

Supporting a diversity of opinions

Todd Rakoff uses informal and formal role plays, questioning strategies, and an even-handed tone to solicit and affirm alternative perspectives in discussion

Featured faculty: Todd Rakoff

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Class: Legislation and Regulation (Fall 2016), 80 graduate students

TODD RAKOFF, PROFESSOR: The purpose of having a general discussion is to bring out the multiple things that can be said about it about a case. There's kind of three ways you could do that. One is to let the student to say to the student, who just said what the plaintiffs side's attorney would say, I want you right now to argue the other side. This is that same student to say both sides.

[Classroom footage]

RAKOFF: Another possibility is to divide the class and say everybody on this side. You represent the plaintiff. Everybody on this side, you represent the defendant. I want you to argue in role for what you're doing. Quite apart from training and professionally, sometimes it's easier to say things if you don't have to be authentic. It's easier to represent a criminal defendant who's done something terrible if you say, "what's the lawyer's argument that he should go free?" So I sometimes use the role to allow for distance.

KATE FISCH, HLS STUDENT: It really feels like a place where we can voice our ideas, try new things out. And I think we're learning a lot about how to advocate for specific positions that we might not even hold.

RAKOFF: The third is to ask students what they themselves think is the justice or the rightness of the cause and allow the diversity of opinion in the class to become the diversity of opinions about this about this case. In other words, are you going to ask students to take a role in the legal system or are you going to say you, yourself: how would you how would you come out.

[Classroom footage]

BEN SPACAPAN, HLS STUDENT: The other thing that Professor Rakoff does really well is challenging students to think about the counterpoint, which is so important when you're reviewing these cases. And as a result, I think, myself and many of the other students have taken up that mantle in our own minds, of thinking about what are the counterpoints of the discussion.

[Classroom footage]

BEN: You may have a very small group of students who are on one side, and a large group who are on the other. And when Professor Rakoff is very strongly in the middle, and defending the presentation of both viewpoints, it presents a environment where it doesn't really matter how many people support each side. Everybody feels comfortable voicing their opinions.

[Classroom footage]

HANNAH KLAIN, HLS STUDENT: I think a lot of the class discussion is meant to inductively or deductively reason at something, pull out an important holding from a case, or a rule, or help us understand why a certain government procedure is the way that it is. And often, the things that I haven't thought of are the things that are the most important, or just help me understand more clearly, or in a different way. And I'm always curious to hear what other people have to say.