' LIFE
It was a stuffy evening,
And neighbors were leaning
Out of their windows trying
To get some fresh air,
When down the court came
The inevitable street piano.
The man comes every night,
But this night he had a complete new set of tunes.
One of these tunes was the old wartime favorite.
“Keep the Home Fires Burning.”
Some of these pianists
Select very fresh stuff.
He played it once, and
He didn't get a nickel,
Then started to play it again.
One flour sack full of water
Came from the ninth floor
And hit the mark fairly.
Others came in succession.
Each burst on the piano,
And the owner, a dripping wreck,
Made a masterly retreat.
He has not been back since.
In music one must observe
Not only the occasion
But the weather—and perhaps
The sousing didn't hurt him.²⁰²

The writers of *Punch* suggested a similar “cure” for the sick room consisting of a water hose that could be used to “besprinkle the organ grinders in the street, in the event of their refusal to move on.”²⁰³ In general, throwing things out the window at organ-grinders was popular in humor pieces and actuality and included not just water but also items such as

²⁰¹ “Driving Away Organ Grinders,” *Warren Ledger* (PA), 6 Aug. 1886, p. 7.

²⁰² Roy K. Moulton, “A Little Slice o’ Life,” *The Daily Northwestern* (Oskosh, WI), 19 Jul. 1923, p. 6.

²⁰³ “A Wash to Cure a Nuisance,” reprinted in: *The Albion* (NY), 27 Oct. 1855, p. 510.

bottles, ashes, paper weights, and dictionaries.²⁰⁴ Experienced grinders grew wise to these tricks and one Brooklyn writer commented that the remedy of dumping water on the grinders no longer worked because they took up their “position with an eye skilful in distances. The water falls a full yard short of its intended object, and not a note of the infernal machine is lost or varied by the attempt.”²⁰⁵

Other cases of retribution against street musicians, particularly organ-grinders, often proved more violent. An organ-grinder visiting Bridgeport, Connecticut encountered a mob that “rode him on a rail, and smashed and burned his long suffering instrument.”²⁰⁶ A group of boys who objected to Coraggioso’s presence in their village attempted to tar and feather him, but were caught before they could add the feathers.²⁰⁷ Stories about street urchins and boys from lower working class families harassing and attacking organ-grinders are not uncommon, nor are references to the role of police protection in saving these men from some of their nastier scrapes.

Some grinders were not so lucky. In Massachusetts, a Michael J. Gill, listed as a forty-five-year-old laborer at the Waltham bleachery in the 1910 United States census, was arrested for hitting an organ-grinder in the head with a stone during a heated argument.²⁰⁸ William Thompson, listed as an Irish laborer in the 1860 census, shot an organ-grinder before his door, stating that, “he was annoyed at so much organ grinding about the neighborhood that he took his method to put a stop to it.”²⁰⁹ In 1892, a drunken mob in an Indianapolis suburb accosted two Italian organ-grinders by the names of Louis

²⁰⁴ “This Music without Charm,” *New York Times*, 7 Jun. 1893, p. 12; “Eaglets,” *Brooklyn Daily Eagle*, 2 Sept. 1894, p. 6; “Table Gossip,” *Boston Daily Globe*, 9 Feb. 1874, p. 4.

²⁰⁵ “Organ Grinders,” *Brooklyn Daily Eagle*, 20 May 1850, p. 2.

²⁰⁶ “Miscellaneous Items,” *Brooklyn Daily Eagle*, 11 June 1872, p. 1.

²⁰⁷ Coraggioso (1938), 124-31.

²⁰⁸ “Organ Grinder Injured,” *Boston Daily Globe*, 6 Jul. 1913, p. 19.

²⁰⁹ “Police: Shooting,” *Brooklyn Daily Eagle*, 9 February 1858, p. 3.

and Eugene Carini. When the Italians resisted having their instruments taken away, the half a dozen working class molders forming the mob beat the two men and threw bricks, stones, and chunks of iron at them. Both Carinis were severely, and perhaps fatally, injured.²¹⁰

Although drunkenness or racism undoubtedly played a role in some of these attacks, in other cases they stemmed from a frustration at being helpless to stop a nuisance that interfered with daily life and was felt to be a threat to one's personal health and livelihood. Although the more extreme reactions are difficult—if not impossible—to justify, they serve as symptoms of a serious social problem. Finding the legal system inadequate for assuring their protection, a large number of individuals felt victimized by an endless stream of street musicians seeking to make a living at their expense. When the police, courts, and newspaper editors failed to offer solutions, a few of the more aggressive and desperate individuals among these unwilling listeners turned to physically defending themselves.

Supporting Street Musicians

Despite all of the perceived faults described above, street musicians definitely had their supporters; if they hadn't, they would have been regulated out of existence as unnecessary noise and as a health and sanitation concern in England and the United States. Instead, legislation often struck a compromise, offering individuals protection from unwanted musical performances while protecting the right of street musicians to make a living and the right of their supporters to enjoy their music. Few of the laws

²¹⁰ "Riot at Indianapolis: Two Italians Brutally Beaten by Drunken Mobsters," *The Marion Daily Star* (OH), 18 Aug. 1892, p. 2.

passed in either country banned street music outright, particularly before the start of the twentieth century. Rather, laws restricted performance hours to protect sleepers at night, granted individuals the right to request street musicians to move away from their homes, required musicians to meet certain musical standards, created quiet zones around schools and hospitals, and limited the number of licensed street musicians.

Although the decision to allow only a certain number of people to perform street music may seem harsh, we should keep in mind that flooding any market with a product or service until it greatly exceeds demand generally lowers the price customers are willing to pay for it. The theory of supply and demand was already in circulation by the early nineteenth century and certainly guilds and unions had been aware for centuries of the impact that excess labor had on their ability to sell goods and services. Street musicians were no more immune to the impact of economic law than weavers or engineers. Many of Mayhew's informants complained that business had been quite good when they started out several decades ago, but by the time of Mayhew's 1851 interviews, the steady flow of foreign street musicians into London had lowered their earnings and reduced at least some of them to a state of near starvation.²¹¹

Coraggioso also found his earnings greatly reduced when he made a second trip to London as an adult. Fewer people were willing to pay for a glut of street music and those who still enjoyed it found there were numerous competitors for their pennies. Coraggioso himself was appalled by the number of Italian street musicians and German bands and keenly aware that people had grown tired of their music. Although issuing a limited number of licenses prevented many street musicians, including those too poor to

²¹¹ Mayhew (1850), v. 5.

repair their instruments, from practicing their trade, it also protected consumers from a constant barrage of unwanted musical performances. By balancing the amount of supply and demand, licensing also ensured that many musicians could actually earn enough to make a living and prevented the trade as a whole from being reduced to a state of unsuccessful vagrancy. In cities such as Boston and Amsterdam, where the number of musicians was strictly regulated and licenses were granted to performers who kept their instruments and playing abilities in good condition, there were far fewer complaints about street musicians. Boston in particular printed numerous articles boasting about their licensing system and the high quality of their street music.²¹²

Aside from concerns regarding the musicians' livelihood, supporters of street musicians frequently pointed out that street music was one of the few sources of music available to the poor. These arguments paint pictures of poor children from the tenements dancing to the sound of barrel-organs and of weary men and women forgetting their cares when they hear the merry music. A sonic depiction of carefree children listening and dancing to several forms of street music, including a street piano, a hand-organ, and a German band appears in "Mrs. Clancy and the Street Musicians."²¹³ The following article paints a fairly typical counter-attack to the idea of banning street music:

Missing Notes and Antics

Have you heard the news, children? The organ grinder and the street musicians cannot play in the streets of New York any more. I wonder if the Aldermen would have made this law if they had walked through a certain side street when I did, a day or two before they passed the law. This street was very dirty. Tall houses were on each side of the street, in which lived from ten to forty families. It was after three o'clock, and all the children were home from school. The sun was shining brightly, and all the little brothers and sisters were out on the street in care of larger

²¹² For examples, see: "Play Away, 206," *Boston Daily Globe*, 7 Sept. 1900, p. 4; "Sergt. Thomas F. Goode Is Musical Expert," *Boston Daily Globe*, 2 Sept. 1903, p. 7; "Tuneful 'Tom' Goode Is Busy," *Boston Daily Globe*, 7 Dec. 1910, p. 3.

²¹³ Edison Vaudeville Company. 1907. "Mrs. Clancy and the Street Musicians." Edison Gold Moulded Record 9564.

brothers and sisters—in some instances not very much larger. In some of the doorways, mothers stood with their tiny babies in their arms, but every face was bright and shining, and that all were having a good time was very evident. In the street were a band of street musicians playing on their shining brass instruments, their own faces as bright as the instruments, but quite red instead of yellow. The worst grumbler in the whole world would have lost the power to grumble while walking along the block, in spite of the fact that he would have to step out on the cobblestones to avoid interfering with the tiny dancers; for the sidewalks were turned into ballrooms. On both sides of the street the children were dancing, some in time to the music, but most of them out of time with each other as well as the music; little tiny girls being held tenderly and carefully from falling as their larger partners danced round and round; larger girls and boys dancing as gracefully as though on a waxed floor in dancing pumps. Some of the dancers were barefooted, some had on mismatched shoes, not one pair of shoes had all the buttons on; but none of these things troubled the dancers.²¹⁴

The article goes on to describe how the children stand in groups blue with cold and that the happy mothers with their babies have disappeared since the banning of street music.

The author also asserted that the children will never hear music again and will only see monkeys on circus posters.

For the most part, the argument that banning street music would deprive the poor of one of their few joys was made by members of the middle classes on the behalf of the poor. These articles are somewhat speculative of their thoughts and feelings regarding street music or, as in the case of the above article, are prone to romanticism. It seems doubtful that families earning forty-eight pennies or less in a week would have squandered enough on street musicians to encourage regular appearances. The *Boston Daily Globe* commented that street bands seldom visited lower-class neighborhoods precisely because the residents only threw pennies.²¹⁵ Along similar lines, Edward Irenaeus Stevenson complained that the idea of street musicians playing for the poor was that of the sentimentalists and that these musicians were seldom found in poor neighborhoods:

The sentimentalist has risen up to mourn at the partial suppression by the Mayor of street band, of the hand-organs, and of wandering minstrels. It is urged that the common people are deprived of a

²¹⁴ “The Missing Notes and Antics,” *Christian Union*, 12 Dec. 1889, p. 769.

²¹⁵ “Our Street Musicians: Their Qualities, Good and Bad,” *Boston Daily Globe*, 30 Jun. 1873, p. 8.

pleasure, the children of poverty of a solace, the industrious of an industry, if these outdoor purveyors of something called music be told to hold their peace. Let the sentimentalist hold his—or hers. In any city like New York the street musician is a nuisance, an insult to art, and a species of sheer blackmail; and he shuns the quarters of poverty emphatically and haunts the streets and neighborhoods that regard him only as a pest. So far as he could be a pleasure to the very poor, he is determinedly a prey on those who are not the very poor; and his musical influence is a caricature. Let us hope that the Mayor and those able to control his movements will still reduce him to his lowest terms and not be given the idea that he is doing good in his way as a modern “Beggar’s Opera.”²¹⁶

This article is obviously somewhat of an exaggeration. It’s doubtful that the city would have tolerated street musicians at all if they had made their living solely by blackmailing the well-off. Still, it does seem likely that the musicians would have frequented the neighborhoods where there was money to be made, and these would not have been resided in by the poorest of the poor—the supposed beneficiaries of street music. Many of the people pushing for the regulation of street music had little against the idea of the men making a living or making music available to the poor, they simply didn’t want to hear the music themselves.

Skilled and semi-skilled laborers would have had more money to spend on street music but, based on Thomas Wright’s descriptions, only organ-grinders seem to have made daily afternoon appearances even in more affluent working-class neighborhoods. Wright refers to the grinders as one of the sounds preventing him from sleeping during his stint working the third shift. The majority of street musicians appear to have spent the week in middle class neighborhoods, waiting until Saturday afternoons—payday—or holidays to play for the working classes.²¹⁷ Ironically, Greenwood complained that Saturday afternoon was one of the few times during the week when the middle class

²¹⁶ Edward Irenaeus Stevenson, “Current Music in New York,” *Christian Union*, 26 Dec. 1889, p. 838.

²¹⁷ Wright (1970 [1868]), 193.

enjoyed hiring organ-grinders for their personal entertainment, but were unable to find them.²¹⁸

Oakley also doubted whether the presence of music in working class neighborhoods was as much of a boon as the sentimentalists proposed:

It is a question, however, whether street music is such a boon to slum children as has been supposed. They seem to be no more unhappy in St. Louis, where it is unknown, than in Philadelphia, where any person is free to perform at any place, for any length of time, on any instrument, in any stage of decrepitude. At all events, now that the adult workers of the tenement districts are praying that useless noise be abated, and imploring the privilege of sleep, it would seem that the days of the street musicians are numbered. The great army of night workers upon whom our modern civilization depends—the street-cleaners, telegraphers, railway employees, toilers in iron and steel, policemen, watchmen, reporters, and editors—must be protected from blaring street pianos as well as from steam whistles and clanging bells and other public nuisances.²¹⁹

As seen earlier, several of Bass' correspondents, most notably clergymen, stated that many poor and working class people disliked street music. All and all, however, the opinion of the working classes is poorly recorded. We simply do not know whether or not most of them enjoyed street music. In newspaper reports, many of those who physically lashed out at grinders seem to have belonged to the working classes as opposed to the middle and upper classes. In some cases, complaints are also traceable to members of the working class.

As other forms of cheap and free entertainment became available to the poor, including free outdoor concerts, cheap movies, and the phonograph, the argument that street music was their sole source of entertainment lost some of its clout. Street music supporters shifted their strategy and claimed that the poor really preferred street music, but this argument seems to have stemmed from stereotypes of the lower classes as noisy,

²¹⁸ Greenwood (1868), 227.

²¹⁹ Oakley (1908), 355.

vulgar, and reveling in constant raucous entertainment. This stereotype is disputed by Thomas Wright and in the following letter from the *Gleaner* of Kingston, Jamaica:

Everywhere in the world today, in the Age of the common Man, we see the leaders of the community, who can afford to live where they please, getting as far as possible from the Common Man and the singularly unpleasant noise which they think he makes. But in fact, most of the unnecessary noise of urban life in every country is made by a tiny fraction of the community.²²⁰

Unfortunately, the working classes were seldom allowed to have even this much diversity of opinion in the eyes of street music supporters. Being poor was seen as nearly synonymous with enjoying any form of entertainment that came one's way regardless of quality, time, place, or context.

Not only was street music perceived by its supporters to be a valuable source of entertainment for the poor, it was also presented as having great value in the sick room. Newspapers were filled with tear-jerkers from street music supporters. One common trope involved sick children hearing the sounds of their favorite organ-grinder playing outside their window, which either miraculously cured their illness or gave them a final few minutes of joy before dying. Ad Schuster's "Over the Hills," a fictional story describing an organ-grinder's reaction to learning that one of his favorite customers was ill with diphtheria, is a prime example:

The organ man did not allow any of the children to sing or shout while he played "Over the Hills" for the invalid. Nor did he wait to see if anyone came out with an offering. Instead he played the one piece and walked on, out of hearing, before he resumed his grinding. Sometimes he waved at the house in the hope that the boy might be looking out of a window.

One day Freddie's father stopped the organ man before the tune was started.

"Don't play today," he said kindly, "the boy is too ill and is resting. He has waited for you, though, the other times, and you have made him happy. When he gets better, come back." He held out a dollar.

"No," said the organ man, "I will come back when the little feller is well." He could not say what he felt. "I play for the boy for nothing. Plenty money from the other kids down the street."

²²⁰ "Night Noises," *The Gleaner* (Kingston, Jamaica), 20 Dec. 1957, p. 24.

Awkwardly, and with a bond of feeling between them, the two men looked at each other, the organ man pulling his mustache and ill at ease. Freddie's father walked into the house and the monkey and Mr. Martoni went two blocks before they resumed their performance. Not once would the organ man play, "Over the Hills and Far Away."

Several days after the sign had been taken down Freddie's father and mother, who had borne her grief dry-eyed until now, sobbed aloud. The father muttered and strode to the window. "Can't he know?" he asked himself as he parted the curtains.

The organ grinder held the monkey, short-tethered, close to his feet. His head was bared and he turned the crank of his gaudy mechanical box with a genuine reverence. The father led the weeping woman to the window where, through the heavy curtains, they watched the street musician.

At the close of the piece the organ grinder leaned a moment on his instrument, then shouldered it and walked away. He does not play in that block any more.²²¹

This story is clearly attempting to counter the stereotype of organ-grinders as targeting sickrooms for extortion. The grinder not only limits his own playing, but he prevents the other children from making noise as well. He plays without expecting monetary compensation and he stops playing and leaves immediately when requested. A similar treatment of this trope was worked into the popular song, "The Organ Grinder's Serenade":

Standing alone in the doorway, grinds the old hand-organ man,
Turning that shiny old handle, playing the best that he can;
Not a soul stops, or will listen, quickly they all pass the door;
He heaves a sigh as they go by, they've heard those tunes before.
Yet close by the pavement stands a little Miss,
"Here's a penny, please sir, play a tune for this;"
Then the old man looks down at her, "Bless you, my sweet little maid,
If you will stay, don't run away, I'll play my serenade."

"After the ball is over," softly the organ did play,
"After the dancers leaving," "Please Mister come every day,"
"Creep, baby, creep, mamma will surely catch you,
Creep, baby, creep, mamma is near to watch you,"
"While the music is playing," was the next strain played;
Dear, old, sweet tunes, that were heard morn and noon, 'Twas an old serenade.

2. Time passed and still this wee maiden, came to that spot every day,
Oh, how the old man's eyes glistened, and how that organ would play;
But one day he missed this angel, poor man, his heart ached with pain;
"Why don't she come, my little one?" he waited all in vain.
From a pretty cottage, just across the street.
There came forth a lady, face so sad and sweet;

²²¹ Ad Schuster, "Today's Short Story: Over the Hills," *The Atlanta Constitution*, 13 Mar. 1922, p. 9.

“Baby is longing to see you, come in, sir, don’t be afraid,
She’s going to die, please sir, don’t cry, Play her your serenade.”

“After the ball is over,” softly the organ did play,
“After the dancers leaving,” “Please Mister come every day,”
“Creep, baby, creep, mamma will surely catch you,
Creep, baby, creep, mamma is near to watch you,”
“While the music is playing,” was the next strain played;
Dear, old, sweet tunes, that were heard morn and noon, ‘Twas her last serenade.²²²

The cover of the song included a series of four photographs depicting the little girl’s interaction with the organ-grinder and him playing for her on her deathbed. The song challenges the organ-grinder’s role as a tormentor of dying children, transforming him instead into the deliverer of a last request. In another story, the dying person is not a little child, but General Grant, who awards a gold medal to an organ-grinder named Antonio for playing the “Star Spangled Banner” and other patriotic tunes beneath his window during his drawn-out state of declining health.²²³

The trope of children healed by barrel-organ music is even more common in short stories. Coraggioso claimed to have served such a role for the woman that would later become his wife.²²⁴ Writers often paired this trope with the additional theme of hard-hearted street music haters who reversed their position upon witnessing their child’s recovery. “How the Barrel Organ Won Her Victory” tells one such story from the point of view of the organ. After interrupting the rehearsals of a soprano vocalist one too many times, the diva sends out one of her men who pushes the grinder to the ground and damages the barrel-organ. From this point on, the barrel-organ makes a funny sobbing sound whenever she plays. Later in the story, the diva’s daughter lies seriously ill, only to be saved by the pure joy she experiences at hearing the funny sobbing sound of the

²²² Harris (1897): <https://jscholarship.library.jhu.edu/handle/1774.2/31789>.

²²³ George Seibel, “‘Tonio’s General,” *Lippincott’s Monthly Magazine*, Apr. 1904, 488-50.

²²⁴ Coraggioso (1938), 93-100.

barrel-organ. Following her daughter's recovery, the diva deflects anyone's compliments of her singing by saying, "Ah, no! I am not the artist. Here is the true artist. My best song could not do what the barrel organ did with one sob."²²⁵

Still other writers depicted happy scenes of ruddy cheeked middle class children greeting the first spring appearance of the organ-grinders with a level of enthusiasm currently reserved for the appearance of the ice cream truck:

"It's the monkey-man, it's the monkey-man!"

"It can't be," said Chris. "He hasn't been here all winter."

But something inside her seemed to tug and pull, wanting to rush out and meet that wheezy jiggerty music that was like the voice of spring itself. She wanted it so much to be the monkey-man, but when Chris wanted anything she always kept saying to herself, "It won't be, it can't be," up to the very last minute.

The tune drew nearer, stopped, began again. It was louder, not so loud. There was a moment when Chris felt sure he had forgotten, that he had turned off down the next street. Then suddenly it burst out again, very loud and fast, and there he was at the gate, grinding away at his hand-organ, with the monkey on his shoulder.²²⁶

Again, the story focuses on the sheer joy the organ-grinder brings to his young customers and this reason seems to have served as the primary, if not the sole, argument in many defenses of street music.

Actual interviews with and accounts by organ-grinders tend to show a greater concern for the monetary and culinary amounts offered by their small customers than for the children themselves, suggesting a more practical and business-like view of such relationships. When grinders did mention children, they generally described less merry scenes, such as boys pushing them around, children on the street punching their monkeys or handing them red hot pennies, or children in upper story windows throwing false change to confuse the grinder and his monkey. Other musicians also had problems with

²²⁵ "How the Barrel Organ Won Her Great Victory," *The Atlanta Constitution*: 4 Jan. 1903, C8.

²²⁶ Margery Bianco, "When the Organ Man Went by: A 'Once Upon a Time' Story," *Christian Science Monitor*, 1 Jun. 1942, p. 12.

children along their routes. A blind harp player interviewed by Mayhew reported the following:

Mine's not a bad trade now, but it's bad in the streets. I've been torn to pieces; I'm torn to pieces every day I go out in the streets, and I'd be glad to get rid of the streets for 5s. a week. The streets are full of ruffians. The boys are ruffians. The men in the streets too are ruffians and encourage the boys. The police protect me as much as they can. I should be killed every week but for them; they're very good people. I've known poor women of the town drive the boys away from me, or try to drive them. It's terrible persecution I suffer—terrible persecution. The boys push me down and hurt me badly, and my harp too. They yell and make noises so, that I can't be heard, nor my harp. The boys have cut off my harp-strings, three of them, the other day, which cost me 6 1/2d. or 7d. I tell them it's a shame, but I might as well speak to the stones. I never go out that they miss me.²²⁷

Coraggioso described similar problems with the boys and girls on his route, describing how they:

followed me in large numbers, laughing at me, throwing stones, shouting, and making a fool of me. Sometimes, after I had been playing at some of the villages, the kids of all sizes followed me, throwing stones and anything they could get hold of, and chasing me from one village to another. As soon as I got rid of one crowd another would form in the next village. I was nothing but a clown and a target for the kids.²²⁸

I've already mentioned the attempt by a group of boys to tar and feather Coraggioso.

So it seems that street musicians did supply poor children with a source of entertainment, but not always in the sweet and cherubic manner envisioned by members of the middle class. The leeriness shown by many street musicians towards children does not preclude the possibility that others may have developed sentimental attachments to some of the younger customers on their routes. It does suggest, however, that the heart-touching stories about organ-grinders entertaining children, playing final requests, and helping them to recover from serious illnesses are often as dramatized as those in which children are driven into instant brain fevers by the mere sound of a street organ.

²²⁷ Mayhew (1850), v. 5, 6-7.

²²⁸ Coraggioso (1938), 35-36.

Name Calling and Other Discursive Strategies

Tensions ran high on both sides of the street music divide and there was a significant amount of name calling involved. We have already seen some of the names and metaphors used by opponents of street music to refer to the musicians and the effects of their music. Terms comparing street musicians to perpetrators of violent and destructive crimes including murder, torture, extortion, blackmail, and theft were very popular as were metaphors comparing musicians and their instruments to entities from hell. Street music was often described as “infernal” or “diabolical” and its performers were sometimes presented as demons.²²⁹ In his own dealing with street musicians, Babbage commented that “their name is legion,” a clear reference to the multitude of demons exorcised from a man by Jesus in Mark 5:1-20.²³⁰

Writers also compared street musicians, particularly organ-grinders and German street bands, to animals. Picker discusses some excerpts from the London *Times*, reprinted in Bass’ collection, which compare performers to pigs and apes. Coraggioso recalled one occasion when he and his partner were charged for three lodgers on account of their monkey, referred to by the clearly racist inn keeper as their “damned brother.”²³¹ Generally, people were more indirect, using language that vaguely referred to the large, insatiable number of men who descended on the city each summer. Writers, including Coraggioso, described musicians as “infesting,” “overrunning,” and “plaguing” cities,

²²⁹ Two solid examples of the presentation of organ grinders as demons are: “The Demons of Pimlico,” *Punch*, reprinted in Jan. 1 1858, *Littell’s Living Age*, 20; and “A Complaint of Street Minstrelsie,” *The Atheneum*, Apr. 1831, 327-33. The latter is a short story in which the narrator is plagued by a barrel organ grinder endlessly playing “Parlant pour la Syrie” who has the supernatural ability to find and follow him wherever he goes.

²³⁰ Babbage (1864), 347.

²³¹ For Picker’s discussion, see: Picker (2003), 51-52. See also: Coraggioso (1938), 165.

suggesting a comparison to insects or rodents.²³² Greenwood chose to be more colorful in his documentary piece on organ-grinders, comparing them to nibbling fleas, blowflies, weevils, and rats.²³³ Generally, however, the pest to which writers most commonly compared street musicians was the mosquito, perhaps because of maddening effects of the creature's sound and its ability to form persistent swarms.²³⁴

Above all, street musicians were referred to as "nuisances." This classification put street musicians in the same category as other urban sounds and unpleasantities which, while not immediately injurious or destructive, were annoying and disruptive. In the United States, probably in part due to Mrs. Isaac Rice's campaign against unnecessary noise, street music was often discussed as just one of the many forms of noise that taxed the human mind and body. We also find a few pieces that compare street music not only to industrial noise, but to other sanitation problems. For instance, one writer for the *Brooklyn Daily Eagle* complained that:

One of these musical machinists can diffuse more misery throughout the city in a single day than an open sewer, and yet the organ grinder is allowed to torture busy men and nervous women as if the sense of hearing was entitled to less consideration than the sense of smell.²³⁵

As we will see in later chapters, the comparison of unwanted music to pollution was used as a discourse strategy when discussing other forms of music production, as well.

Although many insults were directed towards the musicians, others were directed towards those who encouraged them. The most common tack taken was to question the civility and standards of people who enjoyed street music. Although such comments are

²³² Coraggioso (1938), 170; see also: "Organ Grinders-Locomotive Music," *Atkinson's Saturday Evening Post* (Philadelphia, PA), 23 Nov. 1833, 1; "Editorial Inkdrops," *Flag of Our Union*, 3 May 1856, p. 16; "Too Much Tune: Brooklyn Overrun by Exiled Troubadours," *Brooklyn Daily Eagle*, 15 Nov. 1889, p. 1; James Sully, "Civilization and Noise," *The Eclectic Magazine of Foreign Literature*, Feb. 1879, p. 234.

²³³ Greenwood (1867), 223-27.

²³⁴ "Puckerings," *Puck*, 22 May 1878, p. 2.

²³⁵ "Criminal Caprice in Brooklyn," *Brooklyn Daily Eagle*, 11 Mar. 1888, p. 8.

sometimes interpreted by modern day scholars as expressing a dislike for the vulgarity of the poor, it should be remembered that the poor were not in a financial and geographic position to inflict street music on the middle class men and women living in so-called “quiet” neighborhoods. There were, however, a few exceptions. Babbage found that public houses and taverns served as one source of patronage for street music, either at the hands of the patrons or the proprietors, of whom the latter found music “a very successful means of attracting customers.” A bar in the neighborhood attracted not only the working classes, but members of that class who were prone to intoxication and disreputable forms of dancing. Such behavior, particularly in the United States during the temperance movement, was considered immoral and undesirable by people from all of the social classes, not just the bourgeois and the aristocracy.

A second group of street music supporters that Babbage complained about consisted of “ladies of elastic virtue and cosmopolitan tendencies, to whom it affords a decent excuse for displaying their fascinations at their own open windows.” If Babbage’s comments are true, it appears that prostitutes, or at least loose women, also used street music as a form of advertising to draw in customers.

Finally, Babbage complained that servants, children, and people from the country supported street music.²³⁶ While Babbage’s concerns about taverns and prostitutes seem to be unique to his personal situation, perhaps due to the gradual transformation of his neighborhood into one of the entertainment districts of London, Mackay also complained about the role of vacationers in encouraging street musicians and numerous people

²³⁶ Babbage (1864), 338-39.

complained about the role played by servants and children.²³⁷ Although children were expected to enjoy street music and servants were expected to entertain them, it was another matter to do so at the expense of the neighbors. A considerable number of Bass' correspondents had no problem with the idea of hiring street musicians for the purpose of entertaining children, but urged that the musicians should be brought inside where they would be less audible to neighbors. To do otherwise was considered un-neighborly at best and often brutish, particularly if someone was known to be ill next door.

While adults were expected to enjoy some forms of street music, excessive enjoyment was often referred to as childish, silly, or as a sign of idleness and insensitivity. This was particularly true of barrel-organs:

Take the question of street-music. We do not mean barrel-organs. To enjoy a barrel-organ one must be very young, or have heard very few other instruments. Only the nerves of children or of those who do not work with their brains can stand the rapid, and apparently unending, series of repetitive thuds amongst which wandering reminiscences of comic operas are rendered well-nigh undecipherable.²³⁸

Along a similar line, an 1899 article in *Current Literature* assured that only boys, women, and savages enjoyed "noise".²³⁹

The makers of unnecessary noises in New York are not confined to any one class. All are more or less guilty, from the church people to the organ grinder and the street peddler. Any one who studies this subject and observes carefully will be astonished and disgusted at the reckless disregard of each for the health, peace, and comfort of all the others.²⁴⁰

Mackay felt his own problem stemmed from sharing a neighborhood with vacationers.

While he was in London to work, they were there to play and be idle. Those newly arrived proved to be the worst. For them, all street music was an exciting novelty indeterminate of its staleness and sonic quality. Mackay suggested concentrating street

²³⁷ Mackay (1864), 230.

²³⁸ "Music to the Unmusical," *The Eclectic Magazine of Foreign Literature*, Aug. 1905, p. 188.

²³⁹ "City Noises," *Current Literature* 25(6), Jun. 1899, p. 506.

²⁴⁰ Rupert Hughes, "The Music of the Streets," *Godey's Magazine*, Nov. 1897, p. 299.

music into a couple hours of each day for “children and the servants, and the idle people generally” and described his research project as detailing the behavior of “the lazy, the silly, or the generous inhabitants” of his neighborhood.²⁴¹

“Insensitivity” could refer to one’s disregard for the neighbors while pursuing personal pleasure, as in the case of one writer who complained that “the peace and comfort of the majority should not be sacrificed for the sake of the few who derive pleasure from the lowest order of music. Nor should the taste of the minority be overlooked.”²⁴² It could also refer to insensitivity towards intense musical sounds that grated on the nerves and ears of more sensitive people:

The mob is the best judge of what suits it. It likes its music full flavoured, and with plenty of grit in it. A weaker quality falls idly on its tympanum. Some animals are so thin-skinned that the titillation of a hair will drive them to madness, whereas the rhinoceros delights to have his hide rasped with the prongs of a pitchfork; but that is no reason why the rhinoceros should not be tickled if he likes it.²⁴³

One author provided the no less poetic, but perhaps more dramatic, statement, “Who that has the soul of a man within him does not abhor a hand-organ?”²⁴⁴

The three prior quotes raise another point of interest. The authors’ assumptions about the number of people who enjoy street music differ. The first author assumes that very few people like it while the majority of people are annoyed. The second author assumes that only a few particularly sensitive and refined people, the *crème de la crème*, of which he or she is a member, are bothered by the harsh sounds favored by an insensitive mob of humanity. The last author questions whether anyone who is human enough to possess a soul could ever like barrel-organ. Although the numbers vary, the discursive strategy of unfavorably categorizing one’s opponents is similar for all. For

²⁴¹ Mackay (1864), 230-33.

²⁴² “A Solo on the Organ,” *Every Saturday*, 1 Oct. 1870, p. 627.

²⁴³ Greenwood (1867), 224.

²⁴⁴ “Show-cases and Hand-organs,” *New York Times*, 21 May 1882, p. 8.

readers who enjoy street music, these passages are aimed to make them feel that they are part of a small and quirky minority, too boorish to join the cultural elite, or freakishly inhuman and soulless. On occasion, an author might take the opposite approach, instead of referring to street music proponents as insensitive, he or she might refer to them as overly sensitive to emotion and nostalgia at the mental and physical expense of their fellow citizens—a condition that Edward Irenaeus Stevenson labeled as “sentimentalist.”²⁴⁵

In rare instances, writers compared the support of street music to a criminal act, but one more along the lines of vandalism and creating nuisances than murder or theft. An 1863 article from the *Morning Post*, reprinted by Bass, included one such example: “Smith is not permitted to annoy Jones by placing a manure-heap within reach of his nostrils; why should Jones be allowed to excruciate Smith’s ears with Italian organ-boys?”²⁴⁶ The strategy behind comments such as this one seemed to be to clarify the impact of unwanted music on the listener and to assert that the listener’s concerns should be taken as seriously as those of a person exposed to foul odors at the whim of a neighbor.

In summary, opponents of street music used articles and letters to the editor to call into question the reputation and sensibilities of their neighbors. Street music, particularly barrel-organ music, was something enjoyed by drunkards, prostitutes, children, idle servants, country rubes, the insensitive, the inhuman, and the unsanitary. Even those who professed that everyone had a right to enjoy street music suggested that it should be enjoyed behind closed doors or within the confines of specific hours of the day. These

²⁴⁵ Edward Irenaeus Stevenson, “Current Music in New York,” *Christian Union*, 26 Dec. 1889, p. 838.

²⁴⁶ [No title], *Morning Post*, 5 Dec. 1863, reprinted in Bass (1864), 61.

authors undoubtedly found street music transgressive, at least in terms of their personal space and their right to protect their physical selves from neighbors and strangers forcing an unwanted sensory experience upon them. If readers of a contrary opinion failed to accept the pleas and reasoning stated elsewhere, these passages were strategically intended to make them look and feel ill-mannered, silly, and dirty.

Of course, the opponents of street music were not the only ones who played this game. Supporters of street music were equally adept at questioning the character and morals of their rivals. Whereas those who supported street music were labeled as childish, they in turn accused their opponents of having forgotten the joys of youth.²⁴⁷ Street music fans also argued that they were not insensitive but rather that those who disliked music were overly sensitive and nervous. In fact, the magistrate of Yorkville Court suspended sentences against two organ-grinders, despite La Guardia's ban, stating that "the residents of Gramercy Park are too nervous" and that there were few sounds sweeter than "the hand-organ melody 'The Sidewalks of New York.'"²⁴⁸ In some cases, it was the administrators who listened to complaints and considered restricting street music who were accused of being overly sensitive. One letter to the editor argued that the members of City Hall "were too sensitive to the complaints of small minorities of objectors."²⁴⁹

Street music opponents were also frequently labeled as stuffy, selfish, intolerant, and killjoys:

Dear Idle Observer:—It is very evident that you do not like the hurdy gurdy, but did it ever occur to you that there are people besides yourself in Portsmouth? I am sure that most persons, old as

²⁴⁷ Mustang, "Beggars and Organ-grinders," *The Nassau Literary Magazine*, Oct. 1852, 61-62.

²⁴⁸ "Hurdy-Gurdy Concert Endorsed by Court," *New York Times*, 17 May 1936, p. 38.

²⁴⁹ John Foster Care, "Letters to the Times: Overregulation Decried," *New York Times*, 16 Dec. 1939, p. 16.

well as young, derive real pleasure from the hurdy gurdy's merry jingle and that its banishment would bring regret to hundreds. I know that it would be the cause of genuine sorrow to the children. In view of these facts don't you think that you can manage to put up with a little inconvenience to yourself for the benefit of the public at large? If you really cannot endure the music of the hurdy gurdy you might stuff a little cotton into your ears when one stops in your neighborhood.²⁵⁰

The above urgings to the writer of "Idle Observer" to put up with "a little inconvenience" for the public and to "stuff a little cotton" in his ears were in response to the following paragraph:

The first hurdy gurdy of the season is always welcome, because it brings pleasant memories of past summers and agreeable anticipations of the one to come. But a couple of months later we begin to reckon it one of the summer nuisances, in the same class as the mosquito and the omnipresent housefly. Its music has ceased to charm by that time and its monotonous jingle becomes a mere provoker of profanity.²⁵¹

While the letter to the editor defends the hurdy gurdy against complaints that its performances become dull and aggravating by the end of the summer, it makes no effort to defend Salvation Army bands or phonograph recordings of brass bands, both of which the Idle Observer complained about in the very next paragraph of his article.

Following the 1935 ban of street music in New York City, one letter to the editor combined several of the above discourse strategies against Mayor La Guardia and the bill's backers:

It may be that the grinding of an organ is not high-class music. It may grate on the sensitive ears of New York City's Mayor. But who shall deny that neighborhood children are not thrilled when the grinder, his organ and his monkey put in an appearance?

There seem to be so many other more important things to worry about and crack down upon. But always, it seems nowadays, people kick against the pleasant little intermissions of life and stuffy law-makers are perennially passing more laws, barring this and barring that. Tolerance seems to be "the Forgotten Word," these days.²⁵²

²⁵⁰ "The Idle Observer," *The Portsmouth Herald* (NH), 19 Jun. 1903, p. 4.

²⁵¹ "The Idle Observer," *The Portsmouth Herald* (NH), 11 Jun. 1903, p. 4.

²⁵² Boake Carter, "But... Says Boake Carter," *Clearfield Progress* (PA), 10 Jun. 1937, p. 4. Much more recently, a protest against banning street music on a highly lucrative Chicago street in 1984 due to an increase in congestion, rowdy crowds, and pickpockets caused opponents of the bill to paint supporters as "party poopers," see: "Save the Street Music," *Chicago Daily Tribune*, 13 Aug. 1984, 10

We have already examined stories aimed at criticizing the regulation of street music as taking away one of the few forms of pleasurable entertainment accessible to the poor, particularly working class children, and as barring men and women from making a living. The following letter by a wounded soldier who played the hand-organ combined these elements along with a few others:

Where is the crusty curmudgeon, who would deprive the poor of enjoyment? Shall we not say of such a person, he is either prejudiced or lacks taste? But what have these censorious scribblers to say on the score of their own patriotism? Do they not consider that while they were enjoying their ease at home, we who are now maimed and crippled for life, were fighting the battles of our country?... We have sometimes thought that Uncle Sam might with great propriety give us a place in his service, to do such light work as is now performed by stay-at-home politicians with two arms and two legs; but there are some of us that cannot subscribe to all the articles of the office-holders' creed, so we are left out in the cold.... Perchance our music annoys you. Pay us our wages, and we will sit by our music boxes in proper silence, to please you. Is our music disagreeable? We have heard that which was more so, on the fields of Gettysburg and in the Wilderness. When you hear our wheezing instruments, consider it but the faint echo which we have brought from the battle-fields which saved our Republic, and look upon our employment as the necessary resort of the fragments of your country's defenders, and we hope these considerations will make you less easily annoyed and less irritable.²⁵³

To challenge, or to even complain, about a soldier's right to play a hand-organ is depicted in this passage as unpatriotic, ungrateful, and the act of a war dodger.

A few letters to the editor put together more complicated theories for why their opponents disliked street music. One such letter was penned by an E. C. Palmer to the *Washington Post* in 1893. Palmer explained that he was "inclined to think that the people who have complained so bitterly of them [hand-organs] are dyspeptics, music-haters, and owners of music halls and dancing academies." Palmer explained his reasoning as follows. Dyspeptics disliked organ music because they suffered from an inflamed "hunbar" plexus (possibly meaning "lumbar plexus"), which in turn inflamed the auditory nerves causing a "disagreeable impression" of organ music. The music haters were those who couldn't distinguish one tune from the sound of a saw and for whom "divine

²⁵³ "An Organ Grinder Defends His Profession," *Brooklyn Daily Eagle*, 11 May 1869, p. 2.

harmony has never lifted their souls heavenward.” The owners of music halls and dancing masters falsely feared that competition from the grinders would end their business. Palmer assured these proprietors and instructors that they had little to worry about since the primary enjoyers of the barrel-organs were the poor, who couldn’t afford their services anyway. Considering that various musicians’ unions would try to ban street band music over the course of the next few decades, this last assumption was not all that far off the mark. Palmer closed his letter by stating that to the thousands of poor people:

the dirty Italian gives a musical treat for the small sum of a cent, given by some one who can afford it, or for a drink of beer from the saloon in front of which he turns the crank. Is it possible that the doleful grumblings of a few disgruntled dyspeptics can deprive the masses of their chief musical soiree? Mr. Editor I hope not.²⁵⁴

It is also interesting to note that Palmer’s use of the phrase “dirty Italian” and his implication that street musicians work for beer are far from flattering and would certainly be considered a sign of racial intolerance if they were used by a street music opponent.

These and similar accusations, including that street music opponents have no music in their souls or are unmoved by beautiful sounds, seem to go back at least to the 1830s, when one writer for *The New York Mirror*, consciously adopting the handle of “Music-Hater,” offered the following response:

...in the first place I have no objection to any gentleman or lady having as much music in their souls as they like, provided they keep it there, and do not try to force it into mine; and, secondly, I can solemnly assure you, there is not in the world a person who has been more *moved* by the ‘concord of sweet sounds,’ as you call it, than I myself, for pianos, barrel-organs, and ballad-singers have not only *moved* my choler, but compelled me to move my residence oftener than I could tell you in a long winter’s night.²⁵⁵

While perhaps defusing arguments that street music haters were simply music haters, this article probably did little to disassociate such people from intolerant and dyspeptic behavior.

²⁵⁴ E. C. Palmer, “Plea for the Organ Grinders,” *The Washington Post*, 14 Feb. 1893, p. 3.

²⁵⁵ “Confessions of a Music-Hater,” *The New York Mirror*, 8 Dec. 1832, p. 179.

Another charge leveled against people seeking to regulate street music was that they sought to control not only street music but everything around them. During the temporary ban of street music in New York City in 1889, one letter to the editor argued that the bands should be allowed to play because they didn't "do any one any harm, only a few 'cranks,' and they would bottle the air we breathe, if it were possible, and those who cannot afford to pay for it could die."²⁵⁶ An article in *Current Literature* in 1899 responded to city regulations requiring organ-grinders to be in tune by labeling the supporters of such ordinances as "art militants." If given ground, the author claimed that these militants would soon be threatening citizens with arrest, trials, and bullets if their homes or clothing failed to be up to artistic standards.²⁵⁷ Four years after the 1935 ban, a letter to the editor of the *New York Times* described Mayor La Guardia's act as that of a "benevolent dictator."²⁵⁸ Metaphorically, opponents of street music were even represented as executioners. Bills aimed at regulating German bands and organ-grinders were sometimes referred to as deathblows or as guillotines hanging over the street musicians' necks.

Except in the case of people presented as overly nervous and sensitive, these letters and articles paint a picture of street music opponents that is remarkably similar to the one offered by Picker and Bailey. Instead of acknowledging the possibility of legitimate complaints and that those writing could be invalids, third-shift factory workers, and work-at-home intellectuals whose livelihood was threatened by constant interruption, all street music opponents were painted as selfish, intolerant, dyspeptic, and despotic figures seeking to destroy the pleasure of others as a means of exercising their power.

²⁵⁶ "Cranks on Crank Grinding," *New York Times*, 4 Dec. 1889, p. 8.

²⁵⁷ "The Well-Tempered Hurdy Gurdy," *Current Literature* 25(2), Feb. 1899, p. 100.

²⁵⁸ Augustus P. Flaherty, "A Plea for the Hurdy-Gurdy," *New York Times*, 15 Apr. 1939, p. 18.

In reality, both sides had their grievances and their disagreements and both made use of discursive strategies to win the favor of politicians and the public to their plight. We cannot assume that forcing a person to listen to music is any less despotic than to bar a person from listening to music, particularly within the confines of their respective homes. We cannot claim a person to be territorial when they try to stop music from entering their home without claiming the same about the person who states a right to physically penetrate unwilling listeners with their sound. Whether through silence or sound, both are acts intended to shape the environment in a manner that can affect the physical and mental states of those around them.

Given the length of this struggle and the continual passing, revision, and reversal of legislation, we are not looking at a one-sided war in which a wealthy and unstoppable political force swept in and silenced the right to produce music. Rather, we are looking at a series of more or less equally pitched battles over the right to control the impact of musical performances on one's private soundscape. Although these battles can occasionally be explained as stemming from a hypersensitive despot seeking to control others around him—Charles Babbage and Thomas Carlyle seem to fit this description—they often occurred between neighbors of equal social and economic standing or between home owners and a system of pay-for-play music production that went wildly out of control. Most efforts were not designed to destroy this system, but to create a means of regulation protecting the rights of those who didn't wish to buy or be exposed to an unwanted musical product.

Chapter Five

A Matter of Scale: Amateur Music-Making and Contested Private Space

If a million cacodemons had been loosed upon the earth and instructed to do their worst, they could have come up with no torment more barbarous than Charlotte Bancroft's radio. Had Dante anywhere described a bombardment of noise as a punishment for the damned? A great oversight if he hadn't. Some of his punishments were tame in comparison with the horrendousness of having one's ears pounded and pounded and pounded until the inside of one's head seemed to be held together with wires, all red hot, all throbbing excruciatingly. On and on and on and on it went. Hour after hour after hour. Night after night after night. And so she cried. And despised her weakness.¹

The Politics of Constructing Private Soundscapes

Chapter One reviewed a number of works written by scholars analyzing the contested use of public space for musical performances. In Chapter Four, we expanded this model by examining a number of historic disputes that arose when street musicians purposefully made use of public space with the intention of affecting the surrounding private soundscapes for the sake of personal monetary gain—a model which we'll revisit in a slightly revised form in Chapter Six. This chapter examines the history of disputes arising when an individual or group of individuals carries out a musical performance

¹ Ramsay (1975), 71.

within the physical confines of their personal private space, such as an apartment or other residence, which sonically impinges on the private soundscapes of others in a manner that the owners deem to be undesirable or detrimental. Although other types of activities can also generate potentially unwanted sounds, including children playing, dogs barking, loud conversations, and noisy appliances, of primary interest to this chapter are activities related to amateur music-making.

Within the context of this work, amateur music-making is defined as the production of music as a means of entertainment or self-accomplishment and for purposes other than fulfilling the duties of professional employment or the terms of a contract in exchange for monetary gain. The word “amateur” does not denote the amount of effort put towards music-making nor the abilities of the performer, but rather that the resulting sounds were not produced with the aim of directly obtaining a salary or other form of financial compensation. The music may be produced, however, for the sake of improving an individual’s social prestige, marriage prospects, or chances of winning a musical competition.

“Music-making” is also intended to have a wider meaning in this context than might ordinarily be assumed. The individuals making the music may do so by performing it themselves or by operating a mechanical and/or electrical device such as a player piano, phonograph, or radio. Although the latter case requires less physical effort and ability on the part of the music-maker, from the perspective of the unwilling listener the sonic results are more or less the same. Whether an individual chooses to produce their own music directly or to produce the music of others indirectly, they are still making a conscious effort to use musical sounds to shape their personal soundscape. With the

exception of a few minor deviations in timbre, volume, and duration, which will be discussed below, the sounds reaching the listeners of nearby soundscapes will have a similar effect regardless of whether they are live or mediated.

For the most part, the disputes in this chapter have little to do with the sonic use of public space. The music that serves as the source of these disputes either seeps from one private soundscape to another without passing through public space, or the parties involved are unconcerned with the effect of the sound on public spaces such as courtyards, hallways, and city streets. The fact that a musical performance can be heard in or across these public spaces, however, may be mentioned as evidence of excessive volume levels. A common example is the claim that the music can be heard for x number of blocks or in the next street over.

Within the United States and Britain, a privately owned space is legally and socially contracted to a specific resident or group of residents. With the exception of landlords and maintenance personnel, anyone one else physically entering the space of the apartment without the residents' permission could be viewed as a trespasser and a potential threat. When these same borders are infiltrated by something less tangible than a human body, however, the situation becomes more complicated. Sound waves ignore physical boundaries. Unless the interior walls of an apartment building are thick or the music is too soft to penetrate them—neither of which are the case in these scenarios—apartment dwellers will almost inevitably affect their neighbors' private soundscapes while shaping their own. This is just as true when a person seeks to create a soundscape of absolute silence by placing restrictions on the sound levels generated next door as it is when a person seeks to surround him or herself with a specific musical soundscape.

One of the factors that makes these conflicts over music so difficult to resolve is that they don't revolve around the right to have equal say in the use of public space but rather the right to protest an unauthorized use of one's personal and private space—a space associated with self-expression, self-identity, and a temporary retreat from interactions with others. Unless a person has the funds for hotels and health resorts, this space also supplies one of the only acceptable locations for sleeping and for recovering from illness. When a soundscape overflows its boundaries, whether in the form of unwanted music or forced silence, it stifles an otherwise unchallengeable right to self-definition, seclusion, physical and mental recovery, and personal freedom.

In his book *Noise*, Attali has reduced all efforts at noise regulation to a political struggle. He specifically mentions restricting the hours when noise can be made in an apartment building as leading to “the surveillance of young people, to a denunciation of the political nature of the commotion they cause.”² If we expand the definition of politics to encompass power relations in general, then the effort to regulate music could certainly be seen as a political action. There are, however, several assumptions built into Attali's theory. First, there is his assumption that the noise makers will be found exclusively among the young and those seeking silence among the old. As we'll see in a moment, disputes are just as likely to happen between members of the same age demographic, whether old or young.

Attali also assumes that noise regulations are put in place as a means of establishing government surveillance. In actuality, Western governmental bodies generally have proven reluctant to enact ordinances regulating noise, particularly when it

² Attali (1985), 122.

originates from private property. In the United States, legislative and judicial bodies have been wary of enacting noise ordinances precisely because they could be abused and used to curtail the constitutional rights of individuals. Secondary concerns hindering the enactment of regulations include the cost of enforcement, the perceived seriousness—or lack thereof—of noise disputes, and the indirect effect of limiting the use of a product or service on commercial operations (e.g., reducing the sale and installation of car stereos). Historically, persuading government bodies to enact and enforce noise ordinances has required a considerable amount of pressure from citizens, often in combination with testimony from medical specialists demonstrating the harmful effects of excessive noise.

Attali's statement also suggests that noise is political by nature and strongly associated with personal freedom and expression while silence is either anti-political or a tool of a repressive government. If the parties involved are two neighbors disputing their individual rights to create a soundscape that they feel is suitable to their current train of thought and activity, then this appears to be a strong bias towards musicians on Attali's part. If regulating sound production can be seen as an act of silencing personal and political expression, giving sound production free reign can be seen as an act of obliterating and drowning out this expression. Attali's theory also fails to shed light on who fills the role of the politically virtuous in situations where one neighbor complains that the unwanted music of the other is ruining his or her own act of musical creation. Then there is the matter of communicating this political message. If the music-maker is alone in his or her apartment, then who is the intended audience? If the neighbors are the intended audience, does the music-maker have the right to make them listen to his or her political message at all times and in all situations? Does an unwilling audience have an

enforceable right not to listen, particularly when the sonic intensity of the message limits their own chosen means of political and individual expression?

These disputes are simply too complicated and individualized to apply a rule such as music-makers are virtuous and music-resisters are representatives of a political hegemony. Although Attali's model can be applied to some of the confrontations between middle class homeowners and lower class street musicians and their supporters, far more common are struggles between balanced powers as they attempt to negotiate the acceptable limits for sonically transgressing one another's private space. If anything, these latter struggles are more intense among the members of the proletariat, who have few resources for protecting their domain and little in the way of private space to begin with.

The same struggle occurs not only in apartment buildings, but also in neighborhoods of detached single-family dwellings. In such settings, the tendency among ethnomusicologists is still to paint the quest for silence by an individual as a sense of entitlement to control public space and the private space of neighbors. In cases where a marginalized group uses music as a tool or weapon for challenging the property rights and authority of more powerful individuals, applying this model may be accurate.³ However, in cases where the individuals hold a similar amount of power or the performer is not attempting to redress a political or economic injustice, we can just as easily paint an unwilling listener as struggling against a neighbor's sense of entitlement to create a musical soundscape of such magnitude that it overflows the boundaries of their own private space. Such an act of sonic trespass can be viewed as claiming a despotic right to

³ One outstanding example of the use of music as a tool for social resistance, constructing a sense of community identity, and a reclaiming of space taken over by members of the middle class following the devastation of Katrina in New Orleans, was presented at SEM in 2007. See: Sakakeeny (2007).

determine and shape the surrounding public and private soundscapes as part of one's personal domain. Forcibly seizing another person's property can sometimes be a process of reclaiming what was wrongfully given to that individual through an unfair political system, but in many cases it can be an act of injustice in itself. There will, of course, be many cases in the middle that are decidedly grey.

The sticking point in debates over contested use of private soundscapes is that according to United States law both sides are equally entitled to do as they please in their personal space. Courts, city councils, and law enforcement officials like to keep themselves removed from such struggles unless one side can show clear evidence of physiological, psychological, or property damage—all of which are notoriously difficult to prove. Although this avoidance keeps the courts from unfairly throwing their weight behind one side or the other, it can also allow for victimization. All else being equal, a loud instrument or stereo will *always* win control of a soundscape when invoked against a neighbor's choice of silence or subdued sound.

Although the reasons provided for disliking amateur music-making have been similar to those supplied for street music, the social and legal contexts of these complaints have been quite different. Whereas debates about street musicians often focused on their delivery of an undesired product or around issues of extortion and mendicancy, those about amateur music-making focused more upon ideas of exercising individual rights within the home, showing proper etiquette towards neighbors, and improving personal social status. Court cases were not couched in terms of controlling commercial activity, but rather sought to establish a balance between the use of private property and upholding others' personal liberties and right to freedom from trespass. To

rule in favor of claimants annoyed by music, even when it prevented them from enjoying their home, would diminish the defendant's ability to enjoy his or her home by forbidding a form of private entertainment. The expectation of the courts, and of society in general, has been that living in close quarters necessitates putting up with a certain degree of noise from one's neighbors.

