OMA. Kunsthal Rotterdam, 1992. Top: View through the metal mesh circulation path. Photo by Hans Werlemann. Bottom: View of auditorium seating. Photo by Michel van de Kar. Courtesy OMA.

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Pearce v. OMA: Architectural Authorship on the Courtroom Table

ANA MILJAČKI

The Kunsthal Opens, 1992

On a seasonably foggy November 1, 1992, Rotterdam's new temporary art exhibition hall, the Kunsthal, officially opened its doors to the public. Architectural journals were quickly ablaze with images of colorful chairs on the dynamic incline of its auditorium, views of its diagonal columns perpendicular to that incline, leaning precariously against the horizon line, followed immediately by moody, worm-eye shots of silhouettes captured from below the metal mesh floors they were populating. Though diminutive in size when measured against the later oeuvre of the Office for Metropolitan Architecture (OMA), the Kunsthal was a major commission for the firm at the time. OMA had just completed a series of important competition entries that had not become buildings despite their very public life as proposals: projects for ZKM, the Très Grande Bibliothèque, the Zeebruge Terminal, and the Netherlands Architecture Institute in Rotterdam. In the wake of this series, the Kunsthal received lavish attention as an eagerly awaited demonstration building. It was OMA's second scheme for the Kunsthal, a result of their long-term investment in the Museum Park in Rotterdam, and it seemed to finally materialize OMA's reinvention of an architectural device with a long architectural history: the winding ramp as a device for both circulation and social condensing.[1]

In one of the first reviews of the building, published in a 1993 issue of *Archis*, Hans van Dijk celebrated the Kunsthal as one of "a series of designs which together mark the shift in OMA's work."[2] In the March issue of *Domus*, Kenneth Frampton suggested that one could "find" many of Le Corbusier's projects in the building, as well as the minimalism of Donald Judd and elements of Rem Koolhaas's own thesis project.[3] Paul Vermeulen focused on Konstantin Melnikov's Paris Soviet Pavilion and a pragmatic and subversive interpretation of Mies.[4] For Hans Ibelings, Deyan Sudjić, and Jeffrey Kipnis, the Kunsthal also summoned ghosts of Mies's Neue National Galerie in Berlin.[5] A few years later, working through the spatial and temporal effects of traveling the ramps in the building, the critic Cynthia Davidson focused on the potential relevance of Le Corbusier's

Mundaneum for the OMA design.[6]

Architectural critics have invoked links across OMA's body of work and constructed lineages to help judge the Kunsthal's contribution to the discipline. In this type of discursive activity, architectural precedents routinely provide a register for ascertaining an architect's (as well as an architecture critic's) erudition and ingenuity. Their invocation not only places projects within stylistic and conceptual lineages to allow a "deciphering" of possible influences but also helps manifest and reinforce the discourses in which the critics themselves are most invested.[7] Yet a clear and public articulation of relevant architectural precedents by architects themselves is rare. In the case of the Kunsthal, and in many of the same magazines publishing critical appraisals of the project, Koolhaas described the key concept of the building not through architectural references but in terms of function and volumetric parti. In *A+U* he described "a square crossed by two routes: one, a road running east/west, parallel to Massboulevard; the other, a public ramp extending the north/south axis of the museum Park."[8] As a consequence of these ramps, he continued, the Kunsthal was "a spiral in four separate squares." In OMA's 1995 monograph *SMLXL*, the building's "continuous circuit" is described playfully via a fictional dialogue and a set of literal directions through the building:

> Approach the building from the boulevard. Enter the ramp from the dike. It slopes down toward the park. Halfway down, enter the auditorium. It slopes in the opposite direction. A curtain is drawn, blocking out daylight. At the bottom, see a projection screen. Walk down. Turn the corner. Enter the lower hall, facing the park. It is dark, with a forest of five columns. To the right, a slender aperture opens to a narrow gallery. Look up. Rediscover the ramp you used to enter. Walk up.[9]

At least one architectural critic, Davidson, reported following these directions during her visit.[10] No architectural precedents were offered by Koolhaas at the time of the building's unveiling, and critics played along, weaving stories of their associative connoisseurship unencumbered.

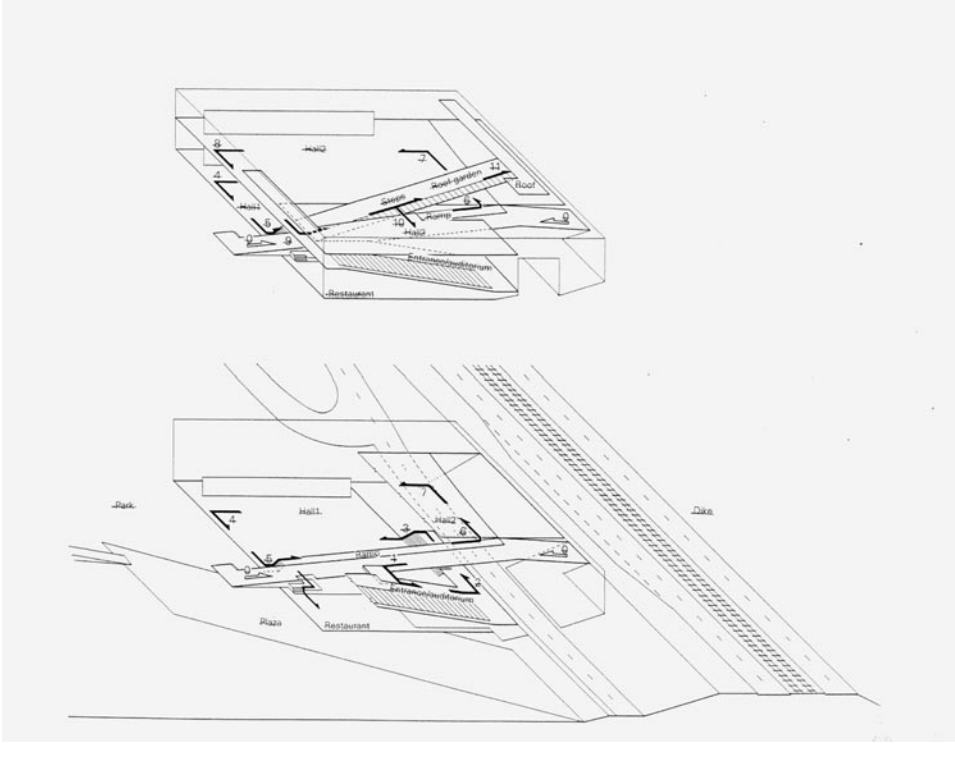
A few years later, however, Koolhaas was forced to produce a retroactive articulation of "architectural precedents" for the Kunsthal in the service of judicial judgment, not disciplinary chatter. The precipitating event was a lawsuit: in 1996, a former temporary employee of OMA London, and a former student at the Architectural Association (AA), Gareth Pearce, filed copyright infringement complaints against Koolhaas, OMA, Ove Arup Partnership (the engineering firm involved with the project), and the City of Rotterdam for an alleged direct copying of his thesis drawings for the production

OMA. Kunsthal Rotterdam, 1992. Axonometric drawing. Courtesy OMA.

of the Kunsthal.[11] In response, Koolhaas and his team assembled a series of historical projects that acted as fictional "precedents" for the Kunsthal, demonstrating that Pearce's thesis drawings were not among them and that many possible paths in architectural history could point to the Kunsthal's design. What seemed at first like an easily dismissed or easily settled case turned into a five-year-long courtroom affair, with some important teachings for the discipline of architecture—and certainly for OMA.

Like many stories that end up in a lawsuit, this one has been mostly suppressed from public view and scrutiny. It was not exactly a secret and did blow up in Rotterdam and in London for a bit, but almost everyone involved in architectural discourse wanted it gone and forgotten as soon as it was over. And yet, now that its toxic fumes have faded, it might in hindsight offer an important framework for considering authorship in architecture.

Recounting the history of this court case reveals a profound misalignment between the realities of architectural practice and the persistent, colloquial, and juridical understanding of the author as "an individual who is solely responsible—and therefore exclusively deserving of credit—for the production of a unique work."[12] *Author* and *work*, as Michel Foucault reminds us, are entangled fictions that provide convenient coherence to practices, artifacts, and effects that are always messier than these shortcuts suggest.[13] The archive of the Kunsthal case offers several important lessons. In this story, architectural authorship is qualified by and refracted through three forms of authorship, each tied to a mode of idea transmission and also to a conception of the person of the "self" invested in the work. Architectural literacy (under which both precedent and influence



might be filed) is of greatest value to the first conception of authorship at play here: one that assumes a coherent relationship between the work of architecture and the designing self—between building and signature. The second form of authorship, promoted most explicitly by copyright law in the twentieth century, involves labor. Who did the work? Third is an idea of authorship that encompasses the collective messy work of the office, that relies on shared literacy and skill, where selves are multiplied even when a single signature is provided by the managerial structure of the office and yet where invention is recognizable in the object produced.

Various media also made an appearance in the courtroom—drawings and models among them—as did other conventions that are routinely used in the production of architecture and architectural discourse, including mechanical means of reproduction. All became *evidence*, used alongside the curious voices of expert witnesses, for the sake of forming legal judgments. Paradoxically, in proving Koolhaas's sole authorship of the work, his entire office and its particular emergent transmediatic practice had to come to the rescue. Though both Koolhaas and OMA were on trial as separate entities, the courtroom dialogue centered on Koolhaas's own abilities, assuming the coherence between the work and the self. "Precedents," this case shows, had been circulating in the office, contributing to its specific design culture, extending also to the cultures of diploma units at the AA. The cultural continuum between school and office was by design, but it tended to obscure the difference in ownership and agency allowed and demanded by each of these contexts. Finally, although architectural precedents were presented retroactively to legitimate the originality of the Kunsthal, they were not presented as direct and authoritative sources of OMA's invention but rather as fairly disposable and routinely ingested pieces of architectural literacy.

Precedent/Authorship

The concept of "architectural precedent" has its own forms of discursive inertia. It most often signals authority and canon. Precedent smuggles in authorship, with a capital *A*, even though authorship and precedent have, at different times and in relation to various kinds of creative acts, anchored opposite ends of the spectrum. The disciplinary history of relying on precedent is as old as the discipline itself and has included mechanical copying and other enabling graphical methods. But since this court case took place at the height of postmodernism and can help add nuance to its debates on historical references, we may usefully consider two relatively recent contributions to the history of precedent in architecture that imagine parallels between architectural and specifically *legal* precedent.

Responding to architecture students' invitation to contribute to *Harvard Architectural Review* on the relationship between precedent and innovation, architectural theorist Colin Rowe penned a letter that was published verbatim.[14] To illustrate the relationship between the two terms and the disciplinary activities they involve, Rowe did not enlist architectural examples. Instead, from a smoky room in Ithaca, New York, he imagined another room filled with a "whole library bound in blue morocco" at the center of which a lawyer was poring over "the inventory of cases bearing upon the specific case that he is required to judge."[15] He concluded that this archetypal lawyer was "obliged to consult the old and the existing" to "pronounce legal innovation." Rowe's reading of the way law operated with precedent did not necessarily bear on the doctrine of judicial precedent as such; this would in any case have required a more extensive technical analysis than Rowe's short letter could afford. Instead, Rowe's interpretation was entirely predicated on his formalist position regarding the relevance of architectural precedent, which he elsewhere also called "paradigm" and "model."[16] That is, regardless of the term, Rowe's understanding was intensely formal. The legal definition of the doctrine of juridical precedent, which he seemed to nod at, is specifically applicable in Anglo-American law; that is, in the United Kingdom and the United States (whose common-law tradition developed directly out of the British system).[17] However, the doctrine of juridical precedent is not so easily or playfully open to (juridical) invention: it stipulates that certain precedents in which the point of law has been established are binding and must be applied the same way in all other cases that share the same material facts. This does not mean that law leaves no room for novelty. But the grass seemed greener to architectural critics, who projected onto law their own hopes for architecture.

