

# The Integration of Architecture and Law in the Architectural Design Studio: A Ranch in Southwest Texas: A Case Study

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## RETHINKING PRECEDENT

In August, 2002, hidden in what was to be a debate about architecture's first professional degree, contributing editors to "Architectural Record" asked a larger question, "whether the familiar method used to teach architects is still appropriate today?" Noting that confusion and ambiguity surround architectural education, things they found lacking in other professions such as law and medicine, the editors asked nine practitioner-educators to evaluate how well architecture students are prepared for the profession. While those interviewed seem to agree that architecture schools in this country are generally doing a fairly good job, they all saw the schools as a vehicle that must go way beyond simply teaching students how to produce drawings from which buildings can be built. Architecture is a "system of thought," said Sharon Carter Matthews, AIA and former Executive Director of the National Architectural Accrediting Board. She added that when she was running a practice the most important people were not the people "who could design a parapet" but rather "those who could ask questions....."<sup>1</sup> Stephen Kieran, FAIA of Kieran Timberlake Associates and Adjunct Associate Professor at the University of Pennsylvania, agreed, "Students are best served by learning how to think rather than how to do."<sup>2</sup> Yale Architecture School Dean, Robert A.M. Stern, continued "Why should the schools teach working drawings? That's not what education is. It's learning methods of analysis," he said. "Should we introduce the idea of working drawings? Of course"..... "We give them

a sampling, but we don't produce people who can go into an office, sit down, and crank."<sup>3</sup> All those interviewed agreed that "educators and practitioners need to work more closely together and that school's should be encouraged to hire faculty who have been or are in practice."<sup>4</sup>

I agree with the comments. But more specifically and, based on my own experience in architecture as a principal in a Houston architectural firm and in law as a practicing trial lawyer in Washington, D.C. in the late 1970's, I'd like to take the discussion a step farther. I'd like to look at the connection between architecture and law and suggest that architects be taught to be architects in a way that is similar to the way law students are taught to be lawyers. It's a method of problem solving by analyzing a multiplicity of issues to arrive at a solution focusing on questioning, analyzing, interpreting, and communicating. Law students graduate having the tools to think critically and to apply that thinking. If architecture students, like law students, are taught the techniques of judgment, the goal of architectural education sought after by those interviewed by "Record" editors would not only be encouraged but achieved.

At first glance, I suspect that most architects would think that any comparison between architecture and law and the way law students learn in the context of architectural learning is strange at best. But consider Collin Rowe's comparison of Palladio's classical Villa Foscari and Le Corbusier's modern Villa Stein. On the surface these two

buildings are about as different as architecture and law. They are two buildings that in Rowe's own words "in their forms and evocations, are superficially so entirely unlike that to bring them together would seem to be facetious."<sup>5</sup> But Rowe didn't avoid the comparison. He analyzes the two in *Mathematics of the Ideal Villa* and shows that they come from similar roots and have more in common than the worlds from which they came would ever suggest.

I think that the same can be said about architecture and law. Like these two buildings, architecture and law have similarities rooted in a way of thinking despite the dissimilarities in their final products. This way of thinking is based on precedent and has long been used in law and can I believe also be used in architecture. It's not about comparing architecture or law per se, or about using precedents in a vacuum, but rather it's about a process that goes beyond the obvious differences of the two to find solutions. It's a process based on questioning, manipulating and applying, or re-interpreting specific ideas. Like the Villa Foscari and the Villa Stein, it's about similarities that can be found in roots beyond the superficial and beyond the specifics of form.