When Conflicts Grow Violent

The passage quoted at the beginning of this chapter comes from *The Dark Descends*, a psychological thriller written by Diana Ramsay and published in 1975. At the beginning of the novel, the main character, Joyce Chandler, has just moved into a New York City apartment following a separation from her husband. Joyce quickly discovers that her upstairs neighbor regularly plays her radio throughout the night at a volume that makes it impossible for Joyce to sleep and relax in her own apartment. Upon timidly approaching her neighbor, Charlotte Bancroft, Joyce finds her hostile and completely unwilling to compromise her listening habits. Joyce learns from a downstairs shopkeeper, who can also hear the music on nights when she works late, that Miss Bancroft has driven out a previous tenant with her music. The former tenant had politely asked Miss Bancroft to turn down her radio on several occasions, only to find that she would revert to the original high levels after a day or two. Fed up with the noise, he had even taken Miss Bancroft to court with a civil suit. Although the judge ruled in his favor and ordered Miss Bancroft to change her behavior, she ignored the order and the tenant had decided to move out rather than take more unpaid time off and pay additional legal fees pursuing the matter.

After finding that the police are unable to help her and that a civil suit is pointless, Joyce searches for another apartment only to find that she is unable to locate one she can afford. Already strained by her separation and the challenges of a new job, Joyce finds herself unable to sleep in her own apartment due to Miss Bancroft's radio. Her occasional evening cocktails turn into full-blown alcoholism as she goes to greater and greater lengths to dull her utter misery. Eventually, Joyce stoops to the low prank of putting ads about town advertising Miss Bancroft's services as a prostitute. To Joyce's surprise, Miss Bancroft takes to the new profession until one of her clients brutally assaults her and puts her in intensive care at the hospital.

When Miss Bancroft returns from the hospital, she invites Joyce up to her apartment to show her the new and improved stereo system she's just purchased, which includes a powerful set of speakers and a microphone for amplifying odd noises. Miss Bancroft admits that she has purchased the radio in case Joyce has built up a tolerance to the sounds of the old one. She then proceeds to tell Joyce her plans to make her suffer as punishment for having placed the ad and for her snobbery. She offers to make Joyce her slave in exchange for allowing her a quiet place to sleep. Due to the stress and sleep deprivation she's already suffered, Joyce is quite deranged by this point and unwilling to submit to either Miss Bancroft's demands or additional sonic torture. Instead she slits Miss Bancroft's throat and soon after is committed to an insane asylum.

The Dark Descends plays out a tale of misery and fantasy from the perspective of a tenant unable to escape her neighbor's music-making. Joyce finds herself utterly helpless and unable to act in any legally or socially effective way against the extreme physical and psychological effects of Miss Bancroft's music. As a neighbor, Miss

Bancroft is perfectly cruel, socially degenerate, and sadistic. Such shades of black and white seldom occur in real life. There are, however, real cases of violence resulting from disputes over loud music. In 1925, Weiner Rennert of San Antonio, Texas was arrested for smashing a phonograph record and striking the son of J. W. Van Meter after the family played the same record for over an hour.⁴ In 1938, Giovanni Bianci of 453 North Morgan Street, Chicago, made several complaints that he was unable to sleep because of a radio owned by his upstairs neighbors. When the loud music continued, Bianci went upstairs and struck James Cutrone and Frank Favizzi with an ax before turning off their radio and returning to his apartment to sleep. Bianci was, of course, arrested and Cutrone and Favizzi turned the radio back on after a visit to a physician.⁵ Two years earlier, a sixty-nine-year-old woman was arrested on suspicion of murdering her seventy-year-old neighbor after quarreling over a noisy radio.⁶ Roughly twenty-five years later, Sherman S. Burch, Sr., age sixty-two, shot and bludgeoned to death two neighbors and his landlady in a West Los Angeles hotel before being shot himself in a struggle with Daniel Haro. Police suspected that Burch's actions were triggered by a loud radio.⁷

Other victims of loud music have committed suicide. On 5 July 1930, Mrs. Josephine Dazey of Indianapolis shot herself, presumably due to the humiliation she felt after filing a civil suit for \$5,000 in damages against her neighbors for their continuous use of a loud radio.⁸ In 1907, Samuel Pierce of New York became frenzied when his mother tried to play a phonograph for company against his wishes. He first smashed up

⁴ "Phonograph Leads to Neighborly Row," *Los Angeles Times*, 18 Sept. 1925, p. 9.

⁵ "He Stops Radio by Using an Ax on Its Owners," *Chicago Daily Tribune*, 24 Jun. 1938, p. 1.

⁶ "Seized in Woman's Death," *New York Times*, 3 Jul. 1936, 3.

⁷ "4 Die as Crazy Killer Objects to Noisy Radio," *Wisconsin State Journal*, 6 Oct. 1962, p. 3.

⁸ "Radio Nuisance Case Defendant Is Found Shot," *News Castle News* (PA), 5 Jul. 1930, p. 9; "Bullet in Woman's Exhumed Body Tested," *Independent* (Helena, MT), 24 Jul. 1930, p. 8.

the machine and the living room before attempting to slit open his left wrist on the glass from a broken picture frame.⁹

Radios and phonographs were not the only instruments to have triggered violent confrontations. For instance, in 1898, Officer Michael J. Dougherty of the Seventy-second Precinct was summoned before Magistrate Nostrand on a charge of assaulting a hotel keeper named George Donovan. Dougherty claimed that Donovan, when confronted about loud singing on his veranda at 1:20 AM, had used abusive language and struck him first.¹⁰ Even more dramatic is the account of the arrest of Robert Brommel, who objected to a musical party at the home of his neighbor, Semphronius Wench:

The singing, Brommel claimed, prevented his sleeping. Wench resented the interference, and Brommel attacked him. In the scrimmage that ensued, Brommel got one of Wench's fingers between his teeth and mangled it in a frightful manner. Brommel was arrested, and Judge Kenna to-day held him for trial on a charge of mayhem.¹¹

Such gruesome outcomes, however, seem to be relatively rare, or at least we would expect to see them in the paper more often if they had been common.

Still, violent escalations did occur, and continue to occur to this day. If anything, the reported number of fatalities resulting from disputes over conflicting uses of private soundscapes has increased. In Phoenix in 1991, a ninety-three-year-old man killed two of his neighbors with a .22-caliber revolver after they repeatedly refused to stop playing loud music at 4 AM despite numerous complaints to the police.¹² In 1987, Ralph P. Mindo was shot in the face and killed by a neighbor after an argument over his loud

⁹ "At Last! At Last! At Last!" *Chicago Daily Tribune*, 1 Sept. 1907, p. 4; "Crazed by a Phonograph," *New York Times*, 1 Sept. 1907 p. 1.

¹⁰ "Donovan Held for Trial," *Brooklyn Daily Eagle*, 28 Jun. 1898, p. 4.

¹¹ "Charged with Mayhem," *Brooklyn Daily Eagle*, 15 July 1891, p. 6.

¹² "Man Kills Neighbors Over Loud Music," *Daily Herald* (Chicago), 12 Nov. 1991, Sec. 1, p. 6.

stereo.¹³ At least two similarly provoked shooting deaths occurred in Pittsburgh and Maine in 1997. In the latter case, Joseph Glasco shot Paul Landre in the hallway outside his dorm room at 12:45 AM, immediately after Landre had asked him to turn down his stereo.¹⁴ In 2001, seventeen-year-old Christopher Ariola beat his father to death with a baseball bat. Ariola claimed that the argument was triggered by his father complaining about Ariola's loud music when he came home drunk at 9 PM to discover Ariola showering to the sound of the television and two radios.¹⁵

The overall number of violent altercations over music, particularly when factoring in other causes such as inebriation and possible mental illness, is too small to support the claim that unwanted musical performance are driving people to murder. Still, these extreme cases do raise the question of how a simple dispute over a relatively small matter, at least by surface appearances, can escalate into an act of assault.

The Role of the Courts in Regulating Noise Disputes between Neighbors

One of the central issues we encounter when analyzing disputes between neighbors over the affects of amateur music-making is that an unwilling listener has little recourse against unwanted sounds coming from another property. If city officials were initially squeamish about regulating street music as a possible infringement on the right of individual tradesmen to earn an honest living, they have proven even more reluctant to interfere with individual uses of private property. Even in the case of street music, inviting a hired musician into a privately owned yard or balcony protected the performer

¹³ John Carpenter, "Man Shot to Death in Apartment; Neighbor Taken into Custody," *Daily Herald* (Chicago), 6 Apr. 1987, sec. 1, p. 1.

¹⁴ "Maryland Man Held in Maine Slaying," *The Capital* (Annapolis, MD), 16 Aug. 1997, p. A4.

¹⁵ Valerie Kalfrin, "Son Details Fatal Fight: Loud Music Triggered the Battle between Christopher Ariola and His Dad, Police Say," 5 Mar. 2001, *The Post-Standard* (Syracuse, NY), pp. B1-B2.

from being moved on or arrested at the request of neighbors. When the offending property owner was also the performer, seeking relief proved next to impossible. Well into the 1900s, neighbors were expected to resolve their musical confrontations without assistance from the courts. For instance, in 1877, an English court agreed with a complainant that his neighbor's nightly three-hour pipe organ performances were an intolerable nuisance but also a non-actionable one, even if they were loud enough to vibrate all the knickknacks in the complainant's room and felt like a mild dose of electroshock therapy.¹⁶

In the United States, the decision as to whether amateur music-making had exceeded the bounds of a reasonable pursuit of personal pleasure at the expense of the neighbors was ultimately left in the hands of state and city courts and regulated through nuisance laws and local noise ordinances. In the nineteenth century, American courts were crippled by the lack of local ordinances aimed at regulating amateur music-making. For instance, Justice Walsh dismissed a case brought against John O'Mara in 1873, when he refused to stop playing "Light of Other Days" on a battered accordion after being requested to do so by a neighbor. Walsh commented that he was unaware of any statute under which he could punish a man for playing the accordion.¹⁷

The real trick for magistrates was determining when the sounds of music had become excessive enough to be considered a detrimental nuisance warranting government intervention—a decision that generally hinged upon the biases of the court as opposed to scientific measurement of decibels and durations. Emily Thompson relates the details of a 1921 legal skirmish between Mrs. Richard T. Wilson, sister-in-law of

¹⁶ "Music Hath (C)harms," *Punch* 72, 27 Jan. 1877, p. 27.

¹⁷ "Police News: Sketches in Court and Out of It," *Brooklyn Daily Eagle*, 11 Nov. 1873, p. 4.

Mrs. Cornelius Vanderbilt, and her up- and downstairs neighbors, painter Childe Hassam and lawyer Francis Newton.¹⁸ Wilson was in the habit of ignoring the building's prohibition of music after eleven o'clock by holding late-night musical parties at least once a week. She also ignored a tradition in the apartment complex of informing the building superintendent of a planned studio party so that he in turn could warn other residents, allowing them to plan their activities around the anticipated nighttime disruption. The straw that broke the camel's back was a late night performance by cellist Aturo Bonucci and pianist Guido Agosti, a party well-attended by some of America's wealthiest and most distinguished socialites. Fed up with Wilson's disregard for her neighbors' comfort and the rules of the collectively run apartment complex, Childe and Newton summoned her to the local police court on a charge of disorderly conduct.

In court, Mr. Newton explained that he could hear piano playing from Wilson's apartment throughout the day, which was frequently followed by loud parties:

"I can't close my eyes until after 4 o'clock when these parties occur," he said. "I have heard dance music, singing by men and women. The dance music was particularly noisy, and they evidently had some one who pounds on the floor to keep time. Then the furniture is moved about. I don't know what happens, but it sounds as if they were throwing it around. The opera music is high class, and there is about as much of it as dance music, but it is just as noisy. As to the conversation, I have heard dinner conversations so plainly I could repeat them."¹⁹

Other tenants also testified that they were unable to sleep on the nights of Wilson's parties.

Wilson explained that she was inclined to ignore Childe and Newton's requests to keep down the music because she felt they disliked music and were being peevish and fussy. She told the court that the disruption of her parties was a sign that there was "No personal liberty left in this country." She also commented that Childe and Newton's

¹⁸ For Thompson's discussion of the case, see: Thompson (2002), 128-30.

¹⁹ "Mrs. R. T. Wilson Is Victor in Court," *New York Times*, 5 Mar. 1921, p. 19.

decision to disrupt her party by calling the police was uncalled for and that they should have taken the matter up with her husband—although Newton had done so via telephone to no avail. Wilson felt she had done her part to be neighborly by no longer holding orchestral performances in her apartment, as requested by an officer of the co-operative association owning the building, and that there should be no reason anyone would object to a midnight concert performed by a mere piano and cello.²⁰

Wilson was backed in the courtroom by the physical presence of prominent musicians and fur-clad socialites who left their limousines and town cars lining the street in front of the courthouse. Most of these witnesses were also Wilson's party guests and they testified that the music and dancing had not been loud and was of the highest caliber. Wilson herself did not downplay either the loudness of the music or the hours of her hosted performance, which often began *after* midnight and went as late as four o'clock in the morning. Rather, the *New York Times* reported Wilson's defense tactic as follows:

The evidence in the case was brought to court to show that the music was "high class." It was disclosed that on the night she had an orchestra her guest was an "English Lord." And "what was the use of her having a studio apartment, not being an artist, if one couldn't have musicales after midnight?"²¹

Wilson further argued in her defense that it was the nature of young people to dance whether you wanted them to or not. Persuaded by the good character of Wilson's supporters and their defense that the music was of high caliber, the court ruled that the parties could not have been disorderly nor the music a noise nuisance.

Although her social status probably had some influence on Wilson's case, musicians did sometimes use the aesthetic quality of their music to defend their position in court without the backing of high-class socialites. On other occasions, a poor

²⁰ "Mrs. R. T. Wilson Summoned to Court," *New York Times*, 4 Mar. 1921, p. 1.

²¹ Helen Bullitt Lowry, "Noise and Your Neighbors," *New York Times*, 20 Mar. 1921, p. BRM5.

performance could weaken a defendant's case. In 1898, a St. Louis judge fined a person for playing the piano "unskillfully" at five o'clock in the morning. The judge based his decision on a definition of noise as a "loud and unusual" sound and affirmed that if the piano had been skillfully played, it would not have been a nuisance because it would have been neither loud nor unusual.²² Similar judgments were made about music used for outdoor advertising, as will be seen in the next chapter.

Even when local governments began establishing noise ordinances, they were often fraught with ambiguous language. The sounds made by neighbors could be abated when proven unusual, unreasonable, peculiar, disagreeable, or of an excessive quality or quantity that would bother a person of ordinary sensitivity. The decision as to what these terms meant and even the definition of "noise" was left up to the whims of individual justices. The difficulty of making sensible rulings based on these problematic ordinances was frequently commented on in reviews of nuisance law.²³

Winning a case did not guarantee an end to unwanted musical invasion of a private soundscape. The defense could always appeal to a higher court and have the verdict reversed. Even if clearly guilty, the defendant's punishment often took the form of a fine or a court order to tone things down, the former of which could be paid and forgotten and the latter of which could be ignored. Such small compensation for their legal troubles and expenses undoubtedly made many plaintiffs skeptical as to the value of additional court battles.

²² "Music and Noise," *Boston Daily Globe*, 17 Aug. 1898, p. 6.

²³ A few summaries of case laws regarding noise nuisances are found in: "Noise as a Nuisance," *The Albany Law Journal*, 31 Mar. 1877, pp. 245-47; "Notes and Cases," *The Albany Law Journal*, 30 Apr. 1887, pp. 342-45; "Notes of Cases," *The Albany Law Journal*, 9 Jun. 1888, p. 446; "Nuisance by Noise," *The American Law Review*, Jan./Feb. 1905, p. 125.

In New York City, the decision by local government officials to take action against privately owned radios may have been inspired, in part, by citizens such as Robert Ferrari. Ferrari, a lawyer living in Greenwich Village when it was known more for its poverty than as the center of Beat poetry and upscale residences, took his upstairs neighbor, John Covucci, to court in the summer of 1929 for his habit of playing his radio at full volume for nineteen hours a day. The late night music deprived Ferrari of the ability to sleep or relax in his apartment and he had taken to sleeping in his office. The resulting disruption to Ferrari's life had begun to affect his work and cost him clients. When Ferrari approached Covucci directly about the problem, Covucci simply laughed at him. The court issued a writ of nuisance against Covucci and advised Ferrari to return at a later date to obtain an order to evict Covucci if he continued to ruin Ferrari's enjoyment of his apartment.²⁴

As a result of his problems, Ferrari actively joined the fight against overly loud radios. Ferrari's efforts to contact Chief Magistrate McAdoo, Police Commissioner Grover Whalen, and William D. Terrell of the Radio Division of the Department of Commerce had resulted in little more than a sympathetic pat on the back.²⁵ In an article he wrote for the *New York Times* in July 1929, Ferrari described his experience of approaching the New York Board of Health only to discover that it could do nothing about his situation. The local police informed Ferrari that they had no jurisdiction in people's homes and that he would need to take his case before the Magistrates' Court. Unfortunately, to actually have loud music declared a nuisance by the Magistrates' Court

²⁴ "Gotham Lawyer's Fight on Radio Nuisance Attracts," *Billings Gazette* (MT), 18 Sept. 1929, p. 7; "24 Hour Radio Sufferers Win Champion in N. Y.," *Chicago Daily Tribune*, 18 Sept. 1929, p. 4; "Asks Check on 'Noises' Made by Radios Here," *New York Times*, 20 Jul. 1929, p. 13.

²⁵ "Gotham Lawyer's Fight on Radio Nuisance Attracts," *Billings Gazette* (MT), 18 Sept. 1929, p. 7; "Asks Check on 'Noises' Made by Radios Here," *New York Times*, 20 Jul. 1929, p. 13.

required a total of five witnesses capable of effectively expressing the disruption it caused in their homes. Ferrari found it difficult to locate four people willing to sacrifice their time to the courts and to convince strangers of the seriousness of his problem.

Stressing that the constant sound of the radio could prove nerve-wracking, Ferrari pointed out that this new invention created a problem not formally experienced in the age of pianos, phonographs, and other domestically used musical instruments:

Before the advent of the radio, pianos, phonographs and other instruments caused a great deal of noise, but, at least in most cases, the instrument required the constant attention of the user, and this fact militated against its continuous use, but, under the new regime of radio, where a person has only to turn a button to have a continuous flow of the worst noises that the human ear can listen to, the disturbance is continuous and seemingly everlasting. There are some people who have nothing to do but to enjoy their music, and think at the same time that while they are enjoying it other people on the outside are enjoying it too. They begin early in the morning and end late at night. It is very rarely that one can get quiet before 2 or 3 o'clock in the morning.²⁶

Ferrari also wrote—perhaps based on his experiences with Covucci—that asking people to keep their radios at a moderate level so that they would not be heard outside their apartment after ten or eleven at night was likely to provoke the response that “the apartment is their own, the radio is theirs, and that they can do anything they want with their apartment and their radio.” Ferrari pointed out that this was technically true, so long as that use was not injurious to others, but that radio owners and the courts generally failed to recognize this caveat.²⁷ In August of the same year, Ferrari also submitted a letter to the *New York Times* complaining about the use of loudspeakers to amplify bands in the park.²⁸

Following the trial, Covucci refused to change his listening habits and Ferrari’s landlord failed to evict Covucci, despite promising to do so to convince Ferrari to pay his July rent. Ferrari retaliated by refusing to pay his rent for August. Ferrari’s landlord

²⁶ “Do Radio Noises Cause Illness?” *New York Times*, 28 Jul. 1929, p. 130.

²⁷ Ibid.

²⁸ Robert Ferrari, “Radio in the Parks,” *New York Times*, 20 Aug. 1929, p. 21.

promptly had him hauled before the court for non-payment. To the surprise of the writers at the *New York Times*, Magistrate Abraham Rosenbluth of the Jefferson Market Court proved sympathetic to Ferrari's plight. Rather than ruling against Ferrari for non-payment, Rosenbluth sent a probation officer to the apartment complex. The agent quickly decided that Covucci's radio could indeed be heard in Ferrari's apartment even with the windows closed. Although Covucci's lawyer claimed that Ferrari was seeking to make a test case of his client, Rosenbluth ruled in Ferrari's favor based on the probation officer's testimony and the previous writ of nuisance. The Magistrate ordered Covucci to play his radio at a more moderate level in the future.²⁹ Whether this ruling marked the end of Ferrari's war with his upstairs neighbor or merely that of a single highly-publicized battle, the *New York Times* quickly lost interest in the story.

As we'll see, despite a plethora of city ordinances granting citizens and police officers the right to act against excessive radio noise, particularly late at night, the task of directing police attention towards a violator of a local ordinance, let alone successfully prosecuting a repeat offender in court, remains next to impossible. As we have seen in the case of street musicians, simply passing a bill only does so much to regulate a specific problem.

Even when courts did not require testimony from multiple witnesses before issuing a nuisance ruling, obtaining an injunction against a noise nuisance could prove extremely difficult. Given the complexities of modern life, the legal system has tended to favor a certain degree of "give and take" philosophy, more popularly known by laymen as "live and let live," towards handling disputes between private property owners. The

²⁹ "Haled for Radio's Blare," *New York Times*, 13 Sept. 1929, p. 37; "Tenant Wins Radio Fight," *New York Times*, 15 Sept. 1929, p. 20.

basic gist of this philosophy is that every individual is likely to impose upon his neighbors' space through the enjoyment of his or her property and that a certain degree of forgiveness is required. The job of the court is to determine when the amount of imposition has reached a level where it has impaired the owner's enjoyment of his or her property by causing excessive discomfort or has damaged the physical condition and/or monetary value of this property.³⁰ In the 1934 case of *Alabama Power Co. v. Stringfellow*, the Alabama Supreme Court ruled that noise must "produce substantial injury" to warrant court action:

Trifling or occasional noises dependent on ordinary use of property or in pursuance of an ordinary trade or calling will not constitute a nuisance. The noise must be such as materially to interfere with and impair the ordinary comfort of existence on the part of ordinary people. The injury must be a substantial one. A merely sentimental disturbance is not an element of injury for which recovery can be had. The general rule as to effect of locality in determining what constitutes a nuisance applies in the case of noise. What may be a nuisance in one locality may not in another. Noises may be a nuisance in the country which would not be in a populous city. A person who resides in the center of a large city must not expect to be surrounded by the stillness which prevails in a rural district. He must necessarily bear some of the noise and occasionally feel slight vibrations produced by the movement and labor of its people and by the hum of its mechanical industries.³¹

This case also placed urban dweller on an uneven playing field with people living in rural locales. People living in the city are expected by the courts to bear a higher level of noise than those living outside of city limits.

In the case of something as intangible as sound, substantial injury is generally difficult to prove. Unlike smoke or chemical pollutants, sound seldom leaves physical evidence and often the best proof of damage is testimony from a realtor demonstrating a decrease in property value clearly linked to the defendants' actions—a strategy unavailable to renters. Claims that a neighbor's musical activities are disrupting sleep or the enjoyment of one's home are difficult, if not impossible, to substantiate.

³⁰ For a more detail examination of noise and other nuisance court cases, see: S., C. J. (1939).

³¹ *Alabama Power Co. v. Stringfellow*, 228 Ala. 442; 153 So. 629 (AL Supreme Court 1934).

Another precedent established by the courts is that the sound must be disruptive and annoying to a person of ordinary sensibilities. For instance, in 1901 a case that appeared before the Court of Appeals of District of Columbia, *Mr. and Mrs. Marsh* initially obtained an injunction against their neighbor, Mr. Akers, for hosting croquet games by torchlight on a vacant lot adjacent to the Marshes' property. The Supreme Court of the District of Columbia had ruled that the sound and flickering lights could reasonably be considered disturbing and therefore a nuisance when made during hours normally dedicated to sleep—in this case, past the hour of 11:00 PM. When the defendants brought the case before the Court of Appeals of DC, the judge reversed the decision. Based on the testimony of other neighbors and the plaintiff's own claims that Mrs. Marsh was an unusually nervous and sensitive woman, particularly during the late stages of her pregnancy, the Court of Appeals decided that the defendants' "rights of enjoyment cannot be restricted because of the unfortunate nervous condition of one of many persons dwelling in the immediate vicinity of the property."³²

The incorporation of a clause stipulating that a sound must be annoying to a person of ordinary sensitivity into many ordinances can strongly sway the favor of a trial in the defendant's favor. If brought to court, a defendant can summon a number of witnesses to testify that they have never been bothered by the sound in question. Such testimony immediately sheds doubt on the claimant by suggesting that he or she may be inordinately sensitive towards sounds considered reasonable by normal individuals. This was precisely the tactic used by the defendants in *Akers v. Marsh* to reverse the decision of the initial trial. Even in cases where neither side has witnesses, it is up to the

³² *Akers v. Marsh*, 19 App. D.C. 28, No. 1116 (DC Court of Appeals. 1901).

prosecution to prove not only that the sound produced by the defendant is excessive and substantially injurious to his or her person and/or property, but also that the prosecution's client has an ordinary and reasonable sensitivity to sound.

As we have seen in Chapter Two, even physicians working with subjects in controlled laboratory settings are extremely reluctant to name sound as a direct cause of negative physical and psychological reactions. They have, however, found that many people who describe themselves as sensitive to sound are more easily annoyed by unwanted exposure. It is interesting to note that while both medical and legal discourse frequently describe people as possessing either an ordinary or extreme sensitivity to sound, the idea that an individual might be unusually *insensitive* to sound is almost entirely absent. Given the two options of normally and abnormally sensitive, an individual who complains about the neighbors' music is likely to be viewed as inordinately sensitive to sound—or at least farther from the norm than the defendants. This creates a bit of a Catch-22 for claimants in noise nuisance suits. By merely expressing that they are bothered by a musical performance, a claimant is also admitting to a certain degree of sound sensitivity. Past precedent makes it extremely easy for the defendant to then argue that the claimant is simply overly sensitive and that a normal person, such as him or herself, would not find the music to be a nuisance.

Retaliation Outside of the Courts

Given the expense and general ineffectiveness of taking people to court, most neighbors settled—or at least carried out—their disputes through less official channels. Undoubtedly many such conflicts were short-lived and resolved in a civil manner. Many

people annoyed by music probably found ways to grin and bear the daily practice or listening sessions of their neighbors. They could have also expended extra mental energy on tuning out the music, left the affected rooms in their home, left their home altogether during performances, or switched to activities that were less likely to be disrupted by an unwanted musical accompaniment. The availability of these strategies may explain why the majority of court cases seem to focus on performers capable of musical marathons or prone to playing at night. In the former cases, complainants probably proved unwilling to sacrifice as much time from their personal use of their home as their neighbor's musical activities demanded. In the latter, the interrupted activity was likely to be sleep or illness, which most people are unable to postpone or to perform outside of their bedrooms for the sake of a neighbor's personal entertainment.

It also seems safe to presume that many neighbors were able to peacefully negotiate solutions to their conflicts. If a performer was simply unaware of the carrying powers of his or her instrument, he or she might have been perfectly willing to honor a request from the neighbors to keep the volume down. Performers could also move their activities to different hours and locations to avoid conflicting with those of their neighbors. Once they were aware that other people could hear what they presumed to be a private performance, many musicians might have decided to curtail the duration and volume of performances out of respect for their neighbors or their own self-consciousness.

Unfortunately, few people have written letters to the editor about their success in negotiating these musical conflicts. What appeared in the newspapers and literature of the day were court cases and accounts of feuds grown ugly enough to require police and

court intervention. Accounts of neighbors engaging in sonic warfare are relatively common, such as the following case which gives new meaning to the phrase “turnabout is fair play”:

There was a fight not long ago in one of the London courts between a barrel organ and a piano, an injunction being claimed to restrain a gentleman from keeping an organ. It seemed that the offender was annoyed by his next door neighbor’s piano, and to avenge himself he obtained a barrel organ, which he played at all times of the day. The question of the “liberty of the subject,” of course, came up, but the court decided, if an Englishman’s house is his castle, it is not a fit place for a barrel organ that never stops, and the organ received strict instructions to remain silent, on the ground that the owner evidently intended to create a nuisance.³³

Another Englishmen reportedly took to pounding on the walls, moving furniture, and ringing bells in response to his neighbor practicing cello at 11:30 PM until he was ordered to desist from his retaliation by the court.³⁴ Babbage related the tale of a man who had his servant knock incessantly on the party wall whenever he went out to impress upon the piano professor next door that his playing was annoying him. Babbage himself confessed that he had a set of shrill organ pipes, bellows, and a steam engine that he had considered turning against two neighbors who had “been disturbing him intentionally.”³⁵ Childe Hassam described not only pounding and jumping up and down on the floor above Mrs. Wilson’s flat, but also his desire to set up a pounding machine above the Wilsons’ bedroom to wake them in the morning after each night they had a loud party.³⁶ So common were thoughts of sonic retaliation that one letter to the editor told readers that it didn’t “pay to be revengeful and retort with a cornet played by a small boy hired by the hour to blow against the party wall.”³⁷ Whether this comment was hypothetical or based on personal experience is unclear.

³³ “Puzzlers in Court,” *Woodland Daily Democrat* (Woodland, CA), 11 Mar. 1897, p. 1.

³⁴ [No Title], *Brooklyn Daily Eagle*, 8 Jan. 1893, p. 5.

³⁵ Babbage (1864), 341-42.

³⁶ “Mrs. R. T. Wilson Is Victor in Court,” *New York Times*, 5 Mar. 1921, p. 19.

³⁷ “Domestic Piano Practice,” *Brooklyn Daily Eagle*, 9 Mar 1896, p. 6.

The experiences of Thomas and Jane Carlyle were, in some ways, typical of noise conflicts between neighbors. Thomas Carlyle's career as a writer generally meant working at home. This practice not only increased a person's exposure to street music, but it also opened the door (or perhaps the window) to the sounds of domestic life, including those of poultry, housework, children playing, and young women practicing the piano. Although Thomas Carlyle disliked any sound loud enough to be heard in his study, the sound of the pianoforte drove him particularly wild. His wife Jane described the situation in one of her letters:

Miss Lambert could be heard having a music lesson once a week, and on other days practicing in a desultory way, sitting down for a few minutes at a time and running over a piece, or part of a piece. She seemed to have a good deal of free time, particularly in the mornings, when Carlyle was at work. In the early mornings she played scales, and soon, like the four-and-twenty blackbirds when the pie was opened, she began to sing.³⁸

On one occasion, Thomas Carlyle was so infuriated with the daily noise that he smashed a fire poker against the party wall, resulting in twelve solid hours of startled silence from the next door apartment.

The Carlyles later discovered that there was not one but several Miss Lamberts in the neighboring flat, all of whom were taking turns at the piano. Thomas Carlyle eventually reached an agreement with the girls' father that they would move the piano away from the interior wall, keep the top shut, and refrain from playing before noon. The agreement held until Thomas Carlyle went away on business, when the girls again took to playing the piano in the mornings, and continued to do so after he returned. Jane had another conversation with the girls' father, who agreed to restrain them from playing

³⁸ Holme (1965), 62-63.

before 2:00 PM, but they frequently gave in to temptation, inspiring Carlyle's famous decision to have a soundproof study built in his home.³⁹

As evidenced by Jane Carlyle's letters and by accounts in nineteenth and early twentieth century newspapers, we find that pianos were the barrel organs of the domestic drawing room. Although people occasionally complained about cellos, violins, flutes, accordions, whistlers, and vocalists, before the rise of radio the pianoforte was only remotely rivaled by the cornet as a perceived musical nuisance.

The Pianoforte

There are several reasons why the pianoforte would have surpassed other musical instruments as a perceived noise nuisance before the invention of the radio loudspeaker. The percussive sound quality was one stated reason and people frequently referred to performers "thumping" on the piano or playing pieces that jangled, jingled, and rattled. With an initial range of five octaves, gradually increasing to seven-and-a-half, a performer also stood a better chance of hitting frequencies capable of penetrating the party wall and of being heard over ambient background noise.

In many ways, pianofortes and multi-family dwelling places were simply a bad combination. The most popular model among apartment dwellers was the upright cottage piano. Due to its vertical design, the upright was far more practical to fit within the narrow rooms of an apartment than a grand or baby grand piano. The design of the cottage piano encouraged owners to place the back up against a wall.⁴⁰ Not only did this

³⁹ Ibid., 62-74.

⁴⁰ Loesser (1954), 250.

placement help keep the center of the room open, but it hid the rather plain and utilitarian construction at the back of the piano.

Unfortunately for the neighbors, an upright piano couldn't be placed against just any wall. The soundboard and the tuning were sensitive to extremes in humidity and temperature. In an era before air conditioning and central heating, and when proper insulation and double windows were a luxury, these climate specifications vastly limited where one could place a highly prized piano. The owner had to avoid placing the piano against an outer wall or near doors, windows, and fireplaces. In the average nineteenth century apartment, this left one extremely attractive option—the interior party wall separating the pianist's apartment from the neighbors'.⁴¹ Since a large part of an upright piano's sound emanates from the back of the instrument, placing it against an interior wall creates an obvious problem. In the best case scenario, this layout directly aims the sound of the piano into the neighboring apartment across the shortest distance possible. In the worst case, the party wall is transformed into a giant tympanum, acting to amplify the sounds of the piano.

In larger homes, the neighbor could shift to another room of their apartment or even rearrange rooms to lessen the impact of the unwanted music on more important intellectual, social, and domestic activities. Working class people trapped in one- or two-room flats, however, probably found it more difficult to escape. Since a piano was louder and more difficult, if not impossible, to relocate than smaller instruments such as flutes and fiddles, they tended to invoke more complaints. Not only was it more difficult to

⁴¹ Based on a thread started on 31 August 2007 on the Brownstoner Forum, the interior wall continues to be the most attractive location for the placement of an upright piano, and it is no less of an annoyance to neighbors than it was in the 1800s. See: "Piano Playing Noise Daily from Neighbors," *Brownstoner*, 2007, online forum thread: http://www.brownstoner.com/forum/archives/2007/08/piano_playing_n.php.

escape the sound of the piano by ranging from room to room, but the possibility of encouraging a neighbor to play at a greater remove from the party wall was significantly reduced.

Of course, not nearly as many pianos would have been found in the cramped spaces of the tenements as in middle class apartments and single family homes. Although prices did gradually decrease throughout the latter half of the nineteenth century, particularly on used pianos, space issues would have prevented many members of the working class from owning their own instrument. By the end of the century, however, pianos would have been within the means of skilled and perhaps a few semi-skilled working class artisans.

Another factor encouraging pianos to rise to the top of the list of domestic sonic annoyances was the surge in their popularity and mass production by the mid-nineteenth century. Throughout their early existence in the 1700s, pianofortes had served primarily as musical novelties and playthings among the European aristocracy. Although the middle classes also dabbled in keyboard instruments, these consisted primarily of harpsichords and virginals, both of which lacked the loud and bombastic quality of their newer cousins. Pianofortes began catching the eyes of musicians and rich amateurs as early as the 1750s and by the 1790s performers such as Johann Christian Bach, Johann Samuel Schroeder, Muzio Clementi, Wolfgang Amadeus Mozart, Ludwig von Beethoven, and Franz Liszt helped to establish the instrument's reputation as a serious and fashionable instrument.⁴²

⁴² Loesser (1954), 219-28.

Taking its cue from the aristocracy, the middle class began to join the piano craze. It became a sign of gentility for a man's daughters to possess the idle time required for learning feminine accomplishments such as embroidery, painting, French, and music. Unlike wind instruments, or worse yet the cello, which caused the performer to posture her lips or other body parts in a suggestive manner, keyboard instruments allowed a young woman to strike an attractive and demure pose. Violin and viola were also frowned upon in comparison because they required wild arm motions and often left marks or scars upon the chin of more dedicated performers.⁴³

Piano playing quickly rose in popularity as a way to meet and ensnare a potential husband through a display of musical and feminine charms. The piano also served as a center of social entertainment, although this role seems to have grown questionable as more and more unmarried women tackled the instrument for the mere sake of demonstrating their suitability as future wives as opposed to an actual love and talent for music-making.

It is not uncommon to find complaints about piano playing not only from next door neighbors, but also from casual visitors, party guests, and family members. One woman complained about having to endure amateur piano performances at watering places (the rough equivalent of a modern day spa) and while visiting friends:

Who will assist in getting up a society for the suppression of pianos? Look at what a nuisance they are at watering-places! A party retires to the parlor to have a pleasant chat. In comes some idiot who thinks she can play, and has waited her opportunity for an audience. Down she sits and commences to drum, interfering with conversation, giving no pleasure, and simply inspiring disgust. You are on a visit to a friend. There is the inevitable piano. Enter one of the young hopefuls, who sits at it and touches the keys. You are forced to make some remark upon the subject. The mother takes it up. "Oh, yes! She can play very well. My dear, play the rondo you learned last week." She does it, and how remarkable it is that all piano pieces are long. You think, as she turns leaf over leaf, that it will never end.⁴⁴

⁴³ Ibid.

⁴⁴ "Godey's Arm-Chair," *Godey's Lady's Book and Magazine*, Nov. 1871, p. 476.

The author was subjected to two additional pieces performed by the “poor idiot” at her mother’s request. The passage itself expresses the author’s disgust over the imposition of being made an unwilling audience to a mediocre performance and a young lady’s vanity.

An early article in *Punch* described the tortures of the drawing room concert in great detail:

The process of singing a song at an evening party may be thus described:—The young lady, on being led to the piano, first throws a timid glance round the room—ostensibly to evince a gentle confusion—in reality, to see who is looking at her. She then observes to the mistress of the house, ‘that she is not in very good voice, having a slight cold,’ which she confirms by a faint sound, something between a sigh, a smile, and a single-knock cough. The hostess replies, ‘Oh, but you always sing so delightfully,’ the young lady answers, ‘that she is certain she cannot this evening,’ to strengthen which opinion, she makes some young gentleman exceedingly joyous by giving him her *bouquet* to hold; and drawing off her gloves in the most approved style, tucks them behind one of the candlesticks, together with her filmy handkerchief, in such a fashion, that its deep laced border, or embroidered name, may be seen to the best advantage.⁴⁵

The performer then takes her place at the piano and, after spending a few minutes adjusting the stool or playing chords until everyone falls silent, launches into a fully competent performance:

When the young lady has concluded, and the gentle applause of the kidded palms has died away, the hostess expresses the intensity of her obligation for such a delightful treat, and says, ‘I am sure, Miss Mitchell, you must require some little refreshment after your exertions,’ whereupon useful Mr. Ledbury, who chances to be near the piano, and has danced once with the lady, offers his arm, and they glide down stairs.⁴⁶

This description, and many future passages in *Punch*, present the drawing room concert not so much as an opportunity to enjoy and share music for its own sake, but rather as a chance for eligible young women to display their delicacy and decorum and perhaps to attract the attention of equally eligible young men (fig. 5.1).⁴⁷

In many cases, these quasi-informal concerts were as much a nightmare for the girl as for her captive audience. One author described female martyrs approaching the

⁴⁵ “Psychology of London Evening Parties: VIII.—The Progress of the Entertainment,” *Punch* 2, 1842 Jan.—Jun., pp. 85-86.

⁴⁶ Ibid.

⁴⁷ “An Accomplished Musician,” *Punch* 74, 23 Feb. 1878, p. 78.



AN ACCOMPLISHED MUSICIAN.

Sir Charles (an eligible bachelor, who is passionately fond of Music, and evidently admires Miss Madeline). "THOSE ARE AWFULLY DIFFICULT VALES YOU'RE PLAYING, MISS MADELINE. I SUPPOSE YOU'VE PRACTISED THEM NO END!"

Miss Madeline (ingenuously gazing at Sir Charles, and continuing to play with great brilliancy and precision). "O DEAR, NO, SIR CHARLES. I NEVER SAW THEM BEFORE; INDEED, I NEVER EVEN HEARD THE COMPOSER'S NAME UNTIL MRS. BLENKINSOP ASKED ME TO PLAY THEM FOR THE YOUNG ONES TO DANCE TO. IT'S SO NICE TO BE ABLE TO MAKE ONESELF USEFUL. DON'T YOU THINK SO!" &c., &c., &c.

[SIR CHARLES'S admiration for a young Lady who can thus play difficult Music at sight, while she looks softly at him, and talks so pleasantly, knows no bounds.

Fig. 5.1
Punch cartoon depicting the idealized role of the pianoforte in courtship

keyboard in the midst of indifferent strangers and perhaps hostile acquaintances to perform this ritual of middle class womanhood:

They have spent weary hours practising up the song or the nocturne that was to earn the enthusiasm of the enchanted assemblage, and only mortification is the result; the compliments are forced and cold, and the thank-yous that echo the concluding chords are at least as likely to represent gratitude that the process is over as delight in its having taken place. Of the audience, those who understand music have wished they were hearing better, and those who wanted to talk have wished they were hearing none.⁴⁸

⁴⁸ "Pianist and Martyr," *Littell's Living Age*, 24 Mar. 1877, pp. 765-66.

Ironically, young men generally proved the most resistant to these demonstrations of feminine accomplishment and marriageability. The author of the above passage commented that most men disliked:

tete a tete musical entertainments where their wife is the solitary performer. They are sleepy, or they are studious, or they want to go away and smoke, or they are critical connoisseurs and do not like the domestic average, or they like the barrel organ's cheerful and compendious tones and are worried at the effort of conscious listening required to follow the melody as their divine Cecilia goes on "adding length to solemn sounds."⁴⁹

One young woman, looking back on her girlhood, estimated that she had spent 14,400 hours practicing the piano between the age of six and eighteen (roughly four hours, six days a week) only to marry a man who disliked music.⁵⁰ In other cases, men who did enjoy music sometimes found that their new wives refused to touch the piano again once they were married.

A number of humorous pieces seem to suggest pianos could be a nuisance to other family members as well. We have already encountered the recorded descriptive sketch, "Maggie Clancy's New Piano," which begins by depicting her father's dislike for a performance of Wagner. A shorter and darker written sketch was even more critical of too much piano playing in the home:

The new minister was making his first call. As his eyes became accustomed to the subdued light of the parlor he perceived a pretty little girl seated upon the piano stool.
"Practising, I suppose?"
"Yes," she simpered sweetly.
"How long have you been learning?"
"About six months."
"Are your parents living?"
"Mother is, but father died three weeks after I began taking lessons," and she wiped away a tear with the corner of her apron.
"How sad. What did he die of?"
"He committed suicide."⁵¹

⁴⁹ Ibid., p. 765.

⁵⁰ Loesser (1954), 281.

⁵¹ "Folly Shots," *Brooklyn Daily Eagle*, 20 Apr. 1884, p. 6.

That this joke was included in a comic section of a widely published newspaper suggests that the problem was common enough for such a morbid piece to be found funny by readers without additional glossing.

A few writers commented on the vanity of young women who felt their playing was something that everyone wanted to hear and admire. A brief article in the *Brooklyn Daily Eagle* commented that some young women were practically willing to break out the windows to ensure the neighbors could hear them playing.⁵² Just as common, however, were comments by authors that many girls actually hated playing the piano and did so more out of a concern for their womanly duties and social status than out of an actual love for the instrument. Haweis commented that a girl who didn't like to play the piano would only make herself and her listeners miserable and should be allowed to switch to a different accomplishment that was more suitable to her tastes and talents.⁵³ At least two authors suggested that helping with and learning household duties would ultimately make a girl more useful to her husband and spare her the agonies of constant practicing, particularly in poorer families where energy and resources could scarcely be squandered on an excessive amount of unproductive leisure activity.⁵⁴ Another author compared playing the pianoforte to serfdom and pushed for the liberation of young women from the "annoyance and pain" of this accomplishment, stating that "of the rather vague principles put forward under the name of 'women's rights' there is not one which generous-minded men would more willingly concede than the right of young women, or even of little girls, to refuse instruction in the art of playing piano." The same author also

⁵² [No Title], *Brooklyn Daily Eagle*, 1 Feb. 1881, p. 2.

⁵³ Haweis (1900), 516-17.

⁵⁴ Wentworth (1849), 139; "The Piano Plague," *Harper's Bazaar*, 18 Apr. 1868, p. 386.

felt it was pointless to force a girl to play an instrument that she would gladly give up once she had secured a husband, a sentiment echoed by a number of other essays.⁵⁵

Given the leeriness of society towards the predominantly female institution of amateur piano playing in general, the resistance to endless practicing by neighbors is not surprising. By the 1870s, there was already a cultural belief in England and the United States that piano playing was a useless skill developed solely for a shot at attracting a better mate. Still, parents who saw the piano as a means of improving their daughter's lot in life may have disliked the idea of reducing her practice time.

It is possible to obtain a sense for how long a cultured young lady was expected to play. A number of articles and letters mention four hours of daily practice time as the norm for the average young lady. For people living next to a household with multiple daughters preparing for a prospective husband, the situation could be truly trying, although four hours a child hardly seems possible for families with three or more daughters. Some girls were apparently more prolific. A Parisian landlord took one of his tenants to court for playing from 8:00 AM until late into the night. As a compromise, the girl agreed to only play from 11:00 AM to 6:00 PM and from 8:00 PM to 10:00 PM—a mere nine hours a day.⁵⁶ A man named Joseph Labade, a twenty-eight-year-old Polish machinist, subjected his family members and neighbors to five straight days of constant piano playing, but this seems to have been an act of insanity brought on by excessive drinking.⁵⁷ Piano playing was so prolific by 1900, that the *Brooklyn Daily Eagle* published the following humorous piece for people's appreciation:

⁵⁵ "The Emancipation of Woman from the Piano," *Littell's Living Age*, 2 Sept. 1882, p. 573.

⁵⁶ "The Piano Nuisance," *Chicago Daily Tribune*, 27 Apr. 1873, p. 8.

⁵⁷ "Say He Is Crazy," *Brooklyn Daily Eagle*, 18 Sept. 1882, p. 6.

Hix—An acquaintance of mine patented an appliance to enable a girl to play two pianos at one time.

Dix—Did he make anything out of it?

Hix—Well, he made a move out of the town. His neighbors threatened to mob him.⁵⁸

People took a more favorable view of practicing with the digitorium and the Everett piano, two forms of silent keyboard designed for practicing fingering exercises, but unlike the ever louder models of pianofortes made available throughout the nineteenth century, neither instrument seems to have caught on.⁵⁹

The acceptability of the neighbors' practice sessions was not improved by the other social expectations for women's behavior during the nineteenth century. Women were supposed to be deficient in cerebral capabilities and restrained in their physical movements and this impacted their choice of music. These points were not lost on music publishers, and many pieces aimed at young women consisted of simple, unadorned melody lines over an Alberti or ground bass. Although music lessons were intended to improve a woman's abilities, many teachers were keenly aware that they needed to keep their patrons happy to maintain their patronage. Fearing that criticism could drive away their students, many teachers may have refrained from offering anything but compliments during lessons and thereby encouraged a certain degree of mediocrity, even on simpler pieces.⁶⁰

What the neighbors heard on the other side of the wall was usually far from a polished performance of parlor pieces. Instead, they were favored with hours of scales, simple fingering exercises, and the gradual learning and progression through new pieces. In many cases, each girl learned a very limited number of pieces for show, sometimes as

⁵⁸ "The Last Straw," *Brooklyn Daily Eagle*, 16 Mar. 1900, p. 3.

⁵⁹ "Varieties," *Appletons' Journal of Literature, Science and Art*, 20 May 1871, p. 559; W. S. B. Mathews, "How to Get on in Piano-Playing," *The Musical Visitor*, Mar. 1896, pp. 59-61.

⁶⁰ For discussion of sheet music industry, see: Loesser (1954); for complaints about the state of music lessons, see: London Society, "Modern Music," *Churches Musical Visitor*, Jun. 1873, pp. 1-2.

little as two or three, which would have been practiced *ad infinitum*. This situation perhaps inspired the following joke:

“What is that tune your daughter is playing?”
“Which daughter?” asked Mrs. Cumrox. “If it is the older girl it’s Liszt’s Hungarian Rhapsody, and if it’s the youngest one, it’s exercise 27.”⁶¹

If a piece played once at a party could be considered a nuisance, four hours a day of Liszt’s Hungarian Rhapsody or “exercise 27” was unlikely to prove any more charming, particularly if it was played poorly on a regular basis.

The popular genres of the day could also prove vexing, and by 1844 we find in *Punch* one of the first complaints, albeit a fictional and comic one, about a musical craze, specifically the polka craze. The author of the piece complains that he not only hears four or five young women playing the polka in every house in his neighborhood, but that his six sisters also bring polkas to play when they come to visit his wife and that by four o’clock he is always afraid he will be “miserably—cruelly—Polka’d to death.”⁶²

The problems caused by constant or poorly timed piano practice are relatively similar to those caused by street music. We’ve already seen several accounts in which pianos were described as drowning out conversation, depriving people of sleep before sunrise and after midnight, and interrupting intellectual activities. Complaints about piano music disturbing invalids were less common, although at least one person complained about the presence of pianos on ships, attesting that even tolerable music mixed unfavorably with *mal de mer*.⁶³ Others complained about the American practice of providing pianos in hotels and steamers, which allowed young women to keep up with their practice on holiday, much to the annoyance of other vacationing guests seeking to

⁶¹ “Paragraphs about Musical Matters Here and Elsewhere,” *Boston Daily Globe*, 3 Aug. 1913, p. 46.

⁶² “Comfortable Lodgings,” *Punch* 7, 1844 Jul.-Dec., p. 74.

⁶³ “The Piano and Seasickness,” *The Musical Visitor*, Jan. 1892, p. 7.

escape the noises and nuisances of daily urban life.⁶⁴ The seaside resorts of England were also plagued with pianos, making it impossible for many urbanites to seek recovery in a quiet summer residence.⁶⁵

Unlike street musicians, amateur musicians avoided regulation by city law for the most part. In the same article discussing the lawsuit taken up by a Parisian landlord against his piano playing tenant, the author commented that female pianists were a worse nuisance than hand organs if only because a person was unable to move them along with pennies and policemen.⁶⁶ Early mornings, evenings, and Sundays were all fair game for piano playing unless an offended neighbor could sway the local court or board of health to accept the claim that the music was a nuisance and a health hazard. Amateur musicians were also unrestricted by zoning ordinances.

Although England and the United States may have accepted music-making as an unalienable right, other countries handled matters differently. Around the turn of the nineteenth century, Berlin limited the number of hours that tenants were allowed to practice in apartments. By 1896, Berlin and Weimer had passed laws requiring musicians to close their windows during practice sessions.⁶⁷ In a less official move, The Zentralverband der Hausbesitzervereine in Vienna made dampers on pianos compulsory between the hours of 10:00 PM and 9:00 AM.⁶⁸ By 1887, Paris was overwhelmed with pianos to the point that a number of prominent figures, including the French composers Ernest Reyer and Charles Gounod, spoke out against it as a nuisance and urged

⁶⁴ "The Piano Plague," *Harper's Bazaar*, 18 Apr. 1868, p. 386.

⁶⁵ "The Great Piano-Plague," *Punch* 71, 23 Sept. 1876, p. 131.

⁶⁶ "The Piano Nuisance," *Chicago Daily Tribune*, 27 Apr. 1873, p. 8.

⁶⁷ Oakley (1908), 354; "Heaven on Earth," *Boston Daily Globe*, 15 Aug. 1890, p. 12; "Domestic Piano Practice," BDE, 9 Mar. 1896, p. 6; [No Title], *Brooklyn Daily Eagle*, 1 Feb. 1881, p. 2.

⁶⁸ Payer (2007), 788.

government taxation.⁶⁹ In 1893, an annual tax of ten francs was imposed on pianos in France, although it's unclear whether the government's decision was based on the instrument's nature as a potential noise nuisance or merely as a luxury good.⁷⁰

In England and the United States, musical tenants became the butt of jokes and were represented as tormentors or as victims of the rental system. For instance, *Punch* published cartoons of amateur musicians annoying other tenants in 1850 (fig. 5.2)⁷¹ and 1842 (fig. 5.3).⁷² The following American humor piece suggested that musicians were also unpopular with landlords and landladies:

A landlord who had advertised his house to rent at \$1,500, was about concluding an arrangement to lease it, when he asked the applicant what his occupation was.
"I'm a musician," said the man innocently.
"A musician!" repeated the landlord with an expression that indicated some painful experience. "Then I couldn't think of letting you have it for less than \$3,000."⁷³

As evidenced by two of the three examples above, women performers were not the only source of complaint among amateur musicians. Although they featured in fewer complaints than their female counterparts, men also attracted the ire of neighbors. One gentleman was taken to court for throwing coal at a male pianist at the other side of the alleyway when he insisted on playing badly and having a shouted flirting match with a woman in another apartment.⁷⁴

⁶⁹ "Young French Women: Recent Changes in the Plan of Their Education," *Brooklyn Daily Eagle*, 4 Sept. 1887, p. 7.

⁷⁰ Maltus Q. Holyoake, "Curiosities of Taxation," *Current Literature* 15(1), Jan.-Jun. 1894, p. 68.

⁷¹ "Music Has Charms," *Punch* 19, 1950 Jul.-Dec., p. 4.

⁷² "Punch's Penciling.—No. XLVIII: Social Miseries.—No. 11," *Punch* 3, 1842 Jul.-Dec., p. 153.

⁷³ [No Title], *Brooklyn Daily Eagle*, 4 Jun. 1882, p. 4.

⁷⁴ "Esthetic Outrages and Their Equivalents," *Brooklyn Daily Eagle*, 8 Jun. 1881, p. 2.

"MUSIC HAS CHARMS." (P)

"Highbury, June 21, 1850.

