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Perspectives on a Torts Course

Anita Bernstein

When the spring term of my six-hour torts course begins, the students and I have already spent at least forty-two dense hours together, and they have received grades. Patterns are established; classmates have sorted one another; my presentation is probably predictable; and students know what they can get away with. In the 1990-91 academic year, I reassessed this situation, thinking about my need to stay ascendant and to make the students believe that another semester of the course would have value. It was to freshen a course that had become, unavoidably, a bit stale that I devised an addition to the curriculum, called Perspectives.

Students choose one of five possible focuses: economics, corrective justice, feminism, libertarianism, or "practicality." They are not to tell me their choice. They read reserve materials in the library, mainly law review articles on torts topics, which tell them what the five terms mean and how each perspective can be employed. During the semester I refer to each perspective in class and attempt to illustrate each one with examples that arise in the cases we read. On the final exam, one essay question is devoted to the perspectives: the student must answer it in the voice of an adherent of the chosen perspective.¹

Five seems the right number of perspectives to use. More would be unwieldy, and impossible to weave into a single exam question; fewer would constrain the students' choices. Originally I had a sixth, critical legal studies. I dropped it in 1992 because only a few students chose it and because of its overlap with feminism.

Methods

The Five Perspectives

With the fall semester successfully completed, students are familiar with libertarianism, feminism, economic analysis, and corrective justice as applied to torts. Cases in the book I use (Prosser, Wade & Schwartz)² and supplementary materials illustrate these perspectives. Libertarianism, for instance, emerges from Richard A. Epstein's early article on strict liability,³ which I distribute just

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1. I will be happy to provide a sample question on request.
2. William L. Prosser et al., *Cases and Materials on Torts*, 8th ed. (Westbury, N.Y., 1988).
3. A Theory of Strict Liability, 2 J. Legal Stud. 151 (1973).

after we read *Vincent v. Lake Erie Transport Co.*⁴ Feminism arises when the class considers the possibility of drafting a statute that would make sexual harassment a new tort. Economic analysis emerges naturally out of *Carroll Towing*,⁵ and I also discuss it with *Helling v. Carey*⁶ and other negligence cases. For further economic analysis, the class reads Richard A. Posner's article on defense of property⁷ along with *Katko v. Briney*.⁸ I use *Palsgraf*⁹ to present Ernest Weinrib's arguments about corrective justice.

The reserve materials build on this base. More Posner is available, and I also recommend a piece by Saul Levmore.¹⁰ For feminism I have Leslie Bender's article on torts¹¹ and the critique of our casebook by Carl Tobias.¹² Epstein has been our official libertarian in the reserve materials, but I also recommend the work of Randy E. Barnett on contracts.¹³ None of these readings has posed major problems. Corrective justice is the trickiest to teach via reserve readings, because so many writers disagree on what it means. Provisionally I have informed the class that corrective justice is what Weinrib says it is, although I have also included an article by Catharine Pierce Wells;¹⁴ I continue to search the recent literature for different contributions.

"Practicality" is a different sort of category. It offers a place for students who think they despise theory and ideology. The practicality approach to the exam problem looks for the commonsense answer, and the fewest problems of administration and cost. It shares the economist's avoidance of transaction costs and inefficiency but does without jargon or specialized knowledge. I use the practicality perspective to address two conflicting philosophies that students may espouse. First, I want to say to students that opposition to theory or ideology is itself a theory and an ideology. For students who feel committed to a theory or ideology expressed in one of the other perspectives, practicality reminds them of another point of view, one that advocates common sense. The practicality reading is James A. Henderson's article arguing against a duty to rescue.¹⁵

4. 124 N.W. 221 (Minn. 1910).

5. *United States v. Carroll Towing Co.*, 159 F.2d 169 (2d Cir. 1947).

6. 519 P.2d 981 (Wash. 1974) (holding that ophthalmologists must perform glaucoma tests even where the cost of the test exceeds the expected cost of harm of failing to perform it).

7. *Killing or Wounding to Protect a Property Interest*, 14 J.L. & Econ. 201 (1971).

8. 183 N.W.2d 657 (Iowa 1971).

9. *Palsgraf v. Long Island R.R.*, 162 N.E. 99 (N.Y. 1928).

10. *Waiting for Rescue: An Essay on the Evolution and Incentive Structure of the Law of Affirmative Obligations*, 72 Va. L. Rev. 879 (1986).

11. *A Lawyer's Primer on Feminist Theory and Tort*, 38 J. Legal Educ. 3 (1988).

