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# How Do We Tell Right From Wrong?

*Kohlberg's Stages of Moral Development*

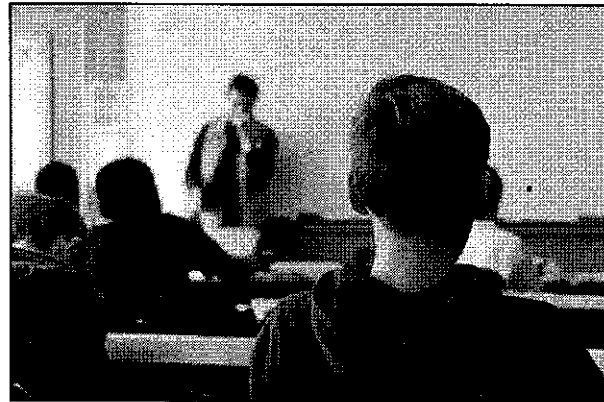
By Anne-Marie Reidy

2019

*Dr. Lawrence Kohlberg (1927-1987) was an American psychologist best known for his research into moral development. Through his work, Kohlberg created a new field in psychology in which researchers try to understand how humans make moral choices. As you read, make note of the details that support the author's central idea: how do people tell right from wrong?*

## **Decisions, Decisions**

- [1] *Joe and his best friend Kim stop at a convenience store on their walk home from school. Joe sees Kim take a candy bar and slip it into her bag. Then Kim walks quickly out the door without paying. The store owner, who knows Joe from the neighborhood, asks him, "Joe, did that girl steal something from me?" Joe has been taught that it's wrong to steal or lie — but he also thinks it's right to protect his friends. What should Joe do?*



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We make thousands of decisions a day, large and small. Some decisions are harder than others, especially when a person has to choose between right and wrong. A person in that situation may consider many things: rules and laws, possible punishments for breaking the laws, what other people will think of them, and even what they will think of themselves. This kind of thinking — often called ethical<sup>1</sup> thinking — is difficult, and different people can come to different conclusions about what behavior is right. The American psychologist Lawrence Kohlberg wanted to study how people reach these conclusions. He wanted to know: how do we tell right from wrong?

## **Kohlberg's Research**

To answer this question, Kohlberg performed research by interviewing a group of boys about their moral decision-making. He first interviewed them when they were between ages 10 and

1. **Ethical** (*adjective*) involving questions of right and wrong actions

16, and then interviewed each boy again several times over the next 12 to 20 years. Kohlberg developed several scenarios — or made-up situations — about a character who has a difficult moral decision to make. Kohlberg and his team of interviewers presented the scenarios to each boy one at a time and asked if the boy thought the character had done the right thing. This is one of the scenarios Kohlberg used in his interviews:

### **Heinz Steals the Drug**

*A woman was dying of a special kind of cancer. There was one drug that might save her. It was a form of radium that a druggist had recently discovered. The druggist was charging ten times what the drug cost him to make. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$1,000. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money from it." So Heinz got desperate and broke into the man's store to steal the drug for his wife. Should the husband have done that? (Kohlberg, 1963, p. 19)*

Kohlberg was less interested in whether the interview subject<sup>2</sup> said "yes" or "no" to this question than in the reasoning behind the answer. The interviewer would ask new questions to better understand the subject's thinking. For example, the interviewer would ask if Heinz had a right to steal the drug and what sentence the judge should give him once he was caught. Then, the interviewer would give more scenarios to get a sense of how the subject generally decided between right and wrong. Kohlberg noticed that most of the interview subjects developed new ways of thinking about ethics over the years. As men, they made decisions very differently than they had as boys.

- [5] Using this research, Kohlberg came up with a theory to describe the different ways that human beings make moral choices. His theory also describes how he believed our decision-making changes from childhood to adulthood. Kohlberg called this his *theory of moral development*.

### ***The Stages of Moral Development***

In his theory, Kohlberg identified three levels of moral reasoning, which is the thinking process behind whether an idea is right or wrong. The three levels are:

1. Preconventional
2. Conventional

- 
2. a person who responds to questions during an interview

### 3. Postconventional

#### ***Level 1: Preconventional***

Kohlberg found that very young children make moral decisions that depend on how their actions will be punished or rewarded. They tend to follow the rules that their parents and teachers make because they are thinking about getting something good or not getting in trouble. This level is the simplest way of thinking about right and wrong. It is made up of two stages:

##### **Stage 1: Obedience and Punishment**

Stage 1 focuses on the child's desire to avoid punishments by obeying the rules. For example, they see an action as morally wrong because the person who did it is punished; the harsher the punishment, the worse they think the action is. In the situation at the beginning of this article, Joe would display Stage 1 thinking if he decided to tell the store owner about Kim's theft because he was afraid of getting punished later if he didn't.