Almost a decade before Rowe conjured the library bound in blue morocco and its hypothetical lawyer, his former compatriot and fellow expatriate Peter Collins had, from his perch farther north in Montreal, done more substantive work to set up a nuanced relationship between architecture and law.[18] Unlike Rowe's light excursion to the realms of law, Collins's 1971 *Architectural Judgement* involved a personal immersion in legal studies, including joining first-year law students (and professors) in classes at the Yale Law School in 1968–1969.[19] But *Architectural Judgement* was predicated on a similar sense that there were important parallels between the judicial and architectural forms of judgment and that precedent was a particular way of treating historical knowledge. The crux of Collins's magnum opus is a plea for architects to first notice these parallels between the two professions and disciplines and then to rely on them to further rationalize architectural judgment and

maybe even reorganize the pedagogical tools of the discipline. His explicit targets were tendencies in architectural discourse and history to present historical evolution in terms of styles and "pioneers." Collins offered the way law conceptualized its disciplinary history as a remedy (albeit mild) for avant-gardist narratives and art-historical surveys:

> lawyers make a clear distinction between historical records which are precedents, and historical records which are not precedents; and it is impossible to over-emphasize the importance of the distinction in a consideration of professional judgement. Insofar as any recorded legal decision (whether decided one year ago or five hundred years ago) is a rationally justifiable argument for taking a similar legal decision today, it is a precedent. Insofar as any legal decision (whether decided a year ago or five hundred years ago) is irrelevant to a legal decision today, it is, as far as practicing lawyers are concerned, "mere history."[20]

In Collins's view, a precedent was any project that could be instrumental in the production of a specific work of architecture, in a specific set of circumstances. His was not an invitation to add to the canon or be in conversation with it. His suggestion was both more practical and more humble: the law was a way to think about the forward transmission of architectural knowledge and expertise and a way to treat disciplinary heritage practically and rationally. His view left room for thinking with architecture and complex circumstances, as well as for sidestepping the significance that his and our own contemporary culture attribute to the "author."

In Collins's conception of architectural production, authoring is always contingent and, at the very least, in dialogue with other instances and circumstances of architectural production. Yet this version of architectural practice still relies, like most copyright law, on that problematic notion of a coherent "work" whose internal cohesion is in part granted by its link to a specific author. We have eighteenth-century law and philosophy to thank for imagining that ideas emerge in the head of, or from within, a single "author" and for consequentially linking those to private and transferable forms of ownership.

All histories of copyright law begin with book publishing and book pirating and thus with the financial interests of publishers, booksellers, and eventually literary authors, who benefited from connecting authorship to the ownership of ideas. Literary and legal scholar Martha Woodmansee proposes that before this codification took place, an author was an unstable combination of "a craftsman" and "an inspired" ("a creative," in more contemporary parlance).

Even in bookmaking the production of content was understood and valued side by side with the other forms of craftsmanship that were required for it.[21] But in the eighteenth century, as publishing expanded, the question of ownership of ideas occupied many thinkers across Europe.[22] In his 1793 "Proof of Illegality of Reprinting: A Rationale and a Parable," Johann Fichte, for example, divides the book into its material attributes and its content and then divides the content into ideas and the form that those ideas are given by a specific author. To the extent that the buyer (i.e., reader) "is able, through intellectual effort, to appropriate them, these ideas cease to be the exclusive property of the author, becoming instead the common property of both author and reader. The form in which these ideas are presented, however, remains the property of the author eternally."[23]

The development of British and world copyright law, from the end of the eighteenth century to the 1988 Copyright, Designs and Patents Act in the United Kingdom (the statute most relevant to the Kunsthal case) did not follow a straight line.[24] This realm of law that governs intangible property has its own history, transforming from the period that legal scholars have termed "premodern" to modern, with the shape of the law getting ever more systematized and abstract throughout that process. In its modern form, different legal instruments cover the territory of design, with patent law taking the lead at some points in this history and helping structure other categories of law covering design (e.g., trademark and copyright). Transformations in the legal instruments and general codification of the legal protection of design were affected by changes in the importance ascribed to the individuality, quality, and originality of design; to various ways technologies of production and manufacture intersected with making; and to international trade, which demanded different degrees of translatability between national legal systems.[25] Even in the eighteenth century, though, especially in the literary property debate, where the "individual-as-creator" view had a prominent position, the situation was already more complicated.

Art historian Molly Nesbit's work on Eugène Atget's photography deliberately sidesteps the kinds of pronouncements about authorship that authors make themselves, focusing instead on the way French copyright law defined the space of possibility for Atget. She offers that, in this context, "The law of 1793 set a breathtaking precedent that was not to be undone. Its definitions of culture survived all the others. . . . The law had already leveled the academic distinctions; in its very practical, authoritative terms, culture was flat."[26] The "cultural flatness" that Nesbit diagnoses in French copyright law already at the end of the eighteenth century would become one of the key characteristics of British modern copyright law as

well. In both contexts, as the law got further codified and abstracted, it also got disentangled from the dangerously arbitrary and historically specific inertias of aesthetic judgment.[27] By 1988 and the drafting of the Copyright, Designs and Patents Act in the United Kingdom, which covers architectural works, the distinction between highbrow and lowbrow was similarly flat.

In architecture much work has been done on the Renaissance episode in which Leon Battista Alberti, trained in law, produced a new understanding of the role of the judge by severing any direct link between judgment and execution in architecture and by distinguishing between the craftsman-builder and the intellectual form-giver. As Marvin Trachtenberg suggests, "in Alberti's eyes the architect-author's production is truly like a literary-author's, and not just a continuation of the old alternative meaning of *auctor* as founder-builder. He is originator, validator, adjudicator of the entire form and meaning of the work."[28] Though architecture's inclusion in copyright law does not occur until well after the law was applied to publishing, writing, and art—and at first only as protected marks on paper—Alberti's division and widely held and culturally accepted ideas about authorship had been shaping aspects of the "author function" in the discipline along with historical and more recent (i.e., twentieth- and twenty-first-century) forms of patronage. Despite various transformations of copyright law, the de jure definition of the author, as well as the mythical link between the author and the work, continues to hold in the cultural and legal imaginary against the far messier contemporary de facto movement of ideas and their forms.

The Kunsthal lawsuit militated against this privileging of the de jure definition—or at least against the simplistic author-work identification in architecture that the plaintiff was conveying. First, OMA's and Koolhaas's preparation of the defense involved research in the office that was not directed at the production of an architectural object. Complicating the definitions of both *author* and *work*, the presentation of this novel kind of design research in the unfamiliar but peculiarly public arena of the courtroom was itself an occasion for invention. Furthermore, aspects of this type of architectural "research" would soon become permanent features of Koolhaas's body of work, both through his teaching at Harvard's Project on the City and at OMA's mirrored sibling, AMO, a think tank established during the years of the trial in 1999. As a pedagogical project, the Harvard Project on the City was indebted to Robert Venturi, Denise Scott-Brown, and Steven Izenour's *Learning from Las Vegas* experiments, as Koolhaas subsequently acknowledged.[29] But it differs from them in significant ways that have to do with law, research, and authorship.

Allegation of Mechanical Copying—Kunsthal (Served), 1996

The Kunsthal in Rotterdam had been open and in the architectural spotlight for four years when Pearce took OMA and others to court. The chronology of events, as officially told by Pearce in his role as the plaintiff, starts with him finishing his diploma work at the AA in 1986. His project was a town hall for the Docklands under the advising of Alex Wall, who was an architect at OMA London at the time. On Wall's invitation, Pearce joined the OMA London office to build a model for the Checkpoint Charlie project in Berlin. The agreed on six weeks of model building turned into twelve, and Pearce was eventually fired before being paid on behalf of OMA London by Matthias Sauerbruch (also an OMA London employee at the time) for his work on the model, which ultimately had to be rebuilt for the client.[30] Very early during those twelve weeks, and upon Wall's request, Pearce, as per his own witness statement, brought his drawings of the Docklands thesis to the OMA London office.[31] He would claim six years later that, when he picked them up a few days later, they evidenced some rough handling and were tightly rerolled. Seeing the Kunsthal in the final stages of construction in 1992 and remembering then the state of his drawings upon return led Pearce to believe that his drawings had been copied, "namely by dyeline copying, photocopying, simple tracing or possibly electronic scanning."[32] He proposed that the copied plans then provided "a basis for a 'cutting and pasting' operation in which modifications could be made by moving features or elements" of his plan.[33] The first scheme for the Kunsthal, Kunsthal I, is dated 1987–1988 in *SMLXL*, a full year after the incident described by Pearce.

The first decade of OMA work has been described as the "Copy & Paste Decade." This is mostly meant to suggest the office's reliance on modernist tropes, a strategy that at the time was perceived by some as opposition to historicist postmodernism.[34] Koolhaas has since also described the production of the Casa da Musica in Porto in similar terms. But in Pearce's allegations these terms are meant literally and as such have legal significance. In the UK context of the Royal Courts of Justice in London, Pearce had the upper hand: the system supported his legal costs as long as he had a case, and, equally important, while UK law "does not restrict the development of architectural ideas and concepts, it does however, prevent the copying of plans."[35] In UK law, "a perfect replica is not necessary to prove infringement, as long as an ordinary average layman would realise that there is an appropriation from the original work."[36] That is, Pearce could make a case about direct, 2D copying of his work and receive the support of legal counsel automatically.[37]

The Docklands drawings in question include plans, sections, and an axonometric drawing. To the contemporary eye, nothing stands

out about the project, which is a combination of two late modernist boxes, one vertical, one horizontal. The axonometric drawing looks like a typical product of the late 1970s, with an estranging angle that reflects an awareness of its recent status in postmodern discourse—or at least its requisite appearance in the thesis studio (or "diploma unit," in AA parlance) led by Wall and Stefano de Martino. Although the quality of the project would come up in the trial, in front of the law it was irrelevant. In November 1995, Pearce had an "expert witness," Fredrick Hill, compare in detail Pearce's drawings with the Kunsthal plans. Shortly after, Pearce began making statements to the press about the case, and in September 1996 his second writ statement and claim were served.

A few key legal steps followed. The defendants' lawyers requested the "particulars of similarity," which would make the claim of copyright infringement specific. Defense materials were delivered, and the "particulars of similarity" were finally ready in January 1997.[38] Pearce's claim eventually included fifty-two "particulars of similarity," all of which were based on a proposal of graphic copying of drawings or parts of drawings, which are in British copyright law understood and protected as works of art by the 1988 Copyright, Designs and Patents Act.

Koolhaas's response to the fifty-two "particulars of similarity" was served in February 1997. The sixth paragraph of that affidavit describes the time he, too, studied at the AA (1968–1972) and then the time he taught alongside Elia Zenghelis (1976–1979). Koolhaas's students in this period included Zaha Hadid, de Martino, and Wall, all of whom subsequently taught the plaintiff.

> Inevitably, the principles of the school of architecture in which I was working and teaching would be passed on to my students and in turn to their students. . . . Any degree of similarity there may be between the Docklands Plans and the Kunsthal is due to the school of architecture to which the designs belong, namely contemporary architecture, and is in my opinion no greater [than?] the similarity between all such buildings, designs and drawings.[39]

By drawing a shortcut from his role at the AA to "contemporary architecture," Koolhaas was correcting the directionality of the vectors of influence offered by Pearce.[40] Indeed, all scholarly and anecdotal accounts of the school at this time hang on the legendary importance of specific studios, or "units," at the school, their unique character and pedagogical methods. According to Wall, this involved excitement about specific constellations of architectural precedents.[41] In Koolhaas's case, and in the case of his inheritors at the AA, these included the Soviet avant-garde and certain forms of modernism

(retroactively recuperated in opposition to the postmodern critiques of the period that had been leveled at them). Most students at the AA were well aware of the cultural currents they were subjecting themselves to and knew that joining Wall and de Martino in the 1980s was the closest they could get to the legacy of Koolhaas and Zenghelis's earlier Diploma Unit 9.[42]

The period between the claim and Koolhaas's first affidavit is marked in the OMA archive with frantic attempts to understand the law, the extent to which the AA would or would not be implicated, whether it mattered how the London and Rotterdam offices were related, and how Koolhaas's life (and residential addresses) between Rotterdam and London would be understood. On October 31, 1996, Hadid's offices faxed OMA a few key pages about British copyright law. Most of the pages were about completion or copying of architectural projects that might have originated with another architect. How might one calculate the damages, for example? The section emphasized in the faxed copy: "So far as drawings are concerned, it must be remembered that they are subject of copyright 'irrespective of artistic quality' so that a prior express assignment of copyright to the client could theoretically grant him copyright in respect of even the most simple standard detail contained in the drawings."[43] "Most simple standard detail[s]" would make up the bulk of Pearce's fifty-two particulars of similarity.