12. *Gender Issues and the Prosser, Wade, and Schwartz Torts Casebook*, 18 Golden Gate U. L. Rev. 495 (1988).

13. *A Consent Theory of Contract*, 86 Colum. L. Rev. 269 (1986).

14. *Tort Law as Corrective Justice: A Pragmatic Justification for Jury Adjudication*, 88 Mich. L. Rev. 2348 (1990).

15. *Process Constraints in Tort*, 67 Cornell L. Rev. 901 (1982).

The rescue topic is a useful foil for all of the perspectives. Writers from all five approaches have considered it. Because the duty to rescue is one of the first topics of the spring semester, I am able to show students, specifically and almost immediately, how each of the perspectives can be applied.

Integrating the Perspectives into the Classroom

After the rescue problem, other torts topics present the class with a chance to apply the perspectives. I have not found another topic that has been the subject of distinguished law review writing from all five approaches, but general problems of doctrine evoke at least a few of them. When perspectives arise naturally, I say so in class.

For example, we spend a day or so on unborn children: wrongful formation, wrongful life, and fetal injury. A feminist discussion of this topic explores the tension between women's liberties, à la *Roe v. Wade*, and the unique potential of a woman to carry an embryo and a fetus inside her body. But the feminist issues are obvious, so I ask students what problems of practicality are raised. For instance, what would make a fetal injury case hard to litigate? Students come up with problems: but-for causation (including the question whether the fetus was healthy and unharmed before the injury), measurement of damages, deciding who is the proper plaintiff.

We talk about the economic efficiency of a contributory negligence rule. We explore the corrective-justice implications of the presumption, in failure-to-warn cases, that a warning would have been heeded.¹⁶ I ask how a feminist would approach recovery for consortium and for injuries that result in physical disfigurement. We consider the implicit libertarianism in assumption-of-risk doctrine. I ask the students to think about the true cost of consumer product warranties. We talk about problems of proof and litigation strategy (i.e., practicality) in medical malpractice cases. And I am explicit: "This is an illustration of the X perspective."

Anonymity

Students are instructed to avoid disclosing to me which perspective they have chosen. This practice is in keeping with the school's effort to keep examinations anonymous until the instructor has turned in (provisional) grades. Although more than one student chooses each perspective, any disclosure would increase the chance of losing anonymity.

To protect anonymity while providing a chance to ask questions about the perspectives, at about the ninth or the tenth week I invite students to give written questions to a volunteer who collects the little slips of folded-up paper. A week later, I detain the class for an extra twenty minutes and read the questions aloud. Only occasionally do I decline to answer a question: if it comes too close to a valuable future exam question, or repeats another question, or appears so narrow as to be of little general interest.

16. Professors David Owen and Aaron Twerski brought this question to my attention.

I have begun to experiment with calling on students to help answer the questions. Obviously anyone called on might know little about this particular perspective. But all of the perspectives should be at least somewhat familiar by then, so occasionally I can turn a question over to the students. Or else I might ask a student to paraphrase the written question. By speculating about who could not possibly have posed each question, I try to reduce the 1-in-90 chance that I will call on the author.

Grading

The spring examination is worth 240 raw-score points: 80 for a multiple choice section, 80 for a traditional essay, and 80 for the perspectives. I grade the first two parts first and then contemplate the distribution. In the last two years the raw-score points for both the multiple-choice and the essay parts have ranged from about 35 to 72, with medians around 50 or 55. I grade the perspectives part with the general plan of following the approximate shape of the other curves.

The preliminary grades for the perspectives answers (before they are converted to fit with these distributions) range from 1 to 7. Each increment on the 1-to-7 scale has a separate classification. I look for mastery of the chosen perspective, engagement with the facts of the question, anticipation and refutation of the basic counterarguments, identification of sophisticated arguments beyond the obvious, and good clear prose and respect for the conventions of expository writing. A grade of 1 indicates an answer with no understanding or analysis; a 7, which I have given only once, is saved for an answer that fulfills all of the criteria. The lowest score I've ever given is a 3.

The middle numbers are used for recurring types of answers. As in conventional exam questions, I often see a good, well-prepared statement of the perspective ("the law") combined with a failure to meld that statement with the facts of the hypothetical. This type of answer cannot go beyond a 5. Fundamental misstatements about the perspective also cost the student a couple of points, as does the absence of stated counterarguments that the student ought to have anticipated. I tend to put a higher value on grappling with the facts than on a smooth statement of the perspective, as it is a scarcer skill and more pertinent to advocacy.