##### **Stage 2: Self-Interest**

In Stage 2, a child asks, "What's in it for me?" The child defines right behavior as whatever is in their best interest. Any concern they show for others is not based on true loyalty or respect, but on a "you scratch my back, and I'll scratch yours" mentality. For example, if a parent asks a child to do a chore, the child asks "What's in it for me?" and the parents motivate the child by giving them an allowance. Joe knows that Kim will share the candy bar with him, so, if he is a Stage 2 thinker, he might decide that he will benefit himself by not telling the store owner about the theft.

#### ***Level 2: Conventional***

- [10] When something is *conventional*, that means that most members of a community consider it acceptable or polite. People at the conventional level are motivated by society's rules and expectations. They continue to accept the rules of authority figures but now believe that this will support positive relationships and order in society. Children — and even adults — at this level tend to follow rules without question, and they rarely ask whether a rule is fair.

##### **Stage 3: Good Boy, Nice Girl**

In Stage 3, people want the approval of others and act in ways that will make others like them. They focus on good behavior and people being "nice" to others. Like most of us, Joe has been taught that "nice kids" tell the truth, so if he's at Stage 3 of moral development, he will tell the store owner about Kim's theft in order to win the store owner's approval.

##### **Stage 4: Law and Order**

In Stage 4, people tend to accept rules and conventions because they are important in society. They see rules as being the same for everyone, and they think it is important and valuable to do what one is “supposed” to do. If one person breaks a law, perhaps everyone would — so there is a duty to follow laws and rules. Most people remain at stage 4 for life, basing their morality on standards set by others. Since stealing is against the law, Stage 4 thinking would say that Joe must tell the store owner the truth about Kim’s theft.

### **Level 3: Postconventional**

At the postconventional level, a person bases their sense of morality on their own beliefs and values. They believe that some laws are unfair and should be changed or eliminated. They also believe that individuals may break rules that go against their own values.

#### **Stage 5: Social Contract**

Someone at Stage 5 believes that people should respect the rights and opinions of others. They see laws as agreements between members of a community instead of unchangeable rules. If a law does not make things better for the community in general, the community should change it to create the greatest good for the greatest number of people. The community does this by working together to make decisions; sometimes this work is done through elected representatives. The U.S. government and other democratic governments are based on Stage 5 reasoning. In Joe’s case, Stage 5 thinking shows that stealing from the convenience store could cause the store to close or leave the neighborhood, thereby hurting the community as a whole. For this reason, Joe would choose to turn Kim in, since this would hurt one person but benefit many others.

#### **Stage 6: Universal Ethical Principles**

- [15] Someone at Stage 6 will base their moral decision-making on universal<sup>3</sup> ethical principles such as equality or respect. They believe that only laws based on justice are valid, so people must disobey unjust laws. If a person at Stage 6 goes against their own beliefs, they feel guilty. The Stage 6 thinker acts because they believe it is morally right to do so, in spite of punishment, their own self-interest, or the law. Although Kohlberg insisted that Stage 6 exists, he found few people who made decisions at that level all the time. In Joe’s case, a Stage 6 decision would depend on his personal beliefs. If Joe believes that telling the truth is the highest moral obligation, he will do so, even though it hurts his friend. However, if he believes that loyalty to one’s friends is a more important moral obligation than telling the truth, he will lie and cover up what Kim did.

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3. **Universal** (*adjective*) general; existing in all places and at all times

## ***What Is the Right Thing to Do?***

As you can see, people with different ways of thinking about ethics can come to different conclusions about what is right. Kohlberg found that people's ways of making decisions tend to change over their lifetime, and that a person will rarely go backwards through the levels of moral development. Once a person begins to think in a Stage 5 way about what benefits the community as a whole, they will almost never go back to a Stage 2 level of looking out for themselves first. You may notice these changes in yourself over the next several years, as you learn more about the world and develop new ways of thinking. When you consider your own actions, ask yourself: how do I tell right from wrong?

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## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. Which statement best states a central idea of the article?
  - A. Lawrence Kohlberg interviewed a group of young men about moral decision-making.
  - B. Lawrence Kohlberg realized that people make decisions the same way their entire lives.
  - C. Lawrence Kohlberg concluded that people's moral decision-making develops as they age.
  - D. Lawrence Kohlberg found that young children make decisions based on avoiding punishment.
  
2. Which statement best describes the difference between preconventional reasoning and postconventional reasoning?
  - A. Preconventional reasoning is based on community norms, but postconventional reasoning is based on religious beliefs.
  - B. Preconventional reasoning is based on avoiding punishment, but postconventional reasoning is based on earning rewards.
  - C. Preconventional reasoning is based on benefiting oneself, but postconventional reasoning is based on one's personal morals and values.
  - D. Preconventional reasoning is based on following one's moral principles, but postconventional reasoning is based on doing what is best for oneself.
  