"MY DEAR MR. PUNCH,
"IN my very joyfulness of heart, I cannot resist writing to you a few lines. You will sympathise with me, I know. Yes! He has left at last. He has returned to the country. He has gone home to his friends, and I am free. Oh, my dear Sir! how can I describe the delightful feeling of relief, the—the sensation of almost (if I may use such a term) rollicking quiet that I experience, after the tortures I have endured for this month past? You may think me mad for writing in this strain to a perfect stranger, (indeed I am perfectly acquainted with your admirable works): but no; whatever my mental disturbance may have been, I believe my mind to be in a tolerably healthy state now. I feel at peace with all mankind—I can open my window—I can sit at it. I can go through my accounts; transact my business; and—what bliss!—in quiet. WHY, SIR, HE WOULD BE AT IT FOR HOURS TOGETHER. Regardless of the feelings of his neighbours he would go from tune to tune, (he never had the perseverance



to learn one throughout); he would make the poor instrument gasp, grunt, squeak, puff—and what not; and sometimes—evidently made impatient by his own ridiculous incapacity—finish off an attempted sentimental air with such a flourish of his own composing, that I positively shudder when I think of it. Well, Sir, all this I have endured; and, I flatter myself, like a martyr: and now I am rewarded. He is gone; and with him, his very unpleasant Cornet-à-piston. Excuse me, my very dear Sir, for the liberty I have taken in addressing you; and believe me ever,

"Your constant, and now happy Subscriber,
"To Punch, Esq., &c., &c., &c." "FREDERICK ISLINGTON."

Fig. 5.2

Punch cartoon depicting neighbor annoyed by amateur cornet player

Other Forms of Amateur Music-Making

Perhaps because of the female associations with the instrument, many young men seem to have avoided the piano in favor of more masculine instruments, including concertinas, accordions, cellos, violins, banjos, and especially trumpets and cornets.

Cornets would have been readily available to young working class men in England and the United States by the latter half of the nineteenth century. From the 1840s on, both countries witnessed the rise of the amateur brass band movement and many communities, factories, religious groups, temperance organizations, and unions had their own bands. Combined with its association with uniforms and military imagery, the soloistic role of the cornet placed it in a prime position to sonically advertise masculine vigor and agility.



THE PLEASURES OF FOLDING DOORS.

Hearing "The Battle of Prague" played, with a running accompaniment of—One, and Two, and Three ;—and One, and Two, and Three ;—and

Fig. 5.3
Punch cartoon depicting a neighbor annoyed by an amateur piano player

Although there were a few exceptions, to be discussed below, the rehearsals and performances of amateur brass bands don't seem to have conflicted with residential space, or at least there seem to have been very few complaints along these lines. Since brass bands tended to practice in rooms rented above public houses or furnished by their supporting organization or employer, their rehearsals may have been too far removed from private residential spaces to interfere with other people's activities.⁷⁵ Amateur brass band performances were generally part of parades, staged competitions, and large scale private or civic celebrations. Since these events were already significantly demarcated from daily domestic space and activities, amateur brass band performances may have functioned as a central framing device for large scale social activities, allowing them to avoid ire simply because a large majority of community members would have been involved and receptive to the music as appropriate musical behavior within the context of that event.⁷⁶

The same could not be said of individual practice sessions by brass players (fig. 5.4).⁷⁷ Scoffing at Babbage's tirades about his trivial street musician troubles, a resident of Cambridge, England commented that he wished he could exchange places with Babbage for a day to "see how he likes an undergraduate learning the cornopean below and a boat's supper raging overhead."⁷⁸ Thomas Wright complained about impromptu

⁷⁵ In this case, "employer" does not refer to an individual who is paying band members for their musical services. Many factories and organizations had bands that represented them during parades and events. Although a factory owner might pay a band member's salary, it was for their work on an assembly line or as a tradesman. Band members were not salaried as musicians, although they did receive compensation in the form of access to free instruments, rehearsal space, and sometimes transportation to and from events.

⁷⁶ For more on the history of amateur brass bands in addition to Russell and Elliot (1936), see: Cummins (1996); Proper (1996); Herbert (1998).

⁷⁷ George Fitch, "Brass Bands," *The Atlanta Constitution*, 20 Jan. 1913, p. 4.

⁷⁸ "Old Cambridge, from a Distance," *Christian Science Monitor*, 5 Nov. 1918, p. 15.



"A cornet is a crime against an entire neighborhood."

Fig. 5.4
Atlanta Constitution cartoon depicting a cornet player as a noise nuisance

performances by male vocalists and the sound of men practicing the cornet in his apartment building:

Thus the workman who occupies the lower apartments may be in the habit of retiring to rest at an early hour while the 'single young man' who lodges with the tenant of the upper apartments may be given to coming home during the small hours, howling popular choruses and practicing acrobatic feats in his bedroom, previous to finally 'turning in,' or otherwise disturbing the rest of the more orderly inmates of the house. Or it may be that he of the upper apartments is the one who goes early to bed, while the occupant of the ground-floor, who is a member of a workshop brass-band, practises on the cornet-à-piston till midnight.⁷⁹

Wright also described his embarrassment over an incident involving the hire of an amateur brass band by his brethren to represent their order during a society demonstration for a local meeting of the orders in the 1860s. Not only were the performers disheveled and dirty, but their sonic quality was highly questionable:

In explanation of their wretched playing the leader stated that they were a very good lot in a general way, but that just then their best player was unfortunately in gaol for beating his wife, and one of the other members had not been able to come in consequence of his instrument being in pawn. And then the instruments of those who had come were rather out of order. This last statement at least was correct, for the instruments were almost dropping to pieces; and each player

⁷⁹ Wright (1867), 261.

had to carry a supply of putty with which to re-stop any of the already puttied cracks in them that might open again.... For two hours and a half we paraded the streets, with the only effect, so far as I could see, of affording a little amusement to the idle and juvenile portions of the population of the town, whose remarks upon the personal peculiarities and adornments of some of the processionists were much more pointed than pleasant. Ferret came in for so large a share of these remarks that he twice laid down his flag to charge and disperse the taunting crowd. After walking through the principal streets, and greatly distinguishing ourselves in the way of frightening horses and impeding traffic, each section of the processions returned to its own club-house to dine.⁸⁰

Wright made it clear that of all the bands hired for the demonstration, the one hired by his order was rather extraordinary for its unkempt nature. He also made clear that he felt the entire event served to waste the money of working class men who could ill afford it only to make them appear “ridiculous in the eyes of other classes of society.”

Although the issues Wright raised in regards to the brass band performance have little to do with noise complaints *per se*, his writing still contains the common tropes of frightened horses, obstructed traffic, and obstreperous boys tormenting performers for their personal entertainment. The passage also demonstrates Wright’s concern that such a slovenly performance might misrepresent the working man to other classes of society. Since much of the rest of Wright’s work is dedicated towards destroying stereotypes of working class people as uneducated, dirty, heathenistic, classist, and prone to drunken and vulgar behavior—stereotypes he felt were based on a small minority of people whose antisocial behavior made them highly visible—the representation of a working man’s society by such a motley band was probably particularly rankling.

Residents in Brooklyn seem to have suffered from the noise of amateur brass band performances around the turn of the twentieth century. Brass instruments and bass drums playing on late night trolleys returning from Coney Island or other excursions raised a number of complaints from the affected neighborhoods, but it’s difficult to determine the precise nature of these performances from the available accounts. It’s

⁸⁰ Ibid., 78-79.

unclear whether the performers consisted of random trumpet and percussion players who just happened to have their instruments with them, or if these were more formal performances by hired street bands. Sometimes the complaints about trolley parties mention only shouting and singing, so the performances may have been *ad hoc* depending on what musicians were available at the time.⁸¹ English omnibuses presented similar opportunities on occasion and there is at least one complaint in *Punch* about a cornet-à-piston on the roof of the over-the-Water-loo omnibus.⁸²

Complaints were also made about late-night revelers, particularly singers, as they hung around outside of or returned from bars and social clubs. Although one might expect that the merry sounds of drunken bar patrons would draw fire from neighbors, that the antics of young gentlemen members attending social clubs attracted similar complaints may be more surprising. In New York, a social club known as the Lambs was particularly notorious for its noisy “gambols,” which often involved singing until two o’clock in the morning.⁸³ In 1902, the High Standards Club in Brooklyn provoked neighbors to the point that around 150 individuals were ready to sign a petition demanding action from the health authorities.⁸⁴ The working class members of the High Standards appear to have been very active until at least 10:00 PM on most nights and noisy enough to disturb neighbors, including invalids, as late as 2:00 or even 4:00 AM on the nights of special events. The financial secretary for the club, Thomas J. Deegan, wasn’t terribly sympathetic to the neighborhood’s expressed grievances and argued that

⁸¹ For complaints about trolley parties, see: “Roughs on the Trolley Cars: One Disagreeable Result of Cheap Fares to Coney Island,” *Brooklyn Daily Eagle*, 18 May 1896, p. 4; Tired, “Unnecessary Noises,” *Brooklyn Daily Eagle*, 26 Apr. 1897, p. 6; “Noises at 4 A.M.: Earnest Young Man Visits Chief Mackellar in Behalf of 10,000 Sleepy Citizens,” *Brooklyn Daily Eagle*, 29 Aug. 1900, p. 2.

⁸² “Music and Manners in London,” *Punch* 19, 1850 Jul.-Dec., p. 209.

⁸³ “The Lambs Are Noisy,” *Brooklyn Daily Eagle*, 18 May 1896, p. 6.

⁸⁴ “High Standards Annoy Herkimer Street Folks,” *Brooklyn Daily Eagle*, 28 May 1902, p. 22.

the club “should not be censured because there are more invalid neighbors than healthy ones to suffer annoyance.” In turn, Deegan complained about the noise of pianos on the block, perhaps in attempt to show that the neighborhood annoyed Club members as much as the members annoyed them or maybe to demonstrate that targeting the Club as a noise nuisance was an arbitrary act.⁸⁵

For many writers, amateur music-making seems to have interacted with street music to create a constant source of sonic pandemonium. Barrel organs and street bands playing the day’s popular tunes drove people into the deepest recesses of their private living spaces to escape the musical sounds entering from the outside world while the sound of amateur music-making drove them back out again. The following essay described a collage of sounds created by nearby amateur and street musicians:

This is not sketched from fancy. As an instance, in one of the most thickly populated parts of Brooklyn one householder complains that there are two sopranos, evidently in training for the operatic stage, one next door and the other across the street; three would-be Paderewskis bang pianos from morning until night in houses in the rear, while the whole of every evening is diversified by a learner on a B-flat cornet a few doors away. Furthermore, the rumbling notes of a basso-profundo up the street fill in the intervals. Add to these the street bands, the street pianos and the hand organs every night, and it is no wonder that people rush to the country, although July is giving cool nights and many would prefer to stay in town. And the citizen sees here no way out of his misery.⁸⁶

Some residents may have felt barraged on all sides by music from early in the morning until late into the night. The exact hours and nature of the music at any given point in time may have proven unpredictable and uncontrollable, making it impossible to plan activities requiring quiet, or at least a less festive form of soundscape, around the musical performances of neighbors and complete strangers. In the case of street musicians, new tenants, and visitors to bars and social clubs from outside of the neighborhood, excessive

⁸⁵ “The High Standard Club,” *Brooklyn Daily Eagle*, 31 May 1902, p. 20.

⁸⁶ “On the Look Out,” *Brooklyn Daily Eagle*, 17 Jul. 1902, p. 5.

musical noise for the sake of entertainment and personal gain was particularly likely to be resented by permanent and more established residents.

Demographics of Amateur Musicians

If any social boundary can be drawn to predict who would fall among the amateur musicians and who was likely to complain about their performances, the divide often fell between the young and the old—particularly between those of a marriageable age and those already married. This division is at least partially due to the use of music as a courtship device in various social situations. The cornet and the piano were predominantly the domain of bachelors and eligible young women and served as one of the few acceptable means for attracting social attention and advertising one's availability. In other cases, amateur music-making formed the sonic center of social events such as parties and dances meant to serve as social mixers between the sexes. One of the sonic repercussions of this advertising was that it frequently reached the ears of the unavailable and the uninterested.

In other cases, demographic divisions are elusive. Even the line of musician and non-musician is frequently inaccurate since neighbors often describe returning fire on pianists and other next door musicians by playing their own instruments (fig. 5.5).⁸⁷ The recorded descriptive sketch, "Finnegan's Flat," depicts one such setting. The scene opens with Mrs. Finnegan quieting the baby so that it won't wake up "father," who can be heard snoring in the background. Immediately following this warning, Mr. Finnegan's sleep is

⁸⁷ "The Battle of the Pianos," *Punch* 28, Jul.-Dec. 1854, p. 144

THE BATTLE OF THE PIANOS.



A WAR has recently broken out between the two houses of TINKLE and CRASHER, which reminds one by its inveteracy of the Wars between the Houses of YORK and LANCASTER. The instruments of warfare are two Pianos, which are being brought to bear against each other, on either side of a party wall, which divides the abodes of the TINKLE and CRASHER families. Hostilities were commenced about Christmas last, when the piano of MRS. TINKLE opened with a species of ball practice in the shape of Quadrilles and Polkas, to which the piano of MRS. CRASHER replied by a sort of cannonade of old Canons. For a time there seemed to be a truce, and Overtures of a rather peaceful nature were heard to proceed from MRS. TINKLE's cabinet, when MRS. CRASHER suddenly brought up her cottage in great force, and poured in a volley with deafening effect upon the enemy. This movement was met on the other side by a quick succession of forced marches, including the Wedding March and the March from *Le Prophète*. Upon this the enemy attempted a *fortissimo* movement with damaging effect, and brought up some of the heaviest pieces of VERDI's division, which were played off against all the great guns of the enemy. The contest was still raging when we last heard from the seat—or rather the music-stool—of war, and both parties were employing all their force in harassing each other.

Fig. 5.5

Punch cartoon depicting musical warfare between neighboring flats

disrupted by one of their Italian neighbors playing a cornet. Mrs. Finnegan coaxes him back to sleep only to have him woken up a second time by the “O’Brien kid” practicing the piano. When Mr. Finnegan asks “who’s shoveling the coal,” Mrs. Finnegan assures him it’s nothing and he again falls asleep. A “Dutchman” on trombone and a German Sängerbund singing “Hi Lee, Hi Lo” continue the series of musical disruptions. Thoroughly awake now, Finnegan shouts, “I can’t stand it any longer. Give me the box, Maryann, and I’ll drown ‘em out.” He launches into a frenetic Irish tune on his

accordion. Within seconds, a group of tenants are knocking at the door with cries of “Hey, stop that noise,” “Hire a hall,” and “We can’t sleep.” Mr. Finnegan threatens to throw the “lot of them” down the stairs if they don’t get away from his door, which provokes first laughter from the other tenants and then a brawl in the hallway. When Mr. Finnegan returns to his flat, he’s sporting a new black eye given to him by the trombone-playing Dutchman.⁸⁸

Due to cramped living quarters, any performance could easily become a public one, leaving amateur musicians with little choice aside from disregarding the affect on their neighbors’ sonic space at times, unless they were willing to give up playing for their personal entertainment altogether. “Finnegan’s Flat” depicts several minor acts of audio trespass occurring among the working class and between members of various ethnic groups. The sketch also includes themes discussed earlier, such as music interfering with sleep, musical retaliation, the escalation of a sonic dispute into physical violence, and the ability of individuals to be on either the giving or receiving end of an act of sonic seepage.

Mechanical Musical Instruments

The introduction of mechanical musical instruments into the home, particularly player pianos, phonographs, and radios, didn’t change these neighborly debates so much as intensify them. The duration and volume of a performance no longer depended on the stamina and strength of the performer. I have already related William Braid White’s description of the neighbors’ negative reaction when they learned he was fixing the

⁸⁸ Porter, performer. 1908. “Finnegan’s Flat.” Columbia A585 (#3890, take 4).

player piano at the local Elks' lodge.⁸⁹ Similarly, a 1905 ad for a Cecilian Piano Player promising to reanimate "that shining monument to a past girlhood—a silent piano," probably shattered the hopes of many people that the next door piano would indeed fall silent once the last eligible daughter left the premise.⁹⁰ Although the Pianola was perfected in America in 1897 and nearly 2.5 million player pianos were sold in the United States alone between 1904 and 1930, overall there seem to be relatively few published complaints about them.⁹¹

There are also rumors of privately-owned barrel organs taking a role in disputes, but in most cases these disputes were already in progress and the organ served more as a form of retaliation than as a source of conflict in and of itself. For instance, it was rumored that one London man was so annoyed by his neighbor's piano playing that he purchased a barrel organ and proceeded to play it whenever his neighbor practiced. The man was brought to court and ordered to stop playing the organ on the grounds that he was doing so with the sole intention of creating a nuisance.⁹² Unfortunately, there is no solid evidence that this trial actually took place. Even if spurious, however, the story still managed to catch the attention of no fewer than four U.S. newspapers.

More popular were stories of landlords employing barrel organs to encourage remiss tenants to pay their rent:

An Italian who owned a house in Saffron Hill let one floor to a tenant who, after a time, not only failed to pay his debts, but also refused to clear out. The landlord thereupon entered the house with a barrel organ and began to play it on his stairs, hoping by sheer din to either drive his recalcitrant tenant out or force him to pay up. He stuck to this self-imposed task for four hours on

⁸⁹ White (1909), 28-29.

⁹⁰ Ad reprinted in Loesser (1954), 583.

⁹¹ Ibid., 125.

⁹² "Puzzlers in Court," *Stevens Point Daily Journal*, 18 Jan. 1897, p. 4; "Puzzlers in Court," *The Marble Rock Weekly* (IA), 21 Jan. 1897, p. 8; "Puzzlers in Court," *The Democratic Standard* (Coshocton, OH), 19 Feb. 1897, p. 3; "Puzzlers in Court," *Woodland Daily Democrat* (Woodland, CA), 11 Mar. 1897, p. 1.

end, but the only result was that the neighbors, furious at the noise, had him arrested and next day he was only fined.⁹³

A Chatham villa owner was rumored to be more successful. He hired a barrel-organ and a company of small boys to grind out “Tommy Make Room for Your Uncle” until the tenant “surrendered unconditionally.”⁹⁴ Again, the lack of specific details (names, dates, locations, etc.) in these stories make them difficult to verify, but it’s interesting to note that such tales were deemed realistic enough to be accepted by the average reader as either fact or a whimsical play off of real life scenarios.

This is not to say that barrel organs were innocent of sparking disputes between neighbors. As we have seen in the previous chapter, these instruments seem to have been involved in hundreds of such disputes. The model in the large majority of the current cases, however, was somewhat different. Generally, the offending neighbor hired an organ grinder to play for brief stints of time throughout the day. The availability of the street musician therefore limited the duration and timing of performances. A neighbor was unlikely to hire a grinder to play for hours on end or to hire one in the middle of the night. Late night and marathon music sessions were primarily the domain of the amateur musician, but they were also limited by their physical stamina and sleeping cycle. It seems doubtful that even a family with several daughters would have possessed the woman power and patience to keep their piano running around the clock. These limits, however, would soon disappear with a new set of musical inventions.

⁹³ “Curious Debt Collection,” *Portsmouth Daily Herald* (NH), 23 Apr. 1906, p. 4.

⁹⁴ “Rent Collecting by an Organ,” *Boston Daily Globe*, 24 Feb. 1901, p. 32.

Phonograph Fiends

Starting in the 1880s, another instrument joined the arsenal of the stay-at-home music lover. Even before it hit the consumer market, a few writers were ruminating about the new sonic sufferings the phonograph would introduce into the world. A writer for the *Brooklyn Daily Eagle* speculated that “the noises that we have are not merely to be disseminated over the entire surface of the earth, wherever a wire can be stretched [referring to the telephone], but all our own superfluous cacklings are to be stored away and let loose in the midst of the chattering of years to come, from which a very Babel will ultimately result.”⁹⁵ A writer for *The Cincinnati Commercial* predicted the phonograph would take the place of the barrel organ, complete with a miniature scene of a policeman driving off his forty-ninth phonograph man of the day.⁹⁶

Other speculations regarding the future use of the phonograph were more optimistic. One author predicted that the phonograph would take the place of the pianoforte, sparing the nerves and tempers of thousands and freeing millions of women from their obligations “to waste their time and torture their fellow beings.” Since the instrument was “so modest a little instrument” it was presumed to be unlikely to annoy unwilling listeners.⁹⁷ Still others took a realistic approach, predicting that the phonograph could be a pleasure, but would undoubtedly require legislation to prevent it from becoming the next new nuisance.⁹⁸

One of the first complaints about the private use of a phonograph appeared in 1901. In a letter to the editor of the *Brooklyn Daily Eagle*, “A Sufferer” begins by

⁹⁵ “The Tapeworm as an Instrument of Fraud,” *Brooklyn Daily Eagle*, 12 May 1878, p. 2.

⁹⁶ “Table Gossip,” *Boston Daily Globe*, 3 Apr. 1878, p. 2.

⁹⁷ “Opera in Every House,” *New York Star* (TAEM 25:305), 3 Nov. 1887.

⁹⁸ “Attractive and Appalling Possibilities,” *Brooklyn Daily Eagle*, 24 Sept. 1888, p. 4.

describing a noisy vocal concert in his neighborhood at the intersection of Throop and Tompkins. He then complains that “last night some idiot on Monroe street opened up business with a graphophone, and the discordant tones of that infernal machine did not cease until after 2 o’clock in the morning.”⁹⁹

A Sufferer’s letter was promptly answered by J. Le Roy Gibson of 388 Monroe Street. Gibson began by decrying A Sufferer’s letter as a “sore head attack” and described A Sufferer as one of the “‘cranks,’ who, sick of living, detest seeing people enjoy life, and do all in their power to place others in their own diabolical category.”

Gibson then proceeded to defend the concert of recorded music:

Upon investigation it was found that the ‘idiot’ was Mr. L. Cornish, a noted lecturer, who has kindly entertained his neighbors with his expensive phonograph (not graphophone) for the last few evenings, and the singing was rendered by a vocal society of some renown so not only does the pitiful sufferer appear silly in taking it upon himself to scatter criticism, but he also displays considerable ignorance.

Gibson closed his letter by suggesting that A Sufferer had an irritable nervous disease and should move to another state if he didn’t like the noise.¹⁰⁰

A review of the United State census for 1900 provides us with more background on this particular dispute. J[ames] Le Roy Gibson is listed as a seventeen-year-old living with his grandfather. Gibson’s residence, 388 Monroe Street, is on the intersection A Sufferer had pinpointed as the source of the vocal concert. The “noted lecturer,” L[ouis] Cornish, appears to have lived about five or six houses down from Gibson and is listed in the same U.S. census as a thirty-five-year-old publisher. This isn’t to say that a seventeen-year-old couldn’t be involved with a prestigious vocal group nor that the publisher living down the street couldn’t also be a prestigious lecturer, although the

⁹⁹ A Sufferer, “A Noisy City and Why?” *Brooklyn Daily Eagle*, 28 Jun. 1901, p. 5.

¹⁰⁰ J. Le Roy Gibson, “Monroe Street All Right,” *Brooklyn Daily Eagle*, 2 Jul. 1901, p. 6.

choice of performance hours are somewhat suspicious, but it does clarify that all of the parties involved were indeed neighbors as opposed to visiting talent of widespread renown.

Humor pieces treating the horrors of the phonograph, such as the following, were already in circulation by 1902:

Among the Modern Terrors

“Where is that brass band?” inquired the man who was hunting an eligible flat.

“That isn’t a brass band,” answered the agent of the apartment-house. “That’s a phonograph on the floor above.”

“Come, Hester,” said the other, hastily, to his wife. “We’ll go and look at some other building.”¹⁰¹

By 1905, published complaints about the phonograph were in full swing. Landlords in the Hudson City section of Jersey City Heights had put a voluntary ban on phonographs, claiming that “families equipped with these ‘talk all night and sing all day’ instruments have driven out good tenants.”¹⁰² This fear of lost tenants was supported by articles such as “What to Avoid in Renting a New Flat.” The article provided a list of nuisances that included not only bad plumbing and vermin, but also a number of potential sonic problems. The article warned that the “worst evil of flat life is noise,” and urged tenants to inspect for architectural structures conducive to sonic seepage, such as “sounding board walls and floors” and “courtways that convey sounds,” as well as for non-musical sound sources such as children, men who stayed out late, and cats. The list of potential nuisances also included a number of musical sound sources that should be familiar at this point, including music teachers, piano practicers, amateur sopranos, and phonograph fiends.¹⁰³

¹⁰¹ “Among the Modern Terrors,” *Chicago Daily Tribune*, 13 Jun. 1902, p. 12.

¹⁰² “Landlords Put Phonographs Under the Ban,” *Chicago Daily Tribune*, 9 Mar. 1905, p. 5.

¹⁰³ “What to Avoid in Renting a New Flat,” *Chicago Daily Tribune*, 16 Apr. 1905, p. D7.

The specific complaints about the private use of phonographs are relatively similar to those about other forms of amateur music-making and street music. Sleep deprivation and the disruption of quiet relaxation at home again top the list.¹⁰⁴ Repetition seems to have been a close second. Phonograph “fiends,” as they were popularly called, were apparently infamous for latching on to a favorite song and playing it *ad infinitum* until either the record or their neighbors’ patience was entirely worn out. There’s a 1904 account of a man playing a scratched up copy of “Hannah, Won’t You Open That Door for Me” on a penny-in-the-slot phonograph at the Thirty-Ninth Street ferryhouse in New York until someone from a group of aggravated customers finally retaliated by starting up “Holy City” on the neighboring machine each time he played it.¹⁰⁵ In 1908 in Kansas City, a Mr. Harvey Turner broke into the room of one of his boarders, a Mr. Charles Johnson, and smashed up his phonograph equipment after he played “When the Moon Plays Peek-a Boo” a few too many times.¹⁰⁶ There are also reported cases from Portland and Philadelphia of people taking their spouses to court for playing the same song over and over again.¹⁰⁷ Reactions to repetitive playing were sometimes more violent, such as in a 1925 court case in San Antonio. Tired of listening to his neighbors, the Van Meters, play the same record for more than an hour, Weiner Rennert went next door and first struck one of the boys in the family before smashing the record.¹⁰⁸

Although women were occasionally the cause of a phonograph nuisance, complaints of too much repetition seem to have been aimed at men. In addition to reports

¹⁰⁴ “Acute Phonographomanics Uptown,” *New York Times*, 23 Jul. 1906, p. 6; “Phonograph Makes Trouble,” *New York Times*, 16 Jul. 1903, p. 2.

¹⁰⁵ “Phonograph Fiend Baffled,” *New York Times*, 29 Aug. 1904, p. 7.

¹⁰⁶ “Man Balks on Tune No. 400,” *The Fort Wayne News* (IN), 2 Nov. 1908, p. 8.

¹⁰⁷ “Wants Divorce or Some New Music,” *Edison Phonograph Monthly*, Feb. 1905, p. 13; “Plays Hiawatha: Arrested,” *Chicago Daily Tribune*, 6 Apr. 1904, p. 1.

¹⁰⁸ “Phonograph Leads to Neighborly Row,” *Los Angeles Times*, 18 Sept. 1925, p. 9.

of arrests and court trials, we find a number of jokes targeting men and their proclivity towards overplaying their favorite records:

A Santa Barbara (Cal.) man has a phonograph and 10,000 records. Still, he is probably no greater nuisance than a man with a dozen records.¹⁰⁹

Or:

G. B. Shaw in “Getting Married:” A man is like a phonograph with half a dozen records. You soon get tired of them, and yet you have to sit at table while he reels them off to every new visitor.¹¹⁰

The second example also contains a hint of egotism on the part of the male collector and his assumption that other people want to listen to and enjoy his choice of music—a phenomenon not dissimilar to that of women encouraging their daughters to practice their latest etudes on visitors. This egotism is also a theme found throughout the 1904 poem “The Phonograph Fiend” by E. A. Brininstool. Brininstool describes the phonograph fiend as placing his machine in the window “so everyone can hear.”¹¹¹ A 1906 poem by Duncan M. Smith, entitled “The Machine Singer,” is more explicit:

The man who owns a phonograph
Imagines that his fellow men
Are dying just to hear that tune
Over and over again.

It never seems to come to him,
The thought profound and deep,
That some of them who live hard by
Might like a little sleep.

He thinks they hurry home from work
Anticipating joys
In sitting on their porch at night
And listening to the noise.

He turns the crank a time or two,
Sits back and lets her go,
And “Suwanee [sic] River” roams at large
And wanders to and fro.

¹⁰⁹ [No Title], *The Washington Post*, 27 Aug. 1907, p. 6.

¹¹⁰ “What Every Wife Knows,” *Los Angeles Times*, 25 Oct. 1926, p. 14.

¹¹¹ E. A. Brininstool, “Tweentimes,” *Los Angeles Times*, 25 Jan. 1904, p. 6.

He thinks that any noise he hears
Is meant for an encore,
And so he winds it up again
And plays the tune once more.

He works off all the ancient tunes
And all the modern stuff
Until the poor machine must be
Inclined to cry, "Enough!"

And when at last he chokes it off,
Goes in and blows the light
You know that he will open up
And play them all next night.¹¹²

In the last verse of the poem, we again find a reference to the phonograph operator playing the same music over and over again, although this time the repetition is of a nightly program as opposed to a single song. The expectation on the part of the operator that surrounding listeners would appreciate the free concert and the creative act of self-expression also plays a part in many disputes over radios, not to mention loud home and car stereos.

Before the 1920s, complaints and sonic disputes involving privately owned phonographs seem to have occurred primarily between residents of the same household or apartment flat. This would change with the invention of electric loudspeakers, but during the acoustic era the primary means of amplifying the phonograph was through the addition of a rather large and cumbersome "megaphone attachment." Such attachments were used by theaters, record shops, and other retailers for the purpose of advertising to passersby—a topic that will be discussed in the next chapter—but would have been impractical for home use. We do have reports of the neighbors' reactions to the use of one of these attachments by Mrs. Isaac L. Rice at her opening campaign for an anti-noise society in Boston. While playing back a variety of New York street sounds for the

¹¹² Duncan M. Smith, "Humor and Philosophy," *The Lake County Times* (Hammond, IN), 30 Jul. 1906, p. 6.

women's club, the club president received a phone call from the hotel clerk informing her that nearby office residents had complained to the police and that they needed to stop the noise.¹¹³ In this case, the recordings were primarily of peddlers, such as scissors grinders and rag pickers, but the effect was more or less the same as that obtained by commercial phonograph operators. For the most part, however, the average home phonograph simply lacked the projection power to become a large scale nuisance unless it was placed near an open window.

When they were audible to listeners outside the operator's private space, however, the phonograph could be kept playing for as long as the owner was willing to change records. The act of producing music required little in the way of stamina and even less in the way of musical training. Moreover, the phonograph allowed for an infinite variety of sounds, many of which had been exceedingly rare within apartment houses before its invention. The well-stocked phonograph could produce not only cornets, sopranos, whistlers, and pianos, but also minstrel groups, orchestras, and brass bands. Although the volume and fidelity of these reproductions was limited, particularly before the addition of electric loudspeakers, the phonograph extended the domain of these timbres farther into the private sphere, in some cases pinning unwilling listeners between the sound of outdoor street performers and their indoor reproductions:

Even worse than the hurdy gurdy is the hand organ. One of these last named instruments stopped in front of The Herald office two or three evenings ago and its owner commenced to grind out a typical hand organ version of a tune which history says was popular ten or twelve years ago. He had hardly begun when the Salvation Army, which had posted itself two or three doors away, struck up one of its chants and a phonograph in a room of some building nearby started in on a brass band record. The effect may possibly be imagined. I certainly cannot describe it. The sounds mingled and produced discords so horrible as to fairly set my teeth on edge. It was useless to try to work and all I could do was to stick my fingers into my ears and wait for the noise to cease. It makes me shudder even now to think of it.¹¹⁴

¹¹³ "Canned Gotham Startles Boston," *Chicago Daily Tribune*, 14 Nov. 1908, p. 6.

¹¹⁴ "The Idle Observer," *The Portsmouth Herald* (NH), 11 Jun. 1903, p. 4.

Phonographs also contributed to the overall din caused by amateur vocalists and instrumentalists. A 1917 article by Frederic J. Haskin for the *Fitchburg Daily Sentinel* listed the various noises that had invaded the lives of apartment dwellers and included not only phonographs, gramophones, and graphonolas, but also street pianos, player pianos, pianofortes, singing at parties, oboes, flutes, cornets, fiddles, hurdy-gurdies, and harmonicas. Along with dust, Haskin defined noise as a potential contagion and the source of “famous American nervousness,” and he expressed his opinion that the only reason that music was allowed to cause so much suffering was due to its ability to also bring joy to its listeners and considerable money to a powerful music industry.¹¹⁵ An article published in 1907 in Syracuse, New York, also lumped together street musicians, amateur musicians, and phonographs. The author urged readers to be content with the winter cold because summer would mean the return of the barrel organ and that “as soon as windows are open a broad mouthed phonograph will be stationed at each one of them and from every house for blocks will come the same plaintive song that comes from the pianos, stationary and itinerant.”¹¹⁶

Also common were general inventories listing local sources of unpleasant noise, both musical and unmusical. A 1905 inventory of the soundscape for the “noisiest residential block in Hudson County,” in New Jersey included “a sawmill, a stone crusher, an iron foundry, a railroad crossing, an iron trestle, with trolley cars on it; a coal yard with iron chutes; a baseball park, where games are frequent; a frog pond, a piano in every residence, a squad of cornet players, two dozen phonographs.”¹¹⁷ To a fatigued city

¹¹⁵ “The Modern Serenade,” *Fitchburg Daily Sentinel* (Mass.), 13 Oct. 1917, p. 4.

¹¹⁶ “The Seamy Side of One Sort of Sadness,” *The Syracuse Herald*, 19 Dec. 1907, p. 4.

¹¹⁷ “Noisiest Block in Jersey,” *New York Times*, 3 Sept. 1905, p. 12.

dweller seeking silent repose or a medical man concerned with the physical and mental well being of the local population, any unwanted and potentially detrimental sound fit the category of noise. Peddlers, street musicians, and the next door neighbor's preferred form of musical entertainment were all a small part of the greater barrage of inescapable urban noise.

The overall impact of early acoustic talking machines upon private soundscape disputes, however, appears to have been rather limited. Compared to other forms of amateur music making, discussions regarding the proper and neighborly etiquette surrounding phonographic equipment are sparse. We also find few efforts to regulate the use of home talking machines before the 1920s, although they were included in many later ordinances primarily aimed at regulating the use of radio loudspeakers. So while it appears that people did hold grudges against the talking machine, the number of complaints to newspapers and city officials in most cities never reached the critical mass required for inspiring new legislation and enforcement efforts.

Radio Rowdies

Although radios initially charmed the public, their novelty soon wore off for many people. As radios became more common and radio broadcasts grew louder, later, and more boisterous, the letters complaining to the editors of local newspapers quickly increased in number. By 1929, letters and articles lambasting the radio bear an uncanny resemblance to those treating other forms of amateur music-making. For instance, we find complaints about too many sound producers in one area:

One evening, on our porch, five loud speakers crashed the already overburdened air, and forced us into a closed room. Even the cries of the wild animals at the Zoo were drowned out. All hail to

the Texas judge who shot a loud speaker to splinters. What we need is another Carrie Nation to give relief to us poor victims of this raucous noise.¹¹⁸

While the above excerpt was written in Washington, DC in 1929, the following one comes from 1950 Chicago:

As I sit with my ears plugged with cotton to deaden some of the radio and television racket, I can hear six loud-speakers—under me, on each side, above me, and across the way. If I ask them to turn the din down a bit, they reduce it from fortissimo maximo to just fortissimo. If I call the police, I am laughed at. If I take the offenders to court I find the judge is a loud-speaker enthusiast himself.¹¹⁹

This second complaint is also reminiscent of Babbage's efforts to obtain police protection and court action against street musicians in the 1850s. A third writer complained about people installing their radios near open doors or windows, resulting in the entire neighborhood receiving a mix of musical timbres all at once including sermons, grand opera, the nasal voice of a female minstrel singer, and a jazz orchestra or two.¹²⁰

The range of timbres available to the radio, like that of the phonograph, was seen as a new problem by a few residents. One reader vented to *The Washington Post* that if a person went to a house agent and said:

"I want an apartment; I keep a jazz band, a symphony orchestra, several speakers' bureaus, a baseball team, and I stage an occasional prize fight in my rooms," the lease never would have been granted to him, but because he has all of these things in his room, under the name of radio, no one has any right (legal) to complain.¹²¹

With the help of the radio loudspeaker, sounds formerly limited to the domain of entertainment venues, or in occasional short doses through the phonograph, now entered the cramped mosaic of private soundscapes comprising the average apartment building at lifelike, or louder than lifelike, levels.

¹¹⁸ Mrs. Charlton M. Clark, "Loud Speakers Drown Out Zoo," *The Washington Post*, 1929 Nov. 17, p. F1.

¹¹⁹ Mark Taber, "Voice of the People," *Chicago Daily Tribune*, 23 Aug. 1950, p. 22.

¹²⁰ One of the Neighbors, "A Radio Nuisance," *Chicago Daily Tribune*, 5 Aug. 1927, p. 8.

¹²¹ Frances Mercer Jones, "Dr. Woodrow Eliot's Radio Education Pitilessly Discussed," *The Washington Post*, 16 Sept. 1929, p. 6.

Another difference between the radio and previous forms of music production was that the radio could be played continuously with little to no effort on the part of the operator. Unlike musical instruments, which required constant physical activity from the performer, or the phonograph, which required the user to change records every two to four minutes, the radio did not require physical effort, consciousness, or even the operator's presence to make music. As we saw at the beginning of this chapter, Robert Ferrari took his neighbor to court for playing his radio at full volume for nineteen hours a day, a feat that even outdoes the ambitious young pianist from Paris.¹²² Once it was turned on, in fact, the radio could even be operated by the dead. On at least two separate occasions, one in 1932 and another in 1956, complaints from the neighbors regarding an incessantly loud radio—for thirty-six hours in the first case and a week in the latter—led authorities to the discovery of its deceased owner.¹²³

This new found ability affected not only the duration of music in the home, but also the volume. Although newspaper columns such as “Fifteen Minutes a Day of Radio” urged listeners to set the volume of their radio at the same level as they would hear coming from a live source. Unfortunately, the writers of these pieces did not take into account that there was no reason for the operator to remain in the same room with his or her radio, meaning that to hear the music at a lifelike level in the kitchen would require a listener to set a radio located in the living room at a level that was louder than lifelike.¹²⁴ With the radio, we find commentary such as the following:

When the windows are closed, it does not matter much if the neighbors wash their dishes in the kitchen to dance music from the living room, or take their baths to the opera instead of whistling

¹²² “Gotham Lawyer’s Fight on Radio Nuisance Attracts,” *Billings Gazette* (MT), 18 Sept. 1929, p. 7.

¹²³ “D. J. Ely Found Dead while Radio Plays,” *New York Times*, 26 Aug. 1932, p. 18; “Top Maritime Figure Dies,” *San Mateo Times* (CA), 11 Sept. 1956, p. 21.

¹²⁴ Joseph Calasterra, “Fifteen Minutes a Day of Radio,” *Boston Daily Globe*, 14 Mar. 1924, p. 17.

their own accompaniment, but with the coming of warm weather, those same neighbors are broadcasting for nearly a block. Some of them even water the garden or gossip over the backfence [sic] to their favorite programs. What will prevent them from pushing the lawn-mower to a jazz selection?¹²⁵

If the above excerpt hypothetically suggests that neighbors could broadcast their music across their domestic space and surrounding yard at more than lifelike levels, the following excerpt from a letter to the editor of *The Hartford Courant* presents it as a reality:

What can be done about a neighbor who sets his radio in his window and then goes across the street to work in his garage, letting the radio play at its loudest for hours, disturbing both sick and well people for a block in each direction?¹²⁶

Another letter to the editor complained about a neighbor who turned his radio on full force after work only to “go off where he cannot possibly hear it, but all the neighbors must suffer just the same.”¹²⁷ The hands-off nature of radio made it not only a form of personal entertainment but a soundtrack for the activities of daily life.

By far the most common complaint about the radio, occasionally in combination with its ability to produce long stretches of continuous music, was that it often deprived unwilling listeners of their evening relaxation and sleep. By 1928, the problem of sleep loss due to noisy radios had become so common that papers began throwing about the term “radio insomnia.” The problem was particularly bad in the summer and one newspaper reporter described apartment dwellers as waking to the broadcast music accompanying their neighbor’s pre-breakfast exercise and being kept up long past

¹²⁵ “The Neighborhood Racket,” *The Hartford Courant*, 15 May 1931, p. 14.

¹²⁶ “Could Be Easily Suppressed,” *The Hartford Courant*, 6 Sept. 1926, p. 9.

¹²⁷ Mary Stoner, “Crime Wave among Radio Users Who Destroy Neighbors’ Peace—‘An Old Crank,’” *The Washington Post*, 13 Sept. 1929, p. 6.

midnight by the “sounds and jazz acceptable to those who want it but disturbing to those who don’t.”¹²⁸

Jazz in particular drew fire from those protesting late night radio coming from neighboring apartments. Its association with dancehalls and speakeasies gave jazz a reputation as late night party music. As a result, many stations started their jazz broadcasts late in the evening to accommodate listeners’ expectations. A 1926 letter to the *New York Times* complained that a jazz band in Newark or Washington could keep blocks of people in New York awake and suggested that willing listeners should use their earphones after midnight.¹²⁹ Another letter complained that it was “frequently impossible to sleep until say 2 o’clock in the morning, when the radio-mad tenants have satisfied their appetites for jazz and other sleep-disturbing noises.”¹³⁰ Yet another complained that jazz music, nasal singing, and prizefight reports from their neighbors’ radios kept them awake until 2 AM or even later on the average night. The same letter also recommended that radios be subjected to the same restricted hours as riveting.¹³¹ Although jazz was most commonly complained about as a nighttime nuisance, one newspaper article recommended to broadcasters that they avoid playing it and other forms of lively music in the morning, stating that “it is not necessary to start off the day with the battle of Argonne as fought between a boiler shop and a battery of saxophones. Neither do people need a brass band with their morning prunes.”¹³²

¹²⁸ Joseph Jastrow, “Keeping Mentally Fit,” *The Hartford Courant*, 8 Oct. 1928, p. 10; “Congratulations New York,” *Christian Science Monitor*, 24 May 1930, p. 4.

¹²⁹ E. H. Leete, “Another Noise Nuisance,” *New York Times*, 2 Jul. 1926, p. 18.

¹³⁰ J. D. H., “The Loud-Speaker a Menace,” *New York Times*, 30 Sept. 1927, p. 24.

¹³¹ Disgruntled, “The Loud-Speaker Nuisance,” *New York Times*, 27 Sept. 1927, p. 26.

¹³² “Did You Hear That?” *Los Angeles Times*, 28 Sept. 1929, p. A4.

In addition to sleep deprivation, loud radios were also cited as having a negative effect on the human nervous system. Although nineteenth century notions of nerve force had fallen out of favor by the 1930s, a new era of scientific research had taken its place. Concerned with the effects of urban noise on the mental and physical health of its citizens, New York City formed a Noise Abatement Commission under the supervision of the Department of Health in 1929 to study the problem in greater detail. The Committee on Effect of Noise on Human Beings was formed as part of this commission. After a year of independent research and collaboration with the Noise Commission of London, the Committee reported back that noise reduced intellectual efficiency and mental concentration, negatively affected neuroses and sleep quality, and increased fatigue, hearing loss, blood pressure, pulse, and brain pressure.¹³³

Moreover, the scientists and medical men of the 1930s were more vocal about these effects than were those from the previous era. Drawing from the research of the other committees forming the New York Noise Abatement Commission, the Committee on Practical Remedies not only drafted new amendments to the sanitary code and various city ordinances, but also designed and carried out a program to inform and educate the public about the health risks of noise. One part of the educational program consisted of a series of radio programs such as “Noise as a Health Problem,” “What Noise Does to Human Beings,” and “What Can We Citizens of New York Do about Noise?”¹³⁴

Due to the results of a questionnaire asking the public to indicate the most annoying noise nuisance, a survey of recent newspaper articles, the Ferrari case, and a flood of petitions and complaints to the Board of Health, the Noise Abatement

¹³³ For more on the activities and reports of the New York Noise Abatement Commission, see: Brown, et al. (1930).

¹³⁴ Full transcripts of these radio programs also appear in Brown, et al. (1930).

Commission was keenly aware that privately owned radios were part of the urban noise problem.¹³⁵ Of the 11,068 responses received to the questionnaire, 7.00% complained about privately owned radios—the third highest source of annoyance after truck motors (10.16%) and automobile horns (9.81%). Overall, home radio was ranked as more annoying than the elevated train, emergency sirens, and various forms of construction noise.¹³⁶ The Committee on Practical Remedies described its immediate actions as follows:

In order to bring speedy relief to citizens who are annoyed by the use of radio loudspeakers in their homes during the late hours of the evening, we asked the radio stations in New York City to cooperate in a campaign designed to educate radio listeners in noise etiquette. The stations cooperated whole-heartedly and each night at 10:30 had announcements made requesting their listeners to remember that radios might be disturbing to their neighbors and to tune them down as an act of good sportsmanship. These announcements were made for a period from one month to six weeks and we received many letters from radio listeners informing us that the announcements had produced excellent results.¹³⁷

Although New York was not the first city to consider regulating the radio (Corporation Counsel Francis X. Busch of Chicago decided that the late night use of a loud speaker could be considered as disorderly conduct under the existing city ordinance and statute in 1926), its reputation as the nation's largest and noisiest city helped it catch the nation's attention.¹³⁸ Writers for *The Washington Post*, *The Hartford Courant*, the *Christian Science Monitor*, the *Los Angeles Times* and host of smaller papers followed New York's activities with interest. By the summer of 1930, *The Port Arthur News* in New Hampshire reported that Cleveland, Detroit, Chicago, and the District of Columbia had

¹³⁵ According to one article, Health Commissioner Wynne received at least one petition signed by fifty people requesting an amendment to the sanitary code that would prohibit the late night use of loud-speakers in such a manner as to disturb the "quiet or repose of any person therein or in the vicinity, to the detriment of the life or health of such person." See: "City Law Is Asked to Curb Loud Radios," *New York Times*, 16 Sept. 1929, p. 38.

¹³⁶ A tabulation of the results of the Noise Abatement Commission's questionnaire may be found in: Brown, et al. (1930), 27.

¹³⁷ Ibid., 202.

¹³⁸ "Annoying Loud Speaker Held to Violate Law," *Chicago Daily Tribune*, 12 Feb. 1926, p. 20.

adopted regulations against excessive radio noise.¹³⁹ Hartford, Connecticut followed suit and *The Hartford Courant* closely followed the city's progress from the first request for an anti-noise law in June 1930 by Dr. Charles P. Botsford, Superintendent of the Health Department, to the ratification of an ordinance classing excessive use of radios as a nuisance in November, to the first complaint made under the new ordinance in December.¹⁴⁰

Hartford's proclaimed victory against noisy radios appears to have either been hollow or short-lived, since ten years after the excitement shown by *The Hartford Courant* over the city's progress, a letter to the editor suggested following Boston's example and passing an anti-noise statute.¹⁴¹ Even earlier, a 1934 letter to the *Courant* editor asked whether there was any redress against a neighbor's noisy radio, suggesting that citizens may have been unaware of the ordinance.¹⁴²

Nor was Hartford the only city that faced citizens' ignorance of its noise ordinances despite a barrage of publicity. A letter to the *New York Times* in 1933 indicated that at least a few *policemen* were unaware of the new ordinance despite the published report, newspaper articles, and radio programs generated by the Noise Abatement Committee. Alfred Riese, the author of this letter, described appealing to a policeman for help in silencing his neighbor's radio only to have the officer inform him that the police lacked the "authority to interfere with any person's right to play music at

¹³⁹ "City Law Bars Radio Nuisance," *The Port Arthur News* (TX), 3 Aug. 1930, p. 20.

¹⁴⁰ See, respectively, the following articles: "Botsford May Ask Anti-Noise Law," *The Hartford Courant*, 17 Jun. 1930, p. 21; "Mayor Signs Ordinance Restricting Loud Radios," *The Hartford Courant*, 13 Nov. 1930, p. 18; "First Complaint Made Against Radio Noise Under New Ordinance," *The Hartford Courant*, 14 Dec. 1930, p. 10B. Numerous other articles were also published by the *Courant* on the formation and progress of the local Noise Abatement Committee and the ordinance.

¹⁴¹ "We Have Anti-Noise Laws," *The Hartford Courant*, 23 Mar. 1941, p. A2.

¹⁴² Sumner Street, "Noisy Radio," *The Hartford Courant*, 24 Jul. 1934, p. 12.

any hour.” Riese complained that the real problem existed not with the ordinance itself, but with the ignorance of the public and officers about the law and the proper procedure for enforcing it. To relieve this ignorance, Riese included the text of the ordinance and the necessary steps in seeking remonstrative action:

‘No person owning, occupying or having charge of any building or premises or part thereof, shall keep or allow thereon or therein any radio, phonograph or other sound-making or reproducing device which shall by noise disturb the quiet or repose of or shall annoy any person therein or in the vicinity.’

The following procedure should be followed in enforcing this law:

1. Attempt to get the cooperation of your neighbor by requesting him politely to tune his radio down or else keep his windows closed. Do not, however, use persuasive methods that make the situation into one of personal antagonism.
2. If this fails, call Spring 7-3100 and ask for your local precinct police station. The captain should dispatch an officer to explain the law to the offender and request him to desist.
3. Should this not suffice, notify the police captain again. He should instruct the officer to summon the offender to court. This necessitates the appearance of the complainant in court to testify that the radio disturbs his quiet or repose.
4. If there is any slip up, get in touch with Chief Inspector of the Police Department at the same phone number.¹⁴³

Although Riese casually provided his readers with this rather harrowing looking set of instructions, it is worth noting that he opened his letter by describing the countless loudspeakers that had disrupted his intellectual pursuits, interrupted his sleep, and encouraged two moves over the past three years. Riese does not mention that following the procedure had improved his efforts at protecting his home from unwanted radio broadcasts.

Although the increased concern on the part of medical professionals regarding the harmful effects of urban noise on the human mind and body initially may have seemed promising, it soon encouraged local officials to add yet another legal obstacle for citizens seeking to abate perceived musical nuisances. Once noise became regarded as a health

¹⁴³ Alfred Riese, “Quieting the Loud Speaker,” *New York Times*, 30 Jun. 1933, p. 16.

hazard or a sanitation concern, some city courts, most notably in New York, required citizens to first obtain a statement from the Board of Health supporting their claim that their neighbor's music-making was a potential health hazard. Citizens could send a letter to the New York Board of Health detailing the time and type of music coming from their neighbors' residence. If these musical activities were deemed to be excessive, the Board of Health would send out one of their investigators to assess the situation and, if the complainant's claims proved accurate, the Board would then testify on the complainant's behalf in court.¹⁴⁴ Of course, the investigator would have to catch the radio operator in the act. A complainant who was either unaware of or unable to secure the Board's endorsement would face considerable difficulty in the courts.

The association of sound with other forms of pollution and sanitation threats partially explains metaphorical statements such as the following published around 1930:

It would be a ridiculous thing to punish a man for keeping a skunk farm to the windward of his enemy's house yet allow him to go scot free when he lets loose a hell of sound at his next door neighbor.¹⁴⁵

Another article published around the same time recommended abating the problem of noise in the same manner used for reducing the amount of smoke.¹⁴⁶ However, as we have seen in the previous chapter, people seemed to make this connection between unwanted sound and other categories of pollution long before it became the jurisdiction of health boards and sanitation departments. An article published in June of 1892 in the *Brooklyn Daily Eagle* complained that the Board of Health would remove a dead horse, but not the "man who plays 'Comrades' on the piano with one finger eight hours at a

¹⁴⁴ Ibid.

¹⁴⁵ Brown, et al. (1930), 92; reprinted from the *Providence News*.

¹⁴⁶ Ibid.; reprinted from the *Newark Call*.

stretch, although these latter nuisances, by putting the public nerves on edge and preventing sleep, are more serious menaces against health than the horse.”¹⁴⁷

Lacking tangible evidence and even earwitness accounts of their sonic disputes, many people turned to the discursive strategy of metaphorically comparing the ill effects afflicted upon them by musical sound to the more recognized affect of decaying animals and huge industrial machines. The underlying argument seems to have been that if the physiological and psychological effects were the same, why should the courts be more sympathetic or lenient towards sonic pollution created by the neighbors than they would be towards a rotting horse or steam-driven factory equipment?

Most judges were skeptical of such claims, particularly since noise pollution seldom evidenced the physical damage caused by smoke, noxious chemicals, and other forms of visual and olfactory blight. Instead of assessing claimed damages, judges often found themselves weighing whether a plaintiff’s use of his or her radio really was causing an excessive and unnecessary degree of disruption for the neighbors or whether the neighbors were showing an unreasonable degree of intolerance towards the defendant’s musical hobby. Perhaps aware of this perceived ambiguity, radio operators often defended radio use as pleasant, relaxing, entertaining, and educational. They tended to paint those complaining as overly nervous, as killjoys, and as seeking to control their neighbors’ activities. In 1929, the following letter in defense of radios by an E. P. Reeves appeared in *The Washington Post*:

To the Editor of The Post—Sir: Our District Commissioners are just now being praised by the press and a few others for their regulation putting the kibosh on loud speakers. For my part I think all this talk about city noises is poppycock.

¹⁴⁷ “Noise,” *Brooklyn Daily Eagle*, 22 Jun. 1892, p. 4.

So far as the loud-speaker is concerned I like to sit on the front porch or lie abed in my back room of a summer night and enjoy the free concert of jazz, wise-cracking, and soulful crooning provided by my neighbors.

You see, I am just a plain, ordinary normal human, who doesn't spend all of his spare time chasing around from movie to movie and on all sorts of late automobile trips, thereby getting my nervous system out of gear. After my day's work is done my nerves are always in condition to enjoy my neighbor's loud-speaker, and the old familiar city sounds are just as pleasing in my ears as those of the country are to a countryman.

My opinion is that a good many of those who get peevish about the artistic and other offerings of the radio should consult a nerve specialist.

It is all nonsense to try to regulate the necessary noises of modern life so as to please a few nervous killjoys.

For their benefit, and to save our city heads from a lot of bluffing, I favor the establishment of a hospital for noise neurotics.¹⁴⁸

Reeves' letter not only painted his enjoyment of loud and continuous radio as normal, but also claimed that those bothered by such an experience were either bluffing about their nervous state out of pure peevishness or in need of medical treatment.