Before reading the bluebooks I stack them into five piles, by perspectives, and I read each one as part of a group of the same persuasion. Informally, without precision, I compare the answers to others in the group. The result has been that I judge the feminism answers a little more stringently.

The feminism answers make a nice bell-shaped curve, I find, and economics answers are generally either very good or very poor. Corrective justice mystifies many students, but I have had some good work in that area. Practicality, now that I am better at explaining what I mean by the word, improved a great deal during the second year: my highest A student in 1992 chose this perspective.

At the end of the year I find out who chose what. In both years several men chose feminism (including my 1991 highest A), although, if memory serves,

no woman has ever chosen libertarianism. The summer after one examination, I had excellent research assistance from two libertarians. Good students appear to be evenly distributed among the choices.

The Need for Perspectives

My original reasons for adding the perspectives element to the course had to do with pacing. In addition to the anticlimax of beginning a new semester after the end of an old one, Torts poses another pacing problem. For many instructors, a six-hour course is idyllic, because so much can be covered. My own feelings are mixed. I enjoy the luxury of plenty of time, the chance to get to know students for a full academic year that is so momentous for them, and—I confess—the extra attention that students pay to their credit-heavy courses. But I have never figured out how to manipulate the three-and-three division of the semesters in a way that does not favor the fall and leave the spring bereft. Fundamental, compelling concepts—intent, negligence, causation—come first. A miscellany is relegated to the spring: defenses, damages, defamation, nuisance, products liability. The perspectives component helps to balance the division.

Though it started with a pacing problem, I now believe that the perspectives element is supported by deeper justifications and pedagogical needs. Even a five-hour, one-semester course (the soundest way to teach Torts, in my opinion) would be enhanced by this addition. The perspectives component has helped me achieve several goals, which I describe below.

Lawyering Skills

The addition of perspectives requires students to choose a persona. They must understand a particular approach, learn to speak in the appropriate voice, and recognize the limitations of the approach. This, I believe, is a highly practical exercise for future lawyers. In sociological jargon, a lawyer *takes the role* of the client, adversary, partner, or judge. To be successful in negotiation, litigation, deal making, and counseling, a lawyer must understand where the other person is coming from.

Some students bring this skill with them to law school, but for others it can and should be taught. The Socratic method of instruction, and the immersion into the first year of law school, convey for new students some of what I explicitly offer as perspectives. Law students pick up the realist idea that law is to some degree rhetorical and contingent, that lawyers make arguments rather than find answers. In the perspectives component, however, I stress the slightly different concept of having to understand another person's point of view.

Students of course gravitate to a congenial perspective. Feminists choose feminism, libertarians favor libertarianism, practical or nonideological students are drawn to practicality. The voice of the "other" is usually not too alien. But the point about skills training still holds. In the practice of law one takes the role of the other, but that other is someone with whom one has something in common. In a corporate acquisition, for instance, a lawyer works

with a client whose financial needs are understandable and sympathetic, with an other-side attorney counterpart, and with a team of support players who share the client's goal. The corporate attorney need not struggle to take the role of a person accused of bank robbery, or of an elderly testator. Self-selection limits, but does not obviate, the need for role-taking skills.

A related skill to be fostered is the ability to function at the bottom of a hierarchy. Entry-level work is generally humble, no matter which law school one has attended. Beginners need to understand others more than these others need to understand them. The perspectives element of the course may help to teach humility. Students learn that writers have expressed opinions more elegantly and persuasively than they are able to; that true insights are scarce; and that no matter what reaction they will have to the exam question, they must put on the mask and speak through a slightly different persona. As an instructor I want to prepare students for the occasional harshness of real-life law practice without being harsh myself—to prepare each student for the arbitrary senior associate, the backstabbing colleague, or the irascible boss or judge she will surely encounter, without tolerating arbitrary, backstabbing, or irascible behavior in my classroom. The perspectives, I hope, convey this lesson without inflicting pain.

Encouraging Initiative

At the same time that it prepares students for the hierarchy that will weigh so heavily on them in practice, the perspectives component requires initiative. Students are responsible for their own choice. This right-and-responsibility is anomalous: at my school first-year students cannot choose any of their courses or their instructors. In second-semester Legal Writing they will have an option or two, but most of their curriculum is dictated from above.

