

University of Manitoba

YOUTH, LAW, AND MORALITY:
A PROGRAM IN MORAL AND LEGAL EDUCATION

by
Otto Bernhard Toews

A Thesis

Submitted to the Faculty of Graduate Studies
in partial fulfillment of the requirements for
the Degree of
Master of Education

Department of Educational Foundations
Winnipeg, Manitoba
October, 1974

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ACKNOWLEDGEMENTS

Appreciation is expressed for the advice and guidance given by Dr. Terrence R. Morrison, Chairman of the Thesis committee; Dr. Arthur Schafer, outside examiner on the Thesis committee; Dr. James Rest, consultant from the University of Minnesota; Robert Carr, the lawyer who assisted in piloting the Program.

The writer is also grateful for the support of the following:

Dr. D. Downie, Superintendent of Schools for River East School Division for his support in piloting the Program.

Mrs. C.M. Cook, Principal of Chief Peguis Junior High, for permission to pilot the Program at Chief Peguis.

Mr. Ron Munro and Mr. Richard Buss, for piloting the Program.

The students at Chief Peguis Junior High who participated in the pilot Program.

Mr. Ron Charach for drafting a "Handbook for Simulation and Gaming in the Classroom" to assist teachers conducting the Program.

Mr. Paul Saranchuk for drafting a "Legal Handbook for Students" for the Program.

The writer is also grateful for the financial support provided by the following agencies at various stages in the research and development of this study:

The Manitoba Human Rights Commission

The Social Concern and Curriculum Development Research Project under the direction of Dr. Terrence R. Morrison.

Advisory Committee on Demonstration and Innovative Projects, Department of Education, Manitoba

River East School Division, Winnipeg, Manitoba

Special appreciation is expressed to my wife, Susan, for the countless hours devoted to typing and proofreading several drafts of the thesis.

I am most grateful to Susan and the children, Konrad and Eleanor, for their unflinching moral support and patience, which was essential for the completion of this task.

ABSTRACT

The purpose of this study is to promote the development of morally sensitive human beings through the development of moral reasoning. Recent studies in cognitive development, which suggest that the development of moral reasoning is necessary, though not sufficient, for moral action, serve as the basis for this study.

It is pointed out that the current formal and 'hidden' curricula generally fail to promote this development. Therefore, a special effort should be made to develop alternative curriculum. This study suggests one alternative in the Jurisprudential Teaching Model and a related Program. The Model and Program focus on the moral tension experienced by citizens in moral principled decision-making as they exercise their rights and meet their responsibilities. The Teaching Model outlined in this study takes into account the inter-relationship among the psychological needs of the learner, the epistemological nature of the issues, the components of value decision-making, the clarification and resolution of moral value statements, the constraints of legal procedure, and the scope and limitation of several teaching strategies.

Special attention is placed on three teaching strategies: oral discussion and argument flow analysis, case studies approach, and simulation. Included is an example of the manner in which the three strategies can be interwoven to promote the development of moral reasoning. The study is concluded with one suggestion of translating the Jurisprudential Teaching Model into a specific Program. This Program has been piloted under various conditions. The final test pilot involved a pilot and a control group. The base line data on both groups included demographic data as well as test-related data. Several pre-tests, post-tests, and follow-up tests were administered to both

groups. The results of these tests are currently being computer-analyzed by Dr. James Rest at the University of Minnesota. Dr. Rest, Dr. Terrence R. Morrison, and the writer will prepare a comprehensive report on the test-related and demographic data as soon as the computer analysis has been completed.

It is anticipated, upon the basis of the research conducted by Lawrence Kohlberg, James Rest, Elliot Turiel, and others, that the result of the Program will be that the students in the pilot program will experience increased stage mixture and some stage movement as compared with the students from the control group. This would suggest that the students in the pilot group have developed more integrated and differentiated forms of thought which enables them to take into account more moral aspects in a greater variety of situations. It must be emphasized again that it is not assumed that the development of moral reasoning is considered sufficient for the development of morally sensitive human beings, but that it is an important aspect of moral action. In other words, this study focuses on one aspect of moral development.

In conclusion it should be emphasized that every effort was made in this study to develop a sound conceptual framework for alternative curricula for the development of moral reasoning as well as to design and pilot-test an alternative Program. Both are essential for the development of good educational curricula.

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I N T R O D U C T I O N

The main purpose of this study is to promote the development of morally sensitive human beings through the development of moral reasoning. Although our present curricula and institutions are not value free, a direct emphasis on the development of moral reasoning seems to be missing.¹ Research in political socialization suggests that children inevitably acquire values at school.² Rules, regulations, rewards for obedience, punishment for disobedience, and numerous other control strategies exercised in schools, moreover, implicitly promote moral codes.³ These codes are upheld by teachers and administrators as a guide to 'good conduct', and serve as the 'hidden moral education curriculum'. Students have a choice of working within or outside these codes and they are judged accordingly.