One of the most representative of these defenses, and one that drew a lot of return fire from other readers of the *Washington Post* around the time of the second Ferrari trial, was a letter to the editor published under the alias of J. Woodrow Eliot, Ph.D.:

To the Editor of The Post—Sir: I do not suppose that I am the only owner of a radio who has received complaints and threats from neighbors who object to the musical entertainment of the radio these summer nights. I am not speaking, or writing, for the others, but as for myself I wish to announce that my loud-speaker will continue to function. Radio programs are educational and they add to my enjoyment of life. I intend to keep the windows of my home open. My neighbors are at liberty to benefit in an educational way from the programs which my investment in a radio enables me to disseminate.

I violate no law in raising my windows, and there is no law on the statute books which my radio violates. Congress has deprived many of the people of America of pleasures which we once enjoyed. Congress may some day shut down on the loud-speaker. But until the national legislature takes steps to stop me I shall keep it up in spite of the sneaks who send me anonymous letters. I despise and defy them. No human being can intimidate me into shutting off my radio.¹⁴⁹

Eliot colored the complaints of neighbors about his radio—or even his failure to close his windows while using it—as an attack on his constitutional rights and as preventing his altruistic mission of educating his neighbors.

¹⁴⁸ E. P. Reeves, "Mr. Reeves Likes His Neighbors' Loud Speakers and All Other City Sounds," *The Washington Post*, 23 Jul. 1930, p. 6.

¹⁴⁹ J. Woodrow Eliot, Ph.D., "Radio User Issues Defy to 'Sneaks' Who Threaten Him," *The Washington Post*, 11 Sept. 1929, p. 6.

Responses to Eliot's letter varied. One woman claimed that Eliot sounded like an old crank who was turning up his radio just to spite his neighbors.¹⁵⁰ A Francis J. Murphy argued that if the "tribe of J. Woodrow Eliot" continued to assault the health and morals of the community, then the community would rise up and demand that Congress and local lawmakers provide them with relief and protection from such "radio fiends."¹⁵¹ A Frances Mercer Jones questioned Eliot's right to educate his neighbors and stated that Eliot's decision to blare his radio through an open window suggested that he was the one in need of progressing his own education.¹⁵² Along similar lines, an Edward Mullins labeled Eliot as one of the "abnormal individuals who attempt to carry out their ideas of freedom as opposed to that of the majority." He questioned Eliot's right to make the community suffer for the sake of his own enjoyment or to take it upon himself to become its self-appointed educator.¹⁵³ Even the regular writers for the *Washington Post* took a swipe at Eliot when favorably reporting on the efforts of the New York campaign against noise, stating that "Every city has its quota of Dr. J. Woodrow Eliots, who recently addressed a letter to The Post upholding his right to use a radio when and as he saw fit, without the slightest regard for others."¹⁵⁴

Although Eliot was based in Washington, DC, similar attitudes were apparently shared by radio enthusiasts in New York. Even after the passing of new ordinances in 1930, the Radio Commission and the police found themselves overwhelmed by a flood of

¹⁵⁰ Mary Stoner, "Crime Wave among Radio Users Who Destroy Neighbors' Peace—'An Old Crank,'" *The Washington Post*, 13 Sept. 1929, p. 6.

¹⁵¹ Francis J. Murphy, "Midnight Radio Outrages Call for Another Prohibition Amendment and Volstead Act Suppressing the Nuisance, Says Mr. Murphy," *The Washington Post*, 14 Sept. 1929, p. 6.

¹⁵² Frances Mercer Jones, "Dr. Woodrow Eliot's Radio Education Pitilessly Discussed," *The Washington Post*, 16 Sept. 1929, p. 6.

¹⁵³ Edward Mullins, Ph.D., "More for J. Woodrow," *The Washington Post*, 27 Oct. 1929, p. A5.

¹⁵⁴ "Campaign Against Noise," *The Washington Post*, 17 Sept. 1929, p. 8.

individuals seeking relief from late night loud speakers. The best strategy that Colonel Thaddeus H. Brown of the Federal Radio Commission could recommend was to apply the Golden Rule and to be considerate of one's neighbors. Other than reminding people to be courteous, there was little that the Commission could do to limit the hours or volume levels at which operators decided to listen to their radios.¹⁵⁵ If a radio operator decided that it was within his constitutional rights to play his radio at full volume late at night, the odds of obtaining legal action were against his or her neighbors.

City governments have continued to generate, amend, and reword ordinances, but the problem of enforcement and prosecution remains the same. Ordinances remain vague and difficult for judges and police officers to interpret. Catching offenders in the act, particularly when police departments lack the funds, resources, and man power to deal with crimes of a more tangibly violent and destructive nature, remains difficult. Proving psychological and emotional damages to the court still tends to hinge on the biases of individual judges. In truth, these problems will probably remain unresolved and it would seem a wiser use of time and resources to instead deal with the problem at its roots. Rather than seeking out and prosecuting music makers as criminals, cities should instead promote architectural and urban designs which will provide spaces for sonic play and repose. Only by offering citizens a place to create the sonic experiences they desire without infringing upon those of others will city officials be able to prevent future conflicts between amateur music-makers and their unwilling listeners.

¹⁵⁵ Robert D. Heinl, "Radio Dial Flashes," *The Washington Post*, 24 Jul. 1933, p. 8.

Chapter Six
Adverse Effects: The Role of Peddlers, Band Organs, Radios,
and Sound Trucks in Musical Advertising

City officials have proven the most willing to regulate the use of music for commercial advertising. Although the musical activities of advertisers and street musicians involved the use of public space in a manner that often impinged on private soundscapes for the sake of drawing in customers, there were several significant differences between the two. First, in the case of street musicians, the means of advertising and the product were primarily one and the same. To bar a musician from publicly advertising his or her goods would also, for all practical purposes, bar them from selling their product. In terms of legislation and court rulings, we tend to find that city officials were either unwilling to regulate street music because this prevented the performers from earning an honest living or willing to regulate it as a potential form of mendicancy or extortion.

Second, the power structure between the seller and potential customers tended to have a different balance. In the case of street music, individual sellers held a relatively marginalized position in society. Any ability they had to thwart legislative and enforcement efforts appears to have stemmed from their supporters and their overwhelming numbers; street music supporters were willing to offer protection from the police and in the courts while the sheer number of musicians ensured that only a few individuals, and not the institution of street music as a whole, would suffer the consequences of legal infractions. The police simply did not possess the money and manpower necessary to pursue every sonic offense complained about by the public.

In contrast, commercial enterprises making use of music for advertising often held a more favorable position of power. As holders of considerable capital, these enterprises often possessed sufficient means of defending themselves in court against private individuals. Except in the case of small business owners, many enterprises either could hire and retain skilled lawyers or were based on a bureaucratic structure that included individuals specializing in rhetoric and public relations. Unless a private individual could clearly demonstrate a major grievance, muster the means of paying a competent lawyer, or organize a class action suit, his or her chances of effectively warding off the sounds of advertising were slim.

Peddlers' Cries as Musical Advertising

Before the end of the nineteenth century, the power structures in place for protecting the musical advertising activities of commercial vendors were a bit different. Peddlers' cries and signals were one of the earliest forms of advertising to rankle the

public's nerves. These cries were often semi-musical to help potential customers distinguish the cry for a particular desired ware from the general cacophony. In fact, an early satirical piece from 1805 critiquing peddlers' cries doesn't complain about the noise but rather the difficulty of distinguishing between peddlers due to the sloppiness of their renditions:

The great errors which have crept into our system of *Cries* are principally these: the same *music* is often applied to different words; and we have a great many words set to music so improperly that the "sound is not an echo to the sense".... I have said that the same music is often applied to different words. There is a man under my window at this moment, who cries *potatoes* to the self-same tune that I remember when *cherries* were in season; and it was but yesterday a woman invited the public to purchase *shrimps*, to a tune which has invariably been applied to *salt-cod*: as to *spinage*, and *muffins*, I have heard them so often chaunted in *D*, that I defy any man to know which is which.¹

The author continues with his tongue-in-cheek critique, complaining of changes to vibrato, changes in key, incorrect renditions of rhythm, and so on. Even in 1805, he complains that barrel-organs were competing with and ruining the cries of fish and garden-stuff women, stating:

[F]or indeed how can a woman, be she ever so good a singer, listen to their play-house tunes, and whip her ass along at the same time? It cannot be done; people who have nice ears are most easily disturbed by sounds; and how can one give the elegant melody of *Windsor beans*, and listen at the same time to *God save the King*?²

The piece cited above is undoubtedly intended to be humorous by applying the aesthetic system of critique normally reserved for art music to street cries, probably a novel concept before the formation of the Folk-Lore and Folk-Song societies towards the end of the century. Still, these passages do demonstrate to some degree the association of specific tunes with products on the part of the public.

Although this 1805 piece focused on problems of commerce resulting from muddled street cries, even earlier works expressed annoyance at the sounds of peddlers.

¹ "Music," *The Spirit of the Public Journals* 1, 1 Jan. 1805, pp. 267-68.

² *Ibid.*, p. 271.

Ben Johnson's comedy, *Epicoene, or The Silent Woman*, first acted in 1609, contains a scene in which the characters Clerimont and True-wit discuss the peculiar intolerance of their friend, Morose, for noise. Morose is described in the cast listing as "a Gentleman that loves no noyse" and the sounds that bother him include the cries of fish wives, orange women, chimney sweeps, custard mongers, broom sellers, and bell men, as well as the sounds of smiths, carts, wait bands, and street performers.³ Apparently people other than the fictional character of Morose had problems with peddlers in the seventeenth century. By 1694, a law was put into place by the Common Council allowing peddlers and petty chapmen to be arrested as rogues and beggars, for which the minimum penalty was a whipping.⁴

As mentioned earlier, we also find a few peddlers depicted in Hogarth's *Enraged Musician* (1740) along with street musicians and other urban noise makers. Among their ranks, Hogarth included a scissors grinder, whose horn hangs visible on the side of his machine, a sow-gelder sounding his horn, a dustman ringing his bell, and a fishmonger and milkmaid crying their wares.⁵ These images suggest that street criers were already creating some degree of difficulty, at least for professional musicians, in the first half of the eighteenth century.

By 1851, Charles Knight was able to publish an essay discussing the long and dynamic history of street cries in London. Knight explained that some of the hundreds of street cries existent in Ben Johnson's time had disappeared. This decline was partly due to either the disappearance of a particular product or the displacement of itinerant and stall-based vendors by shops. He also blamed the Metropolitan Police Act of 1839,

³ J[ohnson] (1620).

⁴ Knight, ed. (1851), v. 1, 135.

⁵ Reverend John Trusler, 1768, *Hogarth Moralized*, reprinted in Barlow (2005), 274.

which barred the use of horns and other instruments to announce products and services, as responsible for the disappearance of the newsman's trumpet and the bells of the dust- and muffin-man. In Knight's opinion, this regulation did nothing to lessen the deafening city noise, but rather made it more monotonous by forbidding some of the less common and more interesting sounds.

Despite this 1839 Police Act, a number of street cries were still in circulation in Knight's time. The custard seller was still active, and in the habit of crying his wares so loudly that "he puts his hand behind his ear to mitigate the sensation which he inflicts upon his own tympanum."⁶ The cries of fishmongers, rag and old clothes men, milk carriers, food vendors, and sellers of watercress, lavender, and other produce were also commonly heard in the streets of London.⁷ If Knight found the sounds monotonous, James Beresford was more colorful in his 1807 description of peddler's cries as one of the annoyances of London life:

WHILE you are harmlessly reading, or writing, in a room which fronts the street, being compelled, during the whole morning, to undergo that savage jargon of yells, brays, and screams, familiarly, but feebly, termed, "the Cries of London"—dustmen, beggars, muffin-mongers, knife-grinders, and news-carriers included:—

"Bombalio, clangor, stridor, tarantantara, murmur!"⁸

Ironically, Beresford altered this passage in the 1853 edition of his work and changed the word "brays" to "bells," although this could be a result of its publication for sale in the United States where the use of bells and musical instruments was still allowed in many cities at this time. In concord with Knight's observations, however, dust- and muffin-men disappeared from the later version of the passage and were replaced by organ-

⁶ Knight, ed. (1851), v. 1, 134.

⁷ For more on street cries in general, see: Knight, ed. (1851), v. 1, 129-44.

⁸ Beresford (1807), 63-64.

grinders and ash-, rag-, and charcoal-carmen.⁹ Both editions mention that the various dialects and languages used by street peddlers often made it impossible for a potential customer to identify the object or service for sale even when they were interested in buying.

In addition to the works by Hogarth, Knight, and Beresford, many of the other articles and essays examined in Chapter Four mention peddlers along with street musicians as a source of sonic complaint. For instance, Thomas Wright mentioned that his efforts to sleep in on Sunday mornings, the only day available to the working classes for sleeping in, were thwarted by the “sleep-murdering roars of the itinerant purveyors of breakfast relishes.” The vocal efforts of morning peddlers selling milk, watercress, shrimp, fish, and other foodstuffs proved impossible to sleep through and continued throughout the day.¹⁰ Interestingly enough, one of the concerns expressed by the House of Lords when considering new legislation in the 1860s that sought to ban peddlers’ cries on Sundays, was that banning the cries would prevent members of the working classes from making Sunday morning purchases with their Saturday afternoon paychecks, perhaps demonstrating how out of touch the Lords were with working class concerns.¹¹

Mackay’s schedule of street music performances closes with the cries of the newspaper boys after 10 PM.¹² “The Demons of Pimlico,” a poem originally published in *Punch*, lists not only German bands and a number of organ-grinders, but also the cries from sellers of watercress, periwinkles, images, pots, matches, baskets, whilks, rabbit, onions, hareskin, cat’s meat, beer, fish, and hearthstones. Also mentioned are shouted

⁹ James Beresford (1853), 42-43.

¹⁰ Wright (1970 [1868]), 193.

¹¹ “Punch’s Essence of Parliament,” *Punch* 38, 12 May 1860.

¹² Mackay (1868), 233.

offers to sweep chimneys, buy old clothes, sharpen knives, dust sidewalks, and mend chairs and kettles.¹³

The tendency to complain about street peddlers in combination with street musician and other sounds deemed unwanted or unnecessary was even more common in the United States. The following is a fairly representative list of urban noise found in Philadelphia and Brooklyn in 1900:

The drunkards and rowdy boys bawl and yell unrestrained, the dogs bark, the crazy whistlers do their worst, the street vendors bellow and the buyers of old rags outbellow them, the street-car men bang their bells, and the street-organs add to the din. In Brooklyn recently the street vendors in every street, failing to invent a more diabolical noise, were ringing cow-bells. The modern trolley-car is the very acme of atrocity. It has been made so heavy and the crossing rails are so clumsily arranged that houses are jarred for a square every minute or two day and night, and dynamo-roar and bell-thumping are added. We have taught the young for a hundred years that making the most frightful noise is the way to express joy. How long will it take us to teach the healthfulness of quiet? How soon shall we learn that one has no more right to throw noises than they have to throw stones into houses?¹⁴

In 1896, J. H. Girdner, M.D. broke the “plague of city noises” into the following six categories:

1. Noises produced by horses and wheeled vehicles.
2. Noises produced by street peddlers, beggars, street musicians, etc.
3. Noises produced by bells, whistles, clocks, etc.
4. Noises produced by animals other than horses, as cats, birds, etc.
5. All noises which come from the inside of our houses, as persons learning to play musical instruments, training the voice, etc., etc.
6. Explosives.¹⁵

Girdner also distinguished between these categories as necessary and unnecessary. The first group was felt to be necessary but in need of considerable abatement through advancements in technology, such as asphalt and improved manhole covers, and through the mandatory maintenance of vehicles. Girdner deemed the cries of peddlers and mendicants as entirely unnecessary and felt that their business could be “conducted decently and in order” without creating hardship for the sellers. Although he disliked

¹³ “Demons of Pimlico,” *Punch* 33, 21 Nov. 1857, p. 215.

¹⁴ “The Noise Nuisance,” *Current Literature* 29(5), 1900 Nov., p. 508.

¹⁵ Girdner, M. D. (1896), 300.

street music, Girdner accepted that some people considered it a necessary form of entertainment. He considered all bells and whistles used to announce the hour as unnecessary since the rise of the widespread popularity of clocks and watches. Likewise, noisy animals and fireworks fell among the unnecessary noises. Girdner refused to classify amateur musicians as necessary or unnecessary beyond commenting that most people needed lessons to end the habit of shouting and screeching at drawing-room receptions.

If the concepts of depleted nerve force and nervous prostration had largely fallen by the wayside by 1900, the idea that noise contributed to nervousness and was harmful to the infirm remained. Medical men such as Girdner felt that urban noise, whichever form it took, was harming invalids and wearing down the healthy. When Mrs. Julia Isaac Rice answered Girdner's plea for a "Society for the Prevention of Noise," she focused not only on the effects of unnecessary noise upon the sick, but also on the idea that noise reduced efficiency by hindering communication and mental concentration. Rice pushed the idea that, as a result of unhindered and completely unnecessary noises stemming from a variety of sources, Americans were working mentally and physically harder while accomplishing less. As a result of Rice's efforts, New York City established a number of ordinances regulating where, when, and how people could make noise, and cities from across the country quickly followed its lead.

The equal treatment of sounds, whether musical or non-musical, commercial or entertainment-driven, is reflected in local ordinances pre-dating Rice's efforts. When Chicago officials were working out the first noise ordinance in 1900, it included prohibitions against peddler cries, the operation of street bells and steamship whistles

except in a case of emergency, the use of lawnmowers or coach horns between 8 PM and 8 AM, and owning noisy animals. The list of suggested regulations also included requiring cart drivers to make sure their wheels were tightly “washed,” and preferably rubber-coated, and that any metal cargo was well buffered to prevent unnecessary rattling.¹⁶

Once again, however, it was not Chicago but New York that sparked a nationwide movement. In 1908, Alderman Marx proposed the amendment of four separate noise ordinances, which were backed by Health Commissioner Darlington and Rice’s Society for the Suppression of Unnecessary Noise. The first ordinance regulated transportation noise, requiring that the wheels, framework, and other potentially noisy parts of a vehicle be in good condition. Violation of the ordinance was considered a misdemeanor and punishable by a \$500 fine.

The second amended ordinance, Section 458B, regulated music and musical signals of various kinds:

No person shall beat or play upon any musical instrument unless licensed so to do as hereinbefore provided, nor shall any person utter any cry, make any noise or operate or cause to be operated any musical instrument, graphophone, megaphone, phonograph, bell, gong, horn, calliope, tick-tack device, or other machine or instrument for the production of sound, or make any noise whatsoever for the purpose of attracting the attention of pedestrians or residents in any street or public place of the city, to any show, performance, or other form of amusement or for the purpose of calling attention to wares or merchandise, or signifying a wish to purchase junk or other waste material, or to give notice of the approach of any cart, wagon, or other vehicle in order to sell merchandise therefrom or to advertise any article of merchandise, show, or performance, nor shall any person blow any horn or ring any bell on any wagon or automobile, motorcycle, or other vehicle except at the intersection of streets or to warn wagons or pedestrians.

A violation of this section shall be a misdemeanor and shall be punishable by a fine of not to exceed \$25 or imprisonment of not to exceed thirty days, or both, in the discretion of the court.¹⁷

When the law was put into affect the follow year, the wording had changed a bit to:

No peddler, vender, or huckster who plies a trade or calling of whatsoever nature on the streets and thoroughfares of the City of New York shall blow or use, or suffer or permit to be

¹⁶ “Barred Noise List Is Drawn,” *Chicago Daily Tribune*, 4 Jul. 1900, p. 13.

¹⁷ A Sufferer, “Anti-Noise Bills to Have a Hearing,” *New York Times*, 10 Oct. 1908, p. 20.

blown upon or used, any horn or other instrument, nor make, or suffer or permit to be made, any improper noise tending to disturb the peace and quiet of a neighborhood, for the purpose of directing attention to his ware, trade, or calling, under a penalty of not more than \$5 for each offense.¹⁸

This new version primarily limited the ban to peddlers, expanded it to all instruments and disturbing sounds, and significantly reduced the maximum punishment for offenders. In other cities where peddlers were still allowed to cry their wares or draw attention to their products and services through the use of signals such as bugles and bells, local ordinances still tended to follow the pattern used for street musicians by circumscribing the hours and areas where these activities were allowed.

Certain types of peddlers drew more attention than others. Milkmen, sellers of breakfast foods and, in England, watercress sellers topped the list. Not surprisingly, these sellers were also among the earliest to appear each morning and seemed to make a habit of rousing working men at unreasonable hours on Sundays. A piece in *Littell's Living Age* in 1880 described English milkmen crying in a loud voice before seven in the morning and continuing for two or three hours.¹⁹ Philip G. Hubert, Jr.'s 1894 piece, "For the Suppression of City Noises," described the milk wagons as starting their rounds at 5 AM, generally waking him six to eight times every morning, only to be followed at 7 AM by ragmen, junk collectors, and fruit peddlers. An article published in the *Chicago Daily Tribune* in 1906 gave an even earlier time for the arrival of the milkman, mentioning that the milk wagons started their "morning disturbance" at 4 or 5 AM.²⁰ Milkmen also sometimes used bells or whistles to catch their customers' attention.²¹

¹⁸ "Ordinance Puts the Lid on Noise," *New York Times*, 15 Jul. 1909, p. 7.

¹⁹ "Street Nuisances," *Littell's Living Age*, 21 Aug. 1880, pp. 507-09.

²⁰ "The Crowing Cock," *Chicago Daily Tribune*, 24 Aug. 1906, p. 6.

²¹ D. D. Buttles and Reverend Uriah Xeres, "Concerning Certain Afflictions and Their Compensations," *Christian Union*, 21 May 1892, pp. 982-83; Fraser-Harris, M. D. (1928).

Although often annoyed by street cries, most people seemed to accept peddlers and the products and services they offered as indispensable. For urbanites living in large cities like Chicago, New York, and London before the development of grocery stores and refrigeration (although early refrigeration would also add the cries of the ice man to the general melee), other means of obtaining food and domestic goods were either unavailable or much less convenient. Most food items, particularly milk, meats, and produce, had to be purchased fresh on a daily basis to avoid spoilage. To ensure that their customers had access to breakfast foods, and that they beat out their competition, peddlers had to go their rounds early in the day.

At the opposite end of a number of noise nuisance schedules were the newspaper boys. Mackay listed newspaper boys as starting their rounds at 9:45 PM with cries like “awful murder!” and attested that “compared with the vendors of such swindling rubbish, who disturb the night by their vociferous cries, the most villainous organ-grinder of Italy is a respectable man and a saint.”²² A number of people described newspaper boys as being unusually loud, but it seems unlikely that their shouts would have been much louder than those of other vendors. More likely, their cries occurred at a time of day when other vendors and many forms of transportation and industrial noises had fallen silent. The decibel level of the newsies’ cries would have been considerably higher than most of the other sounds made at that time of night and therefore perceived as louder than the cries of other vendors. The same is probably true for the first vendors in the morning. Furthermore, the late hours of the newsies’ performances increased the likelihood that

²² Mackay (1868), 233.

they would either disrupt the sleep of potential customers or wear out their patience by extending the clamor of the day.

Another set of peddlers who drew negative attention to themselves were those who made use of musical signals. Bells, bugles, horns, and drums were the most commonly used signals and were popular with dustmen, junkmen, rag-pickers, scissors-grinders, and showmen such as street lecturers, performers, and patent medicine salesmen (fig. 6.1).²³ On the extreme side of things, Monsieur Jullien, of London Vauxhall fame, attracted customers to his shows through the use of a cornet and a giant bass drum pulled by a team of horses (fig. 6.2).²⁴

A number of early sound recordings and musical transcriptions have captured representations of these specific peddler cries along with some of the social commentary on their desirability. Thomas S. Allen, one of the more popular composers and lyricists of the early phonograph era, composed a set of three separate songs depicting a strawberry peddler, a scissors-grinder, and a ragman (fig. 6.3).²⁵ *Strawberries*, also known by the alternative title of *Here Comes the Strawberry Man*, is about a strawberry vendor named Michael Tony Angelo whose voice so impresses Pietro Mascagni that he hires him for the opera. Once on stage, however, Michael forgets himself and yells out his old street cry for strawberries. The first verse and the chorus of the song contain not only imitations of the cry, but also a bit of commentary on this form of street cry:

²³ "Lord Palmerston's Unpopular Exhibition," *Punch* 12, Jan.-Jun. 1847, p. 57.

²⁴ "Musical Movements," *Punch* 12, 1847 Jan.-Jun., p. 3; note, since *Punch* is the source of this illustration, it is quite possible that the size of the drum has been exaggerated.

²⁵ Allen (1904).



LORD PALMERSTON'S UNPOPULAR EXHIBITION.

Fig. 6.1

Punch cartoon depicting the use of a bugle and drum to attract a crowd

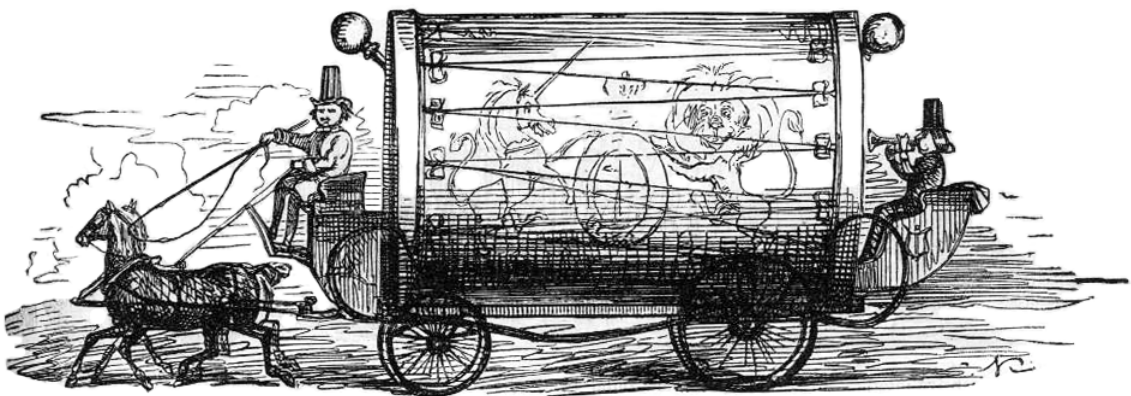


Fig. 6.2

Punch cartoon depicting Jullien's "Monster Drum" used to announce concerts

VERSE:

Every morning in the good old summertime,
Hucksters come around with things to sell.
But there's one you'll hear him coming down the line.
"Fifteen cents a box!" you'll hear him yell.
He don't have to ring a bell or blow a horn,
You can hear him just a mile away.
Such a voice I've never heard in all my life,
And this is what that huckster yells all day—

CHORUS:

"Strawberries, strawberries, nice juicy strawberries!"
In the morning or the afternoon,
You'll hear him in the same old tune.
"Strawberries, strawberries, nice juicy strawberries!"
Here comes the strawberry man.²⁶

Immediately, we find a reference to the bells and horns used by other vendors accompanied by the assertion that the strawberry man is loud enough to be heard without these devices for a mile away. Although his cry is limited to the summertime, it was also persistently heard throughout the day to the point of being monotonous.

Along similar lines, the *Chicago Daily Tribune* complained about the cries of the early morning apple sellers as a combination of "all the nerve-destroying, sleep-killing raspiness of a circus calliope and crosscut saw." In 1896 on the north side of Chicago, this particular cry was performed by two men shouting "ap, ap, ap, ap, ap" and "pella, pella, pella" in alternation resulting in a hocketing sound which the author described as "peculiarly diabolical."²⁷

Scissors to Grind begins by mentioning the ringing of the scissors grinder's bell and this image is also reflected on the cover of the sheet music published by Walter Jacobs in 1904 (fig. 6.3). Both the printed and sung versions of the tune include the street

²⁶ Collins, performer; Allen, lyricist and composer. 1909. "Strawberries." Edison Amberol 323. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, cylinder 1766.

²⁷ "From the North Side Comes a Wail," *Chicago Daily Tribune*, 18 May 1896, p. 3.

cry of “scissors to grind,” but the recorded version released by Leeds in circa 1904 also included the words “ding dong” as well as imitations of bells, the grinding stone, and a horn.²⁸ Although the picture on the cover and the lyrics depict a bell, at least in Brooklyn a trumpet or bugle was the more common means of advertising.²⁹

Finally, *Any Rags* paints an unsavory picture of rag pickers:

VERSE:

Did you ever hear the story of Ragged, Jagged Jack?
Here he comes down the street with a pack on his back.
He comes in the morning, and he comes at night,
And he gobbles up ev’ry thing in sight,
He wakes up the neighborhood for miles around,
He’s a regular alarm clock, always wound.
He gets beneath your window when you try to get to sleep,
And he yells in a voice so loud and deep,

CHORUS:

Any rags? Rags?
Any rags, any bones, any bottles today;
There’s a big black rag picker coming this way,
Any rags? Rags?
Any rags, any bones, any bottles today;
It’s the same old story, in the same old way.

The second verse of the song reemphasizes the rag picker’s tendency to pick up or outright steal items left out overnight as part of his trade. While the printed lyrics make clear that the early morning and late night cries of the rag-picker were prone to waking up sleepers, a recorded version performed by Arthur Collins in 1903 for Edison Records adds other details such as imitations of the cry “any rags” and brief interactions with

²⁸ Collins, performer; Allen, lyricist and composer. ca. 1904. “Scissors to Grind.” Leeds 4175. Alternate version on Collins, performer; Allen, lyricist and composer. 1907. “Scissors to Grind.” Marconi Velvet-Tone 0285.

²⁹ Mrs. Burrell, “Annoyed by a Horn,” *Brooklyn Daily Eagle*, 8 Jul. 1896, p. 4; “Useless Noise of the City,” *Brooklyn Daily Eagle*, 9 Aug. 1897, p. 9; K. D. McNeill, “Ask Him to Stop It,” *Brooklyn Daily Eagle*, 6 Apr. 1898, p. 7; “A Protest against Mere Noise,” *Brooklyn Daily Eagle*, 6 Oct. 1899, p. 8.



Fig. 6.3
Sheet music covers for three songs by Thomas S. Allen depicting street peddlers

customers.³⁰ A second recorded version of the song performed by Will F. Denny for Columbia Records in 1904 contains a different imitation of the rag picker's cry, which involves a more drawn out and stylized rendering of the word "rags."³¹

There was also an attempt by a composer named Bert Potter to play off of Allen's success. Potter published a piece entitled *Any Ice?* and captioned it as "a companion song to 'Any Rags?'" (fig. 6.4).³² In contrast to Allen's ragman and scissors grinder, Potter depicts the sound of the ice man on a hot day as a familiar and welcome sound. This particular song appears to have fallen into obscurity and was never recorded.

³⁰ Collins, performer; Allen, lyricist and composer. 1903. "Any Rags?" Edison Gold Moulded Record 8525. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, cylinder 4373.

³¹ Denny, performer; Allen, lyricist and composer. 1904. "Any Rags?" Columbia Phonograph Co. 32325. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, cylinder 4720.

³² Bert Potter, composer, 1904, *Any Ice?* (Boston: The George M. Kney Co.).

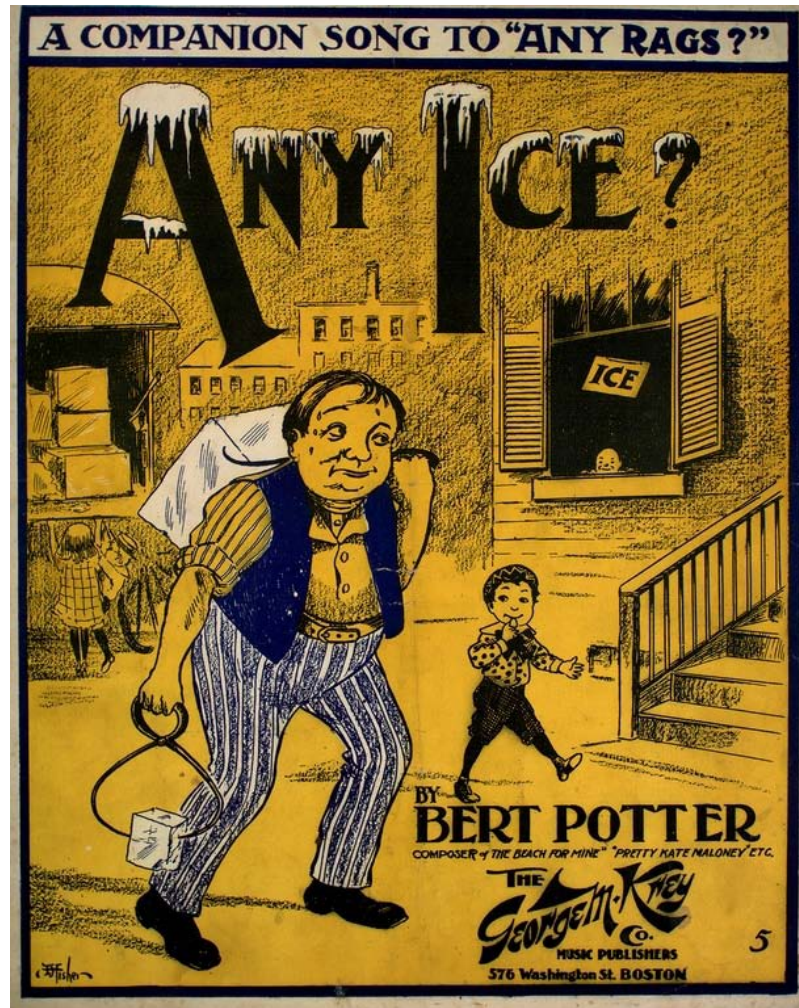


Fig. 6.4
Cover of sheet music for “Any Ice?” by Bert Potter

Although it is doubtful that peddlers intended to annoy potential customers, their cries and signals were meant to attract their attention. A peddler would want the advertisement of his or her wares to reach not just passersby on the street, who weren’t necessarily their primary customers, but also the servants and wives within their private dwelling spaces. To make sure that their advertisements were heard and understood above the general din of traffic and their competitors, their cries needed to be either loud or distinguished by an unusual sonic quality. In short, these cries were shaped over the

course of generations to catch the attention of inattentive customers. Unfortunately, it is precisely these sonic qualities that helped street cries catch the attention of the ill, the weary, the working, and the uninterested against their will. In order to catch the attention of one interested customer, a street peddler had little recourse but to create hundreds of miniature frame breaks for all those who weren't interested.

It is also important to note that the interruption by each peddler would have consisted of more than a single cry. The cries and signals were generally loud enough to carry for a block or more, and not only would the peddlers have repeated their cries to increase their likelihood of being heard, but they would have moved slowly enough to allow their customers time to notice them. One author complained that "each citizen is compelled to hear some unintelligible howling repeated about two hundred times from each one of these fakirs."³³ Although the total number may be an exaggeration, there seems to be little doubt that peddler cries were just as capable of being repetitive and monotonous as the sounds of street musicians and the amateur musician next door. In the case of peddlers offering services, such as the ragman, the dustman, the scissors grinder, and other repairmen, even willing customers would undoubtedly hear the advertisements for the peddlers' work far more often than they would actually require it. It is doubtful that a customer would have required such services on a daily basis, rendering the favored peddler's cries, as well as those of his or her competitors, superfluous most of the time.

Although many people would have found it difficult to get through the day without this system of commerce, the necessity of these products and services didn't exactly make the constant shouting of advertisements any more endearing to customers.

³³ G.M. Cole, "A Man of Grievances," *Brooklyn Daily Eagle*, 1 Aug. 1888, p. 3.

Punch in particular made occasional suggestions for alternative advertising strategies, such as confining peddlers to the Underground or encouraging them to engage customers in quiet conversation.³⁴ English peddlers particularly seemed to pose a problem at waterside resorts where they were known to descend on vacationers relaxing on the beach or in their rooms (fig. 6.5-6.7).³⁵ The *Chicago Daily Tribune* also suggested the alternative of using written advertising (fig. 6.8).³⁶ Still, in a time when many of the customers, as well as the peddlers themselves, were illiterate and transportation and food storage technology was limited, street cries remained the most effective and efficient way of notifying customers when a particular good or service was available well into the 1900s. In truth, early experiments with printed advertising, such as placing large placards on street cars, trolleys, and people, were seldom more popular. One *Punch* cartoon contrasted peddlers favorably with these visual attempts to capture the viewer's attention, at least in terms of obstructing traffic (fig. 6.9).³⁷ Another cartoon depicted the result of advertisers trying to outdo one another's visual sensationalism (fig. 6.10).³⁸

Although almost no one wanted to do away with the peddling system entirely, local governments did listen to the concerns of citizens and began enacting legislation to keep things from getting completely out of hand. By 1588 in England, many peddlers had already been restricted from crying their wares on Sunday mornings after 7 AM,

³⁴ "Metropolitan Improvements. No. 3," *Punch* 88, 17 Jan. 1885, p. 34; "The Costermonger as He IS and as He Might Be," *Punch* 45, 21 Nov. 1863, p. 214.

³⁵ "A Cure for the Bawling Fish-Sellers at Watering-Places," *Punch* 46, Jan.-Jun. 1864, [unnumbered introductory pages]; "How to Make a Watering Place Pleasant to Visitors, Particularly Invalids," *Punch* 41, 21 Sept. 1861, p. 122; "The Bores of the Beach," *Punch* 39, 3 Nov. 1860, p. 174.

³⁶ "Does Dot Leedle German Band Make Music or Noise?" *Chicago Daily Tribune*, 2 Jul. 1911, p. B3.

³⁷ "The Real Street Obstructions," *Punch* 19, Jul.-Dec. 1850, p. 30.

³⁸ "How We Advertise Now," *Punch* 93, 3 Dec. 1887, p. 262.



A CURE FOR THE BAWLING FISH-SELLERS AT WATERING-PLACES.

Fig. 6.5

Punch cartoon expressing annoyance at the cries of fish sellers at seaside resorts



HOW TO MAKE A WATERING-PLACE PLEASANT TO VISITORS, PARTICULARLY INVALIDS.

Time, 6.30 A.M. (A Hint to the Powers that be at Sandbath.)

Fig. 6.6

Punch cartoon expressing annoyance at peddlers' cries at seaside resorts



THE BORES OF THE BEACH.

SO! AS IT'S A FINE DAY, YOU'LL SIT ON THE BEACH AND READ THE PAPER COMFORTABLY, WILL YOU? VERY GOOD! THEN WE RECOMMEND YOU TO GET WHAT GUINEA-PIGS, BRANDY-BALLS, BOATS, AND CHILDREN'S SOCKS, TO SAY NOTHING OF SHELL-WORK-BOXES, LACE COLLARS, AND THE LIKE YOU MAY WANT, BEFORE YOU SETTLE DOWN.

Fig. 6.7

Punch cartoon depicting peddlers descending on a customer at a seaside resort

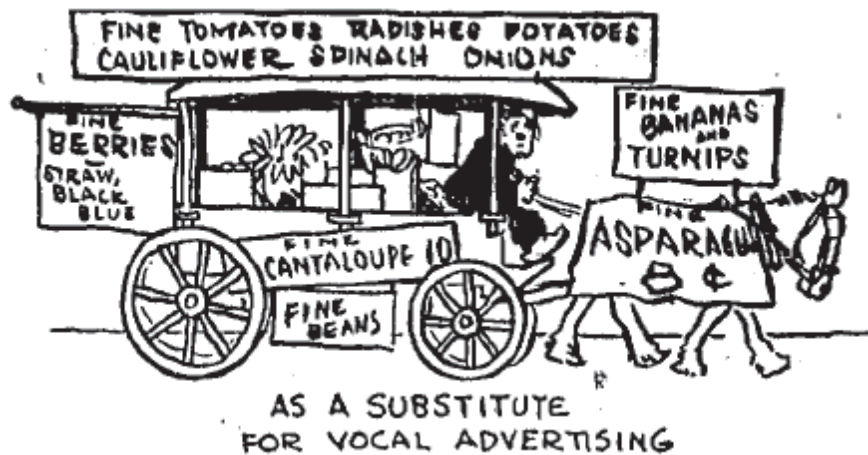


Fig. 6.8

Suggestion from the *Chicago Daily Tribune* of how to deal with peddlers' cries

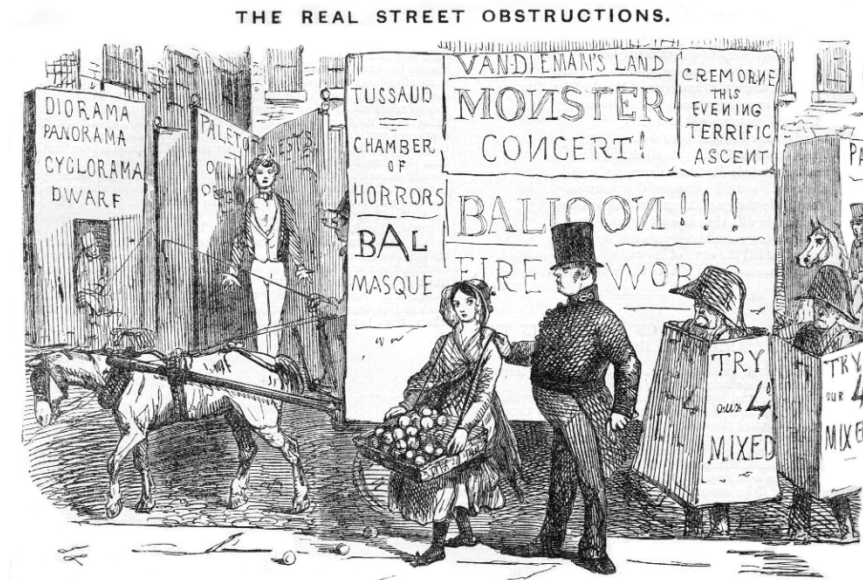


Fig. 6.9
***Punch* cartoon favorably contrasting street peddlers with other forms of advertising**



Fig. 6.10
Punch cartoon depicting the horrors of visual advertising

allowing them just a few hours to sell local households their food for the day.³⁹ The Metropolitan Police Act of 1839 also gave home owners the right to send peddlers away from their homes, at least in theory.

American legislation seems to have lagged behind London's and one of the first reports of legislating peddler cries was an article published in the *Brooklyn Daily Eagle* in July 1894 discussing Police Commissioner Well's decision to silence the barkers of Coney Island on Sundays.⁴⁰ Although a number of cities required peddlers to obtain licenses by the 1890s, this didn't limit the methods chosen for advertisement. When a scissors grinder was hauled into court by Officer Cochen of the Sixteenth precinct in 1892 for first waking him with a cornet and then blowing it defiantly when asked to stop, Justice Goetting quickly dismissed the case because it didn't violate a city ordinance.⁴¹ Boston, however, enacted an ordinance in 1890 (chap. 49, sec. 83) ordering that "No person hawking, peddling or selling or exposing for sale any articles enumerated in sec. 1 of chap. 68 of public statutes shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city of Boston."⁴² The real surge in regulation seems to have followed the work of Julia Isaac Rice and the Society for the Suppression of Unnecessary Noise in 1906. Once Rice had convinced New York officials to create and enforce noise ordinances, such as restricting the hours for peddling and specifying zoning restrictions, other cities followed their lead.

As with the other forms of music we've examined, passing an ordinance was one thing and enforcing it was another. Even in cases where peddlers were arrested for a

³⁹ Wilson (1995), 23.

⁴⁰ "No Noise at Coney Island," *Brooklyn Daily Eagle*, 14 Jul. 1894, p. 10.

⁴¹ "Disturbed the Officer's Sleep," *Brooklyn Daily Eagle*, 13 Aug. 1892, p. 8.

⁴² 1890 Sept. 15, "Little Grains of Law," *Boston Daily Globe*, p. 4.

clear violation of the law, a lenient and sympathetic judge could prove willing to let things slide:

John Bolinski, an itinerant scissors grinder, was charged this morning in the Gates avenue court with violating a city ordinance.

“What was the man doing?” asked Magistrate Kramer of Policeman Duffy, who arrested him.

“He was blowing a key bugle before 8 o’clock in the morning, your honor,” responded Duffy.

“Blowing a key bugle before 8 o’clock in the morning,” repeated the magistrate. “Is he a musician?” he continued, gazing at Bolinski’s bushy, curly hair.

“No,” responded Duffy. “He’s a scissors grinder.”

“And he was blowing a key bugle before 8 o’clock in the morning. Is that a crime?” asked the magistrate.

“Yes,” said Duffy, “we have received special instructions to arrest these men, who annoy the residents of the Bedford section at unseemly hours in this manner.”

“How do you plead?” said the magistrate, turning to the prisoner.

The question was put to the latter in German, Polish, Italian and several other languages, but Bolinski only shrugged his shoulders and did not reply.

“I don’t think that this man really knew that he was committing an offense,” commented the magistrate. “Under the circumstances it would be a pity to commit him, so I’ll let him go this time.”

Bolinski was so grateful at his release that he sharpened all the pocket knives of the court attaches and every one in sight when he returned to the pen for his apparatus.⁴³

Despite an ordinance barring the use of bugles before eight in the morning at the request of disturbed citizens, the judge proved reluctant to try Bolinski based on his ignorance of the law and the English language—an ignorance that was probably shared by many itinerant street vendors at the time. This particular report also demonstrates an ignorance of the law on the part of the magistrate and a degree of skepticism on his part that such a law existed. As in the earlier case of the New York judge who dismissed the charges against two organ-grinders for playing the *Sidewalks of New York* despite LaGuardia’s ban, the dismissal of the charges against the scissors grinder was partially based on the magistrate’s attitude toward the law in general and his surprise that playing music would be a crime.

There are a few accounts of peddlers’ reactions to ordinances restricting their advertising activities. For instance, Emily Thompson has drawn attention to the protest

⁴³ 1902 Mar. 28, “Blew a Key Bugle before 2 A.M.,” *Brooklyn Daily Eagle*, p. 20.

by barkers against Police Captain Langan's 1907 ban of advertising via megaphones at Coney Island. The day following the ban, the barkers refused to speak and hung placards around their necks with messages such as "My pipes have been restrained by order of the Czar" and "They have taken our calling away."⁴⁴

Although the new Police Chief does appear to have enforced his position with an iron fist—he had these protestors arrested—the messages on the placards were clearly a discursive strategy intended to play off the sympathies of the crowd by suggesting that the barkers were being stripped of their employment as well as their freedom of speech. Langan's order did not ban the actual shouting of barkers, merely their use of megaphones as an artificial means of amplification. The barker's claims that the megaphones helped them to draw in a crowd were probably true enough, since it would have allowed them to extend the distance of their advertising, but the ban on megaphones would have also limited the sonic range of the competitors, making it more difficult for nearby rivals to lure away their nearest potential customers.

The other case mentioned by Thompson is the resistance by peddlers against a regulation banning the use of musical signals and other noises felt to "disturb" the public. Interviews with peddlers indicate that they felt the new ordinance would subject them to the power of building janitors who would either show unfair bias to specific peddlers or demand graft. Owen McGarry, a vegetable man, predicted that janitors would become miniature monarchs ruling over the street peddlers:

"Let 'em set up a t'rone in th' basement right now," declared Owen McGarry of 397 East Eighty-ninth Street, a vegetable man, who runs a small wagon. "Let 'em set up a t'rone in the basement. Th' janiter dons his ry'l robes in the marnin' at 8 by th' clock to recave th' petitions of th' slaves. Here we come.

⁴⁴ 1907 Jun. 24, "Barkers at Coney Squelched by Police," *New York Times*, p. 2; discussed in Thompson (2002), 123-24.

“‘If it plase, yer Majesty, would th’ tenints have a bit of pertaters this mornin’? Would yer Majesty accept of these few chice pertaters f’om me as a tok’n of me rispict an’ love? Th’ tenints trade with Rafferty, yer say? Thank yous kindly, Soor! Oh, it’s a fine law.’”⁴⁵

In the summer of 1908, Police Commissioner Bingham ordered the arrest of old clothes men violating the New York noise ordinance. Approximately 700 old clothes men, represented by a five-man committee headed by Jacob Magidoff, the city editor of the Jewish Morning Journal, confronted Bingham about the arrests. Bingham informed them that he had to apply the law to everyone and could not discriminate by making an exception for the old clothes men.⁴⁶

Although Thompson argued that these noise regulations and complaints were directed primarily at the lower classes, an article discussing the grievances of old clothes men as a result of the new ordinances is followed immediately by an article describing the complaints of Rev. Dr. J. E. Price of the Washington Heights Methodist Episcopal Church against the Amsterdam Avenue branch of the Third Avenue Railway. Rev. Price claimed that the rattling of the cars interfered with his religious services. When Rev. Price brought his case before the Public Service Commission and Edward A. Maher, General Manager of the railroad, Maher promised the minister that he would act to stop the noise and that he had \$400,000 dedicated towards the repair of the tracks. Maher also responded by having “white signals” placed across the tracks so that the motormen would know to slow down their trains near the church.⁴⁷

As we have seen, citizen complaints about the sounds produced by large industrial and transportation ventures were not uncommon and, if anything, these sounds were more unpopular than those of street peddlers and musicians. Although such an examination is

⁴⁵ 1909 Jul. 15, “Ordinance Puts the Lid on Noise,” *New York Times*, p. 7.

⁴⁶ 1908 Jul. 28, “Ol’ Clo’ Shouters Lose,” *New York Times*, p. 12.

⁴⁷ 1908 Jul. 27, “Pastor in Noise Crusade,” *New York Times*, p. 14.

beyond the scope of this work, there was obviously a large number of ordinances put in place since the start of the industrial revolution, including muffler laws, bans on steam whistles and bells to mark the start and end of shifts, limits on the amount of noise employees could be exposed to, and regulations requiring the mandatory maintenance and installation of anti-noise equipment. The imbalance between the regulation of sound production by the rich and the poor doesn't appear to have rested within the regulations themselves, since corporate and individual business ventures faced an increasing number of noise regulations, but in the resources that each class possessed for coping with the new regulations. Peddlers simply had fewer options for updating their advertising system and they often proved hostile to viable options that did exist, such as having customers signal to them by placing a sign in their window (a trick used by a few ice men) or by having customers fill out subscriptions for a peddler's goods and services.

The peddlers interviewed by the *New York Times* in 1908 demonstrated an absolute dread of change and an unwillingness to see the potential benefits of a new and quieter system. By having customers indicate their interest in a product through an agreed upon signal or a subscription, a peddler could have saved considerable time and energy in hunting out business, and perhaps selected stock in a more intelligent manner to suit the known needs and expectations of regular customers. Instead, peddlers only could see the ban of street cries as synonymous with the ban of their trade.⁴⁸

In any case, the noise ordinance activities of 1908 and 1909 did little to kill off the trade of the old clothes men and rag-pickers. Thirteen years later, in August 1922, reporter James C. Young and the old clothes men of New York blamed the demise of the

⁴⁸ For examples of complaints by old clothes men, see 1908 Jul. 27, "Ole Clo' Men to Bingham," *New York Times*, p. 14.

trade on hard times. People were reluctant to part with their old belongings under the adverse economic conditions and one peddler complained that he could only purchase one suit instead of the six suits a day that he needed just to stay in business.⁴⁹

When a similar noise ordinance was passed in Chicago in 1911, the peddlers first organized a strike and then turned violent. Similar to other labor strikes of the time, the strikers sought out peddlers who continued to ply their trade and “vandalized” their goods, wagons, and horses. The strikers even organized what the press referred to as “a flying squadron of wreckers who sped from point to point behind a pair of swift horses,” which was dedicated to attacking other peddlers and owners of grocery wagons who continued to make sales. One non-striker was struck with clubs and in the side with a hatchet; others were targeted by strikers with revolvers, although apparently no one was actually shot. Several policemen were also injured while trying to protect “non-union” peddlers.⁵⁰

A few of the aggravated Chicago peddlers also threatened ordinary citizens. One woman wrote to the editor of the *Chicago Daily Tribune* on 15 July 1911 to complain she had asked a peddler to stop shouting only to have him respond, “Lady, I belong to the Black Hand and I’ll blow you up.” Granted, the woman’s letter includes remarks about insolent foreigners and a nonchalant admission that she is unable to tell the difference between Greeks and Italians (the man was probably Italian based on his claimed affiliation with an Italian criminal organization). If these sentiments manifested

⁴⁹ James C. Young, 1922 Aug. 13, “Exit Old Clo’ Man,” *New York Times*, p. 88.

⁵⁰ 1911 Jul. 28, “Peddlers Raid Groceries,” *New York Times*, p. 3; 1911 Jul. 27, “Rioting Peddlers Wreck Stores and Carts; Mob Police,” *Chicago Daily Tribune*, p. 1.

themselves during the encounter, they may have been enough to provoke the peddler into making an idle threat out of anger and annoyance.⁵¹

Such behavior may have seemed justified if the peddlers really were being stripped of their trade or, as Thompson claims, forced from the streets. The strikers, however, didn't claim either of these reasons for their brutal retaliation. Two days before the riots, there was a meeting of delegates from the four peddlers' associations of Chicago. The delegates informed the press that they intended to prolong the strike until residents demanded a repeal of the clause in the new anti-noise ordinance forbidding hucksters from crying their wares. The meeting chairman, B. Lipschitz, predicted that the ordinance would mean an end of peddling, stating that "We can't sell goods unless we cry them through the alleys."⁵²

To paint the riots as an act of class resistance is also inaccurate. Although the strikers vandalized one grocery store and injured a number of intervening policemen, the riots themselves primarily targeted other peddlers and itinerant grocers working in the ghettos.⁵³ While the people who had demanded the enactment of the noise ordinance in the first place did include the officers of local improvement clubs, they were joined by representatives from local hospitals and a number of third shift workmen who complained that the noise kept them awake.⁵⁴

Overall, the new ordinance doesn't appear to have had much affect on the peddlers' advertising activities in Chicago. As late as 1930, annoyed citizens were still sending letters to the editor of the *Chicago Daily Tribune* asking whether there were any

⁵¹ A Sufferer, 1911 Jul. 15, "Insolence of Peddlers," p. 8.

⁵² 1911 Jul. 25, "Pickets to Push Peddler Strike," *Chicago Daily Tribune*, p. 7.

⁵³ 1911 Jul. 27, "Rioting Peddlers Wreck Stores and Carts; Mob Police," *Chicago Daily Tribune*, p. 1.