My focus here then is on the way lawyers learn to think and how legal decisions are made by understanding when and how to apply, alter, or reject precedents and how that same learning can be used in architecture. It's about the connection between architecture and law examined by the late Peter Collins in his book, *Architectural Judgment*, where he suggests that architects learn to think and consider precedents in architectural decision making the same way that lawyers and judges learn to think and consider precedents in legal decision making. After studying law for a semester at Yale Law School while on sabbatical from McGill University School of Architecture where he taught, Collins found that in both architecture and law valid decisions depend on a number of wider contexts; the "context of history," "the context of society," and "the context of physical environment." History, he says, provides precedents. Society provides the safeguards for the public with regard to possible effects of any decision on those not immediately involved and the physical environment provides both a sense of place and the judicial guidelines of customary law.<sup>6</sup>

Collins sees the major stumbling block to accepting the notion that precedents have a place in the creative design process as architecture's emphasis on "originality." That emphasis, he says, encourages the view that looking at precedents in architectural decision making somehow destroys creativity and results in an architecture that is predictable, mundane, and unimaginative.<sup>7</sup> This view ignores the idea in Arthur Koestler's, *Act of Creation* for one, that real creativity doesn't come from starting with a blank slate, but rather can come from a knowledge and familiarity of known models.<sup>8</sup> By understanding precedents, architectural decisions can be made that challenge, re-interpret, transform or apply them in some way to meet new conditions, contexts, or purposes. Precedents have nothing to do with blind acceptance, copying, nostalgia or originality.

So what are precedents? Simply stated, they're principles. They aren't history and they're not meant to be applied, as Collins points out, thoughtlessly or mechanically to any situation without imagination, reason, or accuracy. In law, they're used to justify decisions, most typically those involving similar facts and circumstances. Any recorded legal decision, says Collins, whether it was made last month or one hundred years ago is a precedent if there is a "rationally justifiable argument" for making a similar legal decision today. By the same token, a decision whether it was made last month or one hundred years ago is not a precedent but rather is mere history if it is irrelevant to a legal decision today. This attitude towards "history" and "precedent" in the legal profession, Collins continues, is what Professor Lovejoy calls "the history of ideas," and can be taught only as a "process of 'becoming'; as something which,.....has no absolute forms, but is in constant transition from 'was' to 'is'." That being so, the way to learn how to effectively deal with "what will be" in architecture, as in law, is to understand completely the process by which "what was" became "what is."<sup>9</sup>

A legal precedent doesn't exist in a void. It's looked at with regard to a variety of circumstances, including the factual, societal, economic, political, technological, psychological, or environmental issues at hand to understand how it's meant to be used. It's always questioned and researched during the preparation of a case or before a judg-

ment is rendered to determine whether it's been overturned, altered, or applied to new or different factual situations. Understanding the precedent and how and why it's been established determines whether it's applied or challenged. Sometimes the precedent is adopted, sometimes it's rejected, and sometimes it's modified or transformed. But always, there first is knowledge of it.

Law students learn to think like lawyers by analyzing precedents through the "case study" method. It's a method that helps students understand legal problems or issues in a particular situation by reading a series of cases where the opinion of the court is given usually in its entirety. This method has only a little to do with teaching law students what the law, or precedent, is. More importantly, it teaches a way of thinking, a way of problem solving that concentrates on learning the techniques of judgment. Only through questioning, argument, and discussion is the student ultimately able to identify the legal principle, or precedent, involved. What's important here is the process of reasoning and evaluation and the clarity and precision with which the judgment or decision is made. The precedent, while not unimportant, doesn't take on the significance of the process itself, the process by which the principle is enunciated and the precedent is understood.

Precedents haven't been totally avoided in architectural education but more often than not their use is misunderstood or their application incomplete. Architectural patterns are identified and themes that express architectural ideas formally and spatially are introduced for use in the architectural design studio in *Precedents in Architecture and Precedents in Architecture 2E*. The context or the basis for the patterns and themes are not questioned, analyzed or interpreted. Rather, North Carolina State University professors, Roger Clark and Michael Pause diagram plans, sections, and elevations of selected buildings with little or no relationship to place to illustrate architectural ideas that have evolved over time. By reducing buildings to their barest essentials and simplifying them diagrammatically the authors say "all but the most important considerations" are eliminated and "makes those that remain both dominant and memorable," expanding "the understanding of precedents in architecture." According to Clark and Pause, this illustrates "an educational tech-

nique that is useful to students, educators and practitioners....to demonstrate an analytic technique that can have impact on architectural form and space decisions."<sup>10</sup>