Students choose among the perspectives as they would choose an undergraduate major, except that the choice of perspective entails no formal commitment. In theory a student can choose two or more perspectives, attempt to master them, and then at the examination apply whichever seems to fit the question best. But I have the impression that most students choose only one.

This early opportunity to make a choice, I think, presages the ethical and tactical dilemmas that students will confront later in their careers. The perspectives component points up the connection between an intellectual choice and real-life consequences—between “theory and practice,” as the academic cliché goes. Students can control a small fraction of their torts course, just as they will control a small fraction of their careers.

Continuing a Liberal Education

Most students arrive at law school with an incomplete liberal arts education. They have read little, and written less. Some of them, I can tell by their faces, were never challenged by a teacher until their encounter with me. They seem aware that their liberal education has been scant, but they are uncertain

whether they ought to want more, and most do not expect law school to complete their education.

For my part, I believe that legal education cannot be justified as an entirely vocational enterprise. The ranks of practicing lawyers cannot accommodate replacement at the rate that law schools produce graduates. One need not subscribe to the pernicious slogan that the United States cultivates “too many lawyers” to agree that there isn’t work available in the practice of law for everyone, and that some talented law school graduates lack the temperament for practice.

That last paragraph states in negative terms a justification for educating thousands of new lawyers: law school gives students the extra time and depth to learn as they would have learned, perhaps, in college forty years ago. Most of my students proceeded mechanically to college in September after high school graduation in June, without question and without much thought. Regional law schools in particular admit many students who did not “focus,” or “concentrate,” as some of them put it, “until it was too late.” Law school permits their liberal education to begin again.

Instructors usually fulfill this educational responsibility by leavening the presentation of rules or doctrine with more abstract material, class discussion, or alternative teaching techniques. The perspectives component is a species of this kind of course supplement, but it goes further than other techniques. Reading books and articles on reserve in the library, thinking about disciplines or approaches that are independent of law, and writing an essay on the spring exam are familiar experiences that unify college and law school, and place law in the context of the liberal arts, so that students can appreciate the concept of legal education beyond vocationalism.

Political Issues

What about the politics of torts, or any other course? The dilemma is familiar. American law developed in a political, historical, and social setting. To ignore or deny this setting is to mislead students and tell lies; to overemphasize it (particularly if one is, say, a youngish female Jewish liberal feminist and therefore an atypical sort of law professor) is to provoke student resistance and alienation. Especially because I teach at a regional school, I want to make my students feel that they are in the mainstream, that they are getting a legal education as real as anyone’s and not some eccentric political fantasy.

If the first fork in the road is the decision either to acknowledge the relationship between law and politics or to pretend that none exists, the next question—if one decides to acknowledge the relationship—is what to say about it. Here the perspectives component plays a role that other course supplements cannot because, within limits, students find the answer themselves.

The perspectives are lurking in the library, and some of them differ from my occasional expression of my own political views. Students learn that I am a feminist of the equal-treatment persuasion; that I find relevant the academic debate about tort law as nineteenth-century subsidy; that I do not focus on the

goals of compensation and deterrence. Thus my priorities and opinions are, as we say, "in the air, so to speak."¹⁷ But they are contradicted and shaded and refuted in official course materials.

Supporting a Course Called Justice

In the fall before I began using the perspectives component, my school added a new required course to the first-year curriculum, called Justice and the Legal System. Each section of the course used the same materials in 1990, and a common core has been established. The Justice course begins with analytical legal philosophy—Hart, Fuller, Dworkin—and moves through other topics that explore the relationship between justice and law.

Each of the Justice instructors (I've taught it twice) has reflected on what this course has to offer. One of my colleagues, Richard Wright, has justified it as follows. Students, he says, begin law school as formalists. They start off believing that they can learn all of the law from hornbooks, commercial outlines, and yellow-highlighter-marked passages in cases. But quickly they become extreme legal realists, perhaps nihilists, who think that the law is what the powerful had for breakfast. No right answers, and no reason to care about right answers. The Justice course, by presenting jurisprudential arguments between these extremes (the modified positivism of H. L. A. Hart, critical theory, pragmatism, and what Wright calls "principlism," among others) shows students how much more there is to law than these two facile conclusions.

The existence of the Justice course, and this justification for it, influenced my use of the perspectives component. I wanted to support and reinforce a part of the curriculum that is occasionally challenged. Rather than reduce the jurisprudential content of my torts course on the ground that it's covered elsewhere, I increased it. And Wright's justification to me seems worth keeping in mind while teaching any law course. The truth about law really does lie between formalism and nihilism, and instructors ought to keep this middle region apparent to students.