⁵⁴ 1910 Dec. 6, "Peaceful Sleep Gets Boost; Peddlers' Cries Under Ban," *Chicago Daily Tribune*, p. 2; 1911 Jan. 24, "Peddlers Wake Sleepers," *Chicago Daily Tribune*, p. 12.

laws against noisy peddlers.⁵⁵ True to the established pattern, after an initial period of resistance by the peddlers and intense enforcement by the police, the former apparently decided to ignore the ordinance while the latter aimed their enforcement efforts at other problems.

The Use of Mechanical Musical Instruments in Advertising

In a few cases, street musicians and peddlers teamed up to attract customers. In San Antonio, for instance, a potato peddler is reported to have hired an organ-grinder to accompany him on his early morning rounds. The organ music would wake up residents and the potato peddler would follow shortly after advertising his wares.⁵⁶ Although advertising peddlers' wares wasn't a typical job for street musicians, German bands and barrel-organs were used to advertise bars and other places of amusement. In Chapter Four we encountered one case of a fight breaking out between two rival German Street bands for the right to payment from a tavern's proprietor in Brooklyn. We've also seen the testimony of an organ-grinder claiming that part of the decline of his trade was due to prohibition. Even in cases where street musicians were not hired and paid by bar owners directly, they probably held a symbiotic relationship in which both sides profited through their combined efforts at drawing in and entertaining customers.

Street music was also used to advertise other entertainment venues. We know that bands were sometimes used to advertise museums and similar exhibitions because a grand jury in New York City ruled in 1830 that this activity was "a nuisance and cause of

⁵⁵ A Reader, 1918 Jun. 28, "Complaints about Peddlers," *Chicago Daily Tribune*, p. 6; Helen J. Peirce, 1930 Oct. 19, "Noisy Peddlers," *Chicago Daily Tribune*, p. 14.

⁵⁶ 1884 Jan. 24, "A Novel Mode," *San Antonio Light*, p. 8.

nuisances.”⁵⁷ Barrel-organs were also used to advertise such venues. In 1834, a Massachusetts newspaper editor reportedly apologized to his audience for only turning out a half sheet. He explained that a waxwork exhibition had opened across from the printing office and that his foreman and compositors had:

declared with one voice, that it was utterly impossible for them to set type, while those ghastly figures were staring at them from over the way, and their ears were assailed by the horrible sounds of the most unmerciful hand-organ, which was grinding out auricular torture from sunrise until bed-time, by way of attracting visitors [sic].⁵⁸

Whether a Massachusetts weekly was actually crippled by the waxwork is unclear, but the story does strongly suggest that organs were used to advertise these types of exhibitions during their hours of operation. In 1898, an actual Massachusetts paper, the *North Adams Transcript*, referred to barrel-organs as the “usual accompaniment of the magic lantern,” the ancestor of the slideshow used in displaying still images for lectures and entertainment.⁵⁹

As a whole, however, a very different and more automatic set of musical instruments was used to attract the attention of potential customers, particularly by the 1870s. Band organs, steam calliopes, phonographs, and radio loudspeakers were among the preferred weapons used by more successful entrepreneurs. Not only did these inventions represent the cutting edge of advertising media when at their prime, but they were among the loudest musical sounds available. Audible for blocks, or even miles, these instruments assured a businessman of reaching hundreds, if not thousands, of potential customers and curiosity seekers. According to Arthur Ord-Hume’s book *Barrel Organ*, band organs were also used to advertise fairgrounds and bioscope films.⁶⁰

⁵⁷ 1830 Nov. 20, “Epitome of the Times,” *Saturday Evening Post* 9(486), p. 2.

⁵⁸ 1834 Jul. 19, “An Excellent Reason,” *The New-York Mirror*, p. 24.

⁵⁹ 1898 Jan. 10, “The Original Organ Grinder,” *North Adams Transcript* (MA), p. 3.

⁶⁰ Ord-Hume (1978).

Although steam calliopes and band organs, also known as show organs or fair organs, were the earliest of these mechanical advertising devices, their steam-driven engines made them a dominating soundmark in any soundscape. The 110-key Gavioli, among one of the largest and loudest models of fairground organs, was capable of producing a hefty 112 dB and would be a formidable competitor to many modern rock bands.⁶¹ A local Vermont paper claimed in 1856 that the steam calliope at the State Fair in Burlington played *Hail Columbia* loud enough to be heard for ten miles.⁶²

A 2003 discussion on the Mechanical Music Digest (MMD) Archives suggests that surviving band organs are still disliked by a number of teenage amusement park employees. Although the employees generally complain about the loudness of the instruments, several MMD members insinuated throughout the thread that the real reason these employees complained about them was because of their ageist discrimination against band organ music. One member expressed the belief that:

These kids who complain about excessive 'loudness' will get off work and attend rock concerts with decibel levels that would shake the horses right off a carousel. The issue is more likely that 'Blue Skirt Waltz' isn't in the top 40. Not anymore, anyway. I doubt that any amount of swell shutters, Plexiglas, sound insulation or cinder block would change their attitudes toward the instrument.

This comment represents an interesting reversal of Attali's suggestion that all noise complaints are intended to repress the noisy political expressions of the young. If complaints about barrel-organ-grinders sometimes reveal racist and classist sentiments, then this response to complaints from band organ operators definitely demonstrates ageist sentiments. Many of the discussants on the MMD thread assumed that all of the complainants were teenagers and that all teenagers listen to loud rock music and dislike

⁶¹ [Robert Ridgeway], 2007 May 5, "Tour of Carousel Building and Restoration Facility," presentation by the curator of the Jasper Sanfilippo collection at the Victorian Palace, Barrington Hills, IL as part of the 41st Annual ARSC Conference, Milwaukee, Wisconsin, May 2-5, 2007.

⁶² *Register* (Middlebury, VT), 10 Sept. 1856, reprinted in: Bassett (1946).

anything not in the current top 40 of popular music. A few MMD members also accused teenage employees of either intentionally or inadvertently rendering band organs inoperable by shoving napkins into the pipes or lying about the working condition of the machines.⁶³

Other MMD members were more sympathetic and recommended regular maintenance and physical alterations to the band organ to ensure sound levels were kept in check. One person suggested that employers should be responsible for providing their employees with earplugs. Legally, the latter point definitely could be true. The Occupational Safety and Health Administration (OSHA) currently requires a “hearing conservation program” whenever an occupational environment is over 85 dB(A) when measured at the employee’s ear—well within the range of even modest band organs. For levels higher than 90 dB(A), employers are required to provide ear protection when daily noise exposure exceeds the levels and durations listed in the chart below (table 6.1).⁶⁴ OSHA’s regulations are actually fairly conservative and in favor of employers. The durations recommend by The National Institute for Occupational Safety and Health for various decibel levels to prevent hearing loss—also shown in the table below—are much lower.⁶⁵

⁶³ Forum thread started 2003 May 28 under the title of “Ontario Beach Park Band Organ, Rochester, NY” on the Listserv of the *Mechanical Musical Digest* and saved in their online archives for 2003 May 27 through 2003 Jun. 11. The posts to this thread, along with a number posts on other band organ issues, is located at: <http://www.mmdigest.com/Archives/KWIC/O/ontario.html>.

⁶⁴ “Occupational Noise Exposure,” in *Regulations (Standards – 29 CFR) 1910.95* (U.S. Department of Labor, Occupational Safety & Health Administration); available online at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9735.

⁶⁵ “NIOSH Safety and Health Topic: Noise and Hearing Loss Prevention,” National Institute for Occupational Safety and Health; online resource available at: http://www.cdc.gov/niosh/topics/noise/about/flash/noisemeter_flash/soundMeter_flash.html.

Max. length of exposure	OSHA dB(A)	NIOSH dB(A)
8.0 hours	90	85
6.0 hours	92	-
4.0 hours	95	88
3.0 hours	97	-
2.0 hours	100	91
1.5 hours	102	-
1.0 hours	105	94
30 min.	110	97
15 min.	115	100
7.5 minutes	-	103
< 4 min.	-	106
< 2 min.	-	109
< 1 min.	-	112

Table 6.1
Comparison of noise exposure levels recommended by OSHA and NIOSH

Still loud and potentially annoying by today's standards, band organs didn't raise nearly as many complaints as other mechanical musical instruments around the time of their invention. Although much louder than barrel-organs, band organs and steam calliopes may have been protected from public ire by their almost exclusive use for drawing crowds to short-term temporary entertainment venues such as circus parades and carnivals. Not only was the loud and jovial music appropriate to these social contexts and activities, but it functioned as an uncommon phenomenon and was circumscribed within extremely limited temporal and spatial boundaries. The rural location of most carnivals would have kept the music from disturbing the work and rest of those nearby and the brisk passing of a circus parade would have limited the duration of the disruption. It's also possible that the rare and sporadic nature of band organ and calliope performances discouraged people from complaining about them. Not only did the sounds mark a special occasion for the community, almost guaranteeing that individual protestors would face considerable resistance, but the carnival or circus would have ended or moved on before a complainant would be able to muster the resources needed for taking legal action.

This is not to say that there was a complete absence of complaints about steam driven mechanical musical instruments. In *Das Lärm* (1908), Lessing described the noises surrounding his house, including the beating of carpets, artisans' hammers, carpentry, and children playing. Upon fleeing to a nearby village, however, he was greeted by a different set of loud sounds: "There just now is a 'shooting match festival.' A carousel is constructed right before my window. This spins for eight days and plays for eight hours on each of these days the song of 'Mute Love.'"⁶⁶ In November of 1859, *Punch* expressed disapproval over the appearance of an "infernal calliope" at the Crystal Palace. The 1 December 1867 issue of the *Practical Mechanics Journal* described a calliope at the Crystal Palace as eclipsing the *pig-a-forte*, in turn described as "the hopeful invention of some second Pan, who, according to the burlesque mythology of a wag, imprisoned swine of various sizes in a long box, and elicited music by pulling their tails."⁶⁷ Although the English made use of band organs, the steam calliope never really caught on.

In the United States, the steam calliope not only was popular with carnivals and circuses, but also found its way onto steam-powered riverboats. One essay published by P. Podhammer in the *Home Journal* places the appearance of calliopes on steamers as early as 1856. In his essay, Podhammer described taking a dime out of his pocket to pay an organ-grinder, only to discover that the music was coming from a steamer sailing two miles off in the distance.⁶⁸ In 1907, the city of South Haven, Illinois banned the use of

⁶⁶ "Dort ist gerade „Schützenfest“. Ein Karussell wird just vor meinem Fenster aufgebaut. Diese dreht sich acht Tage lang und spielt an jedem dieser acht Tage, acht Stunden lang das Lied von der „stummen Liebe“." In: Lessing (1908), 15.

⁶⁷ Cited in Ord-Hume (1978), 339.

⁶⁸ P. Podhammer, "The Calliope," *Home Journal*, 20 Sept. 1856, p. 1.

calliopes on steamers within city limits by effectively applying an ordinance prohibiting the use of musical and mechanical devices for advertising goods and services.⁶⁹

The two most famous cases of nuisance band organs, however, involved the carousels at Coney Island. The sound of the Coney Island carousels was already described as “deafening” in 1883, but new improvements in band organ technology allowed the levels to continue to rise. In 1886, Paul Bauer, a hotel and summer resort owner, finally obtained an injunction against a number of carousel steam organs owned by John L. Culver, Andrew Culver, O. C. Washington, and other Coney Island magnates. Bauer claimed that the organs were a nuisance on the grounds that they constantly emitted “loud and discordant noises” from early in the morning until late into the night and were driving away his guests. Bauer also claimed \$25,000 in damages as the result of lost business.⁷⁰

Upon receiving the case, Justice Cullen first placed a temporary injunction on the organs during the proceedings of the trial. Jesse Johnson, the defense attorney, claimed that the band organ music was of as high a quality as that provided by Bauer’s band. Justice Cullen decided to investigate the matter himself and made a visit to Coney Island, accompanied by Johnson and prosecuting attorney, George Roederick, to determine whether the sound of the carousels fit Bauer’s description. The *Brooklyn Daily Eagle* reported on Judge Cullen’s reaction:

The judge with his two companions went to the carousel facing the Culver depot just as the organ was playing “I Am Waiting for Thee.” A few feet away another organ labored, making a vain but emphatic effort to relieve itself of a charming song about the “Rocky Road to Dublin.” The Judge seemed to be perplexed, and he took Mr. Roederick by the arm and moved toward Surf avenue. Several times he was seen to put his hands to his ears and that looked bad for the organ grinders. He was next escorted to the Sea Beach depot, where another carousel is located, but remained there less than five minutes. After taking a look around the island he returned on the Culver road.

⁶⁹ “Calliopes to Be Silence,” *Chicago Daily Tribune*, 4 Aug. 1907, p. 4.

⁷⁰ “The Guest Cannot Sleep,” *Brooklyn Daily Eagle*, 15 Jul. 1886, p. 4.

The hotel proprietors are all offering to bet that his Honor will put a stop to the discordant music. He will render his opinion in the Bauer injunction case to-morrow.⁷¹

The hotel proprietors would have won their bet. Although Justice Cullen felt that the music itself was “entirely innocent and popular with children,” he also found the incessantly loud volume to be a nuisance. He ruled that the organs should not disturb anyone beyond the fairgrounds and that the defendants were “not entitled to have music so loud as to attract attention to it from a distance.”⁷² Based on advice from organ expert Henry S. Taylor, Judge Cullen ordered that Andrew Culver would have to close five of the seven stops on his organ, limiting it to just the piccolo and open diapason.

Although the court trial ended here, there was at least one other reported encounter between Paul Bauer and Andrew R. Culver during the following week. Culver and his defense attorneys entered Bauer’s hotel, ordered a bottle of wine, and then invited Bauer to join them. Whether or not Culver’s invitation was initially an act of reconciliation is unclear, but the meeting ended badly. At some point, Culver made a remark about the trial that Bauer resented, and from here the accounts diverge as to how events unfolded. One of Bauer’s waiters attempted to hit Culver with a chair, but the two sides differ on whether the waiter was reacting to Culver’s comment or what appeared to be an effort by Culver to pull a pistol from his pocket. Culver never did produce the pistol during the confusion, although he did hit the waiter in the eye with his umbrella handle before being escorted from the scene by Mr. Johnson.⁷³

For nearly fifteen years, the controversy over the Coney Island carousels fell relatively silent. Then, in the summer of 1900, two carousel owners engaged in what the

⁷¹ “Merry Go Round Music,” *Brooklyn Daily Eagle*, 18 Jul. 1886, p. 1.

⁷² “Culver’s Organ,” *Brooklyn Daily Eagle*, 23 Jul. 1886, p. 4.

⁷³ “Exchange of Compliments,” *New York Times*, 28 Jul. 1886, p. 2; “The Coney Island Organ,” *Brooklyn Daily Eagle*, 28 Jul. 1886, p. 4.

Brooklyn Daily Eagle dubbed the “Fight of the Wooden Horses.” The battle apparently began when Charles Feltman grew envious of the crowds attracted by Henry Kister’s carousel, which was located just across Surf Avenue from his own. Feltman responded by purchasing a newer, louder band organ capable of playing hymns and popular music. Kister in turn boosted the volume of his organ, again stealing away much of the crowd.

Not content with backing down, Feltman purchased another organ in an unsuccessful attempt to simply drown out the competition. The new purchase seemed to have little effect on business, so Feltman purchased yet another organ, this time one capable of producing classical music. As a result, the audience now had a choice of popular, religious, or classical music, increasing Feltman’s chance of drawing in an audience. At this point, Kister changed tactics and gave up on sonic warfare, instead advertising that little children would be allowed to ride his carousel for free.⁷⁴

Although not the earliest competitive sonic battle for customers, Feltman and Kister’s musical advertising campaigns are fairly representative of what would follow over the course of the next fifty years. Until new legislation could be enacted, salesmen took advantage of loopholes in local ordinances allowing them to make public use of phonographs and radios as a means of attracting customers. Without regulations to keep them in check, advertisers made ruthless experiments to determine the most effective means of catching the attention of passersby and out-shouting their competition.

⁷⁴ “Fight of the Wooden Horses,” *Brooklyn Daily Eagle*, 11 Aug. 1900, p. 13.

The Phonograph

Perhaps made wiser by the advent of barrel-organs, band organs, and improved pianofortes, a few people immediately expressed dread at the nuisance potential of the phonograph. By the spring of 1878, the first speculation that the phonograph would be used by street vendors appeared first in *The Cincinnati Commercial* and was reprinted shortly after in the *Boston Daily Globe*.⁷⁵ Although a few street musicians did experiment with phonographs and radios in the United States (see Chapter Four), before the invention of electric loudspeakers the phonograph proved to be a greater potential nuisance in the hands of retailers than when used by amateur music-makers or street musicians. Unlike the band organ, the phonograph captured the advertising imagination of more than just a few businessmen seeking to attract customers to their big top or amusement park ride. The phonograph's ability to record and play back spoken content made it suitable for a much wider range of advertising campaigns. Talking machines were also considerably smaller and cheaper than their gargantuan cousins, making them a more appropriate tool for storefront advertising.

At first, these sonic ads were played discretely. Before 1898, most phonographs were equipped with ear tubes and the very novelty of experiencing a talking machine was enough to lure people in to listen to blatant spoken advertisements.⁷⁶ With the development of horns for projecting and amplifying sound, particularly larger models popularly referred to by the public as “megaphone attachments,” store owners could use the phonograph to advertise to passersby.

⁷⁵ “Table Gossip,” *Boston Daily Globe*, 3 Apr. 1878, p. 2.

⁷⁶ Per personal conversation with Patrick Feaster on March 3, 2008.

As phonographs grew more common, catching and keeping people's attention became more challenging. The chance to hear a machine talk was no longer enough of a novelty to convince the average listener to subject him- or herself to ads without a bit of sugar coating. Gradually, phonographs supplemented spoken ads with the singsong style of street barkers or sandwiched them between musical selections. Admen also experimented with working advertisements into the lyrics themselves. By the early 1900s, phonographic advertising was becoming very popular with music shops, phonograph parlors and dealers, other assorted retailers, and cinemas. In the case of music shops, phonograph parlors, and phonograph dealers, the music in and of itself was advertisement for the records and the machine—although shop owners sometimes added a spoken announcement to aurally identify the source of these musical products. The hope was that people would be drawn in by the promise of free entertainment, and then remain to listen to the advertisements or give in to the temptation to shop once they were on the retailer's doorstep.⁷⁷ According to the *Phonoscope*, the phonograph worked so well for drawing crowds that the operators were occasionally charged with obstructing traffic.⁷⁸

The megaphone attachments quickly increased the nuisance potential of the phonograph. By the end of 1898, the Board of Public Works in Los Angeles was already mulling over their first petition against a phonograph parlor. A restaurant owner, whose home and business was located across the street from Mr. Tally's phonograph parlor, protested that the "continual sound of the phonograph had almost reduced his wife to nervous prostration" and that the bombarding sound waves had driven away many of his

⁷⁷ Ibid.

⁷⁸ [No Title], *Phonoscope*, p. 7; 1899 Mar., [No Title], *Phonoscope* 3(3), May 1897, p. 13.

potential diners. Mr. Tally protested that he only played “classic music of the highest order,” which couldn’t be a nuisance of course, and his claim was supported by many of the surrounding merchants and Tally’s customers. The Board withheld judgment.⁷⁹

Just three years later, a Mr. Eade of the Thomas Cook & Son Agency in New York similarly complained that a phonograph parlor in the same building as his agency was driving away his customers. Like the restaurant owner, Eade found that lawyers, the Board of Health, and other official channels were of little help so he instead resorted to retaliation. Purchasing an “orchestra size phonograph with the largest megaphone attachments made,” Eade would wait until a customer entered the phonograph parlor before starting up a “very brassy rendition of ‘Go Way Back, and Sit Down!’”⁸⁰

By 1900, cinemas had begun using phonographs with megaphone attachments to accompany their movies. *The Constitution* in Atlanta, Georgia, published a semi-humorous piece on the undesirable effects of the 5-cent “Dreamland” theater on office workers in the English-American building next door. A manager of a mutual life firm in the building reportedly described himself as “in a deadly line with the counterpoint trajectory of the fearful musical missiles fired all day long by the thirteen-inch megaphone guns directly across the way.” A doctor found he was unable to check a patient’s heartbeat to the accompaniment of “Dixie” while other employees found themselves “waltzing” through columns of figures or confronted by schottischeing elevator boys. Eventually the superintendent of the building wrote a letter to the theater owner, who graciously agreed to stuff the horns with cotton.⁸¹

⁷⁹ “Phonographic Music,” *Los Angeles Times*, 26 Nov. 1898, p. 7.

⁸⁰ “A Duel with Phonographs,” *The Hartford Courant*, 23 Nov. 1901, p. 8.

⁸¹ “Music Not Appreciated as an Aid to Business in the English-America[?],” *The Constitution* (Atlanta, GA), 8 Sept. 1900, p. 7.

Despite complaints, phonographs did attract customers. Inspired by the success of others, more and more retailers took to placing phonographs with megaphone attachments in their open doors and windows. Refusing to be impeded by the cold, Edison dealers even came up with a system for sealing their window around the megaphone attachment so that they could advertise to passing pedestrians all year round—an act that broke the age-old seasonal pattern of outdoor music and advertising as predominantly spring and summer phenomena.⁸²

Although passing crowds may have been intrigued by the advertising jingles issuing from storefront windows, nearby residents found themselves transformed into captive audiences. By 1905, newspapers reported complaints about the use of talking machines for advertising in Hartford, New Orleans, Atlanta, New York City, Chicago, Marion (Ohio), and cities throughout California. As with street musicians, the increasing number and volume of advertising phonographs assured that they would inevitably get on the nerves of local residents. Unlike the wandering street peddlers, the phonograph's job was to remain stationary before one establishment and draw in customers, so there was little hope of it eventually moving on or of feeling it away. Although one community on St. Charles Avenue in New Orleans reportedly grew so tired of a nearby phonograph shop that they purchased the entire establishment for \$4,000, just so they could shut it down, such an organized and expensive course of action was undoubtedly rare.⁸³

Having already examined earlier complaints about street musicians and amateur music-makers, it's relatively easy to predict what some of the reasons behind these complaints might have been. Complaints that the phonograph disrupted sleep were

⁸² "A Cold Weather Idea," *Edison Phonograph Monthly* 2(11), Jan. 1905, p. 12.

⁸³ "Way to Stop Phonographs," *Chicago Daily Tribune*, 16 Jun. 1906, p. 1.

common and so were expressed concerns that the phonograph could have an overall negative effect on a person's physical health, particularly if the person were already ill.⁸⁴ For instance, a judge in Uniontown, Pennsylvania placed an injunction on a phonograph at the Fayette Amusement Company on the grounds that it was endangering the life of a man with typhoid fever who was too ill to even move to a hospital.⁸⁵ Although not as common, newspaper reports also mentioned that people were annoyed by too much repetition of the same song or by the undesired ability to hear several songs at once.⁸⁶

The effects of the talking machine on mental concentration and on conducting business were also mentioned. A phonograph used for music and announcements at a cinema located at 129 Clark Street in Chicago interrupted a court trial; another used for a similar purpose in Newark, Ohio interfered with the business of a next door attorney.⁸⁷ Teachers at the Polk School in Washington, DC complained that a graphophone used by a shop located across the street made it "impossible to conduct school" while in operation.⁸⁸

Mrs. Isaac L. Rice was aware of the nuisance potential of the phonograph. As we have seen, her own use of a phonograph to demonstrate the extent of noise pollution in New York during a lecture provoked a noise complaint. Whatever its benefits, the use of the phonograph by advertisers and amusement venues did not escape her list of unnecessary noises.⁸⁹ Due to an increasing number of complaints and the encouragement

⁸⁴ "Phonograph Killed Sleep," *New York Times*, 24 Mar. 1907, p. 13.

⁸⁵ "Court Silences Phonograph," *Chicago Daily Tribune*, 4 Jan. 1907, p. 7.

⁸⁶ "Too Much of 'Poor John,'" *New York Times*, 30 Apr. 1907, p. 9; "Too Much 'Sweet Iola,'" *New York Times*, 13 Sept. 1907, p. 7; "1-Cent Opera Discouraged," *New York Times*, 3 May 1906, p. 9.

⁸⁷ "Stop Voice of Phonograph," *Chicago Daily Tribune*, 29 Mar. 1906, p. 1; "Nickelodeon Proprietors," *Newark Advocate* (Ohio), 29 Feb. 1908, p. 6.

⁸⁸ "Noises Trouble School," *The Washington Post*, 17 Feb. 1907, p. 14.

⁸⁹ "Noises We Hope to Lose," *New York Times*, 7 Apr. 1907, p. 11.

of Rice's anti-noise efforts, by 1908 a number of cities, most notably New York and Washington, DC, were sure to take the talking machine into account when revising their local noise ordinances.⁹⁰

After 1908, the number of complaints published in newspapers about the use of phonographs for advertising decreased significantly, which is perhaps understandable from 1914 to 1918 when the First World War would have held the attention of the press and its readers, but a bit mysterious for the years of 1909 to 1913. It seems odd that regulations of the phonograph would have been effective when they had failed so miserably to check street musicians, amateur music-makers, and peddlers. One possibility for this decline is that the nexus of providing stationary performances and doing so for the sake of commercial profit offered retailers little protection in either the form of mobility or protected constitutional rights. Offenders of the new ordinances would have been easy to locate and to prosecute.

When phonograph advertisers again hit the headlines in the 1920s and 30s, it was mainly to announce that they had been successfully restrained. In 1922 for instance, James Secular, the proprietor of a phonograph shop, was fined \$10 by Magistrate George W. Simpson for playing jazz from 10 AM to 11 PM and refusing to turn down his music at the request of nearby residents and merchants. Among the merchants was the owner of a funeral parlor whose clients complained that the music disrupted funerals.⁹¹ Secular's

⁹⁰ "Noise Nuisance Hearing," *The Washington Post*, 6 Feb. 1907, p. 16; A Sufferer, "Anti-Noise bills to Have a Hearing," *New York Times*, 10 Oct. 1908, p. 20.

⁹¹ "Jazz Upsets Funeral," *New York Times*, 19 May 1922, p. 8.

response in his defense was that he “couldn’t understand this lack of appreciation for music.”⁹²

The low number of complaints after the mid-1920s is probably due in part to advances in radio technology. Once the loudspeaker was invented, the radio quickly supplanted the phonograph as a popular tool for commercial advertising, both in the form of stationary radios in homes and storefronts, and in the form of broadcasting from loudspeakers on sound trucks and various modes of public transportation.

The Radio Loudspeaker

The early days of radio advertising were largely experimental. Although street peddlers had practiced sonic advertising for centuries and phonographs had been used for storefront advertising since the 1890s, the professionals who would bring radio advertising to fruition primarily came from a background in print media. After reading a number of histories and biographies written by early admen, it becomes clear that they weren’t really sure what to make of this technological newcomer. Initially, radio stations and advertisers were leery of one another. The stations feared that advertisements would disenchant or even antagonize listeners while advertisers from print-based publications saw radio as a potential competitor that would draw consumers’ attention away from magazines, newspapers, and cinemas. When attempted, early radio advertisements were seen as an effort to develop consumer “good will” towards a product through its association with pleasant programming. Although the estimated number of receiving sets owned in the United States had increased from 60,000 in 1922 to 1.5 million in 1923, the

⁹² “Played Jazz Music Even During Funeral; Cost him \$10 in Court,” *The Washington Post*, 19 May 1922, p. 1.

nature of radio as untested territory probably made the nominal charge of \$100 for ten minutes of airtime from the American Telephone and Telegraph Company a bit off-putting to most commercial ventures.⁹³

Once a few daring advertisers proved successful at using radio to turn an undeniable profit, however, broadcast advertising quickly caught on. By 1927, \$3.8 million was spent on broadcast advertising over national networks. By 1932, expenditures had soared to \$39.1 million, or a 920% increase over a five-year period.⁹⁴ Although the cost of airtime increased during this period, so did its circulation value. Whereas only 60,000 receiving sets were estimated to be in use in 1922, that number climbed to 6.5 million in 1927 and to 16.7 million in 1932.⁹⁵

Moreover, the overall range of radio broadcasts was steadily increasing. In 1923, few stations were capable of broadcasting 1,000 to 4,000 watts and most broadcasts reached less than 100 watts. By 1932, only 5% of stations broadcast at less than 100 watts. Although the majority of stations still produced in the 100 to 4,000 watt range, a few had become capable of producing over 30,000 watts.⁹⁶ Radio broadcasting allowed advertisers to tap into an ever expanding circle of consumers with a single ad, making it an attractive supplement or replacement for print ads.

Although these statistics demonstrate the increasing popularity of radios for home use and advertising, they provide us with a poor sense of the overall role radio advertising played in noise complaints. Upon comparing newspaper accounts with formal histories on the use of radio loudspeakers for commercial advertising, it becomes very clear that

⁹³ Hettinger (1971), 42, 107. Additional information on the development of early radio advertising is available through: Hoyle (1936).

⁹⁴ Calculations based on table presented in: Hettinger (1971), 113.

⁹⁵ Ibid., 42.

⁹⁶ Ibid., 70.

these histories focus almost exclusively on a single application of radio technology—namely the broadcast of advertisements over radios in people’s homes. These histories do discuss issues related to customer dissatisfaction such as content censorship, public reaction to commercial interruptions, and shaping commercials and radio programming to suit the tastes of target audiences, but they overlook the commercial applications of radio that really tested the public’s patience. Absent from these sources are discussions of early experiments with advertising rarely encountered today, such as the use of storefront radios, sound trucks, loudspeaker planes, and radio-equipped modes of public transportation. The neglect of these areas may be due, in part, to their brief and ultimately unsuccessful existence; they either were cost inefficient or proved unpopular with a large percentage of listeners. In the latter case, it was only a matter of time before an advertising strategy was either regulated out of existence or abandoned by retailers interested in maintaining the good will of potential customers. The use of radios in public transportation even culminated in a United States Supreme Court case, to be discussed below.

Especially in the early years, when many consumers were calling for government regulation of radio, admen were painfully aware that their audiences would ultimately decide the fate of broadcast advertising. If consumers found radio advertisements to be overly intrusive, deceptive, or in poor taste, then they might possibly boycott the represented product or demand increased government intervention. By 1936, this increased sensitivity to consumer reactions was reflected in the code of ethics for outdoor advertising, which required advertisers

[t]o place and maintain outdoor-advertising facilities in such a way that they will be acceptable to reasonable-minded persons and to the end that the natural beauties of the rural landscape and the amenities of historical and public shrines will be protected and preserved.⁹⁷

Advertisers and consumers saw the potential for radio loudspeakers to become the sonic equivalent of the billboards and fliers that blighted suburban and rural landscapes.

In his instructional book, *Radio as an Advertising Medium*, Warren B. Dygert explained to his readers that radio advertisements were “as pleasing to many listeners as the hawk of the itinerant huckster under a sickroom window,”—an interesting metaphor in and of itself given the overall topic of this work. Dygert states that the airwaves belonged first to the people and that their use was regulated on “a basis of public ‘interest, convenience and necessity.’” Advertisers and radio stations were only allowed to borrow airtime for the sake of informing, educating, and improving the lives of consumers. Because the people had first say in the use of the radio airwaves, Dygert explained that radio stations

fear, as every other advertising medium does, public disapproval; for public disapproval means stringent government regulation at worst or smaller sales from advertising in that medium. Organized outdoor advertising was wise enough to see this years ago, yet in spite of bettering outdoor sign placement, there is a group of conscientious objectors whose concerted cries get into print more than occasionally. Radio, too, has its conscientious objectors, particularly against advertising, and it behooves the advertiser not to give them more to complain about than necessary. To the great mass of radio listeners the advertising message can be made effective and yet not obnoxious. It is a fairly safe axiom that the more educated (or intelligent) the radio listener, the more antagonistic he is to long and poorly placed advertising messages.⁹⁸

Dygert also provided examples of how large radio stations actively censored commercials felt to be potentially offensive or embarrassing to their listeners without pressure from federal or local government. Commercials that tried the public’s patience or sense of decency were also likely to result in staunch disapproval of listeners and a loss of commerce for the stations.

⁹⁷ Hoyle (1936), 10.

⁹⁸ Dygert (1985 [1939]), 15.

Dygert's analysis of public sentiment may have been based upon letters such as the following one to the editor of the *Los Angeles Times* in 1929, which was written in response to the particularly intrusive practice of advertising products from low flying airplanes:

Having billboards hit us in the face like a load of hay at every scenic turn in the motor highways is quite enough of the outdoor advertising nuisance. Radio advertising has silenced many a radio receiving set, but when we're bombed from the sky with airplanes deluging us with tornadoes of loud-speaker bombast, it causes many a citizen to exclaim—"There ought to be a law against that!" There will be....

Now, not satisfied with having converted the major highways into virtually the equivalent of elongated trash heaps, the outdoor advertisers have begun making "loud-speaker" airplane raids upon the privacy and sanctity of our homes. The only logical remedy is more laws—and still more laws—until we've made one to pin the bee upon every boorish person who hasn't sense enough to restrain himself from doing those things which any knowledge of common decency would tell him he shouldn't do.⁹⁹

This letter not only demanded government intervention, but it also made lavish use of discourse strategies discussed earlier in this work. Radio advertisements are compared to other forms of pollution, natural disasters, and acts of war and trespass. Those responsible for this rather innovative combination of the latest in broadcasting and aviation technology are represented as uncivilized and ignorant of proper social behavior.

The fear of consumer retribution, however, seems to have primarily affected the policies of radio stations and large advertising companies and did little to curb the behavior of many radio retail shops, department stores, and sound truck operators until well into the 1960s. Initially, radio simply replaced the phonograph in the storefronts of many retail establishments. Between 1922 and 1929, the radio went from being a new toy fiddled with by a handful of hobbyists to becoming one of the most detested nuisances in New York City. Sound measurements made by Noise Abatement Commission in 1929 show that Radio Row, a block heavily populated by radio

⁹⁹ John Edwin Hogg, "Ought to Be a Law," *Los Angeles Times*, 17 May 1929, p. A4.

dealerships, was among the loudest locations in the city with an average sound level of 79 dB and a range of 75 to 81 dB. Of the other sites measured, only three matched or outdid the average sonic output of Radio Row and included the entrance to a vehicular tunnel (79 dB), the combined paths of heavy vehicular traffic and the elevated railway (80 dB), and an excavation site (80 dB).¹⁰⁰

Complaints about storefront radios soon flooded the papers, police stations, and the offices of city officials. Most of the reasons for these complaints are familiar to us now and included disrupted sleep, increased nervousness, and a decreased ability to concentrate on complicated mental tasks.¹⁰¹ Although the questionnaire circulated by New York's Noise Abatement Committee in 1930 showed that 7.00 % of the respondents found home radios to be among the most annoying sounds, ranked third after truck motors and automobile horns, storefront radios weren't far behind. At 5.36%, commercially used radios were statistically less annoying than elevated trains but more annoying than automobile brakes, street cars, sirens, and a plethora of construction and transportation noises.¹⁰²

¹⁰⁰ See fig. 6 in: Brown, et al. (1929), 129.

¹⁰¹ For complaints about disrupted sleep, see: "Radio Night Hawking Taboo in Ohio City," *The Hartford Courant*, 11 Aug. 1928, p. 4. This particular article mentions that the Mayor of Newton Falls, Ohio decided to ban the outdoor use of radios for advertising after 9:30 PM due to a number of complaints "made by employees of the city's steel industry who go to bed early at night and rise early in the morning that howling radios have been robbing them of sleep." The following article mentions that the plaintiff of a suit against the store next door for advertising via radio was a hotel owner who found that the instrument annoyed his guests who were primarily third-shift railroad workers: "Radio Loud Speaker on Street Is Cause of 'Nuisance' Suit," *Chronicle Telegram* (Elyria, OH), p. 11. For complaints about increased nervousness, see: Fair Play, "One Avoidable Noise," *New York Times*, 29 Nov. 1926, p. 18; "Relief from Radio Nuisances," *The Hartford Courant*, 1 Aug. 1931, p. 10; "The Radio Racket," *Decatur Evening Herald* (IL), 20 Sept. 1929, p. 7. For complaints about disrupted concentration, see: Clerk, "Letters to the Editor," *Evening Independent* (Massillon, OH), 25 May 1933, p. 4; Observer, "Radios in Taverns," *The Hartford Courant*, 24 Jul. 1936, p. 12; Article on a shooting trial interrupted by a storefront radio: "Magistrate Warns against Perjury in Examination," *The Gleaner* (Kingston, Jamaica), 19 Apr. 1938, p. 23.

¹⁰² Brown, et al. (1930), p. 27.

If local courts and legislative bodies had proven hesitant to react against home radios, they moved quickly against storefront radios. By 1930, a number of cities, including Cleveland, New York, Detroit, and Washington, DC, began curtailing advertising hours or outright banning the use of storefront radios.¹⁰³ When discussing regulations in New York, Alderman Murray W. Stand mentioned that similar ordinances were enacted in the past to control the sounds of peddlers, street musicians, auctioneers and showmen:

“In all these cases, noise was used to attract trade—just as radio loud-speakers outside shops are being used today. To prosecute one such noise-maker or another under the general provisions prohibiting unnecessary noise in streets would not only have been an expensive, court-cluttering practice, but would have worked injustice upon the persons prosecuted, who would have been handicapped in competition with others who might go unprosecuted.”¹⁰⁴

By banning the operation of radios and phonographs outside shops, with the exception of special occasions when granted a permit by the Police Commissioner, the Aldermen of New York hoped to reduce the amount of sonic advertising imposed on citizens while maintaining a level playing field for businesses and also preventing added strain on the local court system. Before the passing of this ordinance, only a small number of businesses would have been punished for radio advertising, primarily those located in areas with a higher number of residents and better resourced police forces, in effect granting their competitors an unfair advantage even when their use of radio proved equally annoying to individual members of the public. Entirely prohibiting storefront radio seemed the best approach and few citizens protested the move.

Despite the enactment of ordinances across the country, complaints about the use of stationary loudspeakers for commercial advertising by retailers continued to appear in

¹⁰³ “City Law Bars Radio Nuisance,” *The Port Arthur News* (TX), 3 Aug. 1930, p. 20.

¹⁰⁴ “Bill Would Curb Street Radio Din,” *New York Times*, 5 Feb. 1930, p. 48.

letters to the editor and reports of court cases well past the 1930s—and continue into the present day for that matter. The biggest change in this particular phenomenon appears to be its expansion to other types of venues. Although initially limited primarily to radio dealers, music shops, and department stores, later complaints feature drive-in restaurants, open-air movie theaters, amusement park attractions, sports stadiums, miniature golf courses, and even cemeteries.¹⁰⁵ When considered in combination with the sounds produced by neighbors' sets, many people may have shared J. P. Simmons' feelings that radio had become an ominous and inescapable presence:

Along with many others I am wondering if the time will ever come when we will not be compelled to listen to radio programs from sunrise to midnight and later. Those of us who live in apartment-houses and hotels where radios are the most numerous and the operators' tastes most varied, are greeted with radio as soon as we open our eyes; it blasts at us as we pass music and other stores, it meets us when we return to our rooms in the evening and stays with us long after bedtime. As a form of entertainment in reasonable quantities I have no objection, as we have a set of our own, nor am I opposed to special broadcasts which must be at a special time, but I pray for the time when radio broadcasting will be made at limited times, without advertising, and that time should be only from 6 to 9 p.m. I believe this will eventually be the practice, otherwise most assuredly radio will come before the committee for "The Suppression of Unnecessary Noises."¹⁰⁶

Despite the enactment of noise ordinances, Simmons' prayer remained unanswered. If anything, the problem of radio noise was to grow worse as loudspeakers temporarily took to the streets, the sky, and every form of transportation available.

¹⁰⁵ For complaints about drive-in restaurant loudspeakers, see: "Council Hears Citizen Attack C.R. Drive-In," *Cedar Rapids Gazette*, 30 May 1950, p. 2. For complaints about open-air theater loudspeakers, see: "Noise in the Night," *The Hartford Courant*, 29 Aug. 1948, p. A2. For complaints about amusement park loudspeakers, see: "Lid Must Be Put on Public Noise Makers," *Los Angeles Times*, 4 Aug. 1929, A3. For complaints about sports stadium loudspeakers, see: Bill Lee, "With Malice Towards None," *The Hartford Courant*, 30 Jun. 1948, p. 15; "Great Pastime Gives Zoners Big Headache," *Los Angeles Times*, 28 May 1965, p. SF9. For complaints about mini-golf course loudspeakers, see: "Miniature Golf Curfew Action Planned Today," *Los Angeles Times*, 1 Oct. 1930, p. A1; "Radio-Silencer Action Studied," *Los Angeles Times*, 2 Oct. 1930, p. A1. For complaints about cemetery loudspeakers, see: "She Mourns Daily Dirges," *Chicago Daily Tribune*, 10 Jul. 1957, p. 1.

¹⁰⁶ J. P. Simmons, "For Radio Reform," *Los Angeles Times*, 15 Sept. 31, A4.

Sound Trucks and Other Forms of Mobile Loudspeakers

A particularly early and isolated description of the use of a motorized vehicle in combination with a loudspeaker device appeared in a letter to the editor in the 27 March 1919 issue of the *Zanesville Signal* (OH):

The noise incident to the regular flow of vehicular traffic is, more or less, a ‘necessary evil,’ and is accepted and tolerated as an integral part of commerce. But when we find automobiles equipped with amplifiers, cruising through the business district and distracting hotel guests and pedestrians with cheap music and blatant oratory, then the time has come when we should arise in righteous wrath and do something about it. If there isn’t a city ordinance prohibiting such an ostentatious display of asininity then certainly one should be enacted and enforced with all possible haste.

Our modern city is not an outpost of civilization; it is a community boasting every normal and modern publicity medium known to civilization. Why, then, do its citizens have to endure the use of a medium which, to say the least, distracts their ears, fills them with disgust and gives them the urge to kill?¹⁰⁷

Whether the author of this letter was particularly sensitive to the effects of this form of advertising or whether Zanesville, Ohio had an unusual problem on its hands is unknown. Given the rarity of radios and public address systems before the end of WWI, it’s unclear exactly what the nature of this specific amplification device even was. This letter, however, does seem to indicate that the devices described in this section did have some form of predecessor, either in the form of megaphones or some experimental electronic amplification equipment.

The next complaints about mobile loudspeakers, however, don’t appear until the early 1930s, thanks to the enterprising mind of Huey Long. During his campaign against Joseph E. Ransdell in 1929 for a seat in the United States Senate, Long came up with the idea of mounting radio loud speakers on an automobile—an invention he referred to as a “sound truck.”¹⁰⁸ Although the sound truck’s full nuisance potential was realized in the

¹⁰⁷ Jerry Fraunfelter, “Reader’s Forum: Ordinance Needed,” *The Zanesville Signal* (OH), 27 Mar. 1919, p. 4.

¹⁰⁸ Long (1996 [1933]), 220.

hands of politicians, which will be discussed in the next chapter, its advantages as an attention-getting device and advertising tool were not lost on retailers. Complaints published in newspapers suggest that the peak use of sound trucks existed throughout the 1930s and '40s. Today, the strongest surviving remnant of the sound truck advertising era in the United States, and one that has continued to annoy its unwilling listeners, is the ice cream truck.¹⁰⁹

In addition to loudspeakers, many sound trucks were also equipped with a record player, although they did occasionally broadcast programs from the radio or live material over a public address system. Based on accounts, the loudspeakers were capable of projecting sound over long distances and into nearby buildings. Although much of what was broadcast did consist of spoken content, the “spiels” themselves were often interspersed or set to musical jingles used to catch the ears of nearby listeners. For instance, a campaign plug for Matthew Pinter as Alderman for Milwaukee’s new Fourth Ward used Sousa’s “Washington Post March” and “Stars and Stripes Forever” as well as Lieut. F. J. Ricketts’ “Colonel Bogey March” and a number of other marches as background music.¹¹⁰

The movie *Angels with Dirty Faces* (1938) presents us with another depiction of a sound truck performing musical content, this time in contrast with some other urban sounds discussed earlier. The movie’s opening scene depicts a New York slum in May of 1923, complete with the sounds of women beating rugs over their balconies, horses’ hooves, a peddler crying his wares, and a street piano playing “Sidewalks of New York.”

¹⁰⁹ Dan Barry, “As Jingle Plays, Resistance Is Futile,” *New York Times*, 23 Jun. 2004, B1; Matthew Purdy, “Standing Up to Mr. Softee (Don’t Laugh),” *New York Times*, 10 Jul. 2002, p. B1; David M. Herszenhorn, “A Town’s Last Word to the Ice Cream Man: Quiet!” *New York Times*, 4 Mar. 1998, p. B1.

¹¹⁰ [Sound Truck Campaign Record, Matthew Pinter for Alderman of the New Fourth Ward], ca. 1965, (Milwaukee, WI: Starline Records).

When gangster Rocky Sullivan returns to town following his release from the New York State Penitentiary in June of 1938, the same year as the film's release, the soundscape is dominated by an advertising van playing jazz music through three humongous loudspeakers attached to the roof.¹¹¹ The director's creative use of these sounds to help create a sense of the past and the present for his contemporary audience members also provides us with a sense for just how thoroughly sound trucks transformed the urban soundscape.

Similar to peddlers and street musicians, a mobile noise nuisance proved more difficult to regulate and enforce than a stationary one. First, the disruption caused by sound trucks was temporary, increasing the likelihood that an unwilling listener would suffer through the occasional isolated incident without complaint. Second, in cases where a listener did wish to complain, actually locating the perpetrator could present a bit of a challenge for the dispatched police officers. Particularly problematic were a few experiments with "sound planes," which were capable of "bombarding" entire cities from the sky. One advertising company even had the daring to try out this tactic on Easter Sunday morning. Although the aviation police did manage to locate the offending plane, there wasn't much they could do to stop or arrest the perpetrator at an altitude of 2,500 feet.¹¹²

The majority of these short-lived aerial experiments took place between 1928 and 1933.¹¹³ The number of published complaints, however, doesn't appear to have been

¹¹¹ Curtiz, dir. (1938).

¹¹² "Attacking a Public Nuisance," *Christian Science Monitor*, 15 Apr. 1931, p. 18; "Sky Police Chasing a Nuisance Airplane," *Decatur Evening Herald* (IL), 17 Apr. 1931, p. 8.

¹¹³ "Loud-Speaking Airplanes," *Lima News* (OH), 20 Oct. 1928, p. 4; John Edwin Hogg, "Ought to Be a Law," *Los Angeles Times*, 17 May 1929, p. A4; "A Poor Way to Advertise," *The News-Palladium* (Benton Harbor, MI), 6 Nov. 1929, p. 2; "Radio over Brooklyn," *New York Times*, 29 Jun. 1933, p. 18.

significant enough to have encouraged city officials to ban the practice outright, suggesting that advertisers may have quickly abandoned it as overly expensive and/or ineffective. Another possibility is that aerial advertisements so blatantly transgressed zoning restrictions protecting schools, hospitals, and churches that city police and officials quickly took action without pressure from distraught citizens.

Sound trucks, however, were clearly the more pernicious advertising medium. The mobile broadcasting system allowed advertisers to reach thousands of potential customers, including individuals who didn't own radios. In the 1920s and '30s, there was little in the way of legislation to bar sonic experimentation with this new technology. Combined with a poor sense of what would annoy potential customers, sound truck operators had a tendency to disrupt sleep, quiet evenings at home, and work in the office.¹¹⁴

Although people did complain about sound trucks, much of their ire seems to have been directed towards their use by political candidates, at least within public forums such as letters to the editor. However, science fiction author Frederick Pohl paints a vivid, although also a fictionalized and perhaps slightly exaggerated, depiction of two listeners' reactions to a poorly thought out sound truck advertisement at 6 AM:

The car took a position in the middle of the block and stood silent for a few minutes. Then there was a crackle from the speaker, and a giant voice chanted:

Feckle Freezers!
Feckle Freezers!
Gotta Have a
Feckle Freezer!
Feckle, Feckle, Feckle,
Feckle, Feckle, Feckle—

¹¹⁴ Janice V. R. Dannenberg, "Noisy Sound Trucks," *New York Times*, 16 Jun. 1948, p. 28; "For Curb on Auto Radios," *New York Times*, 15 Dec. 1933, p. 3.

It went on and on. Every house on the block had faces staring out of windows by then. The voice was not merely loud; it was nearly deafening.

Burkhardt shouted to his wife, over the uproar, "What the hell is a Feckle Freezer?"

"Some kind of a freezer, I guess, dear," she shrieked back unhelpfully.

Abruptly the noise stopped and the truck stood silent. It was still misty morning; the sun's rays came horizontally across the rooftops. It was impossible to believe that, a moment ago, the silent block had been bellowing the name of a freezer.

"A crazy advertising trick," Burckhardt said bitterly. He yawned and turned away from the window. "Might as well get dressed. I guess that's the end of—"

The bellow caught him from behind; it was almost like a hard slap on the ears. A harsh, sneering voice, louder than the archangel's trumpet, howled:

"Have you got a freezer? *It stinks!* If it isn't a Feckle Freezer, *it stinks!* If it's a last year's Feckle Freezer, *it stinks!* Only this year's Feckle Freezer is any good at all! [etc.]

...

It stopped eventually. Burkhard licked his lips. He started to say to his wife, "Maybe we ought to call the police about—" when the speakers erupted again. It caught him off guard; it was intended to catch him off guard.... That did it. With fingers that kept stabbing the wrong holes, Burckhardt finally managed to dial the local police station. He got a busy signal—it was apparent that he was not the only one with the same idea—and while he was shakily dialing again, the noise outside stopped.

He looked out the window. The truck was gone.¹¹⁵

Considering that Pohl actually spent time working with an advertising company devising and implementing new advertising techniques, this story about a company that preserves the souls of town members killed in an explosion, just so that it can test its advertisements on them, may have drawn heavily from Pohl's professional experiences. The story suggests a climate of "anything goes" in the early world of professional advertising, where any technique was worth a try until it proved tremendously unpopular, ineffective, overly expensive, or was regulated out of existence by authorities.

In many cities across America the use of sound trucks for commercial advertising was eventually regulated. By 1948, New York City had passed an ordinance requiring commercial sound truck operators to file for a permit. Even with a permit, sound trucks were not allowed to operate within 500 feet of a school, court of law, or church during hours of operation or within 500 feet of a hospital at any time. Hours of use were also

¹¹⁵ Pohl (1954), 14-15.

restricted to between 9 AM and 10 PM.¹¹⁶ Much earlier, the city of Billings, Montana banned the use of any form of mechanical amplifier mounted on a motor vehicle for advertising in 1935.¹¹⁷ Most regulations, however, were aimed at the use of sound trucks in general, whether used for commercial, political, or religious advertising and will be discussed in more detail in the next chapter.

Ultimately, advertisers weren't terribly distraught by tighter regulations on their use of sound trucks. By the late 1940s, they had turned their energies towards installing radios in various public transportation vehicles and venues including taxis, railway terminals, and cruise ships.¹¹⁸ Although citizens protested all of these decisions, what really stirred up the hornets' nest was Capital Transit Company's decision to install radios on buses and streetcars in Washington, DC. The cost of installing the radios was covered by Washington Transit Radio, Inc. under the provision that it would also pay Capital Transit for the exclusive privilege of broadcasting its programs to passengers via FM-station WWDC. By October of 1949, not only had the initiative expanded to more than 2,800 vehicles in at least twelve other cities, including Cincinnati, St. Louis, and Houston, but broadcasts were being introduced into factories and supermarkets as well.¹¹⁹ That same month, citizen protests resulted in a public hearing before the Public Utilities Commission (PUC) of Washington, DC.

¹¹⁶ "Sound Truck Curb Up for Revision," *New York Times*, 12 Aug. 1948, p. 42.

¹¹⁷ "Council Clamps Down on City Noise Pests," *Independent* (Helena, MT), 1935 Mar. 8, p. 8.

¹¹⁸ "Radio Nuisances," *The Hartford Courant*, 21 Dec. 1933, p. 12; "'Last Round-Up' Hits New York Taxi Sets; 'Git Along, I' Radio—'," *Christian Science Monitor*, 15 Dec. 1933, p. 1; Advertising Man, "Forced Listening," *The Washington Post*, 21 Dec. 1949, p. 14; "Literary Topics," *The Hartford Courant*, 26 Jun. 1935, p. 10.

¹¹⁹ The Supreme Court case decision lists the number of vehicles with transit radio as of October 1949 as follows: St. Louis, MO - 1,000; Cincinnati, OH - 475; Houston, TX - 270; Washington, DC - 220; Worcester, MA - 220; Tacoma, WA - 135; Evansville, IN - 110; Wilkes-Barre, PA - 100; suburban Pittsburgh, PA - 75; Allentown, PA - 75; Huntington, WV - 55; Des Moines, IA - 50; Topeka, KA - 50; suburban Washington, DC - 30; Baltimore, MD - unknown. *Public Utilities Commission of the District of Columbia et al. v. Pollak et al.*, 343 U.S. 451; 72 S. Ct. 813; 96 L. Ed. 1068 (1952).

An article covering the second day of the hearings provides us with some sense of the energy and tension surrounding the controversy:

WASHINGTON, Oct. 28 (AP)—The local battle of the musical trolleys went into its second tempestuous day today with a highly vocal anti-noise faction claiming an opening day margin of several shouts and a holler.

Hearings got underway yesterday, to the accompaniment of loud laughter and commentary from an overflow crowd.

Chairman James H. Flanagan of the Public Utilities Commission admonished in vain that the noisiest side need not be the winning one in the explosive debate over whether Washington street cars should be allowed to carry programs of music, news and advertising.

"We want you to enjoy your selves," Flanagan told the restive audience, "but I must tell you that applause or exclamations of approval will have no weight when the commission reaches a decision on this matter."

That didn't stop the noise.

The skirmishing started several weeks ago, when irate citizens wrote letters to the local news papers protesting the practice of beaming special FM programs into certain of the capital Transit Company's vehicles. Some citizens' organizations took up the fight, eleven for the broadcasts and three against.

The whole issue exploded before the Utilities Commission yesterday. Audience participation became so hard to restrain that Flanagan withdrew a rule against testimony from the floor. The response was terrific.