I think this approach is of limited value and gives the use of precedents in architecture a bad name. By focusing only on the formal and spatial aspects of architectural principles, ideas of context, history, society, culture, economics, psychology, and technology and the need to learn the techniques and applications of judgment are ignored. Creative and informed architectural judgments with respect to the use of precedents can't be made by focusing only on the formal and the spatial. To use an architectural precedent in this way is like using a legal principle in a vacuum without knowing its evolution or the facts or circumstances on which it's based. "Even the most superficial study of the judicial process", says Collins, "demonstrates that the only genuine and fruitful originality derives from the accurate, vigorous, and imaginative manner in which precedents are analyzed and compared."<sup>11</sup> As this is true in law, it should also be true in architecture.

In my view, the paradigm project at the University of Portsmouth, School of Architecture in England comes closest to the "case study" method used in law schools to investigate precedents. Here, students are asked to study a specific architect's philosophy, ideas, and design strategies with a specific building by that architect as a paradigmatic case and design a project in the spirit of the work studied. At a Symposium on educating architects held at Portsmouth in 1994 and after teaching there, Geoffrey Broadbent said his students produced inventive and extremely varied work that brought a "human" rather than "formal" approach to their projects which ranged from deconstruction to full-blown classical designs in the same studio.<sup>12</sup> While this approach recognizes that architectural ideas have certain consistencies and patterns, unlike the Clark and Pause approach, it also recognizes and emphasizes the importance of questioning, analyzing, and understanding not only the precedents but the architectural judgments that produced them.

At that same Symposium, Chris Abel criticized the formal and spatial approach to architecture calling it "modern regionalism," where he explained

models are made to fit in spite of sense of place or cultural identity.<sup>13</sup> In "Globalism and the Regional Response," he cites villas in Riyadh, Saudi Arabia that were built by the Saudi government and designed by western consultants who believed that the Saudis wanted more "modern" housing rather than more traditional courtyard housing that had become associated with primitive mud building and poverty. From the very beginning Abel says the project was a problem for the Saudis who valued their privacy, historically protected by Islamic law. As a result and to accommodate Saudi cultural and religious preferences, frosted glass and heavy metal curtains had to be put in all of the villa's windows and tall barriers had to be erected at all of their exteriors.<sup>14</sup> Although the solution provided some privacy, it didn't offer, as the courtyard house would have done, a sense of place or culture, adequate circulation of air, and protection from the region's desert sun. Consequently, Saudi women and children spent the majority of their day in artificially lit, air conditioned environments.<sup>15</sup>

Had the focus of the architectural judgment at Riyadh been on the "totality of context" and one derived from a sense of place and social structure, an inventive design that kept the process as well as the principal in mind could have been produced. The "modern" universal model would have been rejected in favor of a more appropriate indigenous architectural model. The result need not have been a nostalgic nod to the precedent or an ill suited western prototype, but rather it could have been a forward thinking and innovative design strategy that integrated a variety of architectural issues preventing the need to compensate for failures with frosted glass, heavy curtains, and tall barriers.

#### **A RANCH IN SOUTHWEST TEXAS: A CASE STUDY**

I can't leave this discussion without offering as a case study an example where architects used critical thinking and the techniques of judgment, like lawyers and judges do in law, to create artful and innovative work. I found the challenge of selecting work daunting, but after thinking about the many possibilities, I ultimately chose a ranch in southwest Texas designed by San Antonio architects, Ted Flato and David Lake. While I could

have chosen work ranging from modern to deconstruction, classical to Beaux Arts, I chose a Lake/Flato project in Texas because I currently live and have a practice in Houston and I could experience the project first hand and speak directly with the architects about their work. Additionally, the Lake/Flato project presented similar "regional" issues to those in Saudi Arabia and a result that couldn't be more different from the regrettable outcome at the villas in Riyadh.