3. According to Kohlberg, how does Stage 4 moral reasoning represent a greater concern for society than Stage 3 reasoning?
  - A. Stage 4 moral reasoning is concerned about society's laws instead of a desire for approval.
  - B. Stage 4 moral reasoning is concerned about society's approval instead of what is morally right.
  - C. Stage 4 moral reasoning is concerned about other people's approval instead of personal rewards.
  - D. Stage 4 moral reasoning is concerned about other people's success instead of avoiding punishment.

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# Putting Good Deeds In Headlines May Not Be So Good

By Tovia Smith  
2013

*When Glen James, a homeless man from Boston, found a backpack filled with \$42,000 in cash and turned it in, the media immediately picked up the story. Before long, the story of his good deed had gone viral. But as Tovia Smith reports, James' story is just one of many examples of people making moral decisions—but is publicizing these good deeds making people better or worse?*

***As you read, take notes about what tools the author uses to support her argument.***

- [1] An online collection has raised more than \$145,000 for a man who stumbled onto a pile of money and turned it over to police:

Glen James' story of a good deed is just one of many making headlines. It may not be exactly brand new, but public interest does seem to be piqued<sup>1</sup> these days by ordinary folks making what are seen as extraordinary ethical decisions.

Some, however, question if airing this kind of "good" news is actually good.



*"The kindness of strangers" by Ed Yourdon is licensed under CC BY-NC-SA 2.0.*

## **A Series Of Good Deeds**

James' story — he's the homeless man in Boston who turned in a backpack filled with \$42,000 — went viral. So did another recent story about a Dairy Queen manager from Minnesota who stood up for a blind man who didn't know he'd been robbed.

- [5] The blind man dropped a \$20 bill, and a woman picked it up and pocketed it. The manager threw her out of the restaurant and then handed the man \$20 from his own pocket.

1. **Pique** (*verb*) to stimulate (interest or curiosity)

Just a few weeks before that, stories swirled about four college football players who found themselves inside a store that was accidentally left unlocked.

Instead of just taking what they wanted, they left every penny they owed at the checkout. One television report called it "a story of honesty that's become a shining beacon of righteousness."

"There are lots of people who suffer from moral myopia,<sup>2</sup> and so when you see this good happening, it renews some of your faith," says University of Texas professor Mimi Drumwright. She says these are the types of stories you hope will inspire copycats: "The reports of these good deeds probably are going to beget more good deeds, and that is a good thing."

Already, countless strangers have been paying it forward with \$20 tips to the Dairy Queen worker, and everything from jobs to gift cards for the other do-gooders — not to mention the small fortune for Glen James.

## Moral Grade Inflation

- [10] But at the risk of twisting any of these precious good-news stories into more bad news, experts say there may be a downside to overplaying it.

"They did do the right thing, and that's commendable. But heroic? I think not," says Carnegie Mellon ethics professor Peter Madsen. He sees the high praise swirling around the stories as a kind of moral grade inflation.

"They had an obligation to do what they did. It was not above and beyond the call of duty. They really just did what we should have expected them to do," he says.

When you celebrate what should be ordinary behavior as extraordinary, experts say, it sends a dangerous message.

"I do worry about a culture in which people are giving selves credit for not having done terrible things. It sets a really low bar for what it takes to be a good person," says London Business School professor Daniel Effron. Effron, who teaches behavioral ethics, says feting<sup>3</sup> folks for what he calls "the immoral road not taken" could actually encourage bad behavior.

- [15] When guys with integrity get put on a pedestal, he says, the implication is that they're exceptional — far greater than the rest of us.

"It suggests that most people in that situation would have done those bad things. So, it

2. nearsightedness; inability to see "the big picture"
3. to honor or entertain (someone) lavishly

reinforces a norm that most people are selfish and self-serving, and therefore, it's OK if you're selfish and self-serving," Effron says.

## The Big Surprise

Others, however, suggest the reason these stories are seen as remarkable is not because we diminish ourselves, but because of the way we diminish these particular do-gooders.

"In this particular case — I'll just say it — the homeless man was an African-American guy, and most of the young football players who paid for their goods were African-American," says Candace Upton, who teaches moral psychology at the University of Denver. "I don't think it's beyond this culture at this time to say that we do have lower expectations, which is unfair. But that's what sets up the big surprise, and hence probably the big response."

Giving good Samaritans<sup>4</sup> celebrity treatment may also have the unintended consequence of creating monster expectations, kind of like a kid expecting a prize every day that he's not late for school. You have to be careful not to go overboard, as one expert put it. But celebrating people for doing the right thing is still the right thing to do.