Said Jerome Schoenfeld, a reporter for a group of trade publications:

"Both the music and the commercials on the programs I have heard on buses and streetcars sicken me. I do not have a doctor's certificate to show that I became sick, but the commission will have to believe that I was made ill."

The audience—estimated by impartial observers to be at least three to one anti-music—cheered lustily.

Said John Connaughton, president of the Federation of Citizens Associations: "Radios on streetcars and buses cannot injure individuals who are normal enough to be at large."

The audience jeered, and many people protested vigorously.

"As a musician," a voice shouted, "I feel insulted."

The testimony appeared heavily weighted against the musical vehicles, which carry programs transmitted by radio station WWDC. The station pays the transit company for the service.

One of the witnesses was R. A. Seelig, who identified himself as president of the Transit Riders Association, an organization founded last Tuesday with 42 members. Seelig called the loud-speaker equipped vehicles a "nuisance" and proposed earphones for those who want to listen.

"This would permit others to talk, read, or even think," he said.

Seelig was cheered for five minutes when he stepped down.

Despite the weight of the anti-noise forces at yesterday's hearing, the Public Utilities Commission reported that the communications it has received on the subject are about evenly divided. The commission plans to continue its sessions for several days.¹²⁰

We find a few old discursive strategies resurfacing in this report, such as the association of sound with illness and the idea that people affected by sound are abnormal. By the end of the hearings, most of the testifying witnesses spoke out against the continued use of

¹²⁰ "Anti-Noise Group Noisiest at Street Car Radio Hearing," *The Abilene Reporter-News* (TX), 28 Oct. 1949, p. 18.

radio on city buses. Bernard Tassler, president of the National Citizens' Committee against Forced Listening (NCCAFL) and managing editor of the *American Federationist*, claimed that Capital Transit had adopted "a public-be-damned policy" that constituted a "flagrant infringement on basic human rights." Another witness, Franklin Snow, claimed that the quality of the broadcast programming was "an insult to anyone with a mental age of more than 12 years."¹²¹

The hearings apparently amused a few of Washington's neighbors. *The News*, published in Frederick, Maryland, described the battle as an opportunity for Washington's residents to relax and enjoy some "belly laughs" and further commented that the controversy sounded like something out of Gilbert and Sullivan.¹²² For those involved, however, whether or not they had to spend their morning and evening commutes exposed to unwanted radio was a serious issue. One writer, going by the initials I.T.S., explained that when a person was tired at the end of the day and riding in a jam-packed streetcar, he or she just wanted to be left alone. Transit radio with its "vulgar, annoying, distracting" advertisements not only took away an American's freedom of choice, but it gave advertising a "black eye."¹²³

An anonymous advertising man supported I.T.S.'s sentiments and in turn quoted an essay by Bob Foreman in *Advertising Agency* that critiqued a similar use of radio in Grand Central Station. Foreman described the radio programs, a mixture of Muzak and ten-second advertisements, as a form of auditory "scurvy" and argued that the forced listening method used by Grand Central Station would only hurt advertisers in general:

¹²¹ "Final Hearing Blasts Fired at Streetcar and Bus Radio," *The Washington Post*, 2 Nov. 1949, p. 17.

¹²² "Musical Chairs," *The News* (Frederick, MD), 21 Nov. 1949, p. 11.

¹²³ I. T. S. "Transit Radio," *The Washington Post*, 19 Dec. 1949, p. 6.

The poor commuter and other travelers *can't get away* from the plugs. On radio, as I've maintained for many sparkling picas in past columns, the listener gets a lot more than he gives—his attention for a mere 10 percent of the program times. In magazines and newspapers the reader can look or look away from the advertisements.

In Grand Central Station, to the contrary, the wayward traveler who has paid his hard-earned dough for transportation is subjected to an annoyance from which someone else profits and from which he can't escape. Reduce the train fares by the amount of take derived by this infernal machine or take it out, say I!¹²⁴

The concepts of “forced listening” and the right “to be left alone” would continue to surface in the debate. Two separate letters to the editor published on 24 December 1949 complained about transit radio as a form of coercion. The first described Transit Radio's programs as an attack on “the basic and inalienable right of the individual to freedom from mental intrusion and coercion.” The later complained that transit radio had “overstepped the line of good taste, common decency, and personal liberty” and that its coercion had to be stopped if Americans were to “retain any vestige of privacy and freedom.”¹²⁵

Other readers of the *Post* added new arguments against Transit Radio. One reader described the experience of being forced to listen to dance music on buses and streetcars first while suffering from the strain of helping his family cope with his brother's sudden illness and then while grieving his brother's death. The writer found the incongruity of the music with his emotional state difficult to tolerate and described his forced exposure to it as inhumane.¹²⁶ Yet another letter positively described the experience of being on a bus full of passengers who had broken into the strains of “Adeste Fideles,” an act that the

¹²⁴ Bob Foreman, “Listening and Looking,” *Advertising Agency*, Nov. 1949; quoted in: Advertising Man, “Forced Listening,” *The Washington Post*, 21 Dec. 1949, p. 14.

¹²⁵ Vera E. Adams, “Forced Listening,” *The Washington Post*, 24 Dec. 1949, p. 6; M. K. Jessup, “Forced Listening,” *The Washington Post*, 24 Dec. 1949, p. 6.

¹²⁶ Edward K. Merat, “Forced Listening,” *The Washington Post*, 29 Dec. 1949, p. 10.

author felt was unlikely to happen now that buses played the “plastic, automatic and quite soulless” sounds of transit radio.¹²⁷

The PUC ultimately dismissed the charges against the Public Transit Company, arguing that the broadcasts were not injurious to the convenience, comfort, or safety of its passengers. In fact, the large majority of passengers seemed to enjoy the programs. The citizens of Washington who were opposed to Transit Radio were not satisfied with the PUC’s ruling or with the thought of being transformed into “captive audiences” and surrendering their “freedom from forced listening.”¹²⁸ NCCAFL remained active following the hearings and urged the American Society of Composers, Authors and Publishers (ASCAP) to withdraw its music from anyone using it on captive audiences. It also asked Congress to pass a bill against compulsory radio listening in factories and modes of public transportation as “tyrannical, un-American and Communistic to the core.”¹²⁹ NCCAFL suggested to Congress that programs like Transit Radio should be punished with fines of \$1,000 to \$5,000 a day and jail terms of one to ten years.¹³⁰

Also opposed to Transit Radio was the Transit Riders Association. Under the representation of Franklin S. Pollak and Guy Martin, the Association brought the matter before Federal District Judge Tamm, only to have their suit dismissed on 1 June 1950 under the urgings of the PUC.¹³¹ Even the Congress of Industrial Organizations (CIO) briefly joined the fight in June of 1950. The CIO was opposed to radio installations on public transportation not only because they allowed advertisers to force captive audiences

¹²⁷ Nelson C. Rosenberg, “Forced Listening,” *The Washington Post*, 29 Dec. 1949, p. 10.

¹²⁸ “Other Viewpoints,” *The Abilene Reporter-News* (TX), 6 Jan. 1950, p. 6; “Chaos in the Making?” *The Troy Record*, 27 Dec. 1949, p. 6.

¹²⁹ “Committee Asks Law to Prohibit Forced Listening,” *The Chronicle Telegram* (Elyria, OH), 2 Jan. 1951, p. 2.

¹³⁰ “Group Requests Public Music Ban,” *The Lima News* (OH), 25 Dec. 1949, p. 9.

¹³¹ “Forced Listening,” *The Washington Post*, 10 Jan. 1951, p. 10.

to listen to their programs for the sake of commercial gain, but because they saw the programs as “but a step [from] forced listening to political propaganda.” They urged the FCC to ban such programs and to revoke the licenses of any FM broadcasting station participating in them.¹³²

The CIO’s protests had little direct effect on Transit Radio. Whereas 212 vehicles in Washington, DC were fitted with radios in 1949, by 1952 Capital Transit had fitted 422 vehicles with equipment and planned to similarly furnish 1,700 more.¹³³ Perhaps inspired by the CIO, NCCAFU increased its efforts at presenting Transit Radio as an anti-democratic program. President Tassler is quoted as saying that Transit Radio “involves the same totalitarian tactics used by Stalin and Hitler. We cannot permit this encroachment on a fundamental liberty to go unchallenged.” Tassler also assured citizens that NCCFLA was not against broadcasting, music, or advertising, but rather sought to protect individuals from the “aural aggression” of forced listening. Although Tassler recognized that only ten percent of citizens were opposed to the public transit programs, he argued that the program established a dangerous principle, regardless of whether the majority of passengers enjoyed or were indifferent to the broadcasts.¹³⁴

In February of 1951, Pollak and Martin filed an appeals case against the Public Utilities Commission. Their brief argued that

[t]he imposition of forced listening constitutes an abridgement of the freedoms of communication and discussion guaranteed by the First Amendment to the constitution.

The deprivation of the freedom of disposition of the rider’s own attention, and the deprivation of his use of his faculties as he sees fit, constitutes a deprivation of liberty and property without due process of law, contrary to the guarantees of the Fifth Amendment.¹³⁵

¹³² “CIO Criticizes Transit Music,” *The Bee* (Danville, VA), 1 Jun. 1950, p. 14.

¹³³ Pollak et al. v. Public Utilities Commission of the District of Columbia et al., 89 U.S. App. D.C. 94; 191 F.2d 450 (1951); “Radio Broadcasts in Buses Issue before the Supreme Court,” *Lowell Sun* (MA), 3 Mar. 1952, p. 18.

¹³⁴ “Crusaders Fight for Right to NOT Listen,” *Independent Long Beach* (CA), 7 Jan. 1951, p. 31.

¹³⁵ “Civil Liberties Union Attacks Transit Radio,” *The Washington Post*, 3 Feb. 1951, p. 4.

Not all of Washington's residents were convinced that transit radio represented a political danger to American citizens. Morton S. Raff argued that the programs were "relatively pleasant" and that they hardly resembled political propaganda, particularly considering that Transit Radio was the only FM station not carrying General Eisenhower's speech earlier in the week. Raff concluded his letter to the editor by stating "as long as transit radio is so unwilling to take advantage of its 'captive audience,' our country has nothing to worry about on this score."¹³⁶ Raff's argument was countered by a letter from Bruce M. Benton:

The February 10 letter from Mr. Morton S. Raff represents the kind of attitude we must be perpetually vigilant against, if we hope to prevent the undermining and destruction of our American way of life and its associate individual liberty. He is saying, in effect, that totalitarianism is nothing to worry about as long as we have a benevolent dictator.

The basic issue involved in transit radio is not whether any particular program material is pleasant or desirable. The principle of forced listening is contrary to the American concept of political freedom, and for that reason it must be beaten down wherever it arises.¹³⁷

Given that 1950 marked the era of McCarthyism in the United States, it's not surprising that CIO, NCCAF, the Transit Riders Association, and individual citizens would employ accusations of communistic intent, propaganda, loss of personal liberty, and paranoia as discursive strategies in their writing. These strategies proved effective with the United States Court of Appeals. On 1 June 1951, the Court reversed the decisions of the District Court of Washington, DC and PUC, effectively banning Capital Transit from playing commercials and announcements on its buses and streetcars. WWDC's references to "captive audiences" in its advertisements for Transit Radio and the complete dependence of most people living in Washington, DC on public transportation didn't help Capital Transit's case. Judge Henry W. Edgerton stated:

¹³⁶ Morton S. Raff, "Letters to the Editor," *The Washington Post*, 10 Feb. 1951, p. 8.

¹³⁷ Bruce M. Benton, "Letters to the Editor," *The Washington Post*, 14 Feb. 1951, p. 12.

No occasion had arisen until now to give effect to freedom from forced listening as a constitutional right. Short of imprisonment, the only way to compel a man's attention for many minutes is to bombard him with sound that he cannot ignore in a place where he must be. The law of nuisance protects him at home. At home or at work, the constitutional question has not arisen because the government has taken no part in forcing people to listen. Until radio was developed and someone realized that the passengers of a transportation monopoly are a captive audience, there was no profitable way of forcing people to listen while they travel between home and work or on necessary errands. Exploitation of this audience through assault on the unavertible sense of hearing is a new phenomenon. It raises 'issues that were not implied in the means of communication known or contemplated by Franklin and Jefferson and Madison.' But the Bill of Rights, as appellants say in their brief, can keep up with anything an advertising man or an electronics engineer can think of.¹³⁸

The Court found Capital Transit injurious to passengers. By forcing their attention, passengers were unable to relax, meditate, converse, or read as they saw fit, depriving them of their constitutional rights to free speech and privacy. The only way for an individual to escape the ads, since Capital Transit was the only governmentally sanctioned public transportation franchise in Washington, DC, was not to ride the buses and streetcars. The ban did not affect musical broadcasts and the court remained undecided as to whether such broadcasts deprived objecting passengers of personal liberties.

Supporters of Transit Radio were not happy with this decision. A letter from Nellie Beebe accused the Appeals Court of stretching the Constitution and the Bill of Rights when deciding that the freedom of speech also applied to the freedom not to listen. Beebe argued that if people objected to the broadcasts, then they were capable of selective listening and mental self-command and could simply "close their ears." She concluded her letter stating that "anyone in the 'captive' audience who is an involuntary slave to the radio probably is a slave in his own home, a slave in his office, and a slave to his inferiority complex, wherever he is." This closing comment once again draws on the

¹³⁸ Pollak et al. v. Public Utilities Commission of the District of Columbia et al., 89 U.S. App. D.C. 94; 191 F.2d 450 (1951).

discursive strategy of depicting those who seek to regulate sound as unhealthily abnormal. The comment also suggests that such people are incapable of mental self-control and allow themselves to be victimized.¹³⁹

Capital Transit also was opposed to the decision made by the Court of Appeals, particularly since its deal with Washington Transit Radio, Inc. earned it \$36,000 a year. On 15 October 1951, the United States Supreme Court agreed to look over the lower court decision.¹⁴⁰ Capital Transit and Transit Radio were backed by the PUC and together they argued that the issue of forced listening was a matter for Congress to decide. If citizens wanted radio advertisements banned from public transportation, then they would need to petition Congress to pass a bill prohibiting it. The brief presented to the Supreme Court on behalf of Capital Transit stated that when protestors of Transit Radio failed to lobby such legislation, their failure “would mean only that in this matter they are among a minority who must accept the existing situation resulting from their acquiescence in the will of the majority.”¹⁴¹ The stakes of the case were high for Capital Transit. If it won the case, it planned to increase its number of radio-installed vehicles to 1,700, which would mean \$10,200 a month or \$122,400 a year in gains from Washington Transit Radio, Inc.¹⁴²

The Supreme Court passed its decision on 26 May 1952. The Supreme Court accepted PUC’s findings that the programs did not interfere with the convenience, comfort, or safety of passengers, nor did the broadcasts contain objectionable political propaganda. Furthermore, the Court found that the broadcasts were neither a violation of

¹³⁹ Nellie Beebe, “Transit Radio,” *The Washington Post*, 18 Jun. 1951, p. 6.

¹⁴⁰ “Supreme Court to Rule on Bus, Trolley Radio,” *Chicago Daily Tribune*, 16 Oct. 1951, p. 19.

¹⁴¹ Charles Alldredge, “PUC and Transit Radio,” *The Washington Post*, 14 Feb. 1952, p. 14.

¹⁴² “Radio Broadcasts in Buses Issue before the Supreme Court,” *Lowell Sun* (MA), 3 Mar. 1952, p. 18.

passengers' First Amendment right to freedom of speech, since conversations were still possible despite the broadcasts, nor of their Fifth Amendment right to privacy. On the latter point, the Court argued that an unwilling listener was not entitled to the same degree of privacy in a public place as he or she would be at home. An objector to Transit Radio could not expect that his or her preferences would override those of the majority formed by the other passengers. Based on these grounds, the United States Supreme Court reversed the decision of the United States Court of Appeals by a vote of 7 to 1 and declared that the regulation of radio broadcasts on public transportation should be left up to local authorities.

Other interesting points of note are that Justice Frankfurter withheld his opinion, commenting that he himself was a victim and staunch opponent of Transit Radio and therefore could not trust himself to override his emotions when making a decision. Justice Douglas dissented from the majority opinion, arguing that Transit Radio marked a slippery slope and could easily establish a system for broadcasting political propaganda to captive audiences in the future.¹⁴³

After three years of raging controversy in Washington, DC, the Capital Transit Company had finally cleared the last legal hurdle preventing Washington Transit Radio, Inc. from installing systems on its remaining buses and streetcars. On 31 May 1953, a year and five days later, the Associated Press announced that Capital Transit was discontinuing the broadcasts due to a lack of revenue.¹⁴⁴ With the Supreme Court, PUC, and the majority of passengers backing Capital Transit and Washington Transit Radio, it seems like the program should have been booming and raking in an annual \$122,400

¹⁴³ *Public Utilities Commission of the District of Columbia et al. v. Pollak et al.*, 343 U.S. 451; 72 S. Ct. 813; 96 L. Ed. 1068 (1952).

¹⁴⁴ "Capital Bus Radio Broadcasts Ended," *Albuquerque Journal*, 1 Jun. 1953, p. 4.

windfall. Instead, the program had gone belly-up in a single year. Although a clear answer to this puzzle may be buried in the ledgers of Washington Transit Radio somewhere, my personal speculation would be that Transit Radio either proved cost inefficient or ineffective. By protesting the program and dragging it through the court system for roughly three years, objecting passengers basically postponed an advertising experiment that was destined to fail.

The end result of this whole controversy was a Supreme Court ruling defending the right of commercial operations and government agencies to subject individuals to musical and other forms of sonic programming in public. The only stipulations were that the majority of listeners had to be in favor of the programming, that the broadcasts couldn't violate local ordinances, and that the content couldn't violate other federal laws or constitutional amendments (e.g., seditious speech, propaganda, hate speech, etc.). As we will see in the next chapter, those desiring to listen to such programs in public still have the power to force objectors to listen to unwanted sonic performances even when these supporters represent the minority. All they need to do is defend the sound producers' activities as protected by their First and or Fifth Amendment rights. As a result, those desiring to create a more subdued public soundscape are considerably disempowered whether or not they comprise the majority. Although local authorities can protect the rights of private and government interests to broadcast to captive audiences, they cannot legally bar them from doing so. They can, however, restrict the hours, locations, and volume levels used for delivering electrically amplified messages.

Ultimately, the United States judicial and legislative systems have performed poorly in regulating the use of music for advertising. In the case of peddlers and sound

trucks, the sheer numbers and mobility of the advertisers overwhelmed police forces and the courts. In the case of larger and more established business, advertisers have latched on to cutting edge technologies which have tended to keep them one step ahead of city regulations. By the time citizens and the courts have decided that a specific advertising practice is a nuisance, it has either proven ineffective, too expensive, or too unpopular and has been abandoned for the latest attention-getting novelty.

Chapter Seven

Campaigning for Glory: Political Sound Trucks, Sacred Sounds, and the Salvation Army

While many city officials were quick to regulate the use of sound trucks for advertising, they faced greater legal difficulties when regulating their use for political campaigning, rallying support for labor unions, and religious proselytizing. Musical jingles and ads may have seemed too frivolous to warrant protection as free speech, but the expression of political, social, and religious ideas were clearly protected by the First Amendment of the United States Constitution. A similar situation existed for outdoor music played by street musicians as opposed to religious groups. Barring a German street band from parading when its performances were protested by residents was one thing. Barring the Salvation Army from using a brass band to attract sinners and to facilitate God's work could be seen as tantamount to obstructing religious expression and freedom of assembly.

Because of the underlying questions regarding the extent of legal protection granted by the U.S. Constitution, the use of sound trucks for political and religious campaigns as well as the outdoor religious activities of the Salvation Army could make local regulation difficult. Even if hundreds of citizens were complaining about campaign songs and hymns, city officials often felt incapable of imposing, let alone enforcing,

noise ordinances without feeling they were violating the sound producers' First and Fifth Amendment rights. Political and religious orators were often more than ready to challenge city officials in the courts and could rely on their rhetorical skills, which were well-honed from years of using political and religious debate to win over skeptics, to persuade judges and legislators that tighter regulations were not in the city's best interest.

The Use of Sound Trucks for Political Campaigning

Huey Long appears to have performed the first experiments with sound trucks during his 1930 campaign against Joseph E. Ransdall for a Louisiana seat in the United States Senate. In his autobiography, Long claimed to have designed his sound trucks himself. Since the first references to nuisance advertising from sound trucks appeared in 1931, Long's claim could well be true, although one editorial from 1934 described the sound truck as "an obscure irritant in the advertising world" before "Long took it and made it a political engine."¹

The sound truck provided Long with an advantage over his political opponents. Long had the sound truck operator precede his entrance into each town along his campaign route. The truck operator would announce Long's impending arrival and play music to gather an expectant crowd. Once Long arrived, he could then use the microphone and speakers as a public address system to speak to a large gathering of people. The sound truck's ability to quickly lure a crowd and to address a good-sized town with a single speech saved him considerable time on the campaign trail. The precious minutes that previously had been spent canvassing door to door or managing the

¹ Long 1996 [1933], 220; "Master Showman Is Huey Long, Finds Delight in Role of Clown," *The Daily Times-News* (Burlington, NC), 13 Sept. 1934, p. 5.

logistics of organizing and reaching a series of small audiences could now be devoted to the message itself. In his autobiography, Long explained that when he used the sound truck “I took my time in my speeches and spoke for as long as was necessary to explain clearly and succinctly each and every matter and transaction connected with affairs of the State.”²

The most vivid depiction of an early sound truck campaign comes to us not from Long’s work, which was rather sparse with the details, but rather from Marguerite Lyon’s biographical work, *Take to the Hills: A Chronicle of the Ozarks*, published in 1941. Lyon depicted in detail her husband’s work as a sound truck operator and political orator in the Ozark Mountains:

Dick would drive the big shiny sound truck into an Ozark town. It would be parked on Main Street or alongside the city park. The mechanism would be adjusted and the power turned on. Then an ear-splitting burst of music would literally startle the swallows out of chimneys and curdle the milk. The townspeople would think Gabriel was blowing his trumpet. Or that a medicine show had arrived. In a few minutes they would be assembled, waiting for the doctor to come out of the truck with his banjo and start talking about the merits of snake oil. Instead, out would come Robert, who would square away before a microphone and give Democrats both barrels. In many places, the portable microphone was a novelty, and the listeners stayed around to see how it worked. Or perhaps they had hopes that Robert’s viewing-with-alarm and pointing-with-pride oration was merely an unexciting prologue, and that the doctor with the snake oil would presently emerge to give them some real entertainment. It is Robert’s proud boast that he never lacked an audience. He proudly asserts that he led thousands of Democrats to water, even if he couldn’t make them drink.

The speeches on this sound-truck crusade had been scheduled by Republican Headquarters. Frequently one of the county or local candidates would accompany the sound truck. He too, would give his all in a stirring speech. Very often, the arrival of the sound truck was a carefully planned part of a rousing political rally in the courthouse square. Again, the sound truck would be driven off the main highway, down a twisting steep little byroad, until it reached a tiny settlement of a store and a handful of houses. By the time three or four records had been played, a crowd of two hundred or more people would have gathered. Robert still wonders where they came from.³

Lyon’s description gives us a partial sense of why the sound truck may have been so appealing to rural voters—a mix of novelty and the expectation for an entertaining performance that could quickly draw a crowd of hundreds in even the smallest of towns.

² Long 1996 [1933], 220.

³ Lyon 1941, 44-45.

Other candidates had tried using the radio for similar purposes, but radio had a distinct disadvantage in the 1930s. Even in 1936, a survey performed by the Republican Party showed that less than twenty-five percent of farmers living west of the Mississippi owned a working radio.⁴ Long's grassroots campaign focused efforts on reaching the common people, particularly those living in rural locations. His willingness to stump through remote locales, in combination with his share the wealth platform, is often credited for securing Long the 1928 gubernatorial election. His use of a sound truck for the 1930 senatorial race took Long's campaign strategy one step further and improved its overall power and efficiency.

Not everyone was impressed with the innovation of using sound trucks for political campaigning. The 1931 mayoral campaign in Chicago was referred to as a circus, a "raucous carnival," bedlam, and buffoonery all in the same article. Parodying the description of a three-ring circus, the reporter pitted the "shrilled propaganda" of sound trucks against the "counter-attractions" of "Mayor Thompson's animal show grotesquely" parading the streets and Mrs. Albert "atop a tallyho with a group of pretty girls."⁵ The *Christian Science Monitor* described sound trucks as a cross between a circus calliope and a political band wagon but without the aura of romance and "picturesqueness" associated with the band wagon.⁶ We've also seen Lyon's claim that political sound trucks were often initially confused with traveling medicine shows. When Currency Comptroller O'Connor of Washington, DC decided to use sound trucks to

⁴ Mallon Paul, "News Behind the News," *The Atlanta Constitution*, 18 Mar. 1936, p. 6.

⁵ "Chicago Candidates Use Circus Tactics," *The Washington Post*, 20 Feb. 1931, p. 3. The reference to an "animal show" may refer to Thompsons decision to have a horse, burro, and donkey lead the parade with a figure of himself on the horse and of his competitors, Judge John H. Lyle and Alderman Arthur Albert on the donkey and burro. A "tallyho" is type of carriage normally drawn by four horses.

⁶ "Noise and Nuisance," *Christian Science Monitor*, 7 Aug. 1936, p. 14.

dispose of assets from closed banks in 1936, one banker was quoted as stating, “I fully expect to hear next that the Treasury has purchased a herd of monkeys and employed an army of organ-grinders.”⁷ Although this wasn’t the first time that a government official had been compared to an organ grinder, earlier comparisons had referred more to their tendency towards mechanically repeating a worn out message as opposed to suggesting that the method of delivery was crass and disreputable.

Despite criticisms questioning the respectability of sound truck campaigns, by 1936 it was already difficult for candidates to ignore the value of this powerful tool for political stumping and rallying voter support. By the close of the 1930s, political sound trucks had swept the United States from New York to Colorado and were playing a role in political campaigns around the world, including the 1937 presidential campaign in Argentina and a 1939 Nazi rally intended to “liberate” Danzig, Germany.⁸

As might be expected, the opposition to a particular party or idea would occasionally lash out at sound trucks as the carrier of an undesirable message. Sound trucks and their operators were occasionally heckled, stoned, shot at, bombed and otherwise attacked or vandalized.⁹ In Colorado, a proposed amendment to rescind the “Workable Old-Age Pensions” provoked a mob of elderly pensioners in the villages of Craig and Rifle, who reacted by throwing rotten eggs and buckets of soapy water at the

⁷ Paul Mallon, “Closed Bank Assets Sold by Ballyhoo,” *The Hartford Courant*, 5 May 1936, 3.

⁸ “Argentina’s Finance Minister Is Leading in Triangular Presidential Election Race as Nation Is Roused in Colorful Campaign,” *Wall Street Journal*, 16 Aug. 1937, p. 9; “Danzig Leader Affirms Germany Will Back City,” *Christian Science Monitor*, 11 Aug. 1939, p. 4.

⁹ “GOP Rally Truck Stalled by Hecklers,” *The Hartford Courant*, 8 Oct. 1936, p. 8; “GOP ‘Bandwagon’ Fired upon in N.H.,” *The Hartford Courant*, 7 Nov. 1934, p. 8; “Campaign Truck Dented by Shot,” *Nevada State Journal*, 1962 Nov. 4, p. 21; “Norman Thomas Aids Man Tarr’d by Mob,” *Christian Science Monitor*, 10 Sept. 1937, p. 16; “Growing Demand for Organizers Claimed by C.I.O.,” *Christian Science Monitor*, 24 Feb. 1937, p. 6.

sound truck operators sent through Western Colorado by the amendment's advocates.¹⁰

A few days after the egging incident, the attacks escalated, resulting in the beating of two sound truck operators in downtown Pueblo.¹¹

One of the best depictions of a close call for a pair of sound truck operators comes to us from Lyon:

Democratic candidates did not take kindly to this magnificent truck, roaring through the hills and gathering crowds to listen to loud, enthusiastic praise of Mr. Landon, et al.

In one town, a group of men walked soberly toward the sound truck when it was halted. One man spoke briefly:

"Get this hack goin'! 'R we'll tip it over!"

My husband replied that he had come there to speak for the Republican party, and speak he would, come hell, high water, or Democrats. He opened the truck door and set out the microphone. He glanced up at his driver. Dick, the big Swede from Minneapolis, had taken a six-shooter from the pocket of the car, and was nonchalantly polishing it with his handkerchief, apparently not seeing a thing that was going on. The men eased back on the sidewalk. The preliminary music was started. Another group of men walked out to the car.

"We're American Legionnaires, Buddy," they said to my husband. "Go ahead and make your talk. We ain't fer yuh, but we'll see that no one lays a hand on this wagon!"

With his self-appointed guard, and with Dick lounging on the seat of the truck, or casually leaning against a fender, twirling the revolver in true movie bad-man style, Robert told the pop-eyed villagers how greatly this country needed a Republican president.¹²

Since we only have few accounts of sound truck campaigns, it's difficult to tell exactly how common such reactions were, but there does seem to have been a certain degree of risk involved in operating a sound truck for an unpopular political platform or agenda.

In most cases, what drew the most objections from citizens wasn't the content of the message, but the sound. In 1935 in Chicago, sound truck operators were reprimanded for violating the hundred-foot quiet zone placed around the Cenacle Convent, an act that interfered with the nuns' sacred sonic space. Again in 1935, Brooklyn police received a letter from a member of the Chamber of Commerce complaining that sound trucks were

¹⁰ "Colorado Divided on Pension Law, Highest in Nation," *Christian Science Monitor*, 18 Oct. 1938, p. 3; Jay G. Hayden, "Pensions Are Big Trouble in Colorado," *The Hartford Courant*, 21 Oct. 1938, p. 20.

¹¹ "Anti-Pension Pair Beaten in Pueblo Colorado," *The Atlanta Constitution*, 26 Oct. 1938, p. 24.

¹² Lyon 1941, 45-46.

interfering with workers' ability to concentrate and "to intelligently carry on business."¹³ A sound truck campaigning for Dr. James A. Redden for mayor in Springfield, MA in 1935 forced a recess in a Probate Court when it drowned out the voice of Judge T. H. Stapleton.¹⁴ A 1940 article in the *New York Times* describes voters waking to the sounds of "Onward Christian Soldiers" and "The Battle Hymn of the Republic" played by the "Willkie Dawn Patrol" as part of Wendell L. Willkie's campaign for president.¹⁵ One man complained to the editor of the *New York Times* that political sound trucks during a 1946 campaign kept his children from sleeping before 11:30 PM.¹⁶ In 1948, Officials in Syracuse, NY worried that sound trucks could confuse nearby motorists, increasing the chance of traffic accidents.¹⁷ These complaints are all remarkably similar to ones we've heard before. Although the purpose of the music was political in these cases, this did little in the eyes of concerned citizens and officials to lessen its perceived negative effects on sleep, ritual, intellectual work, conversation, or personal health and safety.

It didn't help matters that people found other non-commercial uses for sound trucks. Aside from campaigning and advertising, sound trucks were used to announce local events and activities. For instance, a sound truck was used in Connecticut to announce the entries and results for a track meet and women's nail driving competition in July 1937.¹⁸ Sound trucks served the role of patriotic rag-pickers during World War II by reminding people to bring out their salvageable goods to donate to the war effort.¹⁹

¹³ "12, Noisy at 4 A.M., Convicted in Drive," *New York Times*, 11 Sept. 1935, pp. 1 and 17.

¹⁴ "Campaign Sound Trucks Slow up Court Business," *The Hartford Courant*, 30 Oct. 1935, p. 20.

¹⁵ "Hymns Wake Voters," *New York Times*, 6 Nov. 1940, p. 3.

¹⁶ Stanley Sapery, "Sound Trucks Protested," *New York Times*, 29 Oct. 1946, p. 22.

¹⁷ "Sound Truck Ordinance Should Be Passed," *Syracuse Herald Journal*, 23 Nov. 1948, p. 20.

¹⁸ "Track Meet Entries Are Still Possible," *The Hartford Courant*, 5 Jul. 1937, p. 14.

¹⁹ "Aluminum Cavalcade," *The Hartford Courant*, 26 Jul. 1941, p. 12.

Sound trucks were also used at sporting venues to give crowds play-by-play coverage and they furnished music for parades and outdoor dances.²⁰

In some cases, it was police officers who found creative uses for sound trucks. One of the stranger applications of this technology was the use of a sound truck playing Chopin's Funeral March followed by a string of hearses, ambulances, and wrecked automobiles, by the New Haven police force to visually depict the increased number of traffic accidents in 1941. One of the less popular applications included the use of sound trucks by a number of police departments to warn motorists and civilians of potentially hazardous actions. For instance, the *Atlanta Constitution* interviewed Captain Malcom about a new initiative to reduce the number of accidents in his precinct:

“I plan to have some safety talks recorded by Chief Hornsby, General George Van Horn Moseley, Lon Sullivan and other,” he said. “Then I’ll get some musical recordings and take this car into an area where the people don’t have an opportunity to hear about safety.

“I’ll go down into the negro section, for instance. I’ll tell the story to people who don’t read the newspapers or listen to the radio, for they are the types of people who are involved in a large percentage of the accidents.

“When we start playing the records they’ll start [sic] gathering around—out of pure curiosity, if for nothing else. They’ll remain to hear the traffic talks and in that way we can reach those we wouldn’t reach otherwise.”²¹

Although Captain Malcom's association of Black citizens with a higher number of traffic accidents is somewhat disconcerting, his plan does demonstrate an innovative use of sound trucks as an attention getter for public service announcements.

Much later, the police force in Madison, Wisconsin would try a similar method of promoting safety at the University of Wisconsin. This time the reporter also described reactions to the sound truck announcements:

²⁰ “Dragoons and Cossacks in Polo Match Sunday,” *The Atlanta Constitution*, 21 May 1938, p. 18; “Parade on Boulevard Finest Ever Staged,” *The Chicago Defender*, 25 Aug. 1934, 15; “Concord, N.H., Turns Its Main Street Over to Merrymakers on Halloween,” *Christian Science Monitor*, 31 Oct. 1935, p. 6; “McNierney Reelected to Police Post,” *The Hartford Courant*, 29 Jun. 1938, p. 6.

²¹ Luck Greene, “Police to Train Pedestrians in Drive on Traffic Deaths,” *The Atlanta Constitution*, pp. 1 and 3.

“Hullo, everybody,” Officer James Schwarz says to startled would-be jaywalkers as he rolls by in the special squad car. “Watch your step. Protect yourself. A wise person crosses only at an intersection.”

The warning freezes an unwise person about to cross in mid-block. Instead, he grins and heads for the corner.

The squad car has a special hi-fi tape deck which blares out safety advice along with music. The warnings aren’t all aimed at pedestrians, however, some are aimed at motorists.

“Remember, pedestrians must be yielded to. Do not come to a stop in a crosswalk,” the squad car admonishes a nervous driver who gets all the more flustered by the commotion.

Police generally believe the new program is well received, but they still get complaints.

“Your music is bad,” a girl tells Schwarz during one unrecognizable tune blaring from the car-top public address system.

Schwarz thanks her for the advice and says in an aside, “I think maybe she’s right.”

A middle aged woman accosts the squad car point blank, also to complain about the music. She call [sic] it “noise pollution.”

“I’m going to complain to the mayor,” she warns.²²

Although several cities experimented with using sound trucks as a friendly form of police intervention, ultimately they were used primarily for organizing search efforts and fire brigades. When used for less dire or urgent purposes, the announcements simply proved too unpopular with citizens.

Unions also took part in the sound truck action, using the trucks to announce and orchestrate protests and meetings. If the use of sound trucks by other groups was annoying, their use in social protests could prove dangerous. A sound truck operator was in a perfect position to act as a unifying voice and, under the right circumstances, was capable of inciting a riot. This is exactly what happened at Fisher Body Plant No. 2, owned by General Motors in Flint, Michigan. Encouraged by a sound truck operator to storm the factory gates, strikers engaged in a skirmish with local police that ended in sixteen men shot and numerous others injured and tear gassed, including ten policemen. The strikers managed to install themselves inside the factory, many with homemade weapons, and Governor Frank Murphy felt it necessary to bring in members of the

²² “Police Now Broadcast Politely on UW Campus,” *The Sheboygan Press* (WI), 10 Dec. 1976, p. 4.

Michigan National Guard to keep the situation under control.²³ By February, the papers described a tense situation with 1,200 national guardsmen at the ready with machine guns and bayonets in case further trouble broke out. When sound truck operators continued to make announcements, the Guard's commander, Colonel Lewis, had the operators taken into custody for "doing too much talking."²⁴

Whether or not one sees violence as an acceptable solution in what is almost a quintessential manifestation of a proletariat uprising, there is little doubt that the sound truck could serve as a powerful tool. The big question was whether or not city officials had a right to restrict its application. For many people, inciting riots, depriving residents of their sleep, or even incessantly pestering them with campaign jingles and announcements more closely resembled acts of aggression than acts of free speech. Granted, an individual had a constitutional right to communicate his thoughts and beliefs, but did he or she also have the right to force that message on unwilling listeners or to use these messages to precipitate acts of violence?

By 1934, officials were already drafting ordinances to control this new communication medium. The *New York Times* announced in December 1934 that sound trucks were banned from operating within 500 feet of a hospital, school, or church and were subject to a \$5 a day licensing fee for political or public use and a \$15 a day fee for advertising.²⁵ Numerous other cities quickly followed suit and many adopted a model in which the power to grant or deny permits to sound truck operators was delegated to the Chief of Police or other public official.

²³ "Gov. Murphy's Call for Aid Follows Riot at G.M. Plant," *Hammond Times* (IN), 12 Jan. 1937, p. 1; "Knudsen Issues Statement," *Wall Street Journal*, 13 Jan. 1937, p. 2.

²⁴ "Court Orders Auto Strikers Out of Plants," *Christian Science Monitor*, 2 Feb. 1937, p. 1.

²⁵ "Aldermen Attack Snow-Plow Saving," *New York Times*, 12 Dec. 1934, p. 4.

Although local courts and legislators had bandied around the issue of whether or not city officials could regulate the use of sound truck without violating First Amendment rights since the 1930s, in 1948 the United States Supreme Court would rule on the matter. In the case brought before the Supreme Court, the sound truck in question wasn't used for political campaigning, but rather for the purpose of amplifying religious oratory. Samuel Saia, a minister for the Jehovah's Witnesses, had applied for a permit to use a sound truck for amplifying his Sunday lectures on religious subjects from a fixed location in a public park in Lockport, New York. When the permit expired, the Chief of Police refused to grant a renewal, a decision left up to his sole discretion per Lockport's local ordinances. The Chief of Police claimed to have received complaints from local residents who were annoyed by the sound of Saia's amplified lectures. After being refused a permit, Saia continued to use the sound truck on four separate occasions. Saia was then arrested and sentenced to pay a fine and serve jail time, a decision which was upheld by the County Court of Niagara and the New York Court of Appeals.

The U.S. Supreme Court disagreed with these previous decisions. With a narrow vote of five to four, the Justices ruled that Saia's rights to freedom of speech, religious assembly, and religious worship had been violated and that Lockport's ordinance was unconstitutional. Although the justices had no qualms with placing restrictions on the volume level or the acceptable times and locations for using a sound truck, they were strongly opposed to placing the decision of whether to grant or refuse a sound truck permit under the "uncontrolled discretion" of a single person. To do so was to open the way for potential censorship and arbitrary suppression. The Court's official decision makes clear exactly how important sound trucks had become to public oratory by 1948:

Loud-speakers are today indispensable instruments of effective public speech. The sound truck has become an accepted method of political campaigning. It is the way people are reached. Must a candidate for governor or the Congress depend on the whim or caprice of the Chief of Police in order to use his sound truck for campaigning? Must he prove to the satisfaction of that official that his noise will not be annoying to people?

The present ordinance would be a dangerous weapon if it were allowed to get a hold on our public life. Noise can be regulated by regulating decibels. The hours and place of public discussion can be controlled. But to allow the police to bar the use of loud-speakers because their use can be abused is like barring radio receivers because they too make a noise. The police need not be given the power to deny a man the use of his radio in order to protect a neighbor against sleepless nights. The same is true here.²⁶

To give the power of granting permits to one person threatened to subject the use of a powerful means of communication to that person's personal whims and biases.

Justices Frankfurter, Reed, and Burton presented a dissenting opinion, arguing that the amplification power of sound trucks and other modern amplification devices afforded opportunities for aural aggression, allowing them to intrude on people's privacy and to force them to listen against their will. Justice Jackson submitted a separate dissent, arguing that the right to freedom of speech did not protect the right to deliver speech in a ridiculous and obnoxious manner. All four dissenting justices felt the Chief of Police was within his rights to protect citizens from the annoyance and aggressive seizure of public sonic space for the use of amplified religious oratory. Saia was not prevented from delivering his message, merely from delivering it through the means of artificial amplification.

The nation's newspapers contained a number of criticisms regarding the Supreme Court's decision. One writer complained that people were unable to walk away and escape the sounds of highly amplified oratory produced by sound trucks.²⁷ A writer for the *Marion Star* in Ohio suggested canvassing the Supreme Court to see if the right to free speech also included the "right to drown out less powerful voices, which also have a

²⁶ *Saia v. New York*, 334 U.S. 558; 68 S. Ct. 1148 (1948).

²⁷ "Loud Speaker," *Portland Press Herald* (MA), 11 Apr. 1948, p. B-12;

right to free speech.”²⁸ A letter to the editor of the *Post Standard* provided an example of this imbalance of power, describing a sonic battle between members of the American Legion and a sound truck:

They [the American Legion members] had a table on the sidewalk with literature and were advertising some doings they were about to put on at the armory. They were quite gentlemanly. They were glad to talk with you if you cared to ask as to their affair.

They were hardly well established and had the attention of passersby when a sound truck drove up, parked right ahead of them and started that gosh-awful squawking. Blah! Blah! Blah!

Didn’t mean anything. Anyone with half a mind knew what they said was without foundation. But it drowned out anything the Legion could do or say.²⁹

Another letter to the editor of the *Post Standard* published a week before the one above listed several more issues:

A sound truck is a Frankenstein mechanical device to create very loud raucous noises resembling sufficiently the sounds of human speech to convey words.

It is a device to invade and violate the privacy of persons against their will. It is essentially and literally a dictatorial device whereby an individual or small group can, by a piece of machinery, seize the attention of, distract and possibly confuse, a mass of persons, and influence their will.

If you will examine deeds to real property you will find that they ordinarily convey the right “to peaceably and quietly enjoy the premises,” which right it is the duty of government to uphold. Obviously, the sound truck can destroy this enjoyment, so therefore the sound truck must be restrained.

The Declaration of Independence stated “that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure their rights, governments are instituted among men.”

The sound truck certainly upsets equality. If a sound truck blasts at you, you can’t talk back to the machine.

The sound truck deprives you of your liberty of choice of listening or not listening. You can’t shut it off without a law or restraint.

As for interfering with one’s pursuit of happiness, who would enjoy being bombarded involuntarily by a bellowing sound machine and having it seize the current occupation of one’s mind?

...

Those who advocate unrestricted use of sound trucks claim that regulation of them would infringe upon the right of free speech.... The regulation of sound trucks does not restrict the speech of a single human being. Any person can still holler at the top of his lungs as ever, subject only to current laws governing incitement to riot, breach of the peace and endangering public safety.

The sound truck can’t be compared to the printing press. With printed matter the individual retains his full liberty to read or not to read. The sound truck destroys the quiet and liberty of choice of its victim.

The sound truck is a soulless noise machine. Although its mechanism is sensitive to a human voice, the machine does not become invested thereby with the rights of a human being, and the operator thereof is simply perpetrating a public nuisance, in my opinion.

²⁸ “The Sound Truck Age,” *Marion Star* (OH), 28 Jun. 1948, p. 8.

²⁹ “Oppose Sound Trucks,” *The Post Standard* (Syracuse, NY), 16 Dec. 1948, p. 6.

The only defense that the common citizen has against the onslaught of this weapon of the war of nerves, the sound truck, beloved of Commies, is the restraint of it by law. Why not prohibit sound trucks entirely?³⁰

These arguments are remarkably similar to those presented in the movement against forced listening discussed in the previous chapter. When the courts protected sound trucks as a vehicle for free speech, some citizens felt they were being made captive audiences, denied their right not to listen, stripped of their right to privacy, and forced to listen to propaganda. For these citizens, the government was not protecting the freedom of speech, but rather a form of aural aggression and sonic despotism at the expense of the forced listeners' constitutional rights.

On the less political side of things, two articles published in the *Abilene Reporter-News* in Texas complained that the sonic performances of sound trucks interrupted sleep, drowned out conversations and TV programs, and were suspected of causing nervous illnesses. One of these two writers demanded to know "what difference is there in tootling a horn and waking up an entire neighborhood with strident music from a loudspeaker, or magnifying the human voice to thunderous proportions?" Since it was the amplification as opposed to the message that was in question, this author felt that sound trucks should no more be protected by the right to free speech than an automobile horn.³¹

Dissents aside, the case was decided in Saia's favor and cities across the US found themselves scrambling to update their ordinances to conform to the new ruling. Nor were they the only ones to take quick action. A number of labor unions and

³⁰ John Whiteside, "Morning Mail-Sound Trucks Violate Personal Privacy," *The Post Standard* (Syracuse, NY), 6 Dec. 1948, p. 6.

³¹ "Unconstitutional," *The Abilene Reporter-News* (TX), 30 Jun. 1948, p. 11; "Noise Nuisance," *The Abilene Reporter-News* (TX), 12 Sept. 1948, p. 71.

politicians purposefully set out to test local ordinances. On June 10th, just three days after the Supreme Court announced its decision, the Committee for Democratic Rights in New York announced it would use sound trucks in demonstrations against the National Democratic and National Republican Clubs.³² The police noted that, had a permit been requested, the use of a sound truck in front of the National Republican Club would have been refused because of its close proximity to the Public Library.³³ Those involved were arrested and a court date was scheduled.

A letter to the editor of the *Times*, written the day after the demonstrations, gives some sense of the volume levels produced by the trucks used by the Committee. The author of the letter complained that the sound truck was audible on the upper floors of apartment buildings located five blocks away and that it made it impossible for her to converse, listen to the radio, or even to read in her home.³⁴

By July 23rd, New York City officials were drafting a new ordinance in preparation for the impending trial against the Committee for Democratic Rights. Police were concerned that if they lost the case, the city would be “flooded with sound devices.”³⁵ By August 12th, a draft of the new bill prohibited the use of sound trucks: (1) for commercial and business advertising purposes; (2) within 500 feet of a school, court house, church, hospital, or similar institution during hours of operation; (3) in areas where they would endanger pedestrians or vehicle operators; (4) in overcrowded areas or where a sound device would “deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street or park”; (5) while the vehicle

³² “Sound Truck Ban to Be Tested Here,” *New York Times*, 10 Jun. 1948, p. 50.

³³ “Test of Sound Truck Ban Is Noisy Despite Polite Police and Pickets,” *New York Times*, 11 Jun. 1948, p. 1.

³⁴ Janice V. R. Dannenberg, “Noisy Sound Trucks,” *New York Times*, 16 Jun. 1948, p. 28.

³⁵ “Police Draft Law for Sound Trucks,” *New York Times*, 23 Jul. 1948, p. 21.

was in transit; and (6) between the hours of 10 PM and 9 AM.³⁶ A similar version of the bill was finally passed in September with additional stipulations that the permit had to be applied for five days in advance of the event and that the police had the right to regulate the maximum allowable decibel level.³⁷

While New York was still working on its test case, politicians and labor organizations challenged and overturned similar local ordinances in Los Angeles, Hartford, Roanoke, Pittsfield (Massachusetts), Trenton, Grand Rapids, and Omaha.³⁸ Among the most active challengers were the supporters of Henry A. Wallace, the 1948 presidential candidate for the Progressive Party. The party's first attack on sound truck regulations seems to have started towards the end of June with the arrest of Alexander J. Rolick in Hartford, Connecticut, and to have culminated with the arrest of representatives of the Progressive and American Labor parties when they operated a sound truck without a permit in New York City in late August.³⁹ By the time the case went to trial in September, however, the new ordinance was to go into effect within just a few days. The impending change made the defense's argument that the current ordinance was unconstitutional a somewhat moot point.⁴⁰

³⁶ "Sound Truck Curb up for Revision," *New York Times*, 12 Aug. 1948, p. 42.

³⁷ "Sound Truck Curb Voted by Council," *New York Times*, 22 Sept. 1948, p. 33.

³⁸ "Judge Rules Out City's Curb on Sound Trucks," *Los Angeles Times*, 18 Jun. 1948, p. 19; "Wallace Supporter's Speech Stopped, Arrested on 'Excessive Noise' Charge," *The Hartford Courant*, 23 Jun. 1948, p. 19; "Hart Backer Held for Using Loud Speaker," *The Washington Post*, 30 Jul. 1948, p. 11; "Sound Truck Permit Policy Nullified by Supreme Court," *The Berkshire Evening Eagle*, 3 Aug. 1948, p. 10; "Trenton Ban on Sound Trucks Overruled as 3rd Party Candidate Wins in U.S. Court," *New York Times*, 10 Aug. 1948; "City, Union Meeting to Settle Music Issue," *Holland Evening Sentinel* (MI), 19 Aug. 1948, p. 9; "Wallerites Dare Ban on Sound Trucks: Union Using Airplane Now," *Nebraska State Journal*, 19 Aug. 1948, p. 11.

³⁹ "Wallace Backers Get Sound Truck 'Ticket'," *New York Times*, 25 Aug. 1948, p. 1.

⁴⁰ "Court Weighs Plea for Sound Truck Use," *New York Times*, 23 Sept. 1948, p. 30.

In the meantime, other trouble was brewing for sound truck supporters. Not content with the Supreme Court's initial ruling, Trenton, New Jersey, forced the issue back into its lap in 1949. Trenton's Ordinance No. 430(4) specifically stated that

it shall be unlawful for any person, firm or corporation, either as principal, agent or employee, to play, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, alleys or thoroughfares in the City of Trenton, any device known as a sound truck, loud speaker or sound amplifier, or radio or phonograph with a loud speaker or sound amplifier, or any other instrument known as a calliope or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon said streets or public places aforementioned.⁴¹

Charles Kovacs, an international representative of the CIO United Steel Workers, used a sound truck to broadcast announcements in front of the Trenton city hall during a printers' strike to purposefully contest the ordinance. When he was arrested and fined \$50, Kovacs appealed to a higher court, arguing that his constitutional rights of freedom of speech and assembly had been violated.

This time, the Supreme Court ruled that the ordinance had not violated Kovacs' rights because it "provided reasonable protection to homes and business from the distracting noises of vehicles with sound amplification devices." Although the ruling was again five to four, eight of the nine justices agreed that the use of sound amplification in public was subject to reasonable regulation, which included prohibiting the emission of "loud and raucous noises." The decision also emphasized that police and legislators had a right to regulate the time and place of operation, so long as this regulation was not enforced in a manner deemed arbitrary or discriminatory, or in a manner that provided city officials with powers extending beyond those necessary for protecting the health, safety, and well-being of residents. The main difference between Saia and Kovacs' cases was that Trenton's ordinance did not grant decision making power to a sole city official.

⁴¹ Cited in *Kovacs v. Cooper*, Judge, 336 U.S. 77; 69 S. Ct. 448 (1949).

Instead, the ordinance provided a means of controlling the production of “loud and raucous noises” or other forms of amplified aural aggression. Although critics complained that the language of the ordinance was vague and would require a subjective judgment call on the part of local magistrates, the Supreme Court was willing to uphold it.⁴²

Skirmishes over local sound truck ordinances would continue, but following the second Supreme Court ruling disputes seem to have occurred mostly in smaller towns such as Newport (Rhode Island), Idaho Falls (ID), and Kohler (Wisconsin).⁴³ This is not to say that sound trucks didn’t continue to raise complaints well into the 1970s and even into the present day, but rather that most cities seem to have at least worked out the nuances of regulating their use in a way deemed constitutionally sound. Politicians may have also realized that it wasn’t in their best interest to antagonize potential voters.

The popularity of sound trucks for political campaigning and social protests, although still allowed in most states, seems to have waned with the 1960s. As radios and televisions appeared in the majority of households across the country, there was less of a need to stump individual towns and neighborhoods. In fact, a modern day textbook on campaigning suggests that the main use for sound trucks today is to “Get out the vote” (GOTV), or to ensure that supporting voters actually turn out on election day. The recommended use of a sound truck for GOTV is carefully described:

The sound truck is a traditional American GOTV device. It is a truck or car with a loudspeaker on top. A GOTV message with music is played over the loudspeaker to draw people’s attention to the race and to remind them of election day. Obviously, the truck should be driven only in high-performance areas; you do not want to remind your opponent’s supporters on election day. The

⁴² Ibid.

⁴³ “Sound Truck Action Rescinded: Aldermen Erase Vote after Checking Ordinance,” *The News* (Newport, RI), 1 Nov. 1952, p. 3; “Lesser Earaches... City to Consider Loudspeaker Law,” *The Post-Register* (Idaho Falls, ID), 9 Oct. 1953, p. 7; “Kohler Union Sound Truck Driver Seized,” *Oshkosh Daily Northwestern* (WI), 8 Apr. 1954, p. 7.

efficiency of the sound truck can be improved by prerecording messages and music on loop tapes. This will allow the message to be played repeatedly over the speaker on a tape recorder and will eliminate the dangers of an open microphone. Each sound truck driver should be given a set of maps, each one containing a route for a target precinct. The driver should check in after completing each route and be reassigned to drive a route in an area that has lower turnout, in the same way as a canvasser. This is a time-consuming and expensive activity, but it is not very volunteer-intensive.⁴⁴

With sound trucks no longer viewed as a valuable part of the campaign process from beginning to end, but rather as an aural reminder within select neighborhoods, its chances of becoming a nuisance worthy of additional judicial and legislative action have been greatly reduced.