Unlike the decisions made there, the decisions made by Lake and Flato were based on a clear understanding of a multiplicity of issues beyond the formal and the spatial. This understanding was embedded in the architect's thinking and reflected in their work. Their architectural decisions weren't made in a vacuum but rather depended on wider contexts, those that Collins found necessary for valid decision making in both architecture and in law, or "the context of history that provides the precedents," "the context of physical environment," and "the context of society." This was clear to me at the outset, both when I spoke with Ted Flato at his studio in San Antonio and later when I visited the ranch in Cotulla, the small town between San Antonio and Laredo just off Interstate 35 where it's located. In spite of changes in population, wealth, and infrastructure in the area, the ranch is still a composite reflection of the climate and topography, the cultural and social patterns, the formal history and prototypes and the materials and technology of southwest Texas. The architect's understanding of the precedents and the judgments that produced them, or "what was," the region's vernacular buildings including the "ranchos" of the early southwest, was the basis of "what was to be" at Cotulla. A design that was well suited to meet new conditions, contexts, or purposes.

That Ted Flato and David Lake were influenced by their Texas roots at Cotulla is somewhat of an understatement. Richard Brettel, in *Lake/Flato Contemporary World Architects*, recognizes that their work is "a modern architecture rising from traditions, crafts, and forms suited to the site."<sup>16</sup> "Nothing was worth saving or taking from the existing structure," (the ranch's infrastructure was there; a main house, dog kennels, steel barns, staff housing, water wells, and gas tanks) "or from the immediate area either," Flato told me



during our visit. "In Cotulla, it's mostly shacks, vertical sticks and plaster." Even so, the new design "had to have appropriateness to place" and "a nice level of finish" while still being made out of the "rough and ready materials that belong in that place." According to the architect, "dealing with the land" and "the tough climate of southwest Texas" was of primary importance, and "of course, so was space and light."

For visiting guests, the procession to the main house begins past the ranch's outbuildings at the native pecan trees lining its driveway. At the walled entry of the main house on its north side is a "truck arbor," and like the "rancho" arbors of the past, it serves as a protective canopy and frame for visitors.

But unlike its predecessors that were made of wood, it's constructed of steel pipes from surplus oil field equipment. While wood is more available today than it was in the past, skilled local carpenters, Flato had explained, were in short supply so they chose to recycle steel from abandoned oil wells and, as many of the "rancho" owners did in



the past, use the technical skills of local workers. In this case, it was the many welders in the area who today work mostly in the oil patch.

Through the main entrance, past heavy metal and wooden doors reminiscent of old hacienda entries, is a large courtyard filled with indigenous plant materials some of which were first brought to area by early Mexican settlers. In a manner similar to the layout of the buildings of the early "rancho" and its "plazetas," four austere stucco "sheds," a reflection of simple earlier buildings in the area, define the central space, or courtyard.

Cooled by summer breezes, the courtyard is a place, as those that came before it, for relaxation and recreation and a retreat from the intense southwest Texas summer sun. The "shed" walls, like its ancestors, are thick with a stucco finish and few windows to insulate interiors. Water is collected by custom designed steel gutters and downspouts and, like the "canales" of the early "rancho," they empty into concrete "barrels" at the four corners of the courtyard providing water for its trees, plants and wildlife when rainfall is sparse.

Directly across from the courtyard entrance is a large concrete water trough that completes the courtyard's enclosure and prevents unwanted visitors from entering, mostly the many deer that inhabit the 20,000 acre ranch, yet still allowing views to the natural landscape outside.

While the architects were given leeway with respect to overall design strategies, their client's interests in light of the region's social structure, or "the context of society," provided another important basis for their decision making at Cotulla. Hunting is a large part of the local culture and the



social structure of southwest Texas and ranches are today an even larger part of that structure than they were in the past. Today's ranches, unlike those of the past, are used mostly for sport and enjoyment, and their owners, unlike those before them, don't live on them full time. Lake/Flato's clients at Cotulla were not an exception. The ranch would be used primarily on weekends and holidays by family and guests for relaxation and entertainment.