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4. a charitable or helpful person

## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. Which of the following best states the central idea of the article?
  - A. Reporting on good deeds may make people less likely to perform them
  - B. Reporting on good deeds may make people more likely to perform them
  - C. Reporting on good deeds makes them less special
  - D. Reporting on good deeds may change society's expectations about performing them
  
2. PART A: In Paragraph 11, what is meant by the phrase "moral grade inflation"?
  - A. Performing good deeds improves your "moral grade"
  - B. Good deeds that would have gotten a lower "moral grade" in the past are receiving higher praise now
  - C. Good deeds that would have gotten a higher "moral grade" in the past are receiving lower praise now
  - D. The tendency for people to do good deeds is increasing
  
3. PART B: Which sentence from the article best supports the answer for Part A?
  - A. "The reports of these good deeds probably are going to beget more good deeds, and that is a good thing." (Paragraph 8)
  - B. "They did do the right thing, and that's commendable." (Paragraph 11)
  - C. "When you celebrate what should be ordinary behavior as extraordinary ... it sends a dangerous message." (Paragraph 13)
  - D. "Giving good Samaritans celebrity treatment may also have the unintended consequence of creating monster expectations..." (Paragraph 19)

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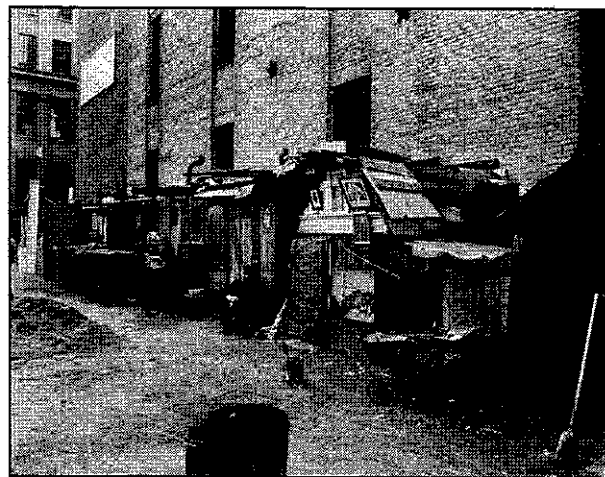
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# An Overview of the Great Depression

By Jessica McBirney  
2017

*From 1929 to 1939, America experienced the Great Depression: the worst economic downturn in its history. In this informational text, Jessica McBirney explores the causes and effects of the Great Depression, as well as how America's economy began to recover. As you read, take notes on the causes and effects of the Great Depression.*

- [1] On a fateful Tuesday in October 1929, American citizens experienced the beginning of the worst economic<sup>1</sup> disaster in the country's history. The day marked the beginning of the Great Depression, a severe economic crisis that lasted for more than ten years and hurt millions of people around the country.



*"Huts and unemployed in West Houston and Mercer St. by Berenice Abbott in Manhattan in 1935" by Berenice Abbott is in the public domain.*

## Why Did it Happen?

The Great Depression had many causes. In fact, economists still debate over all the factors that led to the crisis. The following are some of the most important causes:

### **The Stock Market**

Maybe you have heard your parents or news commentators talk about the stock market. Essentially, it is where people can buy stocks, or very small pieces of big companies like Walmart or Facebook. If the company makes money, the stock-holder also gets a small profit. Investing in a stock is like taking a gamble, because the company could earn a lot of money, or it could lose money.

In the years before 1929, the stock market was an extremely popular way for everyday people

1. relating to the economy, which is a country's system of making, selling, and use of goods and services

to earn some extra money. Because of this, the prices of stocks kept getting higher and higher. By 1929, many prices were much higher than the actual values of companies.

- [5] Some people started getting skeptical.<sup>2</sup> Prices could not keep going up forever. So they started selling their stocks while they were still at high prices. More and more people started catching on, until everyone was scrambling to sell their stocks at once. There was no one left to buy all these available stocks, so the prices dropped steeply.

This caused what is known as a stock market crash. In just one day, on October 29, 1929, the whole stock market lost over \$14 billion.

### ***Bank Failures***

When the stock market was highly popular, most banks had very few rules about loaning out money. They would loan money to customers so those customers could go use it to buy more stocks.

When the stock market lost so much money, suddenly all those customers had no way to pay back their loans. But when people heard about the crash, they started to panic and wanted to pull the money out of their savings accounts just to keep it safe.

With no money back from all the loans they had given out, the banks did not have enough money to pay out everything from everyone's savings. The bank failures rippled throughout the nation, causing even more economic problems and panic for average Americans.

### ***The Dust Bowl***

- [10] A record-setting drought hit the middle states, especially Oklahoma, around the same time. The timing could not have been worse. Farmers, who usually remained stable during economic uncertainty because they could at least grow their own food, were suddenly in just as much trouble as the rest of the country.