In the twenty-fourth paragraph of his affidavit Koolhaas expresses incredulity about the copying process described by the plaintiff, according to which even fairly banal "dimensions from unrelated areas in plan" were said to be copied into other parts of the project. The text ends by proposing that, when "diverse and particular criteria and influences which were exercised on the design of the Kunsthal" are taken into account, the allegations of copying plaintiff's designs that are "inconsistent and have never been built" are "inconceivable and bizarre."[44]

Following the hearing of motion, which took place shortly after Koolhaas's affidavit, in February 1997, Judge Lloyd dismissed Pearce's action on the grounds that some of the claims were far-fetched, that the judge could not accept "that the overall concept of the two designs . . . shows any sufficient similarity as to raise an inference of copying" and struck out the claim as "an abuse of process."[45] But the Pearce v. OMA and Koolhaas case did not end there. Judge Lloyd's judgment was followed by an appeal, a request to include the graphic evidence prepared by the plaintiff, and expert response to Koolhaas's affidavit, all of which were granted, with the initial notion of the abuse of process reverted and a full trial eventually starting on October 8, 2001. The proceedings of that first day began with the examination of Pearce about his drawings and why he had not men-

tioned their alleged mishandling and his less-than-amicable exit from the London office. Two exchanges between Pearce and the defendants' legal counsel, Andrew Waugh, from the opening day of the trial are particularly instructive about the plaintiff's attitude toward the work (and the topic of authorship). The first involves a story of the single time Pearce said he had encountered Koolhaas in the office:

> Mr. Justice Jacob: How old would you have been in 1987?
>
> A: 27
>
> Q: Mr Koolhaas would have been?
>
> Mr. Waugh: 44. What I am instructed, and it is in our witness statement, is it seems very odd that Mr. Koolhaas would have done that, to ask a model-maker, there on a six-week project to come upstairs and pass comment on a project he was doing. Are you sure you would have recalled this accurately, Mr. Pearce?
>
> A: Of course I am sure. Of course I am sure. For a man that cannot draw, of course he is going to ask someone who can. He valued my viewpoint.
>
> Q: You regard yourself as a good draughtsman?
>
> A: I am an excellent draughtsman. I know it.

The second exchange has to do with Pearce's dissatisfaction about the credit he received on the project for which he was hired to build the model (even though he did not):

> Q: In 35. You make the point that "The Checkpoint Charlie model was widely published in photographic magazines. All the people who had been involved with the project had their names published with credits, but my name was omitted despite the fact that I had been substantially involved with it." Your involvement was to have been retained for six weeks to make a model of the project, and that job was not finished at the time you left—some twelve weeks.
>
> A: That is correct.
>
> Q: So why on earth should they have published your name with the credit on Checkpoint Charlie?
>
> A: Because I had done a huge amount of work on the model and there were constant changes. In fact they were not actually sure of what the design was on the level of the ground floor, and I would make things and they would reject them and remake them.[46]

Not to leave you in too much suspense: the case closed on November 2, 2001 (five years after it was officially set in motion), when the judge in the second trial, Judge Jacob, dismissed the allegations:

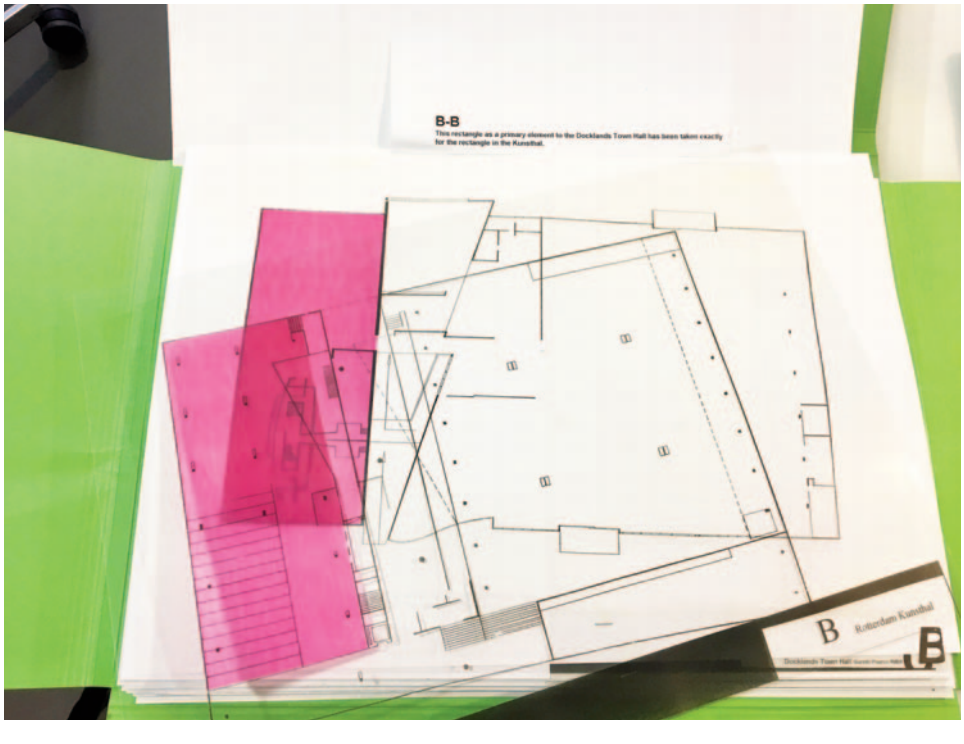
Gareth Pearce. Acetate portfolio prepared as an exhibit in *Pearce v. Ove Arup Partnership Limited*, in the High Court of Justice (Chancery Division), 1997. Photograph by the author.

> To state my conclusion from the outset. The case has no foundation whatsoever. It is a case of pure fantasy, preposterous fantasy at that. Kunsthal owes nothing to the Claimant. I very much doubt that Mr. Koolhaas ever saw the claimant's plans. But even if he did so briefly, I am quite satisfied that he never copied them, either "graphically" or in any other way.[47]

Yet the closing of the case also coincides with the opening of a new chapter in the history of the Kunsthal project as architectural-legal "evidence." Indeed, the encounter of architectural and juridical judgment in this case led to the creation of a set of documents whose task was to mediate between those legal and design realms. These drawings deserve their own analysis as media for the extraction of a new kind of architectural judgment.

Judgment from Drawings

To argue his case in front of Judge Lloyd, on January 30, 1997, Pearce produced a portfolio of acetate transparencies with 2D geometric shapes rendered in pink, which allowed the plans of the two buildings to be superimposed on each other.[48] When the portfolio of transparencies was presented to Koolhaas and OMA's lawyers at Ashurst Morris Crisp in April 1998, they compared the transparencies to actual drawings of the Kunsthal and especially to the annotated copies of drawings exhibited in Koolhaas's affidavit. Remarkably, this analysis led them not to errors in Pearce's interpretation of the Kunsthal drawings but to "a large number of inconsistencies" in Pearce's reproductions. The OMA team believed that in the process of preparing his "evidence," Pearce had adjusted drawings on the copier for a better match, transgressing the disciplinary function of the

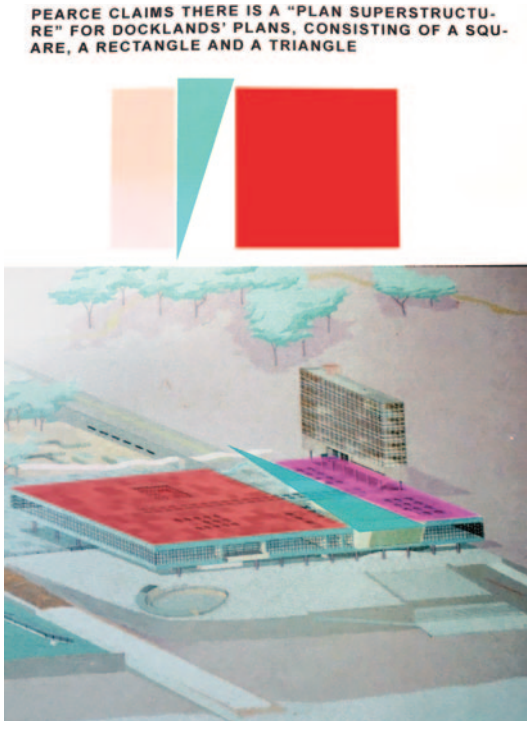


architectural drawing as an anticipatory marker of three-dimensional space and transforming the Kunsthal drawings instead into mere 2D, graphic, compositional offerings. Pearce had found a square, a rectangle, and triangle—shapes that, in his estimation, matched in their proportions as graphic objects when drawings at different scales were superimposed on them (his own 1:200 on top of Kunsthal at a nonstandard 1:250). During the hearing, Koolhaas repeatedly pushed back on this graphic reading of architectural drawings (and architecture). He found absurd the idea that it would be of any value or interest for an architect to copy shapes and dimensions the way Pearce suggested:

> Maybe I should say something in general. When you are an architect, you are not really looking at dimensions. You are looking at the building which you eventually imagine or can see in front of you. So every dimension in an architectural plan is a representation of an ultimate reality which you only get through the building. I have never in my entire professional life looked at dimensions per se in plans because I know that those are relative entities and not definitive entities.[49]

And yet, expert witnesses were starting to pile on, mesmerized by the persuasive power of the shape-fitting game. Imagine the puzzle maker's rush of winning every time the pink acetate square or triangle aligned with lines of the plan provided. Although possible only thanks to a total abandonment of the architectural qualities implied by the plans, the rendering of two sets of architectural drawings—at different scales—into 2D shapes focused attention on a narrative of copying that benefited the claimant. In this focus, the architectural drawing was now a medium that required the expert witnesses to "perform" (and eventually experience and believe) the argument of plagiarism, every time. Though it was performed here, as the law demanded, without aesthetic judgment, to produce an objective assessment of copying, the effort was kindred to other "graphic methods" in architecture only recently employed by Rowe, for example.[50]