Because their clients didn't intend to live on the ranch full time, the main house was built where the former originally stood within view of existing outbuildings and close to the bank of the Nueces River that Flato called a "constantly running oasis." By doing so, their clients felt that the house was defensible from break-ins, a common occurrence at weekend ranches in the area; protected on one side by the river's ragged, muddy, and thicketed riverbank, and on another, by being close to staff housing and their occupant's watchful eyes. They wanted four bedrooms, including a master suite, and a large kitchen, but most importantly, they wanted a large social room for entertaining with a connection to the outside that avoided mosquitoes and heat.

So standing alone in the landscape and connected by a narrow hallway to the courtyard is the "room for all seasons," a light steel framed room for entertaining with massive stone buttresses, trapezoidal in shape, and clad with a thin veneer of stone laid flat. "Due to the lack of skilled masons in the area, it's a less successful reinterpretation of the thick walls of the past," said Flato acknowledging that, "the cladding only serves to further emphasize the fact that the buttresses are hollow, an unfortunate result" he continues,



"not to be repeated again in later projects." Exposed on the interior room side, the buttresses also are home to trophy animal heads, a nod to local custom. Between the buttresses are screens and "operable glass shutters" that provide a connection to the outside and cooling during summer months. Large stone fireplaces warm the room in the winter when the "shutters" are closed while still allowing light and additional warmth from the southeast sun to flood in.

Architects Ted Flato and David Lake created at Cotulla an appropriate, indigenous, and creative architectural model by focusing on totality of context and one derived from a sense of place and social structure that kept the process as well as the principles in mind. Their design is an imaginative transformation of principles and ideas reflecting a clear understanding of a variety of issues and how precedents are meant to be used. It is a design that has nothing to do with blind acceptance, copying, or nostalgia.

At Cotulla, the architectural judgments are made. Now any future decisions in the context of precedent, or the ideas and principles there, must replicate the same understanding and depth of knowledge to have "any rationally justifiable argument" for making new decisions based on it for new contexts, conditions or circumstances. For in architecture, as in law, the only way to effectively deal with "what will be" is to completely understand the process by which "what was" became "what is." Only then can Cotulla itself successfully be used as a precedent, integrating its ideas and principles, beyond the formal and the spatial, to produce new work. Anything less would be architecture that Peter Collins finds "only mechanical, alien, and moribund pastiches of a type."<sup>17</sup>

**ENDNOTES**

1. Andrea Oppenheimer Dean, "The Controversy in Architectural Education," *Architectural Record*, August 2002: 88.
2. Dean, "The Controversy in Architectural Education," 88.
3. Dean, "The Controversy in Architectural Education," 88.
4. Dean, "The Controversy in Architectural Education," 88.
5. Colin Rowe, *Mathematics of the Ideal Villa and Other Essays* (MIT Press, 1976), 3.
6. Rowe, *Mathematics of the Ideal Villa*, 48.
7. Peter Collins, *Architectural Judgment*, (McGill-Queens University Press, 1974), 25.
8. Chris Abel, "Globalism and the Regional Response," in Martin Pearce and Maggie Toy (eds), *Educating Architects*, (St. Martins Press, 1995), 82.
9. Collins, *Architectural Judgment*, 18.
10. Roger Clark and Michael Pause, *Precedents in Architecture*, (Wiley, 2005), vi.
11. Collins, *Architectural Judgment*, 21.
12. Geoffrey Broadbent, "Architectural Education," in Martin Pearce and Maggie Toy (eds), *Educating Architects*, (St. Martins Press, 1995), 21.
13. Abel, "Globalism and the Regional Response," 82.
14. Abel, "Globalism and the Regional Response," 85.
15. Abel, "Globalism and the Regional Response," 85.
16. Richard Brettel, "Introduction," *Lake/Flato Contemporary World Architects*, (Rockport Publishers, Inc. 1996), 10.
17. Collins, *Architectural Judgment*, 47.

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