As with political issues, in my support of the Justice course I acknowledge both my own views and the existence of different ones. Obviously the message that "perspectives" shape legal decision-making is a realist one. But the law and economics approach, when used normatively, goes the other way; and the corrective justice perspective also cuts against legal realism. (It is a pleasure, by the way, to be able to refer casually to positivism or Ronald Dworkin or Karl Llewellyn in a first-year course! At a minimum the students know that they *should* know what I mean.)

Supplementing a Casebook

The Prosser, Wade & Schwartz casebook is built around heavily edited cases, with short notes following. The brevity of the material, and traces of Prosser's distinctive wit, give the book a degree of charm. My students have

17. *Palsgraf v. Long Island R.R.*, 162 N.E. 99, 99 (N.Y. 1928) (citation omitted).

liked it, and I am grateful for the way it seems to keep in mind both their ignorance and their desire to learn.

But this simplicity begins to seem a little simple-minded after a semester. For the advanced topics the book does include some textual material (which I happen to find unhelpful and inaccurate), yet its presentation stays flat against the students' steep learning curve. My class outgrows the book by January and needs a new challenge.

In a world without costs, I could switch casebooks for the spring semester. Other accommodations might work: supplemental handouts, a stepped-up pace, additional demands on the students. But I think that something like the perspectives component is the supplement that best fills the gaps of Prosser, Wade & Schwartz. Whereas the book tends toward formalism, the perspectives tend toward legal realism. The book, especially after the arrival of Victor Schwartz, is politically conservative, and arguably gender-biased; the perspectives element adds a range of political views that includes feminism. The book presents torts as orderly and stable; the perspectives say no.

Assessment

In addition to the above justifications for adding the study of perspectives to a torts course, I have noticed that the addition offers some practical benefits. Follow-up with students suggests that their reaction to the perspectives is mixed, though mainly positive. Aside from student complaints, which are not common, I am aware of other drawbacks, mainly the consumption of time and some flaws of administration.

Student Comments

I urge students to tell me their thoughts about the perspectives component of the course when I run into them during the summer or the following fall. Their comments are generally positive. Some of them have said that they have no particular expertise in pedagogy and "it's too soon" for them to tell whether they benefited.

Students have complained that early in the spring semester the perspectives component is frustratingly elusive and vague. "We didn't know what you expected," several have said to me, although I distinctly remember hearing this complaint before I added the perspectives to my course, and my colleagues hear it too. I heard it much less during the second year of perspectives, after I refined my explanations.

The anonymous questions are also a source of student feedback. About half have been procedural and not specific to a particular perspective, suggesting to me that I have not been clear in telling students that they are to use this extra session to ask about their chosen perspectives: questions that do not compromise anonymous grading should be asked openly. But many of the inquiries are specific, and a couple have been shrewd: I am grateful to the unidentified student who asked me to distinguish the economics and practicality perspectives—a question that clarified my own thinking. The questions give me an idea, midsemester, how well students are catching on to the

perspectives generally, and which areas need more explication. And the recurrent "Could you give an example of what you want?" assures me that I will stay in touch with persistent first-year anxiety. Old exam questions on reserve, with sample answers, give my students some comfort and guidance.

Advantages

The perspectives have cured my pacing problem. Students appear refreshed by the addition of something new. Perplexed and uneasy too—but they seem to understand that another semester of lesser topics would take away some of the challenge they had enjoyed in the beginning of the year.

At my school we follow a mandatory curve for first-year grades, and all instructors face the problem of discouragement among students who have landed in the facetiously labeled bottom ninety percent. This problem is especially acute in the full-year courses where the student must go on with the same instructor and the same group after receiving a disappointing first-semester grade. Although many students take mediocre grades with good grace, resolving to try harder or feeling grateful that the outcome wasn't worse, the more common response is withdrawal.

With the arrival of the perspectives element, however, students who have fallen short of their expectations on the traditional issue-spotting fall exam get a new venue. Even students who purport not to be interested in anything other than doctrine are usually willing to try again with the perspectives, if only because their enthusiasm for doctrine did not serve them well on the more doctrinal midyear exam. Not everyone is reached, of course, but I think that with the addition of perspectives I have achieved about as much participation and engagement in the spring semester as possible.