The drought brought hot, dry winds sweeping across the plains, blowing huge clouds of dust across the plains and into many peoples' houses and lungs. Families could not stay in the area. They packed up and left the Great Plains,<sup>3</sup> heading west to places like California to find work. Unfortunately, other states already had their own unemployment problems; there were not enough jobs for the newcomers.

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2. **Skeptical** (*adjective*) having or showing doubt
  3. the grassland prairie region of North America

## Effects of the Depression

At the beginning of the financial<sup>4</sup> problems, few people predicted the crisis would last over a decade. But the problems were more extensive and much deeper than analysts realized at first.

One of the most important effects of the Great Depression was unemployment. At its peak in 1933, around 25% of adults were unemployed — this means 1 in 4 adults did not have jobs.

Without steady income, many families were forced out of their homes. Some found other family members to live with, while others had to take to the streets. Some people moved into small shanty<sup>5</sup> towns called Hoovervilles, named after the president at the time Herbert Hoover. These people often had to rely on charity soup kitchens to get enough food to eat.

## Political Interventions

- [15] In 1932, near the worst of the Depression, President Franklin D. Roosevelt was elected. He immediately started working to fix the problems. The set of policies and government programs he instituted are known as the New Deal.<sup>6</sup>

To address the banking issues, he temporarily closed all banks to give them a chance to restructure themselves. He set guidelines for future bank operations. He also made more rules for how investors on the stock market could buy and sell stocks more responsibly.

To help families affected by unemployment, he created many employment programs. Groups like the Civilian Conservation Corps (CCC) and Works Progress Administration (WPA) used government funds to pay young men for services like building roads and cleaning parks. This gave families some money to start buying necessities again.

President Roosevelt started dozens of programs during his time in the White House. Not all of them were successful, and a few were even deemed<sup>7</sup> unconstitutional, but many did have positive results.

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4. relating to money
  5. A "shanty" is a small, crudely built shack.
  6. a series of programs that were enacted between 1933 and 1938 in the United states as a response to the Great Depression
  7. judged

## Culture Amid Crisis

Even though Americans faced one of the greatest challenges in our nation's history during the 1930s, they were able to produce art and entertainment to raise everyone's spirits.

- [20] Radio became a central aspect of many people's home lives. They could listen for free to comedy shows like *Amos 'n' Andy* and *The Jack Benny Show*. President Roosevelt also made regular speeches on the radio, known as his fireside chats, to reassure the American people and explain his newest New Deal policies.

Movies continued to grow in popularity. Many movies featured tough gangsters and witty city-dwellers with exciting plots. Viewers could escape into this world for a few hours any time they watched a movie.

Music portrayed a more complex,<sup>8</sup> and for many people more relatable, view of society during the Great Depression. Some songs recalled the better days of the 1920s when the country was happy. The mid 1930s introduced swing music and the big band genre, full of upbeat and exciting melodies. The dancing that accompanied it was fast paced. But other artists, like Bing Crosby, did not shy away from music that reflected the hard times. His song "Brother, Can You Spare a Dime?" became popular.

## Recovery

Even though the worst of the Great Depression came in 1933, its negative effects and high unemployment continued throughout the 1930s.

When the United States entered World War II in 1941, things began to change. The military needed new equipment and supplies, so thousands of new manufacturing jobs opened to support the war effort. This cut down on the still-soaring unemployment rates. Living standards still remained relatively low, because so many factories built war materials instead of everyday goods for households. Still, Americans began to regain their sense of hope for the future. After the war ended, their hopes were realized as living standards rose and economic prosperity<sup>9</sup> spread across the country.

- [25] The Great Depression lives on through famous literature like John Steinbeck's novel *The Grapes of Wrath*,<sup>10</sup> published in 1939. But the Great Depression's legacy<sup>11</sup> may best be seen in the

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8. **Complex** (*adjective*) not easy to understand or explain; not simple
  9. **Prosperity** (*noun*) the state of having wealth or success
  10. a novel about the hardships of an American farm family in the Dust Bowl during the Great Depression

Social Security Act, which was passed by Congress in 1935. Since then, the government has provided Americans with pensions<sup>12</sup> for the retired, as well as assistance to the unemployed and those with disabilities.

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11. **Legacy (noun)** something handed down from the past
12. a regular payment made during a person's retirement from an investment fund to which that person or their employer has contributed during their working life

## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. PART A: Which of the following identifies the central idea of the text?
  - A. The Great Depression was a very difficult time for America, and the government took action to help the economy recover.
  - B. The Great Depression could have easily been avoided if Americans had been more informed on how the stock market and banks operated.
  - C. The Great Depression could not have been prevented, as the previous decades had experienced nothing but growth.
  - D. The Great Depression was a horrible economic time for America, but the government's violation of citizens' rights while helping the economy recover was much worse.
  