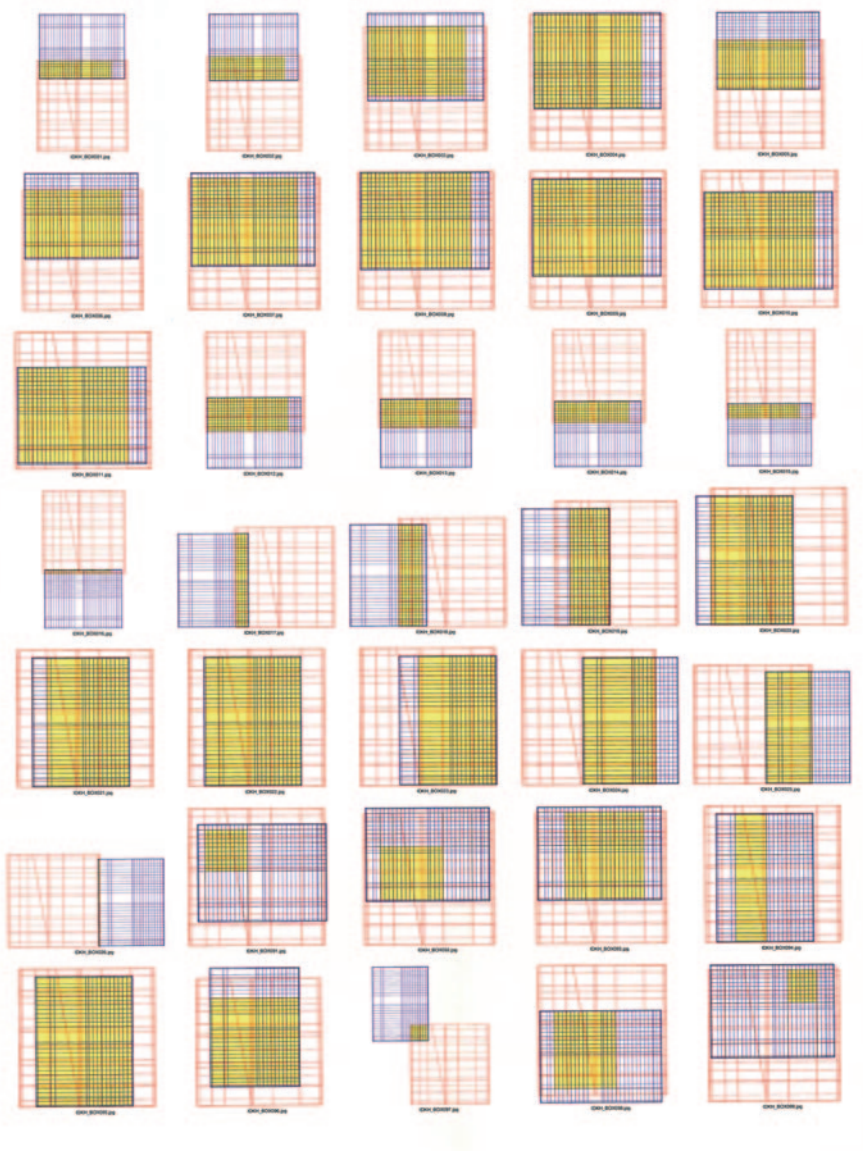
In their counterargument, OMA also engaged in graphic play. OMA's preparation for the defense included a series of tests designed to show—contra Pearce's "shape" argument—that shapes can indeed be "found" in a plan if one looks for them. To illustrate how this might work, the OMA team marked up both projects by adding the implied lines that would form grids. Yet on



Page from a booklet prepared by OMA to be used in the trial *Pearce v. Ove Arup Partnership Limited*, in the High Court of Justice (Chancery Division), ca. 2000. OMA Archive, as created for the *Pearce v. Ove Arup Partnership Limited* trial. Courtesy OMA.

the stand and in his affidavit, Koolhaas disputed the grid method. He rejected both the arbitrary line found to bind the "square" in the Kunsthal and the reading of the three-dimensional space captured by the Kunsthal ramps as a mere triangle. Still, by following the logic of superimposition that was at the basis of Pearce's allegations, the grid method disputed the acetate portfolio's forensic value and pointed out the arbitrariness of shapes, as found and as called out.

The portfolio was not Pearce's only form of evidence. The plaintiff ultimately had to prove several material facts: that OMA or Koolhaas had access to his drawings (his narration of the chronology of events addressed this); that the two projects were indeed similar (this task was delegated to the "acetate portfolio"); and that Koolhaas had some logical reason to go to all this trouble. In his examination of the possible motivations for copying, the plaintiff and his team reached for different types of architectural judgment. The expert witness for



OMA. Drawing prepared to dispute Gareth Pearce's shape-finding method advanced in *Pearce v. Ove Arup Partnership Limited*, ca. 2000. The drawing superimposes in different ways the regulating grids of the Kunsthal and the Docklands plans so that various sizes of rectangles appear in their overlap. Courtesy OMA.

the plaintiff, architect Michael Wilkey, offered one interpretation: in his reading of the documents that had been supplied by OMA as evidence of independent design development for the Kunsthal, the moves simply did not add up.[51] To Wilkey, OMA's design development seemed full of "cul de sacs," whereas the plaintiff's thesis sketches stood the test of coherence and development. When he reviewed the drawings, Wilkey operated within the definition of authorship offered by law, but when considering architectural process he accepted an older, Beaux-Arts inflected definition of it, precisely reliant on that impossible coherence between the author, their process, and their work.

With the intervention of the expert, we see that the colloquial and legal definitions of the author rub against not only OMA's methods of design production but also against the nature of design activity and "experience" in many other firms, then and now. First, the conception of the necessity, or value of a single "author's" sketches, then the assumption of their logical progression and coherence—the twin myths of author and work—were a key part of Wilkey's narrative of plagiarism. In this story, OMA, seen as isomorphic with the persona and the author "Rem Koolhaas," needed to rely on Pearce's student project because, presumably, its own design development steps were not linear or compelling enough and simply could not lead to the design of the Kunsthal. "Drawing," as a process, was essential to this argument. For example, during its cross-examination of Koolhaas, Pearce's team suggested that the OMA architect could not draw, in this way seeking to undermine his authorship in the Beaux-Arts sense:

> Q. Would it be fair to say—it is obvious—that all the drawings pretty much were done by Mr. Hoshino or someone else. You did not make a drawing contribution to this case?
>
> Koolhaas. No; that is not fair to say. I would sketch as we were talking together with Mr. Hoshino and also I would regularly work in London reviewing the project and recording some of my ideas in sketch form.
>
> Q. We do not have those documents?
>
> Koolhaas. No. There is a culture in the office that is fairly casual about my sketches. I consider them my tools and not things to keep.[52]

Where Wilkey looked for drawings as authorial gestures, Koolhaas denigrated the status of sketches in the office. His defense had not even bothered to compile them. The plaintiff's legal team appealed to the imaginary coherence of the design process, to that German Romantic definition of the author inside whom ideas germinate and whose inner values and expression the reader or the audience will access every time they encounter his (purposefully gendered here)

work.[53] Any proposals to view culture and cultural and aesthetic production as distributed and networked, as social, were clearly at odds with the plaintiff's view of authorship, though by the late 1990s those abounded, at least in the academic world.

This expert witness did not acknowledge the messy (as opposed to coherent and singularly, internally driven) process that makes up project development. Even in a single-person firm, the architect is not alone. Even students—though their authorship is often framed and evaluated as singular in the academy—have the luxury of talking to their sketchbook, are burdened by reality only insofar as they choose to be, and are in dialogue with others. Nowhere was this more true than at the AA, especially beginning with Alvin Boyarsky's directorship in 1971, when the emphasis was on the autonomy of the instructors to establish competing lineages in the history of architecture. In these competitive pedagogical experiments, students needed to summon all the internal references and coherence (or incoherence) they deemed necessary. As recent histories of the AA's "unit culture" have shown, students chose their unit using the metaphor of consumption: the AA was described as everything from a "fair ground" to a "marketplace" where students were able to "consume" pedagogy. But if this led students like the plaintiff to think that they "owned" the ideas they "bought" in that environment, in fact the units promoted enthusiastic cross-pollination, at least internally.[54]

Market logic did make an appearance in the court case, but in a different way. Pearce's legal team at one point proposed that it might have made sense for Koolhaas to copy the Docklands plans if the firm was under pressure to complete the project for monetary reasons:

> Q. Would you agree that both on you and the people working in your office there were at the time, the time when you were designing the Kunsthal, huge pressures both on time and money? Would you accept that?
>
> A. Yes, and that is still the case.
>
> Q. When there are pressures like that there is the temptation, if you can, to take a short-cut. Would you accept that?
>
> A. Maybe in certain offices, but certainly not in ours.[55]

Furthermore, Koolhaas offered that the copying method described by the plaintiff's team would be far more unwieldy and costly to turn into a building than simply designing it. The idea of "cutting corners" was complemented with questioning about Koolhaas's recognition as an important architect. Was he really that good and famous? Did his fame precede or follow the Kunsthal? Did he routinely look to other architects for inspiration? What did his teaching at the AA say about his qualifications as an architect? Even van Dijk's highlighting of the shift in OMA's work as represented by the Kunsthal project

was imputed to be evidence of a likely reliance on Pearce's work, suggesting that, had van Dijk seen Pearce's portfolio of transparencies, he would have had a different reading of that shift in OMA's work. Why anyone, but also why Koolhaas specifically, would copy Pearce's drawings required a proof within the realm of architectural judgment: proof of the Docklands project's exceptional quality or of Koolhaas's (i.e., OMA's) lack of ability.

The only mechanism by which this type of disciplinary or professional judgment could enter the legal conversation was when being ventriloquized by expert witnesses and legal counsels. Relying heavily on Pearce's acetate portfolio, Wilkey ultimately produced a plan of the Kunsthal refracted through law. In the archive this document has a pale, pastel-green background, the color perhaps a product of the chemistry of an aging early ink plot; thick red lines are centered in the middle, and the text (whose consistency suggests machine production) appears in blue. Stripped of its normal content, this almost, or no-longer, plan does not include wall thicknesses, does not represent connections, structure, or spatiality. Though still transmitting the organizational logic of the building, every line represents claims of copyright infringement (though Wilkey was not equally forceful about all of them in the accompanying presentation). This is the Kunsthal conjured through imagined or claimed infringements and architecture momentarily transformed by the force of legal concerns into mere shape—or worse, the shape of (alleged) architectural theft. Insofar as any plotted architectural drawing is referred to as a drawing, Wilkey's document is definitely a drawing. But despite the tools that were used to produce it and despite its clear reference to Kunsthal's architecture, the question whether it is an architectural drawing is hard to answer. As an expert witness account, it represents and embodies a particular type of opticality, and, as such, its distance from an architectural drawing and that drawing's function is proportionate to the expert witness's distance from operating in architecture and conversely their proximity and orientation to law.

Authorship by Office

A different notion of authorship can be revealed, however, by locating the lawsuit within the archive of OMA as an office. For instance, the archive contains the desperate fax that Koolhaas sent to his office at the beginning of the episode. Pearce's first writ statement had just been served. Koolhaas was staying at the International House of Japan in Tokyo (several office faxes from the trial period are on different hotel stationery as if greetings/souvenirs from business travel).

> To: The Entire Office
> Dear Office,
> Last week was completely hellish. To be accused of plagiarism

and to have that accusation spreading over the world with the speed of a bushfire, is appalling; the fact that it is completely untrue (and since I've seen the drawings on Friday, totally absurd), only makes it worse.

The timing could not be more suspicious and "wrong": *The Observer* came out at the moment I needed maximum credibility with MoMA trustees & other luminaries. The "news" obliged me to personally inform people like Harvard's president, Bronfman, etc. in efforts at damage limitation. In an already dense schedule, I spent at least 3hrs a day on this issue.

. . . I know that things there [at the office] are not perfect but would have appreciated some acknowledgment from you about my situation.*

*In fact, I needed it.