Grading the exams, I've observed with pleasure how the perspectives component gives students a different way to express themselves and what they have learned. The hierarchy shifts. Some students who are weak at issue spotting write mordant, cut-to-the-heart perspectives essays. Sometimes a student's tendency toward insolence, which can be concealed in more conventional exam writing, is revealed in the perspectives answer. This difference seems to me a good thing, although it perhaps confirms the criticism that the perspectives component is alien to the rest of the course.

I have been pleased also with the degree of understanding of the perspectives that the students reveal in their exam answers, although that understanding is not especially deep. Because the reserve materials present the perspectives in a pluralistic way, with various authors disagreeing about the content of feminism, economic analysis, libertarianism, and (especially) corrective justice, and because the practicality alternative is hard to grasp, I find that students usually resort to a common-denominator approach. Some of them appear to have memorized a few key phrases and learned little else about the perspective. But I have almost no quarrel with this strategy: I am not, after all, teaching undergraduate economics, or philosophy, or women's studies. Complete immersion is not necessary. The skill I am trying to teach is the merger of law and "life"—other ideas, past experience, and exogenous theory applied to

legal reasoning. For my purposes, the students learn their chosen perspectives well enough.

Disadvantages

Drafting one question which can be answered from five points of view—and which is equally fair to all students no matter which perspective they have chosen—is quite a challenge to my imagination. I hoard ideas for questions. No free samples. The pool of potential questions could expand, I suppose, if I were to allow myself the option of giving the students a case excerpt with the one-word instruction to “comment” (a version of an exam I once took as a law student). It may come to this.

The feminism perspective is something of a nuisance. More than any other, it narrows the range of problems I can test on. We have to have a woman in the question, as I do not regard feminism as a complete world view with lessons for situations that do not involve women. Feminism is also by far the most popular choice, and it would make my grading simpler if each perspective drew one-fifth of the students. I can’t drop it, but I can’t figure out a way to reduce the extra work it creates—except to announce in class that I know the feminist perspective is popular and all answers are curved internally to determine a grade.

Adding anything to a course reduces other opportunities. I find I have little time for the occasional role-playing exercises that students enjoy in the fall. If I were to drop perspectives I would have room for another topic—perhaps business torts, compensation schemes, or invasion of privacy. I can’t test on as many topics on the exam (although multiple-choice questions, which I use only on the spring exam, do much of that work), and I have to spend time monitoring the availability of reserve materials, updating those materials, and preparing answers to the anonymous questions.

The anonymous questions are an unsatisfactory way to deal with the problems students have in grasping their chosen perspective. They can’t follow up with another question when my answer is inadequate, and sometimes they do not express their questions clearly, so I end up answering something that was never asked. My attempts to cure this problem have included a second anonymous Q&A session and more explicit lecturing about each perspective in class. Sometimes when I read an anonymous question and I am not sure I understand it, I call on a student at random and ask, “What does this question mean to you? Can you rephrase it?” Volunteers usually emerge then, and, as I mentioned, sometimes I ask them to answer the question.

I could abandon anonymity, I suppose, without violating the school’s policy of blind grading, because more than one student chooses each perspective. But I am known in my school for having a sharp memory for handwriting, such that I can occasionally identify students’ bluebooks while grading in May, having seen their handwriting once before in December. It wouldn’t do student morale any good for me to relax my vigilance on anonymity. I am still working on the problem.

Conclusion

The perspectives component has added depth and challenge to my year-long torts course without provoking significant student resistance. Because of the satisfaction it has given me as an instructor, I will go out on the following limb: I think every five- or six-hour torts course should include something like the perspectives addition. The costs/benefits tradeoff might balance in the other direction when the instructor has fewer hours to cover basic material. But even a three- or four-hour course would be impoverished, I believe, without attention to some of what the perspectives can achieve.

The most obvious contribution of perspectives is their substance—students can learn a little economics, feminism, libertarianism, or corrective justice along with doctrine. But in my course this contribution is secondary. I use perspectives mainly to keep students learning throughout a long year, and to teach them skills that I think will make them better lawyers. The perspectives element can enhance their self-confidence, their humility, their ability to take the role of another—and I think even their very lives, as they learn that what they know from outside law school bears on their study and application of the law.

Accordingly, in this paper I have presented my assessment of the perspectives component in modular blocks. I have devised this curricular addition to fit my own goals, strengths, weaknesses, political views, and beliefs about legal education; and I have tried to be candid about the many ways that this teaching technique is personal. The reader can decide what seems right and what doesn't. I hope that either the ends or the means that I have described will provoke interest.