2. PART B: Which detail from the text best supports the answer to Part A?
  - A. "Because of this, the prices of stocks kept getting higher and higher. By 1929, many prices were much higher than the actual values of companies." (Paragraph 4)
  - B. "In 1932, near the worst of the Depression, President Franklin D. Roosevelt was elected. He immediately started working to fix the problems. The set of policies and government programs he instituted are known as the New Deal." (Paragraph 15)
  - C. "Music portrayed a more complex, and for many people more relatable, view of society during the Great Depression. Some songs recalled the better days of the 1920s when the country was happy." (Paragraph 22)
  - D. "Even though the worst of the Great Depression came in 1933, its negative effects and high unemployment continued throughout the 1930s." (Paragraph 23)
  
3. What does the word "extensive" most likely mean as used in paragraph 12?
  - A. concealed
  - B. limited
  - C. probable
  - D. widespread

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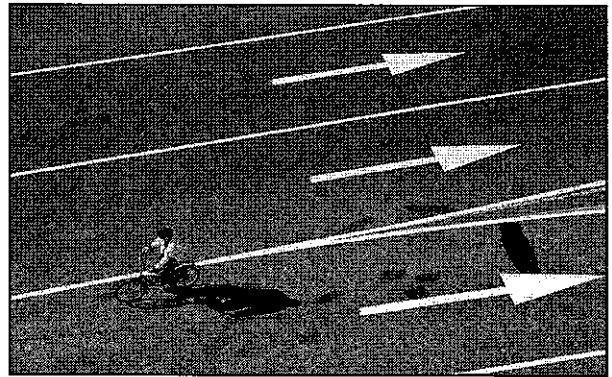
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## Excerpt from "Civil Disobedience"

By Henry David Thoreau  
1849

*Henry David Thoreau (1817-1862) was an American author, poet, philosopher, abolitionist, and naturalist. He is best known for his book Walden, which reflects on the value of living simply and in accord with nature. Thoreau's disgust with the institution of slavery was one of his primary motives in writing "Civil Disobedience." As you read, take notes on what Thoreau believes individuals can do to create change.*

- [1] It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous, wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. See what gross inconsistency is tolerated. I have heard some of my townsmen say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico; — see if I would go"; and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished<sup>1</sup> a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught;<sup>2</sup> as if the state were penitent<sup>3</sup> to that degree that it differed one to scourge<sup>4</sup> it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of Order and Civil Government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin comes its indifference; and from immoral it becomes, as it were, unmoral, and not quite unnecessary to that life which we have made.



*"Civil disobedience" by Martin Börjesson is licensed under CC BY-NC 2.0.*

1. **Furnish** (*verb*) to provide; to be a source of
2. zero
3. **Penitent** (*adjective*) feeling or expressing remorse for having done wrong
4. to whip as punishment

The broadest and most prevalent error requires the most disinterested virtue to sustain it. The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur. Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform. Some are petitioning the State to dissolve the Union, to disregard the requisitions<sup>5</sup> of the President. Why do they not dissolve it themselves — the union between themselves and the State — and refuse to pay their quota into its treasury? Do not they stand in the same relation to the State that the State does to the Union? And have not the same reasons prevented the State from resisting the Union which have prevented them from resisting the State?

How can a man be satisfied to entertain an opinion merely, and enjoy it? Is there any enjoyment in it, if his opinion is that he is aggrieved? If you are cheated out of a single dollar by your neighbor, you do not rest satisfied with knowing that you are cheated, or with saying that you are cheated, or even with petitioning him to pay you your due; but you take effectual steps at once to obtain the full amount, and see that you are never cheated again. Action from principle, the perception and the performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divides States and churches, it divides families; ay, it divides the individual, separating the diabolical in him from the divine.

Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress<sup>6</sup> them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus<sup>7</sup> and Luther,<sup>8</sup> and pronounce Washington and Franklin rebels?

[5] One would think, that a deliberate and practical denial of its authority was the only offence

5. **Requisition** (*noun*) an official demand that some duty should be performed or something be put into operation
6. **Transgress** (*verb*) to infringe or go beyond the bounds of a moral principle or other established behavior
7. Nicolaus Copernicus was a Renaissance-era mathematician and astronomer whose work generated only mild controversy during his lifetime.
8. Martin Luther was a German professor of theology, priest, and monk whose rejection of several practices of the Catholic Church led to his development of the Ninety-five Theses and, subsequently, his excommunication by Pope Leo X.

never contemplated by government; else, why has it not assigned its definite, its suitable and proportionate, penalty? If a man who has no property refuses but once to earn nine shillings<sup>9</sup> for the State, he is put in prison for a period unlimited by any law that I know, and determined only by the discretion of those who placed him there; but if he should steal ninety times nine shillings from the State, he is soon permitted to go at large again.