[Signed:] Rem.[56]

Koolhaas's melodramatic sense of loneliness was intentional. If he was a lone author, it was not of drawings but of faxes, which betray servitude to a chain of command, liability, and fame. The fax also points to the fact that life in the office had to continue while it was also engaged in defense preparation. A 2000 *New York Times Magazine* article on OMA, following Koolhaas's Pritzker reception, describes 1992, the year the Kunsthal opened and the office lost its ZKM commission, as the year when the office had to shrink to twenty-four employees and was acquired in part by a Dutch engineering company to make it solvent again.[57] This would soon be followed both by the effort to produce the *SMLXL* monograph, published in 1995, and Koolhaas beginning a position at Harvard University the same year. Five years later the office employed ninety architects. The front matter of *SMLXL* includes a series of diagrams that attempt to make OMA office operations transparent and accessible. One titled "Project Credits," lists all those in the office who had participated in the work collected in the book.[58] The names are cross-connected with projects, and, although the diagram's details are not easy to read (which obscures specific individual credits), it transmits graphically the energy of many people working together in different configurations. Without differentiating between the phases of the project, the Kunsthal's dot on the project side seems to connect to seventeen characters.[59] OMA attempted to talk to the project architect, Fuminori Hoshino, who, by the time of the trial, no longer worked at the office.[60] After some uncertainty (and consequent stress) among the trial prep team as to Hoshino's willingness to collaborate or even respond to OMA's requests, Hoshino sent in his own hand-drawn and -written explanation of how *he* had developed the Kunsthal II scheme, insisting that his process had nothing to do with Pearce. But the defense team was already aware that retroactive explanations of

the design process were not enough on their own and that Koolhaas had to be embedded more deeply in the narrative of the project development for him to fill in the space carved out by law for the figure of the author. In the court of public opinion, though, the 2000 *New York Times Magazine* profile of OMA reported (somewhat incredulously) Koolhaas commenting on his "disdain" for the "author theory": "It is an insult to me, as well as to the others, to make it all seem like just my own work." He added that the one thing he prided himself on was "a talent to collaborate." These statements were at odds with the story of authorship that the courtroom situation in London demanded.[61] They are also symptomatic of his struggle to separate self from authorship, to receive the Pritzker as a coherent self, conjured in part by the occasion, but also to articulate a particular view on authorship. Though for Koolhaas the latter was not new, many critics, including his interlocutors at the *New York Times Magazine*, assumed his comment to have been somewhat disingenuous.[62]

If at several moments during the five years of this court case, Koolhaas's own architectural judgment seemed to be on trial—something understandably "frightening" to him—the trial also, and more significantly, demanded that architectural judgment be rendered accessible to an audience with different expertise and forms of judgment.[63] The result was a strange cross between "a rambling courtroom drama" and "the weirdest crit" in the world, as architecture critic Kester Rattenbury reported for *Building Design*, wherein the extraction of historical architectural knowledge was made directly "useful"—both for architecture and for law.[64] In a way, this proved Collins right. The retroactive invocation of the Kunsthal's architectural "precedents," in Collins's terms, presented precedent thinking as part and parcel of the design process, even if the role of history was, in the actual design of the Kunsthal, mostly ambient. Collins sought a more directly generative parallel between architectural and legal judgment. Yet the fact that a court's attempt to adjudicate the origin of a set of architectural ideas ultimately opened up a new epistemic project—one based on knowledge of the discipline's history and process, beyond the realm of law—proved at least part of Collins's point: the disciplinary specificity of architecture was shown to be contained in its history of processes and models.

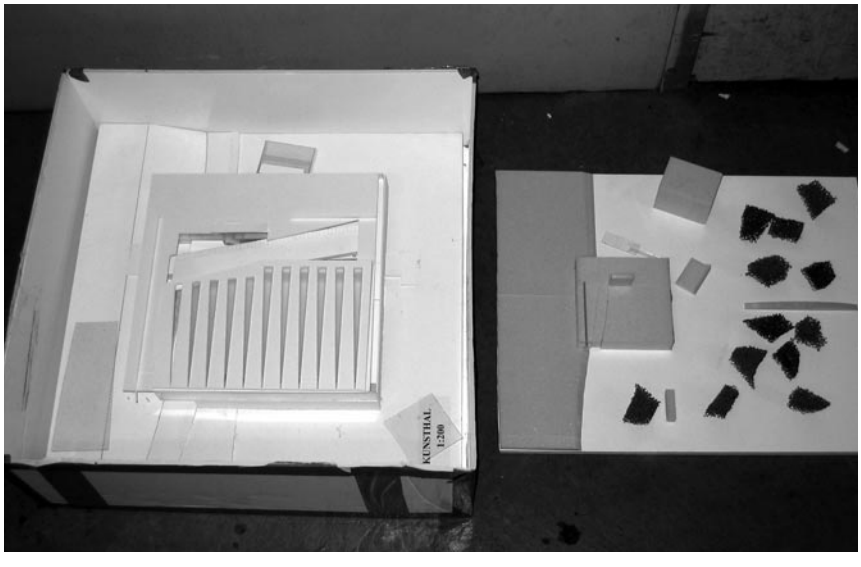
Since British (copyright) law functions through the "authority of the precedent," the rule established by the Pearce v. OMA case may be of long-lasting consequence for the legal definition of architectural originality and process; it has already infiltrated legal scholarship as a precedent.[65] Except, insofar as UK law was concerned, this story did not end with Judge Jacob's judgment. It continued to unfold among expert witnesses registered by the Royal Institute of British Architects (RIBA) and regarding the propriety of Wilkey's conduct

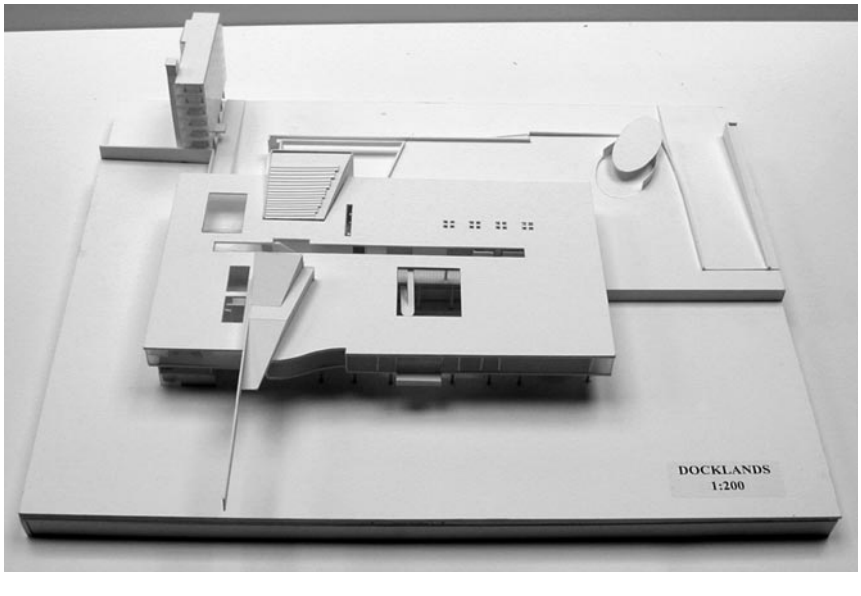
in court (called out by the judge, who would in turn be reprimanded for doing so). Wilkey's expert judgment was adamantly defended by another expert witness, and later president of the Society of Construction Arbitrators, Ian Salisbury, who sidestepped Pearce's graphic method with his own method of calculating the mathematical probability of different measurements aligning as they did across their graphic representations (at different scales). Salisbury found Judge Jacob's court's willingness to consider the three-dimensional object alongside its 2D representations a "major travesty." He had himself seen the drawings before they went to trial and in ten minutes of studying them had decided they were copied. Supposedly unaffected by that "intuitive" judgment, in his 120-page expert opinion on Wilkey's conduct as an expert witness, Salisbury suggested that "Mr. Wilkey carried out his duties as an expert witness methodically and dutifully to the standard required of him. There is no question in my mind that he can be guilty of unacceptable professional conduct or serious professional incompetence in the manner alleged by the Solicitor Complainant."[66] Salisbury had also already written on the case and the judge's treatment of expert witnesses for the legal magazine *Barrister* by the time he filed his own expert opinion.[67]

At OMA, the mediums that resulted from its encounter with British copyright law became the hallmark of its research activities. Besides the costs in time and money (well over 400,000 UK pounds), the lawsuit compelled the office to produce a slew of models and print media for the trial. This material contains evidence of Koolhaas himself working through the claims, thinking through and commenting on the grids, the shape argument, and Pearce's project. Two booklets and several physical models in particular performed crucial roles in the trial. In her ethnographic study of the internal workings of OMA, Albena Yaneva highlights the role of architectural models for both communicating and versioning ideas. She also wonders about Koolhaas's ability to draw, the location of his drawing activity, and its importance for the work "made by OMA."[68] In the OMA trial, however, the models were fairly ordinary and used to recast the drawings as architectural proposals rather than purely graphic products. The printed matter is where the real invention lies. Each of the fifty-two claims was addressed by a dedicated booklet, with both the plaintiff's and the defendant's expert witness statements included and each claim illustrated individually. At each turn architectural judgment was pressed against legal optics. The second booklet, for example, *The Universal Tower/Slab Building Guide*, was designed to summon architectural precedents to Koolhaas and OMA's defense. The archival material documenting OMA's defense preparation work includes early lists of "real precedents" notated by Koolhaas and other members of the team—material that precedes the firm's fas-

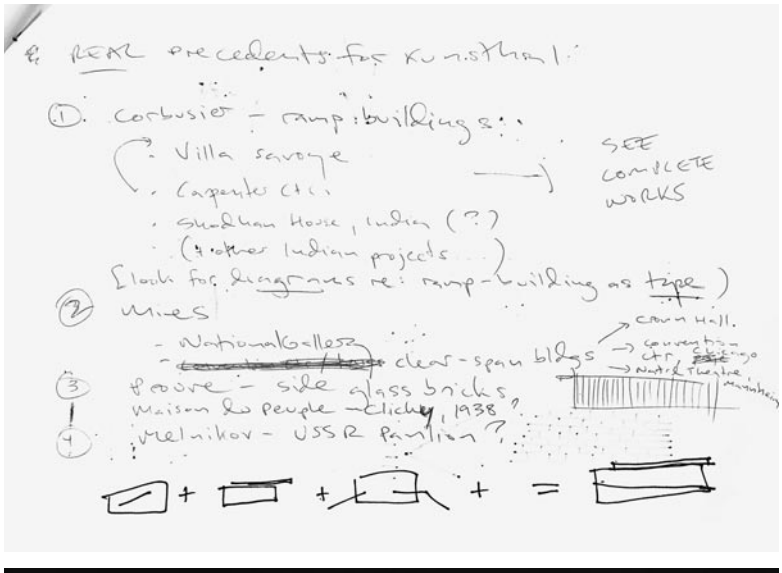
cinating retroactive attempt to create a Kunsthal influence manifesto.

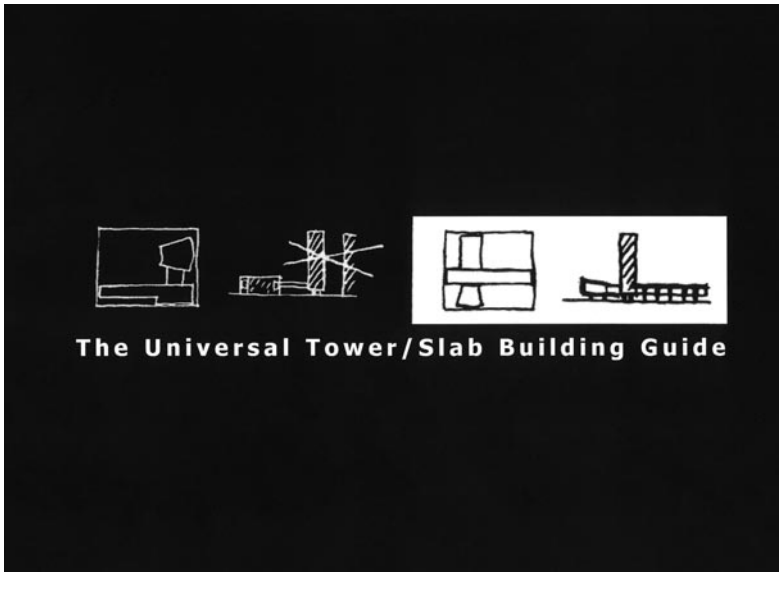
The Universal Tower/Slab Building Guide booklet was likely produced by an OMA team dedicated to the task.[69] It has some of the slightly scandalous qualities of an architectural confession, containing works of Le Corbusier, Mies, Arne Jacobsen, Frank Lloyd Wright, and Kenzō Tange. Its task was to register—to materialize and communicate, retroactively—the kind of knowledge that is understood and absorbed by most members of an office but rarely discussed explicitly. This is the kind of knowledge that gives a specific flavor to office culture—and maybe architectural projects as well. These types of references operate at what Yaneva calls the "meta-reflexive" level, which she purposefully sidesteps with her ethnographic work. But during the design process these "universal" references are as mundane and as present as foam-cutter fumes. They are embodied and dispersed, so much so that they may be hard to notice as part of the operations of "scaling" and judging that ethnographers pay attention to.





