event of a suit.

Actually, Peters writes, doctors win most malpractice cases—twice as many as they lose. They are much more likely to win in the courtroom than other kinds of defendants accused of causing injury. "Juries are so reluctant to hold physicians liable that they render defense verdicts in half of the cases that medical experts think plaintiffs should win," he says.

Peters analyzes seven studies of large numbers of malpractice cases conducted in the last three decades. Generally, the studies compared jury decisions with the private assessments of cases made for insurance companies by outside medical or legal experts. Juries did give patients victories in about 10 to 20 percent of the cases reviewers felt they should lose, but patients won only 20 to 30 percent of the cases rated as tossups and about 50 percent of cases with strong evidence of negligence.

Many doctors, however, are horrified over the effect on their livelihood and reputation of facing even a 10 to 20 percent chance of losing a case in which experts think they have not been negligent. Peters sees this fear as exaggerated. "Easy" cases in which liability is clearly present or absent are most likely to be settled before going to trial. The court docket contains a preponderance of "weak cases" in which the evidence is ambiguous and experts disagree on the quality of care.

Peters contends that juries may frequently be right in ruling for the patient in the 10 to 20 percent of cases in which experts find no negligence. This is because experts review the cases shortly after they are filed, while juries hear the cases after lawyers have gathered more evidence. Juries may hear "more complete and stronger evidence of medical negligence," he notes.

It's unclear why doctors have such an edge in court. Jurors may be skeptical of patients who sue their doctors, because physicians are high-status professionals whose role is to heal. Doctors seem to be much more likely to have experienced attorneys and superior experts, and juries apparently take the burden of proof very seriously when it comes to medical malpractice, giving physicians the benefit of the doubt in close cases.

In the end, the "health courts" for which some doctors are clamoring might backfire, according to Peters. Trained "health judges" might well wind up being tougher on physicians than today's supposed hanging juries.

SOCIETY

The History of History

THE SOURCE: "History's Struggle to Survive in the Schools" by Diane Ravitch, in ***OAH Magazine of History***, April 2007.

It's easy to imagine that American children in some golden period of the last century got a thorough grounding in history. They didn't. The subject came to the U.S. high school curriculum in the late 19th century, bloomed swiftly, then declined precipitously. Only now is it making a slow recovery from the dark days of the 1930s to the 1980s, writes historian Diane Ravitch of New York University.

History entered high school alongside science as a "modern" subject in the 1880s. For more than four decades schools tended to offer a Eurocentric course that started with ancient times, focusing on the Greeks and Romans, and moved through medieval and some modern history. But as the curriculum grew, leading educators became alarmed about the helter-skelter increase in courses. In 1893 came the first in a series of prestigious commissions to guide the nation's schools toward a goal that remains elusive today: a core curriculum.

The Committee of Ten, led by Harvard president Charles W. Eliot, recommended the study of biography and mythology in the fifth and sixth grades, American history and civil government in the seventh, Greek and Roman history in the eighth, French history in the ninth, English in the 10th, and American again in the 11th, with an intensive study of a selected period in the senior year. As historical study then mostly involved memorization and recitation, the committee called for student participation, more critical discussion, and the use of primary documents and even historical novels rather than a single textbook.

Critics contended that the committee was trying to force an academic education on all children, and

a new group, the Committee of Seven, was soon convened. But it echoed the earlier recommendations. More groups emerged, a Committee of Eight and a Committee of Five, each recommending that history be part of every student's education. But by World War I, critics were beginning to complain not only of history but of algebra and literature, and most other courses that did not prepare students for their future jobs.

Public high school enrollment during this period grew 22-fold, from 200,000 in 1890 to 4.4 million in 1930. Overwhelmed schools began to offer academic courses only to future professionals, and vocational courses to those who would become "common wage earners." David Snedden, Massachusetts commissioner of education, ridiculed the study of history. The only reason to teach it, he said, was to train students for good citizenship, defined as "submission to established political order [and] cooperative maintenance of same."

In 1893, American educators formed the first of many commissions to guide the nation's schools toward a goal that remains elusive today: a core curriculum.

As "reformers" pushed for vocational education, Ravitch says that the history profession "capitulated" to social studies advocates who favored a mishmash of civics, history, and social science. By 1929, historian A. C. Krey, president of the American Historical Association, would write that history was far beyond the competence of the average student, and that it had little value in preparing students for "effective participation in society."

In the 1980s, Ravitch writes, the "vapid" nature of social studies came under fire in reports such as *A Nation at Risk*, and the writings of Secretary of Education William Bennett. And though recent efforts to develop voluntary national history standards have been widely ridiculed, many states have written their own solid curriculum requirements and students are beginning to be taught serious history once again.

Although a "slow recovery" is under way, Ravitch says, there is still much to improve. When the National Assessment of Educational Progress tested students' knowledge in 1994 and 2001, high school seniors did worse in history than in any other subject. A majority scored "below basic," the most abysmal score possible.

EXCERPT

Another Day, Another Kidnapping

The kitchen table serves as the connecting hub to all other points in my house. The day's mail, the children's toys, and assorted reading materials sit in neat heaps before finding their way to the appropriate recipient, toy chest, or shelf, usually within a day. However, the magazines and newspapers inevitably linger longer. My husband and I like to poke through the articles over the course of a few mornings, so the magazines will often be opened to an interesting article, perhaps marred by a stain or two, and the newspaper sections will be scattered like leftover napkins from a previous night's party. . . .

[One morning] I took note of all that had collected in the hearth of my home, and I saw the repulsive. I cringed at the violent war photos and blaring headlines about the newly kidnapped, terrorized, and dead. . . . I realized that what had previously made me despair had, over the course of a few years, become the topic of breakfast conversations. These pictures and articles had become—along with the cheery greetings and hugs with my husband and children—part of my morning routine.

—**PAULINE W. CHEN**, author of *Final Exam: A Surgeon's Reflections on Mortality* (2007), in ***The Virginia Quarterly Review*** (Spring 2007)