If the injustice is part of the necessary friction of the machine of government; let it go, let it go: perchance<sup>10</sup> it will wear smooth — certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways which the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not everything to do, but something; and because he cannot do everything, it is not necessary that he should do something wrong. It is not my business to be petitioning the Governor or the Legislature any more than it is theirs to petition me; and if they should not bear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and unconciliatory;<sup>11</sup> but it is to treat with the utmost kindness and consideration the only spirit that can appreciate or deserves it. So is all change for the better, like birth and death, which convulse the body.

I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

*"Civil Disobedience" by Henry David Thoreau (1849) is in the public domain.*

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9. a former British monetary unit equal to one-twentieth of a pound
10. perhaps
11. not intended or likely to placate or pacify

## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. PART A: Which statements best summarize the TWO main claims of the text?
  - A. Although some laws are unjust, it is the duty of citizens to follow all laws created by the state.
  - B. Citizens must challenge and attempt to change the wrongs of the state; it is not enough to work within the system.
  - C. Everyone who funds a government through taxes shares equal responsibility for the mistakes of that government.
  - D. Patriotism is a fine quality but it can sometimes blind people to the flaws of their country's government.
  - E. Individuals have a responsibility to disobey laws that are inherently unjust and in conflict with their morals.
  - F. It is generally best to focus on building up a following for a given movement before launching protests or demonstrations.
  
2. PART B: Which TWO phrases from the text best support the answers to Part A?
  - A. "...and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute." (paragraph 1)
  - B. "The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur." (paragraph 2)
  - C. "Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them." (paragraph 4)
  - D. "...but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law." (paragraph 6)
  - E. "Let your life be a counter-friction to stop the machine... As for adopting the ways which the State has provided for remedying the evil, I know not of such ways." (paragraphs 6-7)
  - F. "I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad." (paragraph 7)
  
3. How does paragraph 6 contribute to the development of the main ideas of the passage?
  - A. It supports the idea that we must not participate in injustice.
  - B. It shows that true control of the government rests with the people.
  - C. It advocates for patience with the missteps and follies of elected officials.
  - D. It supports the idea people are hypocritical and unwilling stand up for their beliefs.

those negroes jassing<sup>9</sup> me... Those negroes did not touch me or those white boys." She blamed the Scottsboro police for coercing<sup>10</sup> her into the original accusation. She further admitted, "I know it was wrong to let those Negroes die on account of me."

- [10] Still, the retrial process dragged on. In 1933, one of the boys, Haywood Patterson, stood retrial in the courtroom of one Judge James Horton. His defense attorney called numerous witnesses and built a strong argument that the two girls on the train had lied. Their story did not match medical evidence or the stories of other witnesses, and he even got Ruby Bates to testify that the whole story had been made up. The defense seemed inarguable.<sup>11</sup> And yet, after only a few minutes of deliberation, the jury pronounced Patterson guilty and recommended execution.

Judge James Horton knew he had to step in. In an unprecedented<sup>12</sup> move, he reversed the jury's decision and mandated that the trial restart yet again. His courage cost him his judgeship in the next election.

Patterson was not the only one of the Scottsboro Boys to experience stubborn juries in the face of convincing evidence. When another all-white jury convicted Clarence Norris in his retrial, he appealed to the Supreme Court. The 1935 Norris v. Alabama case determined that it was unconstitutional to exclude African Americans from serving on juries for African American defendants. Alabama's jury selection process was inherently racially skewed<sup>13</sup> and violated Norris' fourteenth amendment right.

## Digging Up the Past

The legal proceedings continued for several years. A few of the young men managed to get acquitted.<sup>14</sup> By 1938, five of the Scottsboro Boys remained in Alabama prisons. Their sentences had been reduced from the death penalty to decades in jail, a small but significant victory. Over the next 12 years, the remaining five also made it out of the prison system, usually by receiving parole.<sup>15</sup> Haywood Patterson, however, accomplished an impressive escape in 1948.

Years later, in 2013, the Alabama Board of Pardons and Paroles granted posthumous<sup>16</sup> pardons to three of the Scottsboro Boys who never had their convictions overturned: Charlie

9. most likely referring to some kind of sexual act
10. **Coerce** (*verb*) to persuade, especially by force or threats
11. **Inarguable** (*adjective*) not open to doubt or debate
12. **Unprecedented** (*adjective*) never done or known before
13. **Skew** (*verb*) to make something favor a particular group of people in a way that is unfair
14. to free someone from a criminal charge by a verdict of not guilty
15. "Parole" is the release of a prisoner before the completion of their prison sentence, on the promise of good behavior.
16. **Posthumous** (*adjective*) occurring after the death of the person

Weems, Andrew Wright, and Haywood Patterson.

- [15] The Scottsboro incident was one of the earliest signs of the need for racial justice in the U.S. It garnered<sup>17</sup> media attention for several years, and racial equality groups such as the Communist Party USA and the National Association for the Advancement of Colored People (NAACP) capitalized<sup>18</sup> on the cases to win support for their cause.