The Universal Tower/Slab Building Guide also presents early evidence of what would soon become signature elements of a new kind of "research" work at OMA and the foundation of OMA's research arm, AMO: first, the geographic location of "slab and tower" buildings of relevance, buildings that predate both the Kunsthal and Docklands. In some of the plans, square and triangle shapes are highlighted, following Pearce's graphic method. Ramps in the projects were also compared to one another, and figure-grounds were drawn. In line with the purpose of the booklet and the general aim of the OMA defense, the accumulation of these examples of architectural precedents highlighted the key misconceptions of the plaintiff. Foremost among these: "the preposterous idea" (to quote both judges on the case) that Pearce had invented the notions of a slab, a bar, and a ramp in architecture and, importantly for architectural judgment, the implication that an office or architect *needed* to resort to mechanical copying to produce their work, even if in reference to some other





Opposite top: OMA. Kunsthal Rotterdam, 2000. Model at 1:200 scale, prepared by the OMA team for use in *Pearce v. Ove Arup Partnership Limited*, in the High Court of Justice (Chancery Division). Courtesy OMA.

Opposite bottom: Model of Docklands, London, 2001. Model at 1:200 scale, prepared by OMA for use in *Pearce v. Ove Arup Partnership Limited*, in the High Court of Justice (Chancery Division). OMA Archive, as created for the Pearce v. Ove Arup Partnership Ltd & Ors trial. Courtesy OMA.

Top: Rem Koolhaas. Sketches and annotations of "real precedents for Kunsthal" in preparation for *Pearce v. Ove Arup Partnership Limited*, in the High Court of Justice (Chancery Division), ca. 1996–2000. Courtesy OMA.

Bottom: OMA. Cover of the booklet *The Universal Tower/Slab Building Guide* (2001). Prepared for use in *Pearce v. Ove Arup Partnership Limited*. Courtesy OMA.

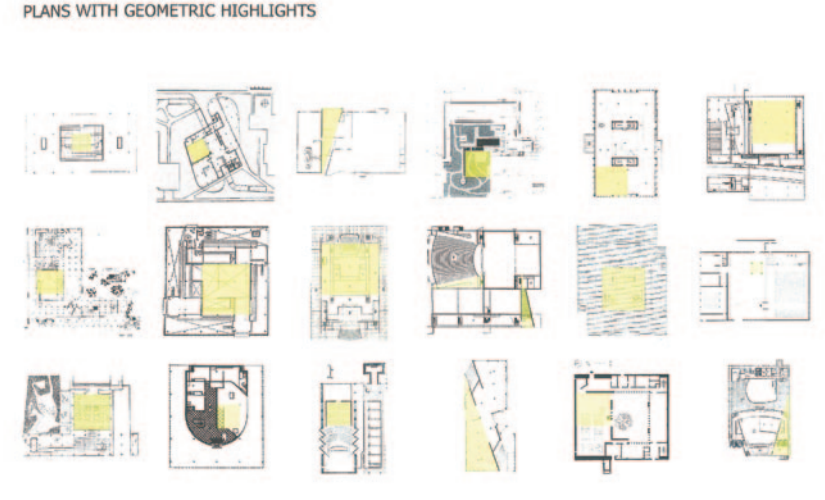
piece of architecture they may have seen.

The far-reaching consequences of the lawsuit do not end in British copyright law, however. They can also be measured by the sudden unleashing, in the late 1990s, of legal tropes in Koolhaas's discourse and their diffusion though a new design medium—the "research book"—that arguably was invented in response to the lawsuit itself.

Student and Corporate Authors: From Copyright to Trademark

While the expert and other witnesses were still rotating in and out of the courtroom in London, Koolhaas began a new kind of pedagogical project that leveraged architectural "research" as a design product. In 1995 he began teaching the Harvard Project on the City at the Harvard Graduate School of Design. The studio's first project focused on the Pearl River Delta in China, followed by a "Guide to Shopping," research on Rome, on Lagos, on communism. Each of these efforts is notable for culminating in presentations of research rather than student design projects; the first two were published as gloriously glossy Taschen books (both in 2001). The studio's experimental pedagogy melded two research typologies: on the one hand, the more solitary, old-fashioned library and archive research that had underpinned Koolhaas's own "retroactive manifesto," *Delirious New York*; on the other hand, the collective effort seen in OMA's response to the lawsuit as the office retroactively tried to manifest an ambient culture of specific architectural precedents, producing media and documents that would signal and communicate "research" to audiences beyond architects. The Project on the City also questioned architectural pedagogy altogether: What if the outcome of architectural intellection and of architecture studios was not a building but engagement with conditions that hitherto had no place in architectural discourse? What if the effort was collective, such that everyone in the group learned in the open-source environment of the studio?

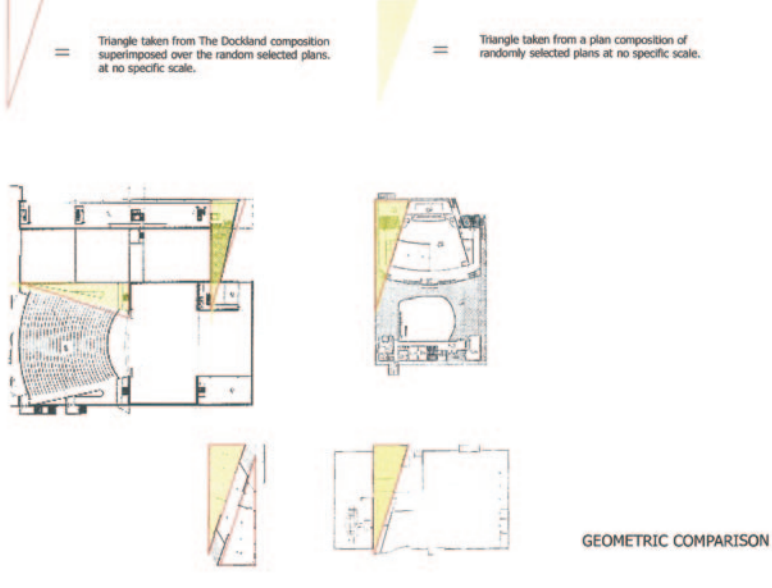
In various installments of the Project on the City at Harvard,



OMA. Page spread showing plan precedents from the booklet *The Universal Tower/ Slab Building* Guide (2001).

architecture students were invited to draw conclusions not only in media traditionally used to represent architecture but also in polemical stories and through the graphic organization of information.[70] Their work was edited and curated, but their conclusions, produced in collaboration with their teacher and teaching assistants, were presented as authored by students. Since architectural design and its processes were removed from the pedagogical project to instead center different formats of research, there could be no talk about who "owned" ramps, squares, or late modernist boxes.

Jokes involving legal tropes even became a recognizable way that Koolhaas and his students and employees branded their collectivity. In 1997, at Documenta 10 in Kassel, Koolhaas and the architecture students involved in the first installment of Project on the City at Harvard exhibited text and images from their research about the Pearl River Delta. Large text was superimposed on wall-size images and peppered with copyright signs, each appended to phrases apparently invented by the research team: City of Exacerbated Difference©, Market Realism©, Faustian Money©, Utopia of Golf©, Green Card Dream©, Concessions©, Paradise©, Potemkin Corridors©, and so on. Similarly in 2003, OMA mounted an exhibition titled *Content* that was intended as an ironic self-portrait of the collective OMA and AMO production—in Koolhaas's own terms, to "break down our own achievements."[71] Here, too, legal tropes became placeholders for an acknowledgment of collective authorship. The show was mounted twice—first at Mies van der Rohe's Neue National Galerie and then in Rotterdam at the Kunsthal—and included a mix of models (blue foam and all other types), along with arguments for and against projects, mistakes, suspect decisions, and polemics contributed by all members of OMA and AMO (which had by then been formalized).[72] The exhibition catalogue includes a series of simple organizational schemas, each corresponding to an OMA project, now presented graphically through ironic patent drawings. Each patent drawing

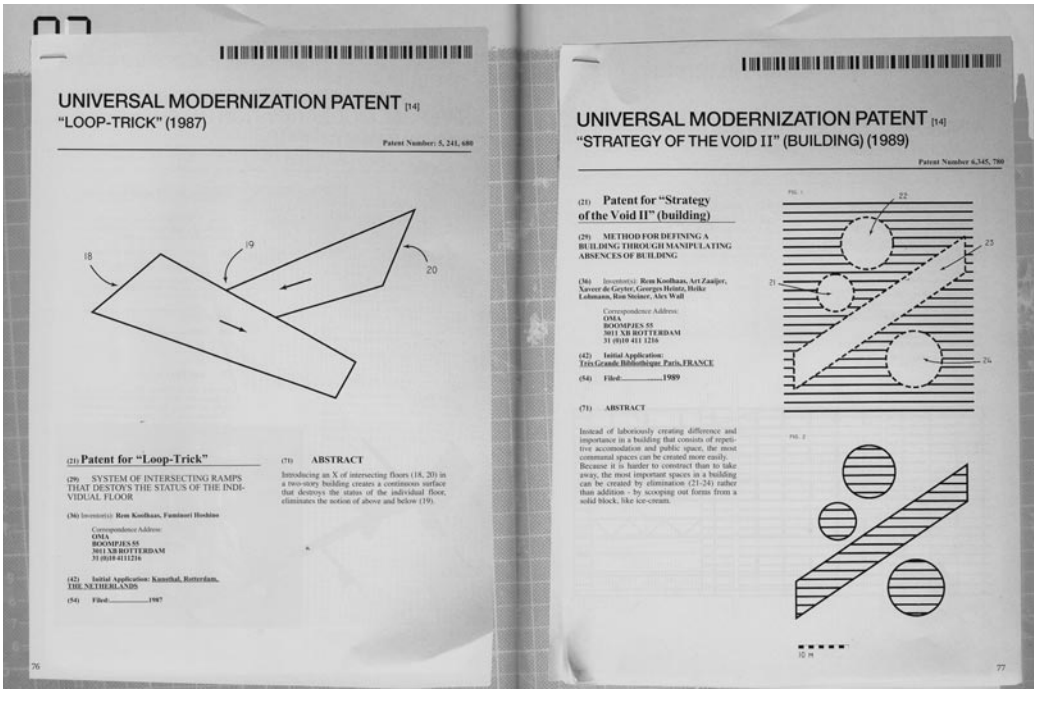


OMA. Page spread showing geometric comparisons from the booklet *The Universal Tower/ Slab Building* Guide (2001).

was accompanied with an explanation, a description of the first use of the invention in OMA's work, the date of (fictional) filing, and a key image. According to this catalogue of imagined patented inventions, one "Universal Modernization Patent," titled "Loop Trick" and dated 1987, had been "first employed" for the Kunsthal in Rotterdam. Described as a "system of intersecting ramps that destroys the status of the individual floor," the "Loop Trick" nodded at both the ramp axonometric drawings that had been the earliest journal images of the building and also the Kunsthal court materials prepared by the plaintiff and the OMA team. Patents protect inventions differently from copyright law and may indeed protect portions of works, not only building technology solutions but also innovative dispositions of space.[73] Thus these patent drawings were part truth and part dare, simultaneously a retroactive and proactive claim of specific architectural ideas.

In that sense, the Kunsthal trial can be seen as a tipping point that shifted the projective utility of models, precedents (and with them timelines, maps, figure-grounds), and drawings within OMA's work momentarily toward juridical thinking. In doing so, it also enabled these media to extend architectural intellection beyond the narrowly defined architectural "work" that had been at the center of the trial, making visible many more subjects "authoring" a far more distributed "work," despite its singular material manifestation as a building.

The most consequential episode following Koolhaas and OMA's intervention to bring issues of collective authorship back into the pedagogical scene where they had originated came much more quietly and had to do not with the architectural firm as an author but with the university, and not with copyright but with trademark. As OMA and Koolhaas's (post-Kunsthal and post-Pritzker) brand was rising in importance, Koolhaas was briefly implicated in a contentious



Page spread including "the loop-trick" described in a humorous fake patent drawing as being deployed for the first time in the Kunsthal Rotterdam. From Rem Koolhaas, ed., *Content* (2004). Courtesy OMA.

legal debate over who had the right to wield Harvard's name or disseminate its students' work. The question revolved around the use of the word *Harvard* in the Koolhaas-led course and its publications. While Koolhaas and the students had hoped to use the title "Harvard Project on the City," the books published by Taschen were instead prefixed with a more clearly attributed "Harvard Design School": for example, *Harvard Design School Project on the City* or *Harvard Design School Guide to Shopping*. According to the architect Jeffrey Inaba, who for several years coordinated this project at the Harvard Graduate School of Design, a few conversations took place about how best to include Harvard's name in these projects and publications.[74] Harvard already had a codified patent and copyright policy (in 1975 it had replaced a simpler policy focused on medical inventions).[75] However, the "Policy on the Use of Harvard Names and Insignias" dates to 1998. Not only does this date coincide with the moment when Koolhaas, Inaba, and their students were proposing projects from within the Graduate School of Design, but the policy specifically refers to the formulations "Harvard Project . . ." and "Harvard Guide," both of which were proposed by the Koolhaas team.