School curricula also promote sets of values. Compulsory course requirements imply something about what is supposed to be worth knowing. Numerous value statements are made in lessons and discussions. For example, in social studies reference is made to 'good people' and 'bad people'; 'important events' and 'unimportant events'; 'acts of heroism', and 'acts of cowardice'. In short, 'schooling' institutions and curricula are loaded with values. Therefore, the key issue is not whether moral education ought to be introduced in the schools, but how to promote the development of morally sensitive human beings.

Several questions were central in the development of a program on "Youth, Law and Morality". One of the first questions is "What philosophical and psychological considerations must be taken into account in the development of morally sensitive human beings?".

1. What criteria determine the philosophical adequacy of a moral justification? This raises meta-ethical questions (e.g. What is 'good'?), normative questions (e.g. good rules), and questions concerning the structure of an argument or justification.
2. What psychological facts underly moral development? Two areas should be considered - cognitive development and affective or emotional development. How is the development of moral reasoning related to cognitive and emotional development?

This study is focused on the development of moral reasoning and views the other philosophical and psychological issues in relation to moral reasoning. Reference is made to various recent studies which provide some support for this approach to moral development. Implicit in this approach to moral development is the assumption that a person's morality is dependent on his ability to make moral judgments. This places the emphasis on the process of arriving at a moral decision and not on moral behaviour or sentiments. This is not to suggest that moral behaviour is not important, but to place the emphasis on cognitive development, which is necessary (though not sufficient) for moral development.

Since the program developed in this study focuses on adolescents' understanding of law as it relates to 'citizenship', another basic question that must be dealt with is "Does legal decision-making entail moral decision-making?" This question raises many of the issues dealt with in jurisprudence, including such basic issues as 'what is law?', 'the morality of law', and many more. This study is limited to the following issues:

1. Does citizenship entail moral tension?
2. Do principles undergird laws in the area of civil rights?
3. What is entailed in principled moral decision-making?

A third basic question to be considered is "What components should be incorporated in a teaching model which would promote the development of morally sensitive human beings through the development of moral reasoning?". It must take into account a suitable conceptual framework and identify appropriate teaching strategies to provide the parameters within which teachers might establish a variety of learning situations. This study is concluded with a report on a series of learning situations which were used in a pilot program on "Youth, Law and Morality".

The present study focuses on 'adolescence' (ages 12 - 18). Adolescence is not regarded as an age that human beings pass through, but as a segment of continuing human development. It is not only an age in which to prepare for adulthood. "Adolescents are regarded as persons with specific qualities and characteristics who have a participatory and

responsible role to play, tasks to perform, skills to develop at that particular time of life."⁴

Since this study deals with several concepts which are subject to wide interpretations, a brief explanation of how these concepts are used is included in the introduction. They will become clearer as they are developed. The concept, 'value', refers to a "claim or belief that something (an act, an object, an event, a policy, a person) is good, right, should or ought to be - or the negative opposites of such judgments."⁵ 'Moral claim' refers to all claims which take into account the effect of one's action on other people. James Rest describes 'moral human experience' as those experiences "which pertain to social arrangements whereby the interests and welfare of individuals are reciprocally interrelated".⁶ It does not include all matters of human interaction, nor are all human values moral values. Examples of other human values are aesthetic and religious values. 'Moral education' refers to

....that process which helps children and others to develop their own moral philosophy. This suggests that they should live self-directive lives based on a coherent value system, which springs from rationally held ethical principles."⁷

Finally, 'moral development' in the context of moral education, refers to "helping young people through practice to make moral decisions."⁸ It is a central concept in this study. 'Moral decision-making' is the fundamental component of the Jurisprudential Teaching Model. An attempt will be made to show that moral decision-making ought to be based on the development of rational justifications. Therefore, the main purpose for developing the Jurisprudential Teaching Model is to facilitate the development of moral reasoning so that adolescents can be encouraged to exercise increased differentiated and integrated forms of thought on a variety of moral issues, taking into account an increasing variety of relevant moral aspects.

A cautionary note should be included at this point concerning the emphasis on rational deliberations. Fred Newmann expressed these limitations in the following way:

The search for beauty, for interpersonal intimacy and honesty, for spontaneity of play, for the depth of

religious conviction, and for a sense of craftsmanship represent only a few alternative dimensions of experience, none of which should be stifled by excessive zeal to develop a rational man. ...it would be frightful for curriculum to focus exclusively on developing tight logical justifications for every preference or claim we express.⁹

Special reference should be made to the jurisprudential teaching model developed by Fred Newmann and Donald Oliver in the Harvard Social Studies Project.¹⁰ Although this study departs from their model on a number of points, the Harvard Social Studies Project has provided many helpful ideas for the development of the Model in this study. These will be referred to throughout the study.