Although it would seem like sound trucks would still prove useful in modern cases of social protest, which often involved marginalized groups with limited means of accessing and manipulating mainstream media, these groups have turned to more dramatic and unusual means of attracting attention. For instance, in 1999 the Infernal Noise Brigade protested the World Trade Organization in Seattle with a combination of dramatic black uniforms, massed marching, and percussion music. In her article, “Infernal Noise,” Jennifer Whitney makes very clear that the percussion ensemble proved to be a more effective means of communicating with and organizing protesters than artificial amplification, stating that, “No-one listens to anyone with a megaphone anymore, and relying on one person to shout orders to a crowd is risky and disempowering to those being shouted at.”⁴⁵

Similarly, gay pride and anti-war organizations have often relied on costumes and props to catch and hold the crowd’s attention. Pro-life groups have generally opted for shock value through the use of signs with disturbing imagery. People seeking better urban design that favors greener forms of transportation sometimes take over the streets

⁴⁴ Thurber and Nelson, eds. 2004, 161.

⁴⁵ Whitney 2003, 218.

on bicycles. In short, recorded and amplified music have become such a prevalent part of the modern soundscape that protesters may simply find it less effective than other means of capturing the attention of passersby. People have either learned to tune out or are simply annoyed by sonic demands on their attention. Spectacle, however, still tends to give one pause.

Use of Sound Trucks for Religious Proselytizing

Various religious groups also made use of sound trucks. I have already discussed the Supreme Court case of *Saia v. New York*. Jehovah's Witnesses in particular seemed to have received occasional rough treatment from city officials. For instance, in April 1940, Fire Chief Linus Smith was charged with assault and battery after he turned a chemical fire hose on a Witnesses-operated sound truck and part of its crew in Bonneville, Pennsylvania. Smith explained during the trial that he had turned the hose on to "stop the noise." While the Jehovah's Witnesses admitted to using the sound truck despite being ordered out of town, they also protested that they had a constitutional right to use the truck and had been working under the "orders of God Almighty and under directions found in the Bible."⁴⁶ Given that the charges against Smith were inexplicably dropped and that the effort to drive the Witnesses out of town was headed by a priest, this case may have involved a large degree of discrimination against them. Although one of the ministers threatened to appeal the case, the constitutionality of such selective bans against the Witnesses' religious activities would remain unchallenged for another eight years.

⁴⁶ "'Minister' Hints at Appeal after Assault Charge Dismissed," *Star and Sentinel* (Gettysburg, PA), 13 Apr. 1940, p. 3.

In other cases, the Witnesses' proselytizing activities appear to have been more problematic. In October 1936 in Peoria, Illinois, Jehovah's Witnesses attempted to use sound trucks in front of city churches during Sunday morning services.⁴⁷ There are also at least two instances in which Witnesses violated zoning ordinances by using sound trucks outside of schools to protest school officials requiring children to salute the flag.⁴⁸ One of these latter protests was specifically triggered by the expulsion of six children after they refused to say the Pledge of Allegiance because it violated their religious beliefs. These cases are more legally gray. By exercising their right to freedom of speech in violation of zoning laws, the Witnesses essentially interfered with the religious and cultural practices of others and were running afoul of the law. The decision to do so, however, could certainly be seen as a defensive act of political or religious resistance on their part, although it does seem that the use of the sound truck would have negatively affected individuals who had not participated in the initial altercation.

The Jehovah's Witnesses were not the only religious group to make use of sound trucks in a manner that vexed local residents and city officials. In 1935, Los Angeles newspapers also included complaints from sixty residents about the boisterous Pentecostal services held at Aimee Semple McPherson's Four Square Gospel Church. Residents claimed that the services, which were broadcast over a loudspeaker system, were audible for three blocks. When residents asked the church to lower the volume level, they were reportedly told to "put cotton in their ears."⁴⁹ Sweet Daddy Grace's baptism services at the United House of Prayer for All People in Detroit were also

⁴⁷ "Fill Two Jails with Religious Group Members," *Chicago Daily Tribune*, 26 Oct. 1936, p. 13.

⁴⁸ "Flag Case Jails Five," *Los Angeles Times*, 25 Jan. 1936, p. 7; "Part-Time Lanham Judge Rules Out Campaign by Jehovah's Witnesses against School Oaths," *The Washington Post*, 26 Oct. 1936, p. X1.

⁴⁹ "Complaint Made against Temple," *Reno Evening Gazette*, 10 Aug. 1935, p. 3; "Call Services too Noisy," *New York Times*, 11 Aug. 1935, p. 16.

protested by residents. In 1935, Grace's services apparently involved sound trucks, "midnight bugle blasts, drum beating, mass applause—and firehose [sic] baptisms outside."⁵⁰ In other cases, independent evangelists and itinerant preachers were arrested for operating sound trucks in violation of local ordinances.⁵¹

City officials often found themselves in uncharted waters when they attempted to regulate the use of sound trucks for political and religious oratory. There was little doubt that other citizens found these devices to be a nuisance. As a mobile amplification system designed specifically for catching and holding the attention of nearby and even not-so-nearby residents, sound trucks interfered with sleep, conversation, quiet activities—particularly those requiring concentration—and often prevented people from enjoying their homes or public parks. Sound trucks effectively allowed the orator to seize surrounding soundscapes without the community's or owners' consent and there was little that could be done about it other than turn to city officials.

Once the sound truck debate reached the courts and local legislatures, the big questions were whether amplified sound was constitutionally protected as free speech and whether the city had a right to regulate it in cases where other citizens felt it violated their privacy and their personal or civically shared space. Ultimately, the courts ruled that the oration itself was protected, therefore officials couldn't arbitrarily regulate sound trucks in a way that might repress ideas and messages they disagreed with. They could, however, impose limits on the spatial, temporal, and amplitudinal range of the sound.

⁵⁰ "Sweet Daddy's Noise Brings Complaints," *Amarillo Globe-Times* (TX), 18 Jul. 1957, p. 29; "Claim Cult's Baptisms Rites Too Boisterous," *Daily Globe* (Ironwood, MI), 18 Jul. 1957, p. 7.

⁵¹ "Itinerant Minister Objects to Being Released from Jail," *Kingsport Times* (TN), 19 Oct. 1938, p. 6; "Judge to Parson," *Florence Morning News* (SC), 30 Sept. 1947, p. 1; "Evangelist Too Noisy, Court Says," *News Journal* (Mansfield, OH), 1 Nov. 1967, p. 22.

Church Bells

Of course the use of loud sounds by religious groups for proselytizing and organizing the activities of their congregations goes back much earlier than the 1930s. In his book *Village Bells*, Alain Corbin has explored the role of church bells in the life and identity of eighteenth and nineteenth century French villagers in considerable detail. In addition to their use for calling parishioners to services, bells were used to sonically denote life events such as births and funerals, to call workers in from the fields, and as warning signals in times of disaster. Bells were also believed to possess supernatural power and many people believed that they could ward off storms, frighten demons, summon angels, and heal various ailments.

For many people at this time, bells were a marker of community identity and pride which villagers used to sonically show off to neighboring communities and many villages were torn over whether they should invest in smaller bells that would allow them to demonstrate the sweetness and complexity of their peal or one large bell that would extend the reach of their sonic territory. According to Corbin, the variations in timbre, pitch, and ringing style allowed people to identify the town and even the bell maker by sound alone.

Before the rise of centralized bell factories, casting a new bell was a commune-wide effort requiring the financial and physical contributions of everyone over a period of months or even years. The bells were cast right in the village and the community was heavily involved in ritualizing the processes of smelting and casting the bell, as well as removing it from its mold. As a result, before the 1850s French villagers were very

attached to their bells and proved extremely reluctant to part with them or to silence them when ordered to do so by national or religious authorities.⁵²

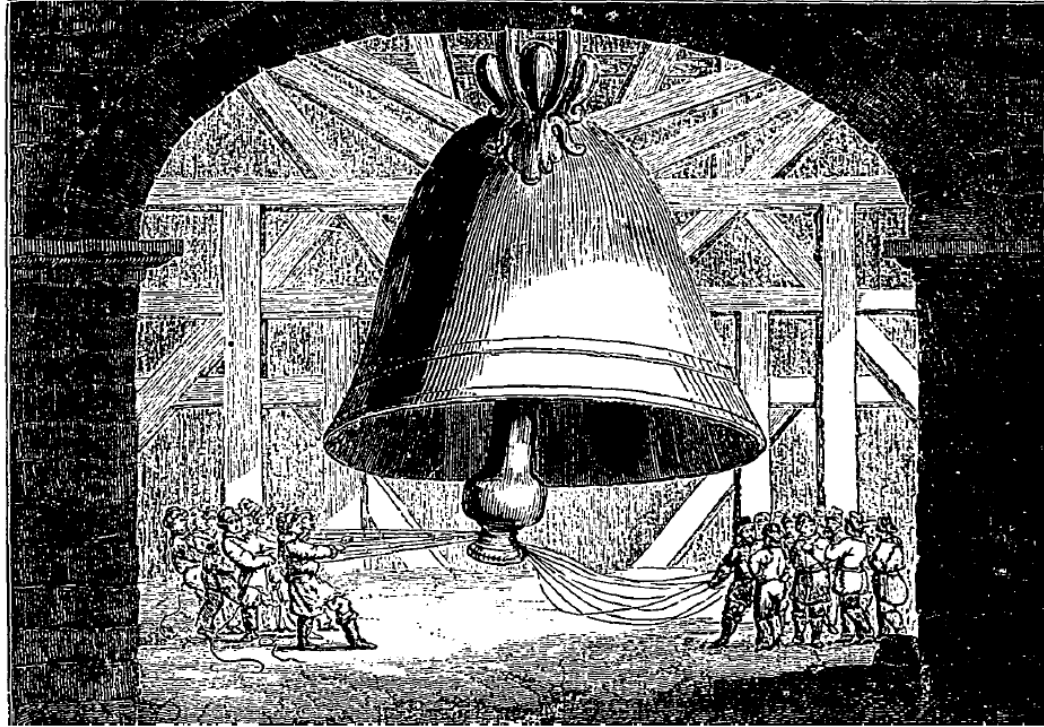
Similar sentiments towards church bells may have existed in other countries as well. Civic bells used in clock towers and political institutions, such as the Palace of Westminster or the Kremlin, clearly served as displays of power. The bells used in “Big Ben” (originally the nickname for the largest bell and not the clock tower itself) and the four incarnations of the Tsar Kolokol would have similarly demonstrated the power and sonic boundaries of their political rulers. The first casting of the Kolokol in 1599 weighed 35 metric tons. The second, commissioned by Tsar Alexey Mikhailovich and cast in 1654, weighed 128 tons and required two teams of twenty-five men to ring it for its one sonic display (see fig. 7.1).⁵³ The bell was flawed and cracked during its first use. In its penultimate casting, also commissioned by Tsar Mikhailovich and cast in 1655, the Tsar Kolokol swelled to 160 metric tons and was large enough to make the power of the Tsar heard and felt—the bell is rumored to have triggered vibrations akin to small earthquakes. The final incarnation was commissioned by Tsarina Anna Ioannovna in 1730. As mentioned earlier, the bell cracked during the casting process, probably a good thing for the people of Moscow, since the 220-ton bell would have produced physically destructive waves of low frequency or infrasonic sound.⁵⁴

By the mid-nineteenth century the right of church bells to dominate the soundscape was called into question. The rise of urban centers, the closer proximity of multiple churches, and the increased affordability and ease of obtaining bells meant a

⁵² For more information on this topic, see: Corbin 1998.

⁵³ Griffith 1878, 455.

⁵⁴ Lukianov 1999. For additional information on the tradition of Russian bells, see also: Kaminiski 2007.



THE "TSAR-KOLOKOL," OR KING OF THE BELLS, MOSCOW, RUSSIA.

Fig. 7.1
1878 illustration illustrating the ringing of either the second or third Tsar Kolokol

tighter clustering of what had once been widely spaced soundmarks.⁵⁵ Furthermore, many of the beliefs and uses that had formerly made bells so important to town and village life had fallen by the wayside. Individually owned clocks and watches diminished the need for bells to tell time. Modern medicine and science weakened beliefs that bells could cure illness or prevent bad weather. Secularization of daily life may have also reduced the perceived importance of bells in attracting angels and driving away supernatural evil. Perhaps more devastating was the removal of bell casting from village centers to factories. According to Corbin, "the disappearance of the itinerant bell caster, the absence of risk, and the subsiding of collective emotion aroused by nocturnal casting

⁵⁵ See McKenzie 1916, 55-61; Girdner 1896, 301-02;

all conspired to render bells banal.”⁵⁶ Bell creation ceased to be part of a collective act of the community and became an object decided upon and purchased by city and religious officials.

By 1908, the city of Bilbao, Spain went so far as to forbid “the ringing of bells at any hour as out of place in a modern city.”⁵⁷ Similar sentiments existed elsewhere in Europe. City officials often proved willing to restrict the hours allowed for bell ringing so that the more rigorous schedules of monasteries and convents wouldn’t wake up citizens in the immediate vicinity. Also by 1908, London officials had prohibited the ringing of church bells between the hours of 9 PM and 9 AM and a number of English towns had drafted ordinances restricting the ringing of bells and chimes, including prohibitions against striking the half and quarter hours.

During the same period, Zurich was considering similar measures to reign in the bells of the seventeen competing belfries owned by the city’s Christian congregations, many of which pealed the hour and half hour even between the hours of 4 and 7 AM. When writing about the problem, Imogene Oakley pointed out that the Zurich bells wouldn’t have been a problem if their sound had only reached the ears of the congregation members they were intended for, but the sounds were audible to everyone in the vicinity, whether the call to an early morning service was relevant to them or not.⁵⁸

In the United States, Mrs. Isaac Rice added church bells to her long list of unnecessary noises in 1907 after receiving a flood of letters from citizens who were tired of being woken by nearby churches on Sunday mornings when they weren’t even part of

⁵⁶ Corbin 1998, 92.

⁵⁷ Oakley 1908, 354.

⁵⁸ Ibid.

the congregation.⁵⁹ This early morning disruption was probably particularly annoying to the working classes. During the nineteenth century in England and the United States, Sunday was the only full day of respite for the working class. Laborers were even expected to work on Saturday mornings, making Sunday morning their only chance to sleep in. To be woken by church bells before 7 AM when the sleeper either had no intention of going to church or intended to go to a later service, was likely to prove irksome.

Published complaints about church bells in the United States actually started about forty years before Rice made it part of her mission to have them regulated. In 1866, residents of Brooklyn's 6th and 10th Wards complained that the bell of St. Paul's Church, located at the corner of Court and Congress streets, woke them up by ringing every half hour beginning at 6 AM. One author, responding to claims that people disliked the bell because of sectarian loyalties, pointed out that the bells of other Protestant and Catholic churches were located farther away from residences and therefore were less offensive.⁶⁰ Six years later, another Brooklyn resident would argue that local church bells could cause a nuisance at any time because many of them were out of tune, poorly balanced in volume, and ineptly played.⁶¹

The complaint about unmusical bells was echoed by Haweis in 1900. Haweis clearly loved church bells when they were in good condition and went out of his way to visit and hear the great bells of Europe. Haweis even approved of the Belgian practice of playing bell music every seven minutes at a volume audible for miles around and felt that

⁵⁹ "Objects to Church Bells," *The Washington Post*, 6 Feb. 1907, p. 27.

⁶⁰ A Resident of the 6th Ward, "Don't Like that Bell," *Brooklyn Daily Eagle*, 19 May 1866, p. 2.

⁶¹ Dick Dickson, "From One Who Lives Opposite the Church—An Aggravated Form of the Junk Bell Nuisance," *Brooklyn Daily Eagle*, 20 Mar. 1871, p. 2.

it could hardly be a disturbance so long as the bells were kept in good condition. The real problem, argued Haweis, was that Englishmen were used to the discordant sounds of street music to the point that most people were completely oblivious when their local church bells were cracked, out of tune, and discordant.⁶²

For people less obsessed with campanarian performances, the musicality of the bells was only part of the problem. Judge Hare of the Common Pleas Court, No. 2 in Philadelphia passed an injunction against nine expensive bells imported from England and installed in the St. Mark's belfry in 1877. The superb quality of the bells was hardly in question, but many residents found the new soundmark to be an earsore. Reporting on the case, *The Albany Law Journal* remarked that:

the ringing of the chimes was proved to be a cause of pain, discomfort and ill-health to the denizens of the locality. The evidence was established by physicians who proved the deleterious effect of the noise upon invalids, by inhabitants of the locality who proved ill-health from loss of sleep, etc., the chimes being rung at the hour of five o'clock A.M.

Although the sound of the bells ordinarily wouldn't have constituted a nuisance, they were hung at the same level as the roofs of the surrounding residences and were in close proximity to the neighboring houses.⁶³ At close range, the sound was intolerable.

In addition to regulating hours and the use of bells in close proximity to residences, change and peal ringing were also quickly curtailed in a number of cities. Change ringing involves playing every possible sequence of bells without repetition and without pause. For instance, if a tower had three bells (1, 2, and 3), the bell ringers would play a sonic matrix similar to the following:

1 2 3
1 3 2
2 1 3

⁶² Haweis 1900, 348-88.

⁶³ "Noise as a Nuisance," *The Albany Law Journal*, 31 May 1877, p. 245-45.

2 3 1
3 1 2
3 2 1

Adding more bells creates an exponentially longer sequence. While using three bells results in only 6 changes, six bells results in 720 changes, and eight bells results in 40,320 changes.⁶⁴ According to Wikipedia, while it takes only half-an-hour to ring six bells, eight bells would take nearly twenty-two-and-a-half hours (a feat apparently accomplished only once with church bells in Loughborough, England in 1963) and ringing twelve bells would take over thirty years.

To test their skills, experienced bell ringers would ring “peals”—a set of 5,040 changes without break or repetition. A full set of peal ringing customarily lasts around three hours. The first full peal in North America was performed in Christ Church in Philadelphia under the urging of P. T. Barnum in 1858. According to an article published in 1912, this was also the last time a full peal was rung in Philadelphia as of that year. Performed in combination with the bells from the Church of the Advent, local residents, ““after two hours of ‘pealing,’ sent vehement protest to the sextons of these respective houses of worship demanding that they must stop the noise because they could not get the children to bed and the vibrations were threatening to break the windows.” Experiments by these two churches with quarter peals also proved unpopular, particularly when attempted by the Church of the Advent. This bell tower suffered the same problem as St. Mark’s—the bells simply weren’t high enough and as a result the vibrations proved extremely disturbing to people living in the immediate vicinity.⁶⁵

⁶⁴ “What Is Change Ringing?” North American Guild of Change Ringers: <http://www.nagcr.org/pamphlet.html>.

⁶⁵ Pauline Carrington Bouve, “Bells and Bell Ringers of Boston,” *Boston Daily Globe*, 25 Aug. 1912, SM4. Many modern sources relate the actual date of Barnum’s ringing of a full change at Christ Church as

If complaints about church bells were initially sparse, it may have been due to the fear of being painted as irreligious or even hedonistic. *Punch* published one such article parodying a complaint from a member of the middle class:

In connexion with this subject, there is another point which I am desirous of mentioning, although I am quite aware that it is of a delicate nature. Undoubtedly, it is very right and proper that people should go to Church, and some means of summoning them to service must, of course, be resorted to. I do not at all object to bells at reasonable hours, but I must say that to begin ringing them at eleven o'clock on a Sunday, in a district, to the majority of whose inhabitants attendance at the Opera on the previous evening is indispensable, is preposterously inconsiderate, not to say, inhuman.

I am, Sir, &c.
A Fashionable Father of a Family⁶⁶

This particular parody depicts such complaints as supercilious and those making them as materialistic and petty.

Another *Punch* article lampooned the case of *Soltau v. De Held*. Soltau was a wealthy merchant who had purchased half of a mansion in Clapham, London to serve as his abode. In 1948, the other half of the mansion was purchased by a Roman Catholic society called the Redemptionist Fathers. De Held, the Father Superior, had a belfry installed twenty yards from Soltau's bedchamber. The bells, the largest of which weighed around a half-ton, commenced ringing the Saint's hours at 5 AM. At Soltau's pleas, De Held shifted the bells' starting hour to 6 AM, but the change was short lived. Soltau's visitors asserted that the bells woke them at 5 AM, drowned out conversation, and caused the entire house to shake. The use of the bells was estimated to have reduced the rental value of the property from 130£ a year to no more than 80£.⁶⁷ De Held argued that the bells served a religious function for Roman Catholics in the area and that they

1850. Despite the suggested stir caused by the incident, newspapers from the time are mysteriously silent regarding the incident, suggesting that the story could easily be a legend regarding the supposed cause of restrictions as opposed to a factual event.

⁶⁶ "Horrid Bore," *Punch* 6, Jan.-Jun. 1844, p. 148.

⁶⁷ "Summer Assizes: Home Circuit, Croydon, August 13," *The Times* (London), 14 Aug. 1851, p. 6; "Vice-Chancellors' Courts, Tuesday, Dec. 9," *The Times* (London), 10 Dec. 1851, p. 6.

were rung far less often than the bells of other churches in the area—a mere twenty-five minutes a day. Although there was considerable deliberation as to whether Soltau's reaction to the noise stemmed from undue sensitivity or anti-Catholic sentiment, not to mention whether an injunction would infringe upon the religious rights of the Redemptionist Fathers and Catholics in general, the Vice-Chancellors' Courts eventually decided in Soltau's favor, ruling that religious organizations did not have the right to ring bells at the expense of the health and comfort of nearby residents.⁶⁸

Punch published a rather long poem in response to the case, only the last three verses of which are presented here:

What, if the bells keep jingling all the day?
What, if you can't sleep, read, converse, or write?
If you don't like the noise, you needn't stay
At Park Lane, Clapham; but don't tempt the spite
Of Saints who—as St. Alban's case will settle—
So dearly love the music of bell-metal.

'Tis very true the law's relentless spell
Has hush'd the muffin-vendor's little tinkle;
Also, that the Redemptorists' big bell
To that, is as a lobster to a wrinkle:
But monks, exempt from every statute's compass,
Expect permission to create a rumpus.

Unless you'd have the Saints about your ears,
Those ears you still must suffer to split;
Although a grievous hardship it appears,
To such a dire infliction to submit.
So—if your worthy neighbours in their cells
Wear caps—why leave them to their caps and bells!⁶⁹

This depiction of regulating sacred sound as a battle between secular life and holy forces would resurface in discussions of the Salvation Army.

Interestingly enough, the comparison of church bells to those of street vendors was raised by Mr. Malins, one of the sitters for the trial. Malins pointed out that a

⁶⁸ "Vice-Chancellors' Courts, Tuesday, Dec. 11," *The Times* (London), 12 Dec. 1851, p. 6; "Vice-Chancellors' Courts, Tuesday, Dec. 23," *The Times* (London), 24 Dec. 1851, p. 6.

⁶⁹ "The Convent Bells of Clapham; Or, *Soltau v. De Held*," *Punch* 21, Jul.-Dec. 1851, p. 267.

number of workers, such as newsboys and dustmen, had to do without advertising signals, and he raised the question of whether city officials would have hesitated to regulate the dustman's bell if it had been rung in the same manner as that of the Redemptionist Fathers'.⁷⁰ In short, *Soltau v. De Held* placed discussions of sacred sound into the same category as the secular sounds of commercial vendors. The case raised and answered, at least temporarily, the question of whether churches had a right to sonically advertise their religion to the point that it interfered with the health and activities of other residents. Soltau's success seems to have encouraged additional cases and, by the 1900s, English church bells were just as likely to find themselves the subject of city ordinances as street music and peddler's cries.

The Salvation Army

Although the use of sound trucks and church bells for religious proselytizing and reminding worshipers to perform their religious duties caused a minor stir in the courts, the sonic performance practices of the Salvation Army often whipped city officials and the public into a frenzy. Street preaching was not a new concept in either England or the Americas in the latter half of the 1800s. Figures such as James Caughey, Charles Finney, Ira D. Sankey, and Dwight L. Moody had drawn minor attention from church members and citizens for their use of more aggressive evangelizing tactics and their success at converting working class souls. *Punch* even contained brief quips about the outdoor

⁷⁰ "Vice-Chancellors' Courts, Tuesday, Dec. 11," *The Times* (London), 12 Dec. 1851, p. 6.

oratory of these street preachers as early as 1856, such as “A Short Sermon for Street Preachers.—‘Move on!’”⁷¹

These predecessors, however, did not adequately prepare people for the war that William Booth and the Salvation Army were about to launch against Satan. The Army combined the zeal of individual street preachers with the organization, discipline, and fearless aggression of a large military institution. Although oratory and street preaching remained important, musical warfare was added to the Army’s proselytizing arsenal. Seeking to catch and hold the attention of the poor and working classes, the Army frequently implemented large-scale visual and sonic spectacles, including brass band performances and parades. Although many cities had instituted ordinances controlling when and where such performances took place by the end of the nineteenth century, the Army shifted the purpose of these events from musical product, advertising, and civic entertainment to a form of religious worship and expression. By doing so, the regulation of these performances could be challenged as unconstitutional, even when the regulation of a similar secular performance had been found as constitutionally acceptable.

The birth of the Army was heavily influenced by the work of American Methodist and revivalist preacher James Caughey. Following his tour of Britain from 1841-1847, the English Wesleyan Church was left divided over Caughey’s aggressive and even zealous approach to evangelical preaching. On one hand, Caughey had successfully won converts among the lower classes, which were generally deemed beyond the reach of middle-class ministers. On the other hand, the impact of Caughey’s preaching on the masses made many more mainstream preachers wary of his methods. Members of

⁷¹ “A Short Sermon for Street Preachers,” *Punch* 31, July-Dec. 1856, p. 122. This specific example was probably intended as a comparison between street preachers and street musicians, who were also asked to move on when their performances grew annoying.

Caughey's congregations were urged to channel the Holy Spirit through prayer and worship. As with many modern Pentecostal denominations, when the spirit manifested, the affected individuals wept, cried out, and suffered fits of trembling and physical exuberance. Outside observers often interpreted these "fits" as displays of fanaticism, hysteria, or even madness.⁷²

In 1851, William Booth and his wife, Catherine, joined the more controversial side of the schism that split the English Wesleyan Church. They became part of the small group of reformers who embraced Caughey's methods and who would form the membership of the Methodist Reform Church. But even the Reformers proved too conservative for Booth and he soon found their restrictions on his mobility and practice of street preaching to be an irksome obstacle to performing God's work. The Booths left the Reformers and founded their own religious movement, called the Christian Mission, which focused on seeking out and saving the members of London's lower classes.

In 1878, William Booth made a number of changes to the Christian Mission that would make his religious sect not only unique but notorious for its quick growth and aggressive proselytizing tactics. He changed the name of the group from the Christian Mission to the Salvation Army and adopted the use of military imagery, terminology, and structure. Church members became "soldiers" and congregations became "corps" of "privates," each of which was overseen by a "Field Officer" or "Captain" who was in turn overseen by a "Divisional Officer." In charge of them all as the sole autocratic leader was "General" William Booth. Along with these titles of rank came expectations of discipline, obedience, and loyalty. General Booth wrote a field manual entitled *Orders*

⁷² Walker 2001.

and Regulations for Field Officers of The Salvation Army, released in numerous editions over the years, which detailed everything from how to pray and convert souls to instructions for singing and court marshaling officers.⁷³

The writers for *Punch* took the Army's use of military structure and imagery less seriously and playfully suggested the existence of a competing "Salvation Navy" led by "Admiral Tug." The writers even went so far as to provide the text for the Navy's theme song, "On Board of the 'Allelujah,'" set to the tune of the sea shanty "The Saucy *Arethusa*":

Come all you sinners, young and old
With 'earts once cast in 'Eaven's mould,
And join our Ker-istian Navy bold—
On board of the 'Allelujah!
We're bound to floor and forts of Sin,
And the Devil himself will soon cave in,

Then join the side that is sure to win—
On board of the 'Allelujah!⁷⁴

The activities of the Army were further saturated with military imagery. Soldiers were expected to wear uniforms, the official newsletter was called *The War Cry*, and prayer sessions were referred to as "knee drills." The Army occasionally took military songs, like "Marching through Georgia," and set them with new religious lyrics for use as hymns.⁷⁵ Other times, Army hymns were set with blatantly militaristic lyrics, such as those for "Onward Christian Soldiers" or the opening verse and chorus of Ballington Booth's "We Shall Win America":

We shall win America for our heavenly King;

⁷³ It should be noted that within their publications Salvationists almost always capitalized the article in "The Salvation Army," although I have only followed this practice when citing the titles or including quotes from these works.

⁷⁴ "The Salvation Navy," *Punch* 83, Jul.-Dec. 1882, p. 93.

⁷⁵ "Everlasting War," *Boston Daily Globe*, 28 Dec. 1886, p. 5.

Hear its dying millions of salvation sing,
Washed in the blood of the Lamb.
We will plant our colors in every state and clime,
Loudest hallelujahs from all our soldiers chime—
Washed in the blood of the Lamb

CHORUS:

We shall win America over to our King;
Hear its dying millions of salvation sing.
Hurrah! Hurrah! The day of victory's nigh.
Fight on! Fight on! We'll conquer or we'll die.⁷⁶

The tropes of facing death for the sake of rescuing sinners and reclaiming spiritual territory for God saturate much of the musical and written literature of the Army. The absorption of these tropes into their daily behavior and religious practices ultimately influenced Salvationists' interaction with potential converts, the occupants of neighboring residences, the police, and court officials.

In their own version of the Army's regulations for American Salvationists, called *The Soldier's Manual; or Piety and Practice*, General Booth's son and daughter-in-law, Ballington and Maud Booth, warned readers that Army members were not simply "playing soldier:"

It is a real war which must be embraced with as much determination, and faced with as much courage as any earthly battlefield requires. It calls for ever greater sacrifice and keener suffering. Their suffering and sacrifice principally affects the *body*, ours, the soul, with all its keen affections and sensitive feelings. An earthly war lasts but a certain time, with battles scattered through it at intervals, and some who join the army are never called to face the cannon or the bayonet; whereas, our warfare lasts the *lifetime*, with daily, hourly battles, and every soldier has his place to fill. Are you a *real* soldier? in spirit, in *courage*, in determination, in *endurance*? one who is as brave when surrounded by enemies as in the midst of comrades and friends? one never ashamed to confess Christ and willing to stand *alone* for Him at all costs, though it means the sacrifice of home, and dear ones, love, ease, wealth and even *life*? If so, you can have the joy of feeling that your life shall convince the world of the true soldiership of a follower of the cross. It means something to put your name to the following Articles of War, and surely none but a true soldier can live up to them.⁷⁷

⁷⁶ Booth and Booth 1889, appendix.

⁷⁷ Booth and Booth 1889, 27-28.

Truly committed Army members perceived themselves as participating in a real war against Satan for the souls of sinners. Any opposition to the Army's evangelical activities, including its use of musical warfare tactics, could be construed by Army members as a sign of Satan's presence and his resistance to God's mission. Soldiers were trained to expect real opposition from Satan's followers and to embrace the idea of being injured or even killed in the service of the Lord. The personal consequences for breaking a local noise ordinance probably seemed rather paltry when compared to the risks of humiliation and physical violence that many Salvationists faced on a daily basis.

The Army's performance practices were further influenced by its efforts to proselytize to the poor and working classes as its primary audiences. Whereas most Christian churches were concerned about the spiritual welfare of the lowest classes, they expected a certain degree of decorum and reserved behavior on the part of their attendees. Whether the lower working classes and the unemployed found such restrictions intimidating or tedious, their attendance rates were poor and ministers had come to expect them to be largely apathetic towards their own spiritual well-being. Churches were unlikely to go out of their way to bring in the unsaved, and the unsaved were unlikely to come in of their own volition.

By contrast, the Army specifically targeted the lowest classes. Officers wanted to attract precisely the roughs, petty criminals, prostitutes, and chronic alcoholics that the other churches had given up as lost. The orders and regulations provided detailed instructions for how to attract these individuals to religious events as well as a wealth of advice on how to handle and discourage rowdy behavior during services without driving the perpetrators away. Salvationists frequently felt that the most hard-hearted and ill-

behaved attendees of their services were also the ones in greatest need of salvation. To drive them away, whether by embarrassing them or making them feel unwelcome, was seen as contrary to the Army's mission.

Booth created a method for drawing in and converting the roughs. Although soldiers worked one-on-one with sinners to save souls, there was a prescribed way for rounding up a large crowd of bystanders and then leading it to a service held at a nearby hall. In some cases, the Army announced services with posters reminiscent of those used for variety shows and circuses, but more commonly the soldiers began with an open-air service that made use of eye-catching antics, lively singing, brass band music, and sermons and testimonials stylistically modeled off the sonic performances of barkers and patent medicine salesmen. As with any form of advertising, attracting and keeping the crowd's attention was half the battle.

And the Army did indeed attract attention. Outdoor services could quickly draw hundreds and even thousands of onlookers. Ideally, a large number of these onlookers would then follow the Salvation Army processional, complete with singing and brass bands, back to their hall for the real service. Unfortunately, things could and occasionally did go terribly wrong at various points in this process, particularly in the early years before the Army had refined its methodologies. The roughs often didn't appreciate being force-fed religion on their own territory or they saw Salvationists as a chance for sport. Salvationists were generally heckled, which they expected, and were

sometimes pelted with eggs, garbage, small stones, and even bricks and ice balls (fig. 7.2).⁷⁸

General Booth was prepared for the worst case scenario. Recognizing that past riots and brawls could make his soldiers leery of performing open-air work, he offered the following advice:

But what if they kill you? Well, you must die. You have often sung and said that you would. Now here's a chance. Make up your mind to the worst; then perhaps he that would lose his life shall save it.⁷⁹

Although Army members were occasionally knocked about and even seriously injured in some of the more violent confrontations, there are few, if any, reports of open-air work actually costing soldiers their lives. Perhaps one reason for this was that Booth had outlined careful instructions for dealing with the masses. One of the most powerful methods was simply the act of entertaining onlookers, thereby pacifying the roughs and circumventing potential trouble. Many Salvation Army hymns were set to popular tunes. For instance, "Champagne Charlie" became "Bless His Name He Sets Me Free" while "Camptown Races" was transformed into "Salvation Soldiers Live to Fight."

In his *Orders and Regulations*, Booth clearly explained why he chose the musical tactic of setting sacred lyrics to what he called "Song Tunes." One of the greater advantages was that the tune would already be known by much of the audience, making it quick and easy for many of them to learn. Since a popular song tune had already proven well adapted to the public's tastes, it also held a greater chance of reaching the people's hearts.

⁷⁸ "An Army Arrested," *Boston Daily Globe*, 15 Dec. 1884, p. 1; "Salvationists Egged and Abused," *Boston Daily Globe*, 23 Apr. 1885, p. 1; "Salvationists Assaulted," *Boston Daily Globe*, 7 Mar. 1892, p. 5; illustration from: "Mobbing Salvationists," *The National Police Gazette* 50(512), 9 Jul. 1887, p. 2.

⁷⁹ *Ibid.*, 258.



MOBBING SALVATIONISTS.

THE "ARMY" HAS A HARD TIME AT THE HANDS OF A HEARTLESS CROWD IN THE STREETS OF QUEBEC,

Fig. 7.2

A vivid depiction of an attack on the Salvation Army in 1887 Quebec

Unlike other Christian sects, Booth wasn't concerned about the potentially corrupting effects of secular music because he believed that music was morally neutral. When addressed with this concern, Booth is reported to have replied, "Why should the Devil have all the best tunes?"⁸⁰ According to Booth, there was no such thing as a sacred or secular tune, only sacred and secular lyrics. By setting religious lyrics to a popular tune, the Army effectively sanctified it for their own purposes. So effective was this tactic, Booth explicitly ordered plundering the Devil's musical goods, stating that:

⁸⁰ "William Booth – Famous Words." Salvation Army International Heritage Centre: <http://www1.salvationarmy.org/heritage.nsf/0/42d53ced9ec1583080256954004bff3e?OpenDocument>.

Every good tune should therefore be seized by the F.O. [Field Officer] and if he has no suitable words for it, he should send it to Headquarters. A request for words for any tune made through the “War Cry” will always bring a song before many days pass over.⁸¹

On at least a few occasions, it appears that crowd members stuck with the original lyrics, and one reporter described a bizarre, and not entirely pleasant, combination of the Army singing “We’ll Roll the Chariot Along” to drum, tambourine, and cymbal accompaniment while a group of boys sang the original lyrics of “We Won’t Go Home Till Morning.”⁸²

Although Booth felt music was morally neutral, he did believe it functioned as an emotional and spiritual catalyst:

Music acts on the soul as the wind does on a ship, helping her forward in the direction in which she is steered. If she is ailing down the rapids of passion direct for the falls of damnation, music will increase her speed and keep her merry on her course. But if steered along the track of Holiness straight for the port of Glory, music will send her along more rapidly, until, entering the harbor, she casts anchor amidst the Hallelujahs of old comrades and the songs of the angels.⁸³

Much of Booth’s writing emphasized the importance of singing and ensuring that attendees could hear, understand, and participate in the singing of the lyrics. The *Orders and Regulations* are full of rules for proper vocal performances, such as making sure accompanists didn’t drown out vocalists and that all vocal pieces had a chorus in which everyone was invited to participate. Booth also emphasized the importance of audibility and true, heart-felt emotion over musical quality. According to Booth, once a soldier became obsessed with the quality of his performance,

instead of his song being a testimony or entreaty to sinners, winged by the power of music from his own heart to the hearts of others, he would be thinking of his music or himself, and his singing would become a mechanical, professional thing. It would not come from his own heart, and therefore would not get into the hearts of his hearers.⁸⁴

Booth also dictated that music should be kept lively, simple, and appealing to the masses.

Although there was a place for slower tunes, too many of them would lose the attention

⁸¹ Booth 1908, 207.

⁸² “Vesper Music,” *Boston Daily Globe*, 5 Apr. 1885, p. 2.

⁸³ Booth 1908, 204.

⁸⁴ *Ibid.*, 349.

of the roughs and other attendees, who were accustomed to the fast-paced entertainment of the penny gaffs and music halls.

Perhaps as a result of Booth's musical strategies, comments about Salvationist singing were often unfavorable. Salvationists were described as "singing at the top of their voices," making an uproar, producing hideous sounds, or being unmelodious.⁸⁵ The papers also referred to the Army's "shouting," although it's difficult to determine if this was intended to describe the sound of loud, rough singing or the shouts of "hallelujah" and other exclamations frequently produced in response to sermons, songs, and testimonies.⁸⁶

In addition to singing, the Salvation Army also had bands. Although Booth began encouraging the formation of string, timbrel (tambourine), and concertina bands for indoor services as early as 1891, brass bands seem to have been part of Salvationist work almost from the very beginning. Although Booth required each corps to have its own band per his *Orders and Regulations* by 1908, he seems to have had love-hate relationship with his bands.⁸⁷ While they were invaluable for attracting attention, appeasing the roughs, and energizing meetings, they introduced a host of other problems. For one, brass bands could easily drown out singing, significantly reducing the spiritual value of the song by shifting attention away from the spiritually beneficial meaning of the lyrics to their morally neutral accompaniment.

⁸⁵ "The Salvation Frauds," *Newark Daily Advocate* (OH), 20 Apr. 1886, p. 4; [No Title], *Utahnian*, 21 Nov. 1896, p. 3; "Etc.," *Overland Monthly and Out West Magazine*, Sept. 1898, p. 288; "Roughly Treated," *Boston Daily Globe*, 9 Jan. 1888, p. 1.

⁸⁶ For an example of Salvationist solo singing and singing with chorus from this period is available through the Library of Congress, American Memory site. See Lawley 1898a: <http://memory.loc.gov/mbrs/berl/132002.wav> and Lawley 1898b: <http://memory.loc.gov/mbrs/berl/132000.wav>.

⁸⁷ Booth 1908, 351.

Furthermore band members seem to have had a reputation for being disruptive during services. Booth directed a number of regulations specifically at band members. Band members were prohibited from playing during services other than when instructed by their field officer or bandmaster. They were expected to show up on time for events and to participate in Salvationist activities whether or not they were performing. They were also barred from playing non-Salvationist music, at non-Salvationist events, or on instruments not owned and provided by the Army. Booth even created a separate set of *Orders and Regulations* for band members, and every performer was required to read and consent to them before receiving permission to play for the Army.

Part of the problem with controlling the brass bands may have stemmed from the Army's tactic of recruiting talented instrumentalists or even entire pre-existing amateur brass bands. Band loyalties may have been divided or uncertain, requiring strict discipline to ensure obedience and adherence to the type of behavior expected from regular Salvation Army soldiers.

Civilian residents also took issue with Salvation Army brass bands, particularly in the 1880s. Band members were frequently arrested for performing or parading without a permit. Band members were also accused of frightening horses, disrupting non-Salvationist religious services, and disturbing sleepers and invalids.⁸⁸ When attacked by roughs or Skeletons (to be discussed below), the Salvationists' instruments were frequently targeted and vandalized.⁸⁹

⁸⁸ "Malden's Money Needs," *Boston Daily Globe*, 4 Mar. 1896, p. 3; "Mrs. Hallelujah Thatcher Injured," *Boston Daily Globe*, 29 Jul. 1885, p. 1; "Indignant Church People," *Boston Daily Globe*, 19 Mar. 1888, p. 1; "The Same as a Circus," *Boston Daily Globe*, 23 Apr. 1884, p. 8; "Not Settled: Whether Justice Walsh Can Hold the Salvation Army's Captain," *Brooklyn Daily Eagle*, 11 Aug. 1883, p. 2.

⁸⁹ Walker 2001, 226 and 230; "The Work of Roughs," *The Daily Northwestern* (Oshkosh, WI), 29 May 1886, p. 1.

Booth was not insensitive to community complaints. Both the 1891 and the 1908 editions of the *Orders and Regulations* contained a section in the chapter on bands entitled “When to Stop” with the following rules:

1. The Commanding Officer is responsible for seeing that the various places of religious worship in the neighbourhood are not disturbed by our singing and playing. He must, therefore, give the fullest authority to the Bandmaster for carrying out the Regulations in this Section.
2. The C.O. is responsible for seeing that the Bandmaster knows the time at which services are usually held in these buildings.
3. If possible, processions should not go past churches and chapels during their services. If this cannot be avoided, the Bandmaster must stop the playing and singing within one hundred yards’ distance of such places of worship. When the whole procession is this distance past the playing and singing may begin again.
4. Respectful and prompt attention must be paid to all complaints from the representatives of churches or chapels as to inconvenience arising from our playing and singing.
5. Unless the F.O. or the person in charge of the procession or Open-air meeting has positive proof to the contrary, he must stop the Band and singing when it is stated that there is anyone ill within hearing of the music or singing. The sick person should be visited, and assurances received that all is right, before again playing past the house or holding a meeting near at hand.
6. If there are signs of a horse taking fright, either the C.O. or the Bandmaster should blow his whistle, when the Band must stop playing.
7. Colour Sergeants should lower their flags when need arises, and, in case of sudden emergency, have power to stop the Band and singing, or to call a halt.”
8. There must be no unreasonable interference with the passage of other people through the streets, even if it be necessary to break up long columns into two or three parts so as to allow vehicles to pass through them. The F.O. should never lay hands on horse or man except to save life or prevent serious accident; nor should he attempt to lay hold of a horse’s head if the driver is not favourable to his doing so. The driver is responsible for his own acts so long as he is let alone, and any attempt to take the control of the horse out of his hands only increases the difficulty and the danger if he is unfriendly.
9. When asked not to occupy some particular stand, courteous attention should be given to the request, and, except when instructed otherwise by the D.O. [District Officer], a fresh stand must be made elsewhere. Hostility is usually caused by holding meetings time after time in the same place.
10. No matter how suitable a place may be for an open-air stand, meetings must not be held there day after day. In small places the same stand may be used once each week, varying the day; but in the larger towns where complaints have been made, once a fortnight is preferable.
11. The C.O. must also see that care is exercised in playing inside the Hall, and that the Regulations for Bandsmen are strictly observed. The use of the drum should be modified so that no real annoyance is caused to adjoining householders.⁹⁰

Rule numbers 4 and 9-11 were added to the 1908 regulations. These rules specifically urged greater compliance with city and non-Salvationist religious officials, instructed officers to modify the bass drum if the sound proved a nuisance to adjacent householders, and prohibited the Army from playing too frequently at any one outdoor location. The

⁹⁰ Booth 1908, 357-59.

other rules clearly addressed citizen concerns regarding disrupted services, frightened horses, and the health of invalids.

Well aware of community responses to late-night sonic disruptions, Booth set specific instructions for the performance of music at all-night services. There was to be no music with the exception of singing, a few stringed-instruments, and possibly a cornet or two in the case of larger crowds. Booth also warned against holding more than two all-night services in a year, recommended that they be held away from public thoroughfares, and suggested that attendees should remain at the meeting until they could either return home quietly or proceed directly to their work.⁹¹ As we will see, Booth's orders were not always followed and these acts of disobedience seem to have stirred up many of the conflicts and much of the negative press coverage occurring in the United States in the 1890s.

No matter how entertaining, Salvationists' efforts to convert the masses sometimes precipitated riots. In England throughout the first half of the 1880s, most notably in Worthington, a number of "Skeleton Armies" sprung up in opposition to the Salvationists. According to several researchers, the Skeletons were most likely an extension of the Bonfire Boys or similar community groups responsible for charivaris and the carnivalesque activities surrounding Guy Fawkes Day. Their frequent involvement in undermining local authorities made them well-prepared for countering Salvationists. The Skeletons also found support from the owners of taverns and entertainment venues, who

⁹¹ Ibid., 435-36.

disapproved of Salvationists' efforts to drive away their customers and close down their businesses (see fig. 7.3).⁹²



Fig. 7.3
Postcard depicting the efforts of a Salvation lassie to drive away tavern
customers with sacred concertina music and a female presence

Clashes with the Skeletons and less organized opposition resulted in riots, brawls, and vandalism of Salvation Army Halls and instruments.⁹³ Again, *Punch* proves to be a valuable source of visual imagery and provides us with a depiction of a clash between the Skeleton and Salvation Armies, respectively bearing their skull and crossbones and blood and fire standards, and complete with Salvationist concertinas and tambourines (fig.

⁹² See Walker 2001, Winter 1993, and Hare 1984 for a more detailed discussion of the history and background of the Skeleton Army and its interactions with the Salvation Army. Illustration comes from a postcard issued by Bamforth and Company Series 1426, ca. 1905.

⁹³ In addition to previous examples of above, see: "The Work of Roughts," *The Daily Northwestern* (Oshkosh, WI), 29 May 1886, p. 1; [No title], *The Atlanta Constitution*, 16 Jun. 1886, p. 4; "Fighting Salvationists," *The National Police Gazette* 47(437), 30 Jan. 1886, p. 4.

7.4).⁹⁴ Nor were such skirmishes limited to England. By 1887, the Army had provoked backlashes in France, Switzerland, the United States, Canada, and India.⁹⁵ By 1920, protests against the Army's activities in these countries were rare, although they did encounter vehement opposition in other places such as Japan.⁹⁶

Although the majority of services remained orderly and didn't call for police intervention, the worst case scenarios probably made residents, police forces, and city officials a bit reluctant to allow the establishment of a new Salvation Army corps in their



Fig. 7.4
Depiction from *Punch* of a confrontation between the Skeleton and Salvation Armies

⁹⁴ "A Quiet Sunday in London; Or, the Day of Rest," *Punch* 90, 20 Mar. 1886, p. 142.

⁹⁵ Examples of trouble in Canada and the United States have already been provided. Descriptions of arrests and protests against the Army's activities in France and Switzerland are included in Booth 1891a. For a discussion of reactions in India and the barring of the Army's activities in Muslim neighborhoods, see Winston 1999, 112-13.

⁹⁶ "Religious Riots in Tokyo," *Christian Science Monitor*, 18 Nov. 1920, p. 1.

town. In the 1880s and 1890s, many cities in the United States already had ordinances barring processions and the use of musical instruments in the streets without first obtaining a permit from the properly designated authority. In some cases, this authority would simply refuse to grant the Salvation Army the required permit. This refusal didn't necessarily discourage the Army from holding outdoor services, but it did give police the power to arrest Army members if they grossly violated city ordinances.

Even in cases where services and processions were kept under control, residents often complained that Salvationists were noisy and disruptive, particularly on Sundays, which were supposed to be a day for rest and quiet. Salvationists complained that the police failed to provide them with adequate protection from the mobs or were repressing their practices of religious assembly and expression.⁹⁷ The police grumbled that they were exhausted and fed up with the Army's tendency to stir up trouble.⁹⁸ The working classes and the unemployed seem to have frequently resented—or at least resisted—the Army's efforts to save them from sin. All in all, it was a ripe environment for social conflict.

One major criticism of the Army's services, by citizens and officials alike, was that the large crowds of onlookers and the Army's processions frequently obstructed traffic or interfered with local businesses. For instance, a group of Salvationists led by Captain Joseph Smith was arrested in Ipswich in 1891 for holding frequent meetings in front of a corner drugstore. The attracted crowd of onlookers was considerable and prevented pedestrians and larger horse-drawn vehicles from using the streets and

⁹⁷ "An Army Arrested," *Boston Daily Globe*, 15 Dec. 1884, p. 1.

⁹⁸ Winter 1993, p. 150.

sidewalks.⁹⁹ Another group of Salvationists led by a Captain White was arrested in Brooklyn in 1894 for blocking trolley lines and endangering onlookers and passengers.¹⁰⁰ Yet another group, this time led by “Joe the Turk,” was arrested in Lowell, Massachusetts for first marching “zigzag” fashion down the street and then holding an outdoor meeting that further obstructed traffic.¹⁰¹ In all three of these cases, the Army was first requested to move on by police and only arrested after refusing to do so.

By far the largest set of complaints citizens made about the Army, however, were directed at its exuberant means of worship and proselytizing. In some cases, community members complained about the use of specific instruments as opposed to parades and services. Lassies were frequently depicted or described as playing tambourines as is evidenced by songs like Salvation Nell (fig. 7.5).¹⁰² Even more contentious was the bass drum, and drummers were frequently arrested by police or barred from playing by city officials.¹⁰³

The Army’s use of a big bass drum as part of many of its processions proved particularly controversial. The 1891 and 1908 *Orders and Regulations* even contained a template for a letter informing the Divisional Officer that bass drums had been dropped from local services due to complaints from the landlord:

Mr. Jones, our landlord, whose house is next the Barracks, has been complaining about our beating the drum inside on Sunday mornings. I hear that he is in the habit of making up his weeks’ accounts at these times, and I suppose he probably speaks the truth, when he says we disturb him. At any rate, I think it would be wise to discontinue this practice, for a time at least, as he may turn us out, and shall do so unless I hear from you to the contrary.¹⁰⁴

⁹⁹ “Salvationists in Court,” *Boston Daily Globe*, 29 Nov. 1891, p. 2.

¹⁰⁰ ““Stop, or I’ll Run You In,” Said Sergeant Knapp to a Detachment of Salvationists,” *Brooklyn Daily Eagle*, 13 Jul. 1894, p. 1.

¹⁰¹ “Salvationists Arrested,” *Boston Daily Globe*, 5 Feb. 1894, p. 2.

¹⁰² Morse; Clarke and Leslie 1913.

¹⁰³ “Advertising Atlanta,” *The Atlanta Constitution*, 23 May 1900, p. 6; “Bass Drum Barred,” *Boston Daily Globe*, 26 Mar. 1896, p. 1 and 3.

¹⁰⁴ Booth 1891b, 568.

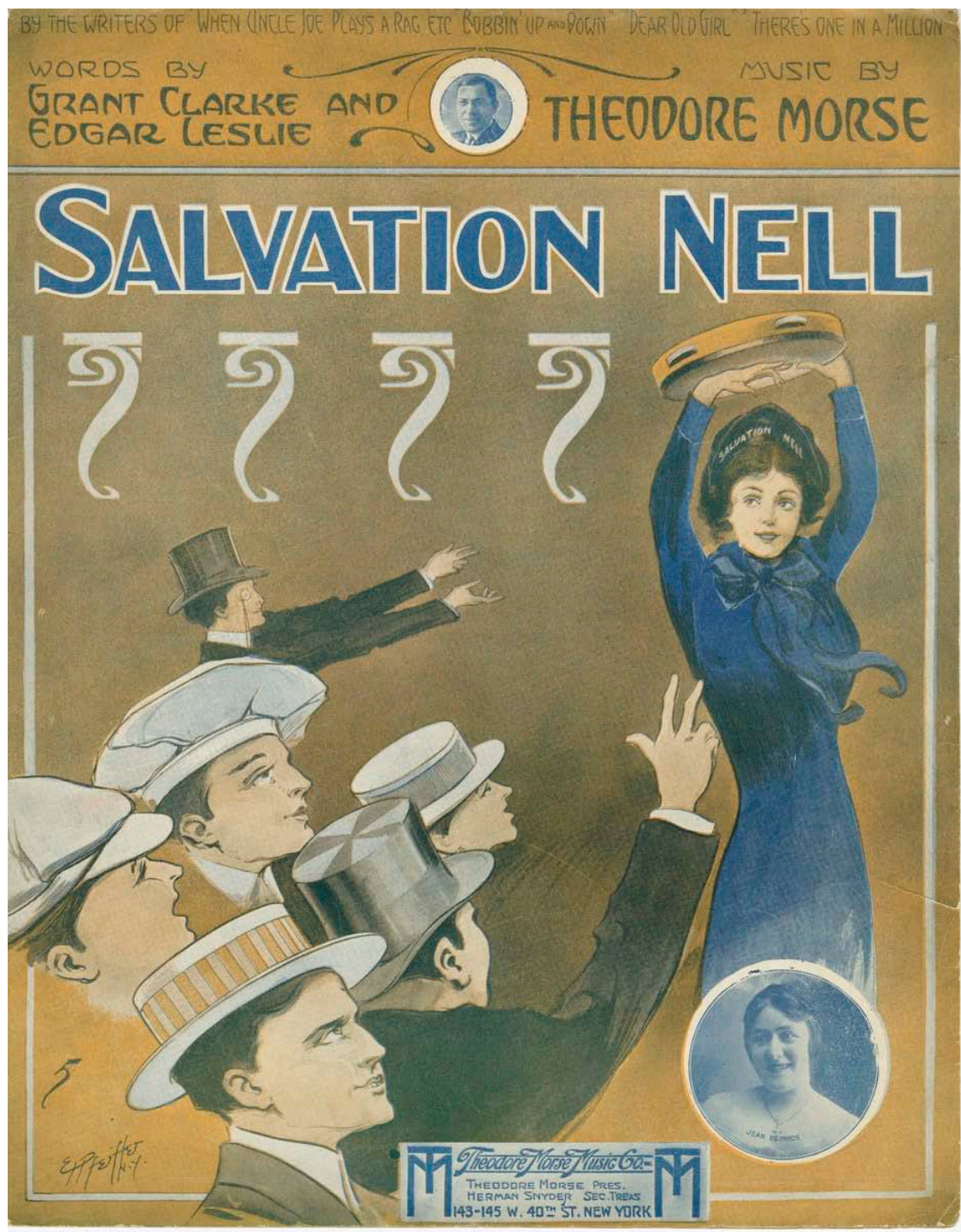


Fig. 7.5
Sheet music cover for *Salvation Nell* depicting a salvation lassie with a tambourine

Salvationists occasionally claimed that the drum should be granted legal immunity as the Army's equivalent of the church bell. Since the height of the Army's outdoor evangelical activities started roughly thirty years *after* cities began regulating the use of church bells, this claim probably didn't win the sympathies of many city officials.¹⁰⁵

Other Christian movements seemed to catch on to the religious purpose of the drum following the turn of the century—just after the Army's use of it had subsided:

A good story was told at the Bible Christian missionary meeting held in London. A Salvation Army lass was beating a drum in the market place of a certain village. The vicar came out and protested.