> Attaching a Harvard name to an event, project, or publication implies a close connection with the University, usually sponsorship or endorsement. For example, such forms as the "Harvard Project on . . ." or the "Harvard University Guide to . . ." should be used only when they refer to activities for which the University itself or one of its delegated authorities is accountable. Involvement by individual Harvard faculty, students or staff members is not, by itself, a sufficient basis to title an activity as "Harvard" sponsored. Rather the activity must be one for which the University takes institutional responsibility.[76]

This policy clearly prompted the name change for the books produced by the design studio. For the Harvard Project on the City, the Harvard School of Design took on the "institutional responsibility." But Koolhaas's legal case might have prompted this new legal policy in the first place. Situating this turn of events along the timeline of legal events involving OMA that impacted the definition of the architectural author reveals an important inversion: the "author as self" was allowed to cohere again in the form of Harvard's jealously guarded name at the very moment corporate, collective, and nonpersonal teaching finally became standard, or acceptable, in the design studio. Of course, this was no longer "the author" as individual self but rather the author as a fully corporatized, juridical person.

Notes

1. The building is titled Kunsthal II in *SMLXL* (New York: Monacelli Press, 1995). Its ramps are part of a lineage of ramps already evident in OMA's work. ZKM, Très Grande Bibliothèque, and Zeebruge Terminal all feature small or large ramps in conversation not only with one another but also with Frank Lloyd Wright's 1959 ramp at the Guggenheim Museum in New York, the unrealized but nonetheless paradigmatic 1929 Le Corbusier design for the Mundaneum, and even the slanted floors of Konstantin Melnikov's 1929–1930 conceptual project for a dormitory, "Sonata of Sleep." The latter resonates with Koolhaas's engagement with Russian constructivism and especially Melnikov's and Ivan Leonidov's work. See Rem Koolhaas, "The Future's Past," *Wilson Quarterly* 3, no. 1 (Winter 1979): 135–140. OMA's Jussieu library proposal in 1992–1993 immediately continued the work on the ramp, as would several subsequent projects in the OMA portfolio.

2. Hans van Dijk, "Principles of *Metropolitan Architecture*—OMA's *Kunsthal* in Rotterdam," *Archis*, no. 1 (1993): 17–27.

3. Kenneth Frampton, "Rem Koolhas: Kunsthal a Rotterdam," *Domus*, no. 747 (1993): 38–47.

4. Paul Vermeulen, *Architectuur in Nederland: Jaarboek 1992/1993* (Rotterdam: NAi Publishers, 1993), 90–91, translated and reprinted in Christophe van Gerrewet, ed., *OMA REM KOOLHAAS: A Critical Reader* (Basel: Birkhäuser, 2019).

5. Hans Ibeling, "A New Exhibition Machine for the City," *Abitare* 317 (1993): 189–196; Deyan Sudjić, "The Museum as Megastar," *The Guardian*, 25 January 1993, 7; and Jeffrey Kipnis, "Recent Koolhaas," *El Croquis*, no. 79 (1996): 26–37.

6. Cynthia Davidson, "Koolhaas and the Kunsthal, History Lesions," in "How the Critic Sees: Seven Critics on Seven Buildings," special issue, *ANY*, no. 21 (December 1997): 36–41.

7. "Influence" is a most slippery form of relation in the field of cultural production, always open to interpretation by critics, even if they engage it through a critical apparatus such as the one offered by the literary critic Harold Bloom across his entire body of work. See especially Harold Bloom, *The Anxiety of Influence* (New York: Oxford University Press, 1973). On this topic, art historian Michael Baxandall offers a different temporal orientation, suggesting a far more malleable and reactive field. Once we abandon the "wrong-headed grammatical prejudice" constitutive of the concept of influence, and with it ideas about who is the "agent" and who is the "patient," then analyzing how later works reconfigure and reference earlier ones becomes easier. Michael Baxandall, "Excursus against Influence," in *Patterns of Intention: On the Historical Explanation of Pictures* (New Haven: Yale University Press, 1985), 59. See also, Ana Miljački and Amanda Reeser Lawrence, eds., "Introduction: Authorship, Transfer, Rights, Re-enactments," in *Terms of Appropriation: Modern Architecture and Global Exchange* (London: Routledge, 2018), 1–10.

8. "Introduction," in "Kunsthal, Rotterdam, 1988–1992," special issue, *A+U*, no. 287 (1994).

9. These words are spread across several pages accompanying the more dramatic fictional narrative presented in "Life in the Box? Kunsthal II, Rotterdam, Neverlands 1992," in *SMLXL*, 433–439, 443–450.

10. Davidson, "Koolhaas and the Kunsthal."

11. One of the first articles describing the case "that will stun the profession," in which "the Dutch-born architect Rem Koolhaas is sued for claiming the design of the Kunsthal art gallery in Rotterdam as his own"—and which Koolhaas would invoke directly in a fax to his office—describes Pearce working for six weeks in 1986 at the OMA London office. Heather Mills, "Postmodern Master Sued: Architect Rem Koolhaas Accused of Plagiarizing a British Man's Designs," *The Observer*, 6

October 1996, 2.

12. Martha Woodmansee, "The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the 'Author,'" in "The Printed Word in the Eighteenth Century," special issue, *Eighteenth Century Studies* 17, no. 4 (Summer 1984): 426.

13. Michel Foucault, "What Is an Author?" (1969), in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984), 101–120.

14. Colin Rowe, "Letter: On Precedent and Invention," in "Precedent and Invention," special issue, *Harvard Architectural Review*, no. 5 (1986).

15. Rowe, "Letter."

16. Colin Rowe, "Program vs. Paradigm: Otherwise Casual Notes on the Pragmatic, the Typical and the Possible," *Cornell Journal of Architecture*, no. 2 (1982): 9–19.

17. A key difference between common-law and civil-law traditions (the latter developed in continental Europe) is that the first is uncodified and largely based on precedent, which gives judges a large role in shaping things, while the latter is codified and continually updated to specify what can be brought to court, the procedures by which it will be judged, and the types of punishments for each offense. Outcomes in specific cases are thus shaped less by the judge than by those involved in drafting and updating the code.

18. Peter Collins, *Architectural Judgement* (London: Faber and Faber, 1971).

19. I am grateful to Timothy Hyde for pointing me to Peter Collins's work in 2018. Hyde's own work on the Seagram Building situates Collins among other architectural historians who attempted to tackle forms of legal judgment and evidentiary logic to challenge architectural historical narratives. See Timothy Hyde, "'Striking and Imposing Beauty': On the Evidence of Aesthetic Valuation," in Aggregate Architectural Collective, *Writing Architecture History: Evidence and Narrative in the Twenty-First Century* (Pittsburgh: University of Pittsburgh Press, 2021), 274–283.

20. Collins, *Architectural Judgement*, 18.

21. Woodmansee, 427.

22. These included John Locke in England (a proponent of private ownership more generally and of the privatization of the commons and an owner of stock in slave-trading companies); Denis Diderot in France; and Johann Fichte, Johann Herder, and Johann Goethe in Germany. See Woodmansee; and Seán Burke, ed., *Authorship from Plato to the Postmodern: A Reader* (Edinburgh: Edinburgh University Press, 1995).

23. Johann Fichte, "Proof of Illegality of Reprinting: A Rationale and a Parable" (1793), quoted in Woodmansee, 445.

24. Brad Sherman and Lionel Bently, *The Making of Modern Intellectual Property Law: The British Experience, 1760–1911* (Cambridge, UK: Cambridge University Press, 1999). See also Barton Beebe, "Design Protection," in *The Oxford Handbook of Intellectual Property Law*, ed. Rochelle Dreyfuss and Justine Pila, online ed. (Oxford, UK: Oxford University Press, 2017), https://doi.org/10.1093/oxfordhb/9780198758457.001.0001.

25. Sherman and Bently argue that the "crystallization" of modern copyright law was sped up by a whole series of bilateral treaties and negotiations before they were more centrally organized by the 1883 Paris and 1886 Berne conventions. Key among British writers and publishers was the idea that intellectual property should remain property as it traversed national boundaries. See Sherman and Bently, 111–128.

26. Molly Nesbit, "The Author," in *Atget's Seven Albums* (New Haven: Yale University Press, 1992), 95.

27. Hyde describes aesthetic judgment as reducing "unavoidably toward subjectivity" and therefore "difficult to reconcile with legal orientations toward objectivity, normativity, and consistency." Hyde, "'Striking and Imposing Beauty,'" 274.

28. Marvin Trachtenberg, "Ayn Rand, Alberti and the Authorial Figure of the Architect," *California Italian Studies* 2, no. 1 (2011): n.p. (16), https://doi.org/10.5070/C321008972.

29. Robert Venturi, Denis Scott Brown, and Steven Izenour, *Learning from Las Vegas* (Cambridge: MIT Press, 1972); and "Re-learning from Las Vegas: Interview with DSB and RV with Rem Koolhaas and Hans Ulrich Obrist," in Rem Koolhaas and OMAMO, *Content* (Cologne: Taschen, 2004). The credits for this book are quite special. Both Koolhaas and OMA/AMO are featured in the space usually reserved for announcements of authorship on the spine. Specific roles for the book's realization are also listed, starting with Koolhaas as editor-in-chief, followed by Brendan McGetrick as editor, Simon Brown and Jon Link as art editors, and others in a series of more specific roles, thus asserting different forms of authorship for the project.

30. Pearce presents some of the material from this case (including two expert witness statements, appeal documents, and dismissal of the case against the expert witness Wilkey) on a website he maintains. See "The Pearce vs. Koolhaas Case," http://garethpearce.info/. Known in legal literature as Pearce v. Ove Arup Partnership Limited, after the defendant listed first, the case was heard by the High Court of Justice in England, also known as the England and Wales High Court (EWHC). For the final judgment in 2001, see Pearce v. Ove Arup Partnership Ltd & Ors, [2001] EWHC (Ch) 481. I have accessed files digitally from Pearce's website, from the online archive of the British and Irish Legal Information Institute (BAILII), and physically from the OMA Archive, where the case is titled "Pearce Case Kunsthal."

31. "In the High Court of Justice, Chancery Division, HC 1996 06040, Before: Mr. Justice Jacob, Claimant: Gareth Pearce v. 1) Ove Arup Partnership Limited, 2) Remment Lucas Koolhaas, 3) Office for Metropolitan Architecture, 4) City of Rotterdam. Proceedings (Day 1)" (8 October 2001), in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RB18 (hereinafter referred to as "Pearce v. OAP et al., Day 1.").

32. Gareth Pearce, "Second Writ Statement" (30 September 1996), in OMA Archive, "Pearce Case Kunsthal," n. B0308, box AB, RG22.

33. Gareth Pearce, "Second Affidavit of Gareth Pearce" (3 April 1998), in the Court of Appeal, on Appeal in the Court of Justice, Chancery Division, Pearce v. Ove Arup Partnership Ltd & Ors [1996] Ch. (P.) 06040, in OMA Archive, "Pearce Case Kunsthal," n. B0308, box AB, RG22.

34. Matteo Kuijpers, "A Copy and Paste Decade: Typology in the Work of OMA," in "OMA, the First Decade," special issue, *OASE*, no. 94 (2015): 21–27. Kuijpers's use of these terms is a bit simplistic and seems to be based in contemporary discourse referencing his own work in The Why Factory, ed., *Copy Paste: The Badass Architectural Copy Guide* (Rotterdam: nai010 publishers, 2014).