If the Scottsboro Boys' story sounds familiar, it might be because the saga partially inspired two famous novels: Richard Wright's *Native Son* and Harper Lee's *To Kill a Mockingbird*. Lee's novel in particular has some key similarities: in it, a black man is accused of raping a white woman, and the book's protagonist is six years old, about the same age as Lee during the first Scottsboro trials. One reason the Scottsboro Boys appear repeatedly in literature and pop culture is because their story clearly demonstrates the importance of racial equality and freedom.

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- 
17. **Garner** (*verb*) to gather or collect  
18. **Capitalize** (*verb*) to get an advantage from something

- [5] The trial was held in Scottsboro just two weeks after the arrests, and an all-white jury quickly recommended the death penalty for eight of the nine boys, all except 13-year-old Leroy Wright. The judge scheduled the executions for mid-July, the earliest the law would allow.

## Anger and Appeals

News of the ruling and severe sentences travelled around the country, and after a demonstration in New York, the Communist Party USA decided to get involved to try to stop the executions. Their legal division convinced the boys' parents to request new trials and launched detailed investigations into the rape accusations. The stir was enough to delay the boys' execution date until the case could be appealed to the Alabama Supreme Court.

Meanwhile, the Communist Party USA brought continuous media attention to the details of the case. They hoped to use the baseless accusations and the extreme punishments to shine a light on blatantly<sup>5</sup> unjust legal practices in the South. The Scottsboro Boys became symbols of racial inequality and the need for change.

The Alabama Supreme Court upheld the original convictions, but the boys and their legal counsel brought the case to an even higher court, the U.S. Supreme Court. In the landmark case, *Powell v. Alabama*, the justices determined that the boys had not received access to competent<sup>6</sup> legal counsel — thus, their Fourteenth Amendment<sup>7</sup> rights had been violated, and they would have the right to start new trials.

## Faint Signs of Hope

Even though they had new hope for freedom now, the retrial process was slow and contentious,<sup>8</sup> despite overwhelming evidence of the boys' innocence. One of the strongest pieces of evidence came from an accuser herself. In early 1932, a letter surfaced from one of the accusers, Ruby Bates. In it, she admitted that her rape claim was a sham: "[It] is a lie about

1. **Inflammatory** (*adjective*) stirring up anger, disorder, or rebellion
2. Throughout the first half of the 20th century, southern states enforced "Jim Crow" laws, which promoted racial segregation.
3. **Alleged** (*adjective*) said to have happened but not yet proven
4. **Condemn** (*verb*) to express complete disapproval of something
5. **Blatant** (*adjective*) very obvious and offensive
6. **Competent** (*adjective*) having the necessary ability, knowledge, or skill to do something successfully
7. An amendment passed soon after the Civil War that guarantees equal protection under the law to all people.
8. **Contentious** (*adjective*) causing or likely to cause arguments

Name: \_\_\_\_\_

Class: \_\_\_\_\_

# The Scottsboro Boys

By Jessica McBirney

2017

*The trial of the Scottsboro Boys was a historic event in which nine black youths were wrongfully accused and convicted for a crime they didn't commit. Occurring in 1931, the Scottsboro Boys' trials sparked outrage and a demand for social change.*

*As you read, take note of the variety of ways in which the criminal justice system failed the Scottsboro Boys.*

- [1] There are few legal cases in U.S. history that have received as much media attention as the trials of the nine Scottsboro Boys in 1931. The trials of the African American teenagers went on for decades and began to carve out a path for racial equality in the U.S. justice system.

## False Accusations

On the morning of March 25, 1931, nine young black men rode illegally in the back of a freight train chugging across Alabama. Charlie Weems, Ozie Powell, Clarence Norris, Olen Montgomery, Willie Roberson, Haywood Patterson, Eugene Williams, and brothers Andrew and Leroy Wright were all unemployed, travelling to a new destination to look for work. The oldest was 19, and the youngest only 13.

During the journey, a fight broke out between the nine young men and some white men who had also jumped onto the freight car. The train had to stop in Scottsboro, Alabama to end the fight, and the white men went to the local authorities to accuse the black youths of assault. As it turned out, two white women had also been hiding in the train car. They falsely claimed the nine black teenagers had raped them.

The accusation was inflammatory<sup>1</sup> in the Jim-Crow South.<sup>2</sup> News of the alleged<sup>3</sup> crime spread rapidly across the county; later that same day, the *Jackson County Sentinel* condemned<sup>4</sup> the "revolting crime." Whites in Scottsboro were so upset that a mob gathered outside the jail where the boys were held, and the Alabama Army National Guard had to step in to control the crowd.



*"7 'Scottsboro Boys' Win; 1932" by Washington Area Spark is licensed under CC BY-NC 2.0.*