"Are you obliged to beat that drum? It makes such a horrid noise, and I do so dislike it!"

"Are you obliged to ring your church bell on Sundays?" asked the girl. "It makes such a noise, and I don't like it."

"Oh, but," he rejoined, "that's very different; the bell seems to say to the people: 'Come! Come!' that's why I like it."

"Well, sir," the Salvation lass rejoined, "I like my drum, because it seems to be saying about the people: 'Fetch 'em, fetch 'em!'"

Home missions, said the speaker, mean fetching the people who might never come.¹⁰⁶

This story hits at the heart of the Salvation Army's mission and one of the driving forces that often placed it at loggerheads with non-Salvationists. Instead of waiting for sinners to come to them, Salvationists had embraced the calling of going out into the streets to fetch the fallen and to bring them into the church. As with advertising and political campaigning, ear-catching music proved an effective tool for grabbing and holding people's attention. Unfortunately for the Army,¹⁰⁷ not everyone wanted their attention focused on the outdoor services and processions that served as its hallmarks from the late 1870s to the turn of the twentieth century.

¹⁰⁵ "Salvation Army Held Up," *The Olean Democrat*, 6 April 1895, p. 1;

¹⁰⁶ "Good Home Mission Story," *The Indiana Democrat*, 28 Sept. 1904, p. 7.

¹⁰⁷ The Salvation Army generally capitalizes the "T" in "The," even when appearing in the middle of a sentence. I have chosen not to follow this convention, excepting when used in the titles of the Army's formally published works.

Popular music and literature quickly picked up on brass bands, tambourines, and bass drums as markers of Salvationist identity. For instance, a 1913 Edison recording of *Salvation Nell* sung by the Peerless Quartet opens with the sound of a tambourine, embellishes the choruses with bass drums and cymbal crashes, and contains imitations of Salvationist performances of “The Battle Hymn of the Republic” and “The Sweet By and By.” The bridge sections use a mix of bass drum, tambourine, and cornet and the piece closes with an imitation of a full Army brass band.¹⁰⁸ One of the few surviving recordings of an actual Salvationist band from this period also features these instruments and was unflatteringly described as a “pots and pans band” in a recent Nauck record auction catalog.¹⁰⁹

A descriptive piece composed by Charles J. Orth for piano and published in 1892 under the title of “The Advance and Retreat of the Salvation Army” contains the following program note:

This composition is descriptive of a Salvation Army parade. Commencing with the drums in the distance, the army is heard gradually coming nearer. Passing by they make a short halt, singing one of their war songs, led by trumpets, amidst shouting and whistling of the street Arabs; after which they again march on, and gradually disappear.¹¹⁰

Shortly after the start of the “war song” is reached in the music, Orth indicated that a dyad containing the lowest note in the entire piece (G₁) represented the bass drum:



¹⁰⁸ Peerless Quartet. 1913. “Salvation Nell.” Edison Blue Amberol Record 2027. Made available online by the Department of Special Collections, Donald C. Davidson Library, University of California, Santa Barbara, cylinder 0390.

¹⁰⁹ [Salvation Army], n.d., “My Heart’s Door Wide I’m Swinging,” Columbia Concert Cylinder 30901, played online during the Nauck Vintage Radio program on *Radio Dismuke* in April 2007. Commentary on the sound quality of the performance occurred both at the beginning and end of the playback of the record and in [Nauck, Kurt], 2007, *Nauck’s Vintage Records: Record Auction 41*, p. 105.

¹¹⁰ Orth 1892.

There is also the lengthy description of an Army procession in Vachel Lindsay's poem "General William Booth Enters Heaven," which is perhaps best known as the text for Charles Ives' composition by the same title. Vachel's poem described Booth leading "boldly with his big bass drum" while:

Big-voiced lasses made their banjos bang,
Tranced, fanatical, they shrieked and sang:—
"Are you washed in the blood of the Lamb?"
Hallelujah! It was queer to see
Bull-necked convicts with that land make free.
Loons with trumpets blew a blare, blare, blare,
On, on upward thro' the golden air!
(Are you washed in the blood of the Lamb?)¹¹¹

Later in the poem, Lindsay described how "the banjos rattled and the tambourines / Jing-jing-jingled in the hands of Queens." The bass drum also continues to make appearances throughout. As a side note, Vachel's poem was actually supportive of Booth's methods and depicts him as receiving a hero's welcome in heaven for his courageous use of unorthodox and uncouth methods to save the most degraded and sinful among the lower classes.

Composers and poets were not the only ones to latch onto the Army's signature use of bass drums and tambourines. Ellen M. Haskell edited a book entitled *Child Observations* that included a number of accounts of children playing Salvation Army. Although a few of the cases involved singing alone or mimicking the Army's uniform, several included imitations of percussion as well.

SEVERAL CHILDREN. Age, from 8 to 12 years. About fifteen children in our neighborhood have been marching in processions lately. They beat tin pans for drums, and sing:—
"We are marching in the light,
We are marching in the light,
We are marching in the glorious light of the Lord."
It seems to me they were mimicking the Salvation Army.¹¹²

¹¹¹ Lindsay 1920 [1913].

¹¹² Haskell, ed. 1896, 219.

A few children picked up on the connection even earlier:

WILLIE. Age, 2 years, 6 months. Willie was playing “Salvation Army” with his dog. He beat a drum, and was followed by the dog, with a wheelbarrow tied to his tail.¹¹³

Bass drums, tambourines, and open-air processions were as much a marker of Salvation Army identity in the 1880s and 1890s as thrift stores and bell ringing at Christmastime are today.

Although later regulations would urge field officers to compromise with residents and city officials, as of the 1880s, Salvationists often stubbornly refused to concede open-air work, processions, band music, or the bass drum. Salvationists saw open-air services and processions as an important part of God’s work and one ordered by verses such as “Jesus said, ‘Go out into the highways and hedges, and compel them to come in, that my house may be filled’” (Luke 14:23) and “So the servant went back and reported all this to his master. Then the master of the house became angry and told his servant, ‘Go quickly into the streets and alleys of the town and bring back the poor, the crippled, the blind, and the lame’” (Luke 14:21). Also supporting the Army’s musical activities were a number of verses urging parishioners to “make a joyful noise unto the Lord” or to sing his praises. William Booth referred to the streets as the cathedral of the open-air while his daughter-in-law, Maud Booth, referred to them as the “Sinners’ Cathedral,” both clear indications that the Army saw its work as a means of sanctifying and transforming the thoroughfares into a place for religious worship.¹¹⁴

Even Booth’s regulations only recommended negotiating with officials and not forgoing outdoor work altogether. When police and city officials simply refused to allow outdoor evangelism, Booth instructed the affected field officer to “go about his work in

¹¹³ Ibid., 26.

¹¹⁴ Booth 1908, 421; Booth 1894, 58-59.

such a way as seems to him least calculated to irritate or call forth opposition, trusting in the protection of Jehovah Himself.”¹¹⁵ When given the option of a fine or time in prison, Salvationists were ordered to choose prison unless their health prevented them from safely serving their sentence.¹¹⁶ Arrests simply provided Salvationists with an opportunity to minister to sinners in prison during what was potentially their darkest hour. Joe the Turk, one of the Army’s special soldiers who was sent on assignment throughout the United States, boasted that he had been sent to prison eighteen times as of 1894 and had been arrested fifty-four times as of 1896.¹¹⁷

Brass bands and bass drums were a means of attracting attention. There are many cases in which Salvationists were arrested for parading with music after being granted a permit to parade so long as they did so *sans* instruments. As mentioned above, General Booth required every corps to have a brass band for use in processions and open-air work, but it was often precisely the bands that proved to be a point of contention between Salvationists and city officials. Many cities were perfectly willing to allow the Army to march so long as it kept things quiet and orderly, but the very purpose of the Army’s outdoor evangelism was to attract attention and draw a crowd—a purpose for which boisterous music proved to be an indispensable tool.

Accordingly, Salvationists were reluctant to leave the bass drum behind. The loud, low, far-reaching quality of the drum made it nearly impossible to ignore and thus equally capable of annoying residents and functioning as a powerful tool for gathering potential converts. In many cases, the drum proved to be the one sound that residents most wanted banned and yet the one that Salvationists were the most reluctant to

¹¹⁵ Booth 1908, 261.

¹¹⁶ *Ibid.*, 269.

¹¹⁷ “Both of the Army,” *Boston Daily Globe*, 20 Jan. 1894, p. 6; Gagey 1972, 524-25.

relinquish. In addition to attracting a crowd, the drum played several other important roles. When taking up collections, Salvationists often encouraged audience members to leave their money on the drum head.¹¹⁸ The drum could also function as a platform, as described by Booth in the *Orders and Regulations*:

A board may be laid across the drum and so form an excellent elevation, on which the speaker may stand. This can be carried about without inconvenience. The being elevated always secures a much larger audience, and much greater attention.¹¹⁹

Perhaps more important than its use as an attention getter, a collection plate, or a pulpit, was the bass drum's role in saving souls. In her book *Beneath Two Flags*, Maud Booth provided five different accounts of men drawn away from taverns, gambling, or other acts of vice by the sound of the drum. In all five accounts, the drum catches the men's attention and then piques their curiosity to the point that they follow its sound to a nearby service. Once there, the men repent, becoming what Maud Booth referred to as "trophies of the drum."¹²⁰ Maud Booth's work also contained the interesting phrase "souls have been saved at the drum," suggesting that the instrument could serve as an altar during open-air work.¹²¹

The bass drum clearly played a central role in Salvationist rituals and was perceived by many Army members as pivotal in proselytizing to the masses. To be barred from using the drum meant a decreased ability in attracting sinners and therefore an increased chance of losing souls that could have been saved otherwise. If Army members were willing to die to save just one soul, as was suggested by General Booth,

¹¹⁸ Booth 1908, 408.

¹¹⁹ Ibid., 406.

¹²⁰ Booth 1894, 48-57.

¹²¹ Ibid., 66.

then many were certainly willing to risk fines and imprisonment rather than relinquish one of the most effective weapons in the spiritual war against Satan.

As with other forms of musical performance the amount of resistance shown by unwilling listeners increased as the number of Army performances increased. During the first few years following the Army's official arrival in the United States in 1879, figures such as George Scott Railton and Amos, Annie, and Eliza Shirley attracted notice for their colorful proselytizing tactics, but not many reported complaints. Anti-Salvationist protests and riots were really more of an English thing until the end of 1882. Starting in January 1883, a wave of Army activity swept North America. By the end of the year, Army members had been arrested or threatened with arrest in Pennsylvania, New York, Ontario, New Jersey, and Connecticut (see fig. 7.6).¹²²

By the end of 1885, the Salvationists had stirred up additional resistance to their activities in Massachusetts, Ohio, New Hampshire, Maine, and Illinois.¹²³ The Army was rapidly expanding during this time. Whereas there had only been 12 corps in the cities of Philadelphia, New York, and Newark in 1880, by 1888 there were 246 corps in twenty-seven states across the United States. The number of "privates" had grown from just 412 in 1880 to around 5,000 in 1884.¹²⁴

¹²² See respectively: "Salvation Army Incidents," *New York Times*, 16 Jan. 1883, p. 5; "Not Settled: Whether Justics Walsh Can Hold the Salvation Army's Captain," *Brooklyn Daily Eagle*, 11 Aug. 1883, p. 2; "An Unusual Noise," *New York Times*, 8 Jul. 1883, p. 2; "Not Satisfied without Noise," *Trenton Times*, 9 Aug. 1883, p. 9; "Third of the Salvation Army," *New York Times*, 10 Dec. 1883, p. 1. Illustration depicts the arrest of Army Members in Wilkesbarre, Pennsylvania in 1888 and is from: "Noisy Salvationists Jailed," *National Police Gazette* 29(475), 23 Oct. 1886, p. 3 and 5.

¹²³ See respectively: "The Same as a Circus," *Boston Daily Globe*, 23 Apr. 1884, p. 8; "A Whole Army Under Arrest: An Ohio Judge Says the Salvation Army Must Be Suppressed," *Brooklyn Daily Eagle*, 8 Jun. 1884, p. 1; "Defiant Salvationists," *Brooklyn Daily Eagle*, 10 Jan. 1885, p. 5; "Salvation for Newburyport," *Brooklyn Daily Eagle*, 5 Jan. 1885, p. 4; "Salvationists Go to Jail," *Atchison Daily Globe* (KS), 2 Aug. 1885, p. 2.

¹²⁴ Taiz 1997, 198.



**JUGGING THE HOSTS OF THE LORD.
A CROWD OF NOISY SALVATION ARMY CRANKS IS VERY PROPERLY CLAPPED
INTO JAIL AT WILKESBARRE, PA.**

Fig. 7.6
National Police Gazette illustration from 1886 depicting
the arrest of Salvationists in Wilkesbarre, PA

Several states experienced an inordinate number of clashes between civilians and the Army. Conflicts and arrests were frequent in Maine from January of 1885 through 1892, culminating with a violent attack on Salvationists in Portland on March 6, 1892. After finishing an open air meeting, a contingency of Salvationists attracted the ire of a group of boys, who began snowballing them on their march back to their barracks. By the time the Army had completed its journey, men and women had joined the melee, hurling ice balls and striking one soldier across the back with a broomstick.¹²⁵ Nor was this the Army's first cold welcome in Portland. During one of their first visits in January of 1885, Salvations were kicked by members of the crowd while they were praying and

¹²⁵ "Salvationists Assaulted," *Boston Daily Globe*, 7 Mar. 1892, p. 5.

onlookers spat tobacco on them until their clothes were soaked with it.¹²⁶ In April of the same year, a group of boys threw stones and eggs at the Army during one of its parades, specifically targeting the bass drummer.¹²⁷ By June, Portland city officials ordered Captain Thatcher not to sound the drums during the Army's parades, but Thatcher refused to comply and the drummers were arrested.¹²⁸ Although 1886 through 1891 appear to have been quieter years for the Maine corps, a number of Army members were still arrested for violating various city ordinances.

Massachusetts also seems to have been a prime target for Salvationist activity. The Army's work in Haverhill, Massachusetts has been covered in detail by Edmond M. Gagey (1972), and includes descriptions of efforts by city officials to repress Salvation Army processions. Salvationists clashed with residents and city officials throughout the state, however, most notably in Malden and Somerville.

Somerville in particular seems to have had a love-hate relationship with the Army. From November 1893 to April 1906, the Board of Aldermen reversed their decision several times as to whether or not the Salvationists would be allowed to march with instruments. The Aldermen initially refused to grant the Army a parade permit after receiving noise complaints from various residents in 1893. In 1894, they changed their minds and issued the Army a license to parade with songs and music every weekday evening and every Sunday afternoon and evening. The one stipulation was that the Salvationists were not allowed to use bass drums or other instruments on Sundays.¹²⁹ By November of the following year, the Aldermen completely revoked the right of the

¹²⁶ "Salvation for Newburyport," *Boston Daily Globe*, 5 Jul. 1885, p. 4.

¹²⁷ "Salvationists Egged and Abused," *Boston Daily Globe*, 23 Apr. 1885, p.1.

¹²⁸ "Again the Drum," *Boston Daily Globe*, 3 Jun. 1885, p. 1.

¹²⁹ "Somerville Salvationists," *Boston Daily Globe*, 25 Jan. 1894, p. 3; "Somerville Aldermen," *Boston Daily Globe*, 1 Mar. 1894, p. 2.

Winter Hill Salvation Army to play the drum after receiving protests from local residents.¹³⁰ After Captain Bell Buchan ignored the order and she and the bass drummer were arrested, the aldermen again reversed their decision and ruled that the Army was allowed to play music and beat the drum during their processions.¹³¹ The Somerville Board of Aldermen would revisit this decision at least four more times over the next ten years.

In Malden, the conflicts would center upon a single incident. Backed by the support of local ministers who defended the spiritual value of its work, the Army successfully petitioned the Malden Board of Aldermen for a parade permit in March 1896. Again, the one stipulation was that the bass drum would not be used during the parades. The bass drum had been known to frighten horses in the past, resulting in wrecked property and the endangerment of life, and local residents were heavily opposed to its use.¹³² The Army, however, planned to place another petition to return the drum to its rightful sonic place in the processions. Shortly after the Board finalized its decision against the drum, Brigadier Brewer sent the Aldermen a letter warning that the Army would not tolerate efforts to hamper its work:

If the Salvation army should feel that there is or is to be intentional restriction upon its religious work for the kingdom of God, we should be ready to die rather than surrender the civil and religious liberties needed and enjoyed by this organization in America, where all we had asked for and received in Malden for two or three years past is nothing more than that which we enjoy all over the country. We consider it, dear sir, nothing to go to prison if necessary, nor to die if need be, for the cause of Christ our Savior.

We feel that the restriction upon the use of the bass drum, our chief instrument, or our church bell, is as unjust as it would be to any civil society, such as the Grand Army or the Masons, or any kindred society. It is well known, sir, that the Salvation army is the church of the poor man, and that our field of labor is among the unchurched masses who throng the thoroughfares of our towns and cities.¹³³

¹³⁰ "All Serene in Somerville," *Boston Daily Globe*, 8 Nov. 1895, p. 4.

¹³¹ "Endorsed for Others: Army Wins a Victory," *Boston Daily Globe*, 27 Dec. 1895, p. 3.

¹³² "Army Is Doing Good," *Boston Daily Globe*, 1 Feb. 1896, p. 7; "Bass Drum Barred," *Boston Daily Globe*, 26 Mar. 1896, p. 3.

¹³³ "Bass Drum Barred," *Boston Daily Globe*, 26 Mar. 1896, p. 3.

Having made clear their intention to fight the restriction with Joe the Turk at the head of the parade, it's not much of a surprise to find that members of the Malden Army were arrested just two days later for parading with bass drums.¹³⁴ True to his word, Brigadier Brewer, along with Joe the Turk and more than a dozen other men, chose prison over a fine when sentenced.¹³⁵ The trial seems to have caught the public's fancy. Three years later, the *Boston Daily Globe* described a locally written and performed one act play as follows:

The mock trial was amusing from start to finish and the audience appeared to enjoy it even better than the minstrel performance. The defendants were charged with disturbing a Salvation army meeting. There were funny local hits and witty references to the trouble the police had some time ago, when the Malden branch of the army was arrested for playing a bass drum.¹³⁶

Much like their outdoor work, the Army's services were also intentionally loud and boisterous to attract and hold the attention of the roughs, and they could easily disrupt the soundscapes of an entire neighborhood. Furthermore, Army members had a history of stubbornly refusing to back down when confronted by residents or the police about the loud volume of their services. In one notorious case, a Salvation Army captain was arrested in Brooklyn after he refused to stop a late night service even after learning that a woman was dying of tuberculosis in the building next door. The woman's son had asked the captain to stop the singing three times, only to be told that the Salvationists were already singing as quietly as possible and that he was unable to stop the service because it was held in celebration of new members recently arrived from London.¹³⁷

¹³⁴ "Case Again Continued," *Boston Daily Globe*, 28 Mar. 1896, p. 6.

¹³⁵ "Preferred Jail," *Boston Daily Globe*, 15 Apr. 1896, p. 7.

¹³⁶ "Malden Odd Fellows as Fun Makers," *Boston Daily Globe*, 28 Mar. 1899, p. 7.

¹³⁷ "Not Settled," *Brooklyn Daily Eagle*, 11 Aug. 1883, p. 2.

When a police officer shared with the captain that the woman's doctor felt the sound was likely to destroy any hope of her recovery, the captain still refused to stop the service. The police officer reportedly testified that the "services were continued with increased boisterousness, the men and women in the hall singing more discordantly than ever and clapping their hands and stamping on the floor in a manner which could be heard a block away and attracted a large crowd to the place."¹³⁸ The Army captain did, however, offer to send two soldiers around to visit the woman on her deathbed.

Another set of services led to the arrest of Frederick St. George de Lautour Booth-Tucker, leader of the American Salvation Army from 1896 to 1904. Previous to his leadership of the American Army, Frederick had led efforts to establish a branch of the Army in India. India's citizens initially resisted the Army's activities. A number of them may have even misunderstood the Army's announced plan to "invade," and anticipated a full-fledged military attack.¹³⁹ Having been born and raised in India, Frederick was familiar with Indian culture and encouraged his soldiers to adopt local dress and customs. This tactic seems to have eventually earned enough favor with residents to allow the Army to establish corps in the area, although it was still barred from entering Muslim neighborhoods.¹⁴⁰

Overall, Booth-Tucker proved tireless, innovative, and exceedingly capable of orchestrating social and spiritual programs that benefited the poor at levels beyond even those managed by his predecessors, Ballington and Maud Booth. There was, however, a rough spot at the beginning of Frederick's American career that took the press by storm. By the spring of 1897, Frederick had taken to holding all-night revivals in Brooklyn.

¹³⁸ "Raid on the Salvation Army," *The National Police Gazette* 62(306), 4 Aug. 1883, p. 7.

¹³⁹ Winston 1999, 112-13.

¹⁴⁰ *Ibid.*, 99 and 112-13.

Ignoring the General's recommendations in the *Orders and Regulations* that no more than two all-night services be held in a year, Frederick held them regularly from about 11:30 PM until 5:30 AM at the barracks on 124 West Fourteenth Street. He also reportedly used no less than five brass bands during the services.

Frederick's all-night revivals were not small affairs. One witness described the scene at the barracks on a night he had been kept awake by the music as follows:

[There] were 1,700 persons, all shouting at the top of their voices, excepting about 250 of them, who were performing on cornets, bass drums and snare drums, tambourines and cymbals... They yelled and shouted and stamped and hooted, the entire mob was there, including Joe the Turk. He was dressed like a monkey and was prancing around and tooting a cornet.¹⁴¹

The worst of the disturbances seem to have stemmed from two revival meetings, one called "The Burning of The Devil" and the other the "Dedication of the Heavenly Babe, Herbert Booth Lincoln Tucker." Other witnesses testified that they had to sleep during the daytime and several boardinghouse keepers complained that they had lost their tenants because they were unable to sleep in on Sunday mornings. Tired of the noise—and tired in general since the music kept them awake all night—local residents presented their complaint to the court.¹⁴²

On May 12th, Frederick was indicted by a grand jury for maintaining a nuisance and disturbing the peace. The complaint leading to the arrest was made by Phineas Smith, who lived immediately behind the barracks at 131 West Thirteenth Street. Central to the complaint brought against Booth-Tucker's services was the use of loud music, particularly late at night. Smith's claim was backed up in the Jefferson Market Court by the testimony of about a dozen witnesses also living behind the barracks.¹⁴³ Witnesses

¹⁴¹ Ibid.

¹⁴² "Aggravating Noises," *Brooklyn Daily Eagle*, 25 Apr. 1897, p. 6.

¹⁴³ "Booth Tucker Indicted," *Brooklyn Daily Eagle*, 12 May 1897, p. 1.

referred to the Army's use of percussion, brass bands, and loud singing, all of which were central sonic features to most of its services at the time.

An editorial written the day after Frederick's indictment was unsympathetic with the claimant and his witnesses and suggested that they should be indicted next. The author argued that simply talking with Frederick for ten minutes would have resolved the issue and that "The Salvation Army [was] not disposed to make itself a nuisance."¹⁴⁴ The author further defended the Army's methods as necessary for preaching to and aiding the poor and that to indict its members for criminal behavior showed a complete lack of understanding and sympathy for its work.

The court did not agree and Frederick was convicted of keeping a disorderly house on May 26th, 1897. Frederick's lawyer argued that the court's decision jeopardized "the religious liberties of tens of thousands of the best citizens in the United States" and begged the question of whether "the churches and evangelical organizations concerned in this decision will submit to the cancellation of their liberties and whether those not so affected will allow our liberties to be curtailed by those who should be the upholders of the most precious rights of an American citizen, to say nothing of a Christian?"¹⁴⁵ As a form of religious expression, Frederick's lawyer saw the barring of the all-night services as tantamount to violating the First Amendment rights of all Christians.

At least two writers for the *Brooklyn Daily Eagle* agreed with the court's verdict. One author explained that disorder

literally comprises any disturbance of order which interferes with the rights of others. The rights of people in their homes to quietness and to freedom from disturbing and annoying sounds at

¹⁴⁴ "Mistaken Appeal to the Courts," *Brooklyn Daily Eagle*, 13 May 1897, p. 6.

¹⁴⁵ Ibid.

unseemly hours are elementary or fundamental. Otherwise, they can have neither the privacy of home nor the comforts of rest and sleep.¹⁴⁶

By holding frequent all-night services with loud music in the middle of a residential neighborhood, the Army had been found guilty of violating its neighbors' rights to peace and quiet in their homes. The other writer argued that even if the services were religious in nature, "disorder is disorder" and that if the Army's activities prevented people from resting and sleeping in their homes at night, then they were participating in a punishable violation of the law.

Another writer for the *Brooklyn Daily Eagle* disagreed with his colleagues and took issue with Frederick's indictment and conviction. He pointed out that District Attorney Olcott, who had represented Smith against Frederick, had proven unwilling to bring the Seeley dinner managers to trial for holding a series of illegal prizefights. The author bemoaned the irony that the Army would be convicted for disorderly activities aimed at wiping out sin while the Seeley managers went unpunished for organizing and hosting equally illegal and disorderly prizefights.¹⁴⁷ Ultimately, Justice Newburger recommended that Frederick Booth-Tucker keep in mind the comfort of those he was working with and around and that he would suspend sentence.¹⁴⁸

After 1897, the number of Salvationists arrested seems to have dropped considerably. By the 1900s, reported arrests were practically non-existent—or at least the press took very little interest in them. There are several possibilities for this decline. One possibility is that the Army may have found it easier to save souls when their methods didn't antagonize citizens and city authorities into barring and shutting down

¹⁴⁶ "Right to a Quiet Life," *Brooklyn Daily Eagle*, 27 May 1897, p. 6.

¹⁴⁷ "Majesty of the Law," *Brooklyn Daily Eagle*, 27 May 1897, p. 7.

¹⁴⁸ "He Wants to Be a Martyr," *Brooklyn Daily Eagle*, 23 Jun. 1897, p. 6.

their religious services. Another is that the arrest of Booth-Tucker for practices that were in violation of the Army's *Orders and Regulations* may have drawn the General's attention to the problem and led to stricter enforcement of the rules. It's also possible that Booth-Tucker may have voluntarily adjusted his tactics to prevent future incidents.

Yet another possibility for the decline in sonic disputes is that the Salvation Army faced the same forms of competition that drove street musicians from the streets. Increased automotive traffic would have made it more difficult to hold spontaneous open air services and processions and the rise in urban noise would have drowned out the words of songs and sermons. Although Salvationists still sought out sinners in the street, their religious services began to shift indoors.

Furthermore, the main purpose of the Army's processions, brass bands, and bass drums was to attract individuals looking for cheap entertainment. By the 1900s, phonographs, cinemas, dance halls, and amusement parks would have replaced street performances as the latest novel entertainment. By comparison, the Army's original means of drawing a crowd may have become quaint or even tiresome. Although the Army did make some minor attempts at creating sound recordings and films, their "fetch 'em" tactic seems to have shifted to various forms of charitable work for the poor such as soup kitchens, slum brigades, donation kettles, the YMCA, and homeless shelters. These institutions were just as likely to draw in large numbers of the most degraded individuals while still providing Salvationists with an opportunity to expose them to the word of God.

And so we find the pattern repeating itself. After an initial period as a novelty, the boisterous musical practices of the Salvation Army grew more frequent and began to

provoke complaints from enough citizens to gain the attention of city officials. Under pressure from their constituents, these officials sought to introduce new laws or to revamp and reinterpret old ones. Finding their activities restricted under the changed local ordinances, Salvationists sought to challenge them as an unconstitutional infringement on their rights to freedom of speech, assembly, and religious expression. For the most part, police officers and judges proved reluctant to enforce ordinances, preferring to let Salvationists off with warnings or fines unless the Army's behavior proved beyond the pale. The Army also made it clear that being arrested for performing God's work would do little to dissuade them from pursuing their cause in the manner they saw fit.

In short, regulations restricting musical performances may have affected a few Salvationists, and had some minor impact on their practices as a whole, but the ultimate reason for abandoning outdoor musical performances seems to have stemmed from a combination of self-regulation, abandoned experiments, and adaptation to changing technological and cultural practices. Although the Army still uses brass bands and bass drums during their services today, their means of proselytizing have changed.

Chapter Eight
Things that Go Thump, Thump, Thump in the Night:
Application of a New Theoretical Model to Modern Noise Complaints

Having reviewed several, although certainly not all, of the ways that musical performances served as a source of conflict from roughly the 1850s through the 1950s, we are now in a position to begin building a theoretical model that we can use for understanding why these conflicts occurred and how they unfolded. Much like Nattiez's tripartite model for understanding cultural definitions of music, this new model also possesses three primary pieces—namely, the intentions of the sound producer, the nature of the sound itself, and the perceptions of the listener. This is a fairly standard model for analyzing communication, but in this case the main point of interest is not the successful transmission and reception of a message, but rather the resistance to receiving a transmitted message.

Throughout the previous chapters, examples have revealed numerous reasons why an individual might choose to produce a musical performance. Street musicians produced music as a product which they sold for commercial gain. In a few cases, some of these individuals used unwanted music as a tool for extorting money from unwilling

listeners, although generally it was just another means of earning an honest living.

Amateur musicians, on the other hand, produced music as a source of entertainment for both themselves and those around them. In the case of amateur female pianists and male cornet players, music also served as a marker of social status and a tool for courtship.

For many businesses, political groups, and religious organizations, music served as a means of catching the attention of passersby and then persuading them to invest in a commercial product, a political idea or candidate, or a religious belief. In extreme cases, advertisers used music to force listeners' attention with the belief that hearing and accepting the content of the advertised message was in their best interest. We occasionally find this mindset inspiring Salvation Army outdoor services or the sale of commercial products, which the sound producers often felt would improve the religious and material life of their consumers. The Salvation Army and religious soundmarks, such as church bells, could also serve as territorial markers, delineating physical space dedicated to God's work and the Church's jurisdiction. The use of music by sound producers to mark their territory also comes up in disputes over campaign sound trucks, civic bells, and amateur music.

Drawing from outside of this work, we find at least two additional uses of music which have generated resistance from unwilling listeners. One of these is the use of music as a tool for political and social resistance—a topic well-covered by Attali and a host of other writers. At the other end of the spectrum, people have consciously chosen music as a tool for repression and even violence. One such example is the Klu Klux Klan's use of a sound truck playing music to drown out a Civil Rights rally, which was mentioned at the beginning of this work. Various agencies of the United States

government have even used music as a weapon for psychological warfare and as a form of “no touch” torture. This latter use often involves playing a single song over and over again for long durations and at loud volumes. The produced music is intended to cause annoyance, discomfort, and sleep deprivation, ultimately breaking down the listener’s willpower to the point that he or she will surrender to the producers’ demands, even when they are contrary to the listener’s political, moral, or religious beliefs. The examples of this use of music most commonly mentioned by scholars include the Waco disaster, the standoff with Noriega in Panama, and the current war in Iraq.

A sound producer, then, can intentionally wield music as a tool for social change, self-benefit, commercial or political gain, propaganda, repression, or for intentionally causing physical and emotional harm to others. In some cases, such as amateur music-making, the sender may find him or herself struggling not to transmit a message to other parties, or at least struggling to make sure that it doesn’t reach beyond his or her intended audience. In other cases, such as advertising, the sender may strategically seek out the weaknesses in the defenses of unwilling listeners so that they will be forced to receive a message whether they like it or not. Like so many forces that affect the human mind and body, there is no guarantee that music will prove beneficial or that an individual won’t abuse its power for selfish and/or sadistic aims. The more blatant a sound producer is about making use of music despite (or perhaps because of) the harm it inflicts upon others, the more likely the sonic message and its mode of transmission are to become a source of conflict between that person and the unwilling receivers who are forced to listen.

We have also seen that certain sonic characteristics are likely to increase the odds that a musical performance will spark a conflict. Loud, repetitive performances, particularly those that extend over a long duration or recur frequently, are more likely to cause annoyance. Historically, percussion, brass, mechanical musical instruments, and loudspeakers have also provoked resistance on the part of unwilling listeners. Low frequency sound or music that challenges culturally established rules of aesthetics (out of tune, competing simultaneous performances, bad tempos, timbres, etc.) also seem to try the patience of listeners. Not only is it physically difficult to soundproof against louder sounds and lower frequencies, but the human body seems hardwired to react to these sonic characteristics regardless of the brain's conscious desires. In more extreme situations, these sonic characteristics can even trigger a fight or flight response.

Based on these sonic characteristics, we should expect a higher number of complaints about musical performances by brass instruments, louder mechanical musical instruments, percussion, pianos, large bells, and any amplified musical source. Conversely, complaints about violins, flutes, vocalists, and other soft, mid-range, acoustic instruments—unless they happen to be located in the room adjacent to the listener and possess a number of the other sonic characteristics discussed above—should seldom serve as a source of conflict.

The final part of this model, listener perception, overlaps with that of the sound producer's intention. Like producers, listeners can interpret music as a form of entertainment, an attention getter, a product, a sign of social status, propaganda, a territorial marker, or a weapon. Their interpretation, however, might not always be congruent with the sound producers' intentions. As has been suggested by Goffman, the

unexpected introduction of music into a framed activity is likely to result in misinterpretation by those involved. Thus a neighbor playing his radio for the sake of personal entertainment or perhaps that of those around him may be perceived by unwilling listeners as a sadistic fiend seeking to vandalize others' soundscapes or as purposefully causing physical and emotional distress to those around him. A mosque, seeking to catch the attention of Muslims and to remind them of their religious duties by amplifying the call to prayer, might be perceived by non-Muslims as proselytizing, claiming religious territory, or even waging sonic religious warfare. Conversely, an individual seeking to shock and awe the neighbors or to impress peers and members of the opposite sex with a powerful sound system may be perceived as sadistic or merely amusing.

Certain factors increase the chance that unwilling listeners will misinterpret the sound producer's intention or will react more strongly. Physical discomfort and safety, whether of the listener or those they care about, is a major factor. Hence, musical performances that deprive unwilling listeners of sleep, disturb invalids, or serve as a potential threat to health and safety (i.e., a band scaring horses or a loud car stereo drowning out the sound of sirens on emergency vehicles) draw vehement complaints. A close second are performances that interfere with the performance of tasks that listeners deem to be important or enjoyable such as reading, relaxing, working, conversing, listening to the television or radio, or performing a ritual.

Furthermore, there are certain unspoken rules of etiquette that can become a source of contention. One such rule seems to be that loud music, particularly when it serves the sole purpose of personal enjoyment or entertaining guests, should be played

inside and preferably with the windows closed. Another rule seems to be that loud music shouldn't be played when it's likely to disturb people during normal sleeping hours or when they are ill. Yet another is that music shouldn't be played when and where it will disturb solemn rituals such as funerals, last rites, or court trials.

Based on this model, we can expect the worst conflicts to occur over loud and boisterous musical performances deemed to be of extreme importance to the sound producer but highly disruptive and detrimental to the unwilling listener. Examples we have already covered include the performance of loud street music for the sake of one's financial livelihood outside the windows of invalids or those of people performing tasks requiring intense concentration. Another is the Salvation Army holding all-night revivals with brass band music for the sake of saving sinners and performing God's work when the sound disturbs the family of a woman dying of consumption. Yet another is an individual being forced from his or her home when the next door neighbor derives intense personal pleasure from listening to his or her radio around the clock.

We can also expect that a soundscape conflict will quickly resolve itself when the producer feels that the particular mode of performance is non-critical or when he or she is concerned about listener perception. Once a commercial vendor or a political organization is convinced that musical advertising is generating annoyance and ill-will among their potential supporters, they will probably self-regulate these activities. If, however, their target audience enjoys the music, these advertisers may be less likely to heed complaints from non-customers or opponents. For instance, we can predict that a seller of hi-end car stereo equipment will probably go to great lengths to defend their products and advertisements as long as those annoyed aren't in the market for a new car

stereo. We can also predict that a political candidate will pay little heed to complaints from members of the opposing party, unless they fear it will breed ill-will among independent voters.

If we consider the present, the musical sources that serve as the most frequent causes of complaint fit the expected sonic characteristics. Among them are garage bands, loudspeaker systems at amusement parks and stadiums, hi-fidelity car and home stereo systems, percussion ensembles, and ice cream trucks. All of these sources are amplified and a loud, low, percussive quality is often a desired part of the overall aesthetic and kinesthetic impact of the music. In the case of car stereos and ice cream trucks, sound producers often intend the musical performance to be an attention getter, either to show off one's social status or to promote a product. Furthermore, ice cream trucks draw upon the endless repetition of simple tunes to announce their product much like street peddlers and organ-grinders once did.

As was the case with their predecessors, we should be prepared for these types of performances to draw a certain degree of resistance from unwilling listeners in the vicinity. Any sound that is loud, low, intermittent, repetitive, and impulsive simply catches the attention of the mind and body in a manner that makes it highly attractive for those in the proper frame to enjoy it and extremely disruptive for those who are not.

Although a close examination of modern day examples is beyond the scope of this work, a few excerpts drawn from today's papers and online forums should make clear that many of the same underlying forces are at play:

Have you ever been in a wholesale club store like Sam's or an electronics store like Best Buy and heard the incredibly loud, booming surround sound system that you can hear all over the store? Have you ever stopped at a red light and heard an incredibly loud car stereo booming several cars away? If you answered yes to either of these questions, you at least knew that the car would soon drive away, or you could just leave the store if the noise bothered you. If you live in a townhouse,

condo or apartment, and your next-door neighbor has one of the powerful surround sound systems, you will have no escape, especially at night when you need to go to sleep or when you would like to relax by reading a book or watching your own TV.¹

The author of this letter to the editor goes on to describe how his neighbor's stereo is often audible before 9 AM and after 2 AM, including on Christmas day, when the sound was loud enough to drive his son from his bedroom for the night. When requested to turn his stereo down, the neighbor reportedly refused, claiming that his stereo could not possibly be heard in the next apartment. Since the sound wasn't audible from outside the apartment building, the police sided with the sound producer.

If anything has changed over time, the ability to freely express one's thoughts and opinions under the protection of anonymity and the power of self-publication offered by the internet have allowed expressions of hostility to increase on both sides of the debate. For instance, after an even more heated tirade against loud motorcycles, one poster suggested the following punitive measures against drivers of cars with loud car stereos:

All operators of boom cars (by the way, FUCK YOU TOO) or insanely loud motorcycles are to be taken into custody immediately and subjected to a 72-hour sleep-deprivation treatment (just so you can get a taste of the lovely effect you are having on entire neighborhoods and the occasional baby, sick person, shift worker, et al.).

On each subsequent violation, the sleep-deprivation treatment is extended by an additional 24 hours. This guarantees that individuals re-offend for a maximum of 3-4 times before the penalty either drives them insane or kills them.²

Those who defend users of loud car stereos can be equally crass. The following post was added to the "Ban Boom Cars Now!" petition:

This is the most ridiculous thing I've seen to date. It's sad that some under employed, under educated, under sexed pissants have nothing better to do than attack a few kids who are spending thier [sic] money in a creative outlet rather than taking drugs or dryhumping your daughters. You people really should get a life, one that doesn't involve attacking others. What's next? Hey I know, let's ban women from working. Oh...and electricity, yeah that's the devil's own right there! Wooboy, we're on a roll now! How about free speech? Don't need that do we comrades? Hell no! Why stop there? Let's make it illegal to think or be creative...that'll be good. People, really. Step

¹ David Stupke, "Surrounded by Neighbor's Booming Noise," *Frederick News Post* (MD), 9 Feb. 2001, p. 7.

² "Dear Hellishly Loud Motorcycle & Boom Car Owners/Riders," Best of Craigslist: s. f. bayarea, 21 Mar. 2004. <http://www.craigslist.org/about/best/sfo/27001847.html> [last accessed 23 Jul 2008].

back and take a look at someone besides yourself for a moment. I read a lot of exaggeration [sic] here, no.....strike that. This site is rife with lies, outright fabrications. I bet that if you spent a little time in self examination. I wager you'll find a great deal of baseless bitterness. For information purposes, I'm a 38 year old engineer. I vote [sic] and pay taxes. I give my time and money to various charitable organizations and do my best to support and be an asset to my community. I do not own what you term a "boom car" nor do I have any interest. I do however despise feckless whiners with nothing better to do then to demand their comfort be legislated. Quit whining, get a life and leave people alone. Whine when you've been mugged or worse.³

Although the language is harsher than the letters to the editor published at the turn of the previous century, many of the same arguments are raised in the defense of loud car stereos as were raised about street music and radios. People who complain that musical performances disturb their sleep, work, health, and home are dismissed as ignorant, oversensitive, selfish, and as tyrants who want to take away the constitutional freedoms of others and to stop the young from having fun. The writer even goes so far as to dismiss nearly a thousand complaints on the petition as lies and "outright fabrications." The writer opposing the use of loud car stereos places the stereo owners in the same category as other social deviants and urges corporal punishment for those who are unable to control self-serving behavior despite the risks it poses to children, invalids, and sleeping workers.

This brief sampling shows that conflicts over the shaping of soundscapes still exist. Despite nearly two hundred years worth of debates, organizational anti-noise campaigns, medical studies, legislation, and court cases, the problem remains unresolved. If anything, the increased amplification and mobility of mechanical sound devices, such as hi-fidelity stereo systems, have exacerbated the problem. Home stereos have taken the late night disturbances of the neighbor's radio and lowered the frequency range while raising the decibel level. Additionally, many of the musical genres that are currently

³ Ban Boom Cars Now, http://www.ipetitions.com/petition/No_Booms/signatures-23.html [last accessed 25 July, 2008].

popular in the United States (e.g., rap, most genres of rock, and techno) feature loud, low, throbbing bass—the very sonic characteristics known to be the most potentially disruptive and aggravating to unwilling listeners. While the intentions and perceptions of sound producers and their unwilling listeners may not have changed, the sonic characteristics of the performances have intensified in such a manner that we can expect increased resistance from those seeking to escape them.

The same is true of car stereos, but these devices introduce additional problems. While car stereos possess the mobility and volume levels of barrel-organs and sound trucks, their status as instruments for amateur music-making and personal entertainment protect them from the hampering restrictions of commercial permits and zoning laws. Furthermore, the “live and let live” mentality taken by most courts towards amateur music-making encourages neighbors to work these disputes out amongst themselves without government intervention. But how does an unwilling listener engage the owner of a loud car stereo in a debate when the person is neither visible nor physically available to engage in discussion? How does the unwilling listener prove that the stereo’s owner has caused harm or damage when he or she doesn’t even know who the producer is? On the opposite side of the problem, how does the owner of a car stereo know when his or her music has reached a volume level that is disturbing others? Although a loud stereo may leave a swath of disrupted sleepers and frustrated home owners in its wake, it’s a bit difficult to see these effects from the driver’s seat.

At the beginning of this work, I made reference to Bloomington’s “Quiet Nights” and “Lower the Boom” programs. Both of these programs were intended to address these problems. Although listeners do occasionally encounter street musicians in Bloomington

and a few local nightclubs and restaurants have received sharp criticism for amplified music, it is primarily amateur music-making that has received the bulk of the attention. Part of the problem may stem from the fact that many college students are living on their own for the first time and lack a pre-existing sense of what their neighbors expect in terms of social etiquette. They may also be unaware of how audible a powerful stereo is beyond the walls of their new home. The Quiet Nights program has sought to address this problem by clearly informing students that loud music, particularly after 9:00 PM, is likely to draw complaints from neighbors and is a punishable violation of the local noise ordinance.

Unfortunately, some students have interpreted the Quiet Nights program as an initiative aimed at monitoring student activities and cracking down on underage drinking. This interpretation is undoubtedly fueled by the resulting fines and arrests that occur when the police respond to noise complaints and find other illegal activities in progress. For individuals who enjoy the music and find it vital to social activities, including garage band sessions and late night parties, it may be difficult to accept that neighbors are legitimately bothered by the same sounds that they perceive as thrilling or pleasant. They may resent receiving a visit or a fine from the police, particularly if their neighbors didn't come to them first with their complaint.

On the other hand, it may be difficult for those bothered by the sound to confront the music makers in person. This may be particularly true in the case of loud parties. If a neighbor is kept up by music late at night, it may be highly intimidating to wade through a group of strangers and to confront the hosts with the unpopular request that they turn their stereo down. Not knowing the people involved, it may be difficult to anticipate how

they will react and the unwilling listener may fear retribution for his or her request, particularly if the party involves heavy drinking. In other cases, an unwilling listener may also be angry enough at the invasion of his or her personal sonic space to feel it requires a more drastic reaction in the form of police intervention to teach the music makers “a lesson” for their breach of social etiquette. For unwilling listeners who lack confidence in their debating skills or are cynical about human nature, they may doubt that the music makers will take their request seriously. The police may simply seem like the more effective option for making their needs known.

Ethnomusicologists and Sonic Disputes over Music

The question remains of what role ethnomusicologists should play in these conflicts. With the exception of the use of music in “no touch” torture, ethnomusicologists have generally been on the side of sound producers. As mentioned in my introduction, one Society for Ethnomusicology (SEM) member associated complaints about loud car stereos and percussion ensembles with racism and intolerance. Another SEM member in the same forum thread urged ethnomusicologists to distinguish between situations in which music served as a tool for torture and those in which it merely served as a form of annoyance or harassment. The use of loud music by the U.S. military in its attempts to drive Manuel Noriega from his religious sanctuary in Panama and a neighbor’s loud stereo were provided as two examples of the latter category. What defined the difference in this member’s opinion was that a person exposed to unwanted music outside of a torture chamber or an interrogation room could attenuate the disturbance to some degree: “However loud the music is, one could always wear

earplugs (or crank up one's own music?), which is hardly an option for victims under the complete control of their captors.”

Ignoring for a moment that earplugs are incapable of shutting out sound completely, particularly low and infrasonic frequencies, and that playing additional loud music might not make it any easier to sleep, what is being defended here? Even if we accept that being forced to listen to music coming from a neighboring home or business is not the same as torture, should we dismiss the impact that this music can have on the life of an unwilling listener as a trivial annoyance and unworthy of our consideration? Since we know that music can be used as an effective means of torture, should we consider what can happen when an individual is exposed to the same sonic conditions within the confines of their home? Earplugs and ambient noisemakers aside, what happens to an individual when he or she is completely stripped of control over his or her own soundscape? As a field that recognizes how crucial sound is to self-expression, identity, communication, personal well-being, and ritual, we should also recognize how potentially detrimental it can be for a person to feel that someone else is literally orchestrating their lives in a way that is incongruent with the world around and within them.

In some cases, ethnomusicologists might be unwittingly tipping the balance in favor of sound producers by urging widespread action without fully understanding the detrimental impact these actions could have in individual cases. For instance, during his closing address for the 2007 conference of the International Council for Traditional Music in Vienna, Anthony Seeger informed hundreds of ethnomusicologists from around the world that if they wanted to revitalize musical culture, then they needed to do away

with noise ordinances restricting the performance of music after 10 PM. Seeger undoubtedly has good intentions and his advice is based on his experience with a real life scenario in which a community was prohibited from performing its traditional nighttime religious rituals due to anti-noise laws and discrimination. The blanket removal of all noise ordinances, however, could deprive untold thousands of police protection in cases where neighbors or businesses are blatantly abusing the rights of others for the sake of their own self-benefit and profit.

The effects of automatically siding with sound producers over unwilling listeners becomes more troubling when we consider the populations that are most likely to suffer from unwanted noise exposure. Among the groups considered abnormally sensitive to noise, and therefore less likely to obtain protection from the United States legal system, are young children, invalids, the elderly, third-shift workers, and people suffering from heart conditions, high blood pressure, depression, mental disorders, and stress. Based on research regarding the correlation of noise sensitivity and introversion, we may also find situations in which many of those who are annoyed by unwanted sound are too introverted to voice their concerns while those who produce the sound are highly vocal in defending their right to make it. In these cases, we wouldn't be lending our voice to the voiceless, but rather to their opponents.

Before interfering with ordinances, as ethnomusicologists we must study these individual soundscape conflicts in greater detail and from both sides of the problem. By granting musicians *carte blanche* to play when, where, and as loudly as they please regardless of the impact on others, we are likely to increase tensions or to cause serious harm to those with legitimate complaints. Such a generalized response doesn't begin to

consider the complexity of these social interactions within a shared culture, let alone address the differences informing how the participants perceive of sound and its potentially beneficial or detrimental effects across cultures.

If we do intervene in these conflicts—perhaps a course we should avoid unless a careful and non-partisan study reveals a clear-cut case of social injustice—instead of preemptively passing judgment in favor of music makers, we should use our knowledge and expertise to thoroughly assess these disputes and propose solutions that will improve the situation for everyone involved. Such solutions could include encouraging urban planning and architectural designs that take into account the need for sonic play and ritual at their greatest extremes. For instance, some communities have begun creating venues located away from residential neighborhood where individuals with hi-fi car stereo systems can gather to socialize, show off their systems, and hold competitions. This gives them a place to practice their hobby free from confrontations with the police or their neighbors and at the same time decreases the chance of sonic disruption for non-participants.

Another possibility would be to facilitate negotiations between the various participants to help ensure that large-scale ritual events, such as parades and festivals, unfold in a manner that allows the event to serve its intended purpose without harmfully disrupting the lives of those from outside that community. Even if these negotiations fail to achieve a perfect solution, at least they can create a forum for people to voice their concerns and perhaps decrease the possibility of them misinterpreting each others' intentions as territorial or malicious. It is only by accepting the right of everyone to shape their personal form of sonic expression—whether through sound or silence—that

we can begin to appreciate the full complexity of these conflicts and offer insight into how to best prevent and resolve future conflicts.

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Spencer, Len and Gilbert Girard, performers. 1902. "The Passing of a Circus Parade." Victor M-1382-[1].

Curriculum Vitae

Education

- Ph.D., Indiana University, Bloomington, Department of Folklore and Ethnomusicology, dissertation successfully defended as of April 2009.
 - Primary research areas include ethnographic sound archives, the use of sound recordings as information sources in both past and present ethnomusicological research, soundscape studies, the history of noise complaints generated by musical performances from the early 1800s through the present, and music and Islam
- M.A., Indiana University, Department of Folklore and Ethnomusicology, Folklore with Ethnomusicology Concentration, February 2004
- M.L.S. Indiana University, School of Library and Information Science, Library and Information Science, August 2004
- B.A., Minnesota State University-Mankato, Oboe Performance, June 1999
- B.A., Minnesota State University-Mankato, English, Literature Specialization, June 1999

Work Experience

- Archives Administrator / Project Manager, Indiana University, Archives of African American Music and Culture
June 2008-Present
- Sound Directions Project Assistant, Indiana University, Archives of Traditional Music
Fall 2005-Summer 2007
- Graduate Assistant, Indiana University, Archives of Traditional Music
Fall 2004-Spring 2005
- Assistant Cataloger for the Ethnomusicological Video for Instruction and Analysis Digital Archives (EVIA-DA) project, Indiana University
Summer 2004-Summer 2005
- Coordinator Field Bibliographer for the IU/MLA Folklore Bibliography Project,
Fall 2001-Spring 2004

Work Experience (cont.)

- Hourly Student Assistant, Indiana University, Archives of Traditional Music, Listening Library
Fall 2000-Fall 2005
- Manager of Library Processing Department, Lerner Publications (Minneapolis, MN)
Summer 1999-Summer 2000
- Hourly Student Assistant, Minnesota State University (Mankato), Memorial Library, Educational Resource Center (ERC)
Fall 1996-Spring 1999

Professional Affiliations and Service

- Society for Ethnomusicology (SEM), 2004-Present
 - SEM Discographer, 2008-Present
 - Member of the Charles Seeger Prize Committee for 2006-2007
- International Association for Sound and Audiovisual Archives (IASA), 2004-Present
- Association for Recorded Sound Collections (ARSC), 2005-Present
 - Member of the ARSC Travel Grant Awards Committee, 2007-Present
 - Member of the DACS for Archival Sound Recordings Subcommittee
- International Council for Traditional Music (ICTM), 2007-Present

Honors

- Recipient of the 2007-2008 Louise McNutt dissertation writing grant from Indiana University, College of Arts and Sciences
- Fall 2005 travel grant from the Indiana University, College of Arts and Sciences to present at SEM conference
- Recipient of the 2004 Esther L. Kinsley Award for best Master's thesis completed at Indiana University, Bloomington during the 2003-2004 academic year
- Foreign Language and Area Studies (FLAS) Fellowship to study Arabic, Summer 2003
- Graduate Assistantships, Department of Folklore and Ethnomusicology, 2001-2005
- Travel grant to attend the Building Bridges with Folklore Archives conference, Provo Utah, Feb.-Mar. 2003
- Graduated *Summa Cum Laude* from Minnesota State University, Mankato

Publications and Presentations

- Sewald, Ronda L., ed. 2009. *Liner Notes* (no. 13). Bloomington, IN: Indiana University, Archives of African American Music and Culture.
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