35. Angela Adrian, "Architecture and Copyright: A Quick Survey of Law," *Journal of Intellectual Property Law and Practice* 3, no. 8 (2008): 529.

36. Phebe Mann and Janice Denoncourt, "Copyright Issues on the Protection of Architectural Works and Designs," paper presented at the 25th Annual Conference of Association of Researchers in Construction Management, September 2009, Albert Hall, Nottingham, 709.

37. Jurisdiction for the copyright infringement was one of two key topics at the beginning of the legal proceedings, which took place in front of Judge Lloyd. The question was whether the case could be tried in London if it pertained to intellectual property of a building in the Netherlands, while the second question pertained to the issue of "abuse of process" in filing the case. Lloyd held that the case fell within the jurisdiction of UK courts but dismissed the copyright claim. See Pearce v. Ove Arup Partnership Ltd & Ors [1997] Ch. 293.

38. "Particulars of Similarity" (9 January 1997), "In the Court of Justice Chancery

Division, CH 1996 P No. 6040, Claimant: Gareth Pearce v. 1) Ove Arup Partnership Limited, 2) Remment Koolhaas, 3) Office for Metropolitan Architecture, 4) City of Rotterdam," in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RA38.

39. Rem Koolhaas, "First Affidavit" (4 February 1997), Pearce v. Ove Arup Partnership Ltd & Ors, [1996] Ch. (P.) 06040, OMA Archive, "Pearce Case Kunsthal," n. B0308, box AB, RG28. In the seventeenth paragraph some of the particulars of similarity are refuted by the use of Ernst Neufert and Peter Neufert's *Architect's Data* (described in the affidavit as "a standard architecture text which gives examples of the criteria governing elements of designs, including how to represent certain features").

40. Harold Bloom starts with a diagnosis of any author's anxiety of influence in order ultimately to produce a typological study of the nature and directions of different vectors of influence. See Bloom, *Anxiety of Influence*; and Harold Bloom, *Map of Misreading* (New York: Oxford University Press, 1975).

41. Alex Wall, interview via teleconference, June 2021.

42. In our teleconference interview, Wall used his hands to demonstrate culture and lineage, describing a thick, branching diagram. His animated hands took up the whole of the screen. He also talked about the apprentice model that governed the AA units and a much more ephemeral topic, harder to illustrate with hand gestures: OMA office culture and shared references. His and de Martino's interests at the time involved modernist (fascist) Italian architecture (full of ramps) and coalesced in a book published by the AA press in 1988: *Cities of Childhood: Italian Colonies of the 1930s*. Wall, interview.

43. Graham Modlen (office of Zaha Hadid) to OMA, faxed memorandum, 30 October 1996, part of the correspondence included in the OMA Archive, "Pearce Case Kunsthal," n. B0308, box AB, RG22.

44. Rem Koolhaas, "First Affidavit" (22 January 1997), paragraph 24, in OMA Archive, "Pearce Case Kunsthal," n. B0308, box AB, RG28.

45. Pearce v. Ove Arup Partnership Ltd & Ors [1997] Ch. 293, available at United Settlement, http://www.uniset.ca/other/cs2/1997Ch293.html.

46. "Pearce v. OAP et al., Day 1."

47. Judge Jacob, final judgement in Pearce v. Ove Arup Partnership Ltd & Ors, [2001] EWHC (Ch) 481, 2 November 2001, England and Wales High Court (Chancery Division) Decisions, BAILII, http://www.bailii.org/ew/cases/EWHC/Ch/2001/481.html. Also in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RB18.

48. The OMA Archive includes a copy of Pearce's acetate portfolio and various attempts to operate within the geometric argument it puts forward. OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RA38.

49. "In the High Court of Justice, Chancery Division, HC 1996 06040, Before: Mr. Justice Jacob, Claimant: Gareth Pearce v. 1) Ove Arup Partnership Limited, 2) Remment Lucas Koolhaas, 3) Office for Metropolitan Architecture, 4) City of Rotterdam. Proceedings (Day 2)" (10 October 2001), Remment Koolhaas's cross-examination, paragraph 522, in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RB18 (hereinafter referred to as "Pearce v. OAP et al., Day 2").

50. Here we could easily include Rowe and Robert Slutzky's transparency arguments and graphic operations on Le Corbusier's villas performed for the sake of that argument, as well as numerous other two-dimensional operations for the sake of fitting and comparing form in plan and section. Colin Rowe and Robert Slutzky, "Transparency: Literal and Phenomenal," *Perspecta* 8 (1963): 45–54; and Colin Rowe and Robert Slutzky, "Transparency: Literal and Phenomenal . . . Part II," *Perspecta* 13/14 (1971): 287–301.

51. Michael Wilkey, "Expert Architect Report of Mr. M.D.J. Wilkey" (2001), on

behalf of Pearce, for Pearce v. Ove Arup Partnership Ltd & Ors, [1996] Ch. (P.) 06040, available at "The Pearce vs. Koolhaas Case," GarethPearce.info, http://garethpearce.info/OCRed%20pdfs/Michael%20Wilkey%27s%20Witness%20Report.pdf; also in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RA56.

52. "Pearce v. OAP et al., Day 2," paragraph 530.

53. As a culmination of this idea of authorship, the German Romantic thinker Johann Herder (among others) offered that reading itself entailed a kind of "divination into the souls of the author," sponsoring thus the entire hermeneutic tradition that took for granted the "author" as that person who owned the form of their ideas. Johann Herder, *Von Erkennen und Empfinden der menschlichen Seele* (Riga: J.F. Hartknoch, 1778), quoted in Woodmansee, 448.

54. Irene Sunwoo, "From the 'Well-Laid Table' to the 'Market Place': The Architectural Association Unit System," *JAE* 65, no. 2 (March 2012): 24–41.

55. "Pearce v. OAP et al., Day 2," paragraph 418.

56. Rem Koolhaas to the OMA office, faxed memorandum, on the stationery of the International House of Japan, 17 October 1996, in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RA38.

57. Arthur Lubow, "Rem Koolhaas Builds," *New York Times Magazine*, 9 July 2000, sec. 6, 30. This July article followed Koolhaas's Pritzker ceremony in Jerusalem on May 29.

58. "Project Credits," in *SMLXL*, xxxi.

59. These were Fuminori Hoshino, Casper Smeets, Jim Njoo, Eduardo Arroyo Munoz, Alexa Hartig, Marc Peeters, Isaac Batenburg, Gregory Mescherowsky, Petra Blaise, Luc Reuse, Jo Schnippers, Hans Werlemann, Tony Adam, Willem-Jan Neutelings, Madelon Vrisendorp, Zenghelis, and Koolhaas. The process of preparing the documents for the trial and the research that this entailed also involved various unnamed members of the team, though no one was more instrumental in this effort than Donald van Dansik, whose signature appears on nearly all internal and external correspondence on this topic. Wall had his own day in court.

60. Hoshino's sketches of the design process catalogue, step by step, a continual back and forth between him and Koolhaas.

61. Lubow, "Rem Koolhaas Builds," 30.

62. Most instructive on this topic is the story of Koolhaas's early involvement with film in parallel with his work for the Dutch newspaper *Haagse Post*. See Bart Lootsma, "La film à l'envers: Les années 60 de Rem Koolhaas," *Le visiteur*, no. 7 (Fall 2001): 90–111. During the period Koolhaas belonged to 1,2,3, enz, (1,2,3 etc.), the group insisted that film had to be understood as collective, the result of teamwork, and that the contributions of all members of the team (with their differing areas and levels of expertise) were equally important. According to Lootsma, 1,2,3, enz ridiculed everything that the 1960s had made famous, "particularly, everything that was personal, artistic, idealist or intellectual, like the art house cinema, or the 'author cinema'" (99).

63. Kester Rattenbury, "Out of Proportion," *Building Design*, November 2001.

64. Rattenbury.

65. *Pearce v. Ove Arup Partnership Ltd* comes up most often in legal scholarship concerning the role of the expert witness—for example, in Robert Horne and John Mullen, *The Expert Witness in Construction* (Chichester: Wiley and Sons, 2013). The account of how jurisdiction was decided in *Pearce v. Ove Arup Partnership Ltd* also came up in the case Lucasfilm Ltd & Ors v. Ainsworth and Anor, [2009] EWCA (Civ) 1328, BAILII, http://www.bailii.org/ew/cases/EWCA/Civ/2009/1328.html. *Pearce v. Ove Arup Partnership Ltd* is also cited in more mainstream accounts of similarly high-level copyright cases in architecture. See Rory Olcayto, "Woods versus

Gilliam, Lebbeus Swipes Back," *Architects Journal*, November 2012, https://www.architectsjournal.co.uk/news/opinion/woods-versus-gilliam-lebbeus-swipes-back.

66. Ian Salisbury, "In the Matter of Section 14 of the Architects Act 1997 and Rule 11 of the Professional Conduct Committee of the Architects' Registration Board and in the Matter of a Charge Brought against Mr. Michael Wilkey DipArch RIBA FCIArb MAE . . . ," report prepared for Mayer, Brown, Rowe & Maw LLP, solicitors, 22 January 2003, 9, available at http://garethpearce.info/OCRed%20pdfs/Ian%20Salisbury%27s%20Witness%20Report.pdf. Although Salisbury's phrase "no question in my mind" is liable to misreading, the context makes it clear that he means Wilkey *cannot* be guilty of professional misconduct.

67. Ian Salisbury, "The Expert Witness: Fair Game for Criticism?," *The Barrister*, 2002, included as an appendix in Salisbury, "In the Matter of Section 14."

68. Yaneva polemicizes the vast difference between the colloquial conception of authorship and what she terms "design experience," something that took place regularly in the office, interweaving members of the OMA design and archiving teams, models, cameras, and foam cutters. If this view of the collective and complex OMA process had been better understood in the late 1990s, Pearce's shape game might have held less sway. But the Kunsthal trial also broadened Yaneva's model-centric idea of "design experience" into a wider transmediatic operation. When understood this way, cultural references, architectural precedents, and their varied absorption by (and meaning for) all those participating in the production of OMA's work, including Koolhaas, do have a role to play: right there, on the same foam cutting floor as the models, and along with all the other "everyday events, doings, trials, sufferings, mistakes that are part of design experience." Albena Yaneva, *Made by the Office for Metropolitan Architecture: An Ethnography of Design* (Rotterdam: 010 Publishers, 2009), 100.

69. *The Universal Tower/Slab Building Guide* (OMA, [2001]), in OMA Archive, "Pearce Case Kunsthal," n. B0308, box BFB, RA38.

70. In his most autobiographical lecture to date, Koolhaas acknowledges both the extent to which architecture is a collective endeavor (in opposition to the more solitary activity of writing), and he describes his starting point for the Project on the City (as well as the History of Communism and the History of Preservation) studios as one of "declaring ignorance" and thus diving into a process in which he was learning alongside students. Rem Koolhaas, "Current Preoccupations" (lecture presented at Ohio State University, 18 June 2018). I was present at this lecture, a version of which, presented at Tamkang University in Taiwan in 2017, is available online: https://www.youtube.com/watch?v=NCs7L6Gc8ZI.

71. Beatriz Colomina, "The Architecture of Publication," *El croquis* 24, no. 134/135 (2012): 367.

72. Christophe Van Gerrewey, "Outreach Extensions: OMA/Rem Koolhaas Exhibitions as Self-Critical Environments," *Architectural Theory Review* 23, no. 1 (2019): 90–113.

73. Kevin Emerson Collins, "Architectural Patent beyond Bucky Fullers' Quadrant," in *Terms of Appropriation*, 186–211.

74. Jeffrey Inaba, phone interview, 29 May 2022.

75. Harvard's policy has since been occasionally updated. I thank Harvard Graduate School of Design Dean Sarah Whiting for pointing me to the Office of the Provost's Harvard Trademark Program, https://trademark.harvard.edu/.

76. Harvard Trademark Program, "Policy on Use of Harvard Names and Insignia," Office of the Provost, Harvard University, https://trademark.harvard.edu/policy-on-use-of-harvard-names-and-insignias.