The organization of the study is as follows. Chapter One is a critique of 'moral education' in the secondary schools today. Attention is focused on the social studies curriculum as well as the "hidden curriculum" which includes political socialization. Chapter Two is a critical review of competing ideologies which currently serve as bases for moral education in the schools. A model is outlined which helps to identify the scope and limitations of ideologies. Chapter Three is a review of some of the research to date on the development of moral reasoning. Special attention is focused on the work of Jean Piaget on cognitive development and that of Lawrence Kohlberg on the development of moral reasoning. It forms the basis for recommending a stage developmental approach to moral education in this study. Chapter Four defends the need for moral reasoning as an aid in the clarification and resolution of important social issues confronted by citizens. It will be maintained that the 'rights' of citizens to deal with social issues ought to include the responsibility of doing so on the basis of a rational justification because the 'rights' entail moral/legal principled decision-making. Chapter Five is a description and justification (on the basis of what was said in Chapters Three and Four) of a Jurisprudential Teaching Model. It includes an account of the components

of the Teaching Model: a decision-making model (the main conceptual framework of the Model), oral discussion and argument flow analysis (the most important teaching strategy in the Model), civil rights case studies, concept and administration of law, and role play and simulation. Chapter Six outlines a modest proposal for a unit of study titled "Youth, Law, and Morality" which is based on the Jurisprudential Teaching Model. It has been control piloted in Winnipeg, to find out whether the Model facilitates the development of moral reasoning among adolescents. In the conclusion, areas of further research related to the conceptual framework outlined in this study are identified.

FOOTNOTES

- 1 Ralph L. Mosher and Norman A. Springthall with Victor S. Atkins, R. Chris Dowell, Barbara M. Greenspan, Andrew H. Griffin Jr., George C. Mager, "Psychological education, a means to promote personal development during adolescence", Curriculum and the Cultural Revolution, ed. by David E. Purpel and Maurice Belanger, (Berkeley, California: McCutchen Publishing Company, 1972), pp. 286 - 294.
- 2 Robert Dreeben, On what is learned in school, (Reading, Massachusetts: Addison Wesley, 1968)
- 3 Robert Dreeben, "The Contribution of Schooling to the Learning of Norms", Harvard Educational Review, vol. 37, no. 2, (1967), pp. 217ff.
- 4 Gisela Konopka, "Requirements for healthy development of adolescent youth", Adolescence, vol. 8 no. 3, Fall 1973.
- 5 Fred Newmann, Clarifying Public Controversy (New York: Little, Brown, 1971) p. 292, p. 26. This is a stipulative definition. For its wider meaning see below pp. 177ff.
- 6 James Rest, "The Cognitive Developmental Approach to Morality: The State of the Art", (University of Minnesota) p.2, (mimeographed)
- 7 A.W. Kay, Moral Development, (New York; Schochen, 1959), p.52.
- 8 Religious Information and Moral Development, The Report of the Committee on Religious Education in the Public Schools of the Province of Ontario, Ontario Department of Education, Toronto, (1969) p.44. It is frequently referred to as the McKay Report.
- 9 Fred Newmann, Clarifying Public Controversy, p.84.
- 10 Ibid. See the Jurisprudential Teaching Model developed through the Harvard Social Studies Project. For a brief synopsis of the Model see Bruce Joyce and Marsha Weil, "The Jurisprudential Model: a Social Model Propelled by the Artificial Creation of a Discipline", Models of Teaching, ed. by Bruce Joyce and Marcha Weil, (Englewood Cliffs, New Jersey: Prentice-Hall, 1972)

CHAPTER ONE

Moral Education in the Schools:
The Contemporary Scene

A. Critique of moral education in the formal curriculum

It was suggested in the "Introduction" that moral education is an integral part of the school program - especially in social studies. It is apparent from curriculum statements that one of the objectives of civics courses and Canadian Studies is 'moral education'. Departments of Education usually recommend that 'civics' be taught to "impart information concerning the form and functioning of our government" and "to give students a deep and abiding appreciation of our heritage of free government".¹ The purpose is to make every Canadian "thoroughly familiar with the working of our democratic institutions, his rights and duties under the rule of law and the responsibilities of those elected to public office".²

According to Hodgetts, Departments of Education seem to agree that the objectives in Canadian studies generally can be summarized as follows:

"to give students a reasonable pride in the past achievements of Canadians."

"to develop citizens whose loyalty and pride are rooted in historical reality."

"to encourage an affection for Canada's past and a respect for those institutions that have grown out of our history."³

How successfully are the social studies teachers of Canada pursuing these objectives? The National History Project,⁴ under the direction of A.B. Hodgetts, suggested that they are not successful. Hodgetts reported that his Survey indicated that:

"the strongest most widely held attitude of the students . . . was either complete indifference or deep cynicism towards politicians and political life."⁵

In the seventy-five civics classes observed by Hodgetts, most students' time was spent on a study of the mechanical functioning of the three levels of government. Emphasis was placed on learning descriptive facts such as 'the maximum time between various kinds of elections, the qualifications for a senator or a member of parliament, the number of seats in the House of Commons, the provisions of Sections 91 and 92 of the B.N.A. Act, the legal size of a village or town, the number of wards

in some city, and so on.' Hodgetts reported that the most serious deficiency in the civics courses was "the almost complete lack of any realism."⁶ He did not observe any class discussing the psychological or sociological reasons for voting; the influence of mass media; the decision-making processes; the power elites; and other issues. Democracy was painted in "rosy oversimplified terms in which 'a bill receives three readings in the House of Commons and three in the Senate and then becomes law.'" This lack of realism was reflected in the cynicism revealed in the Student Questionnaires.⁷

Hodgetts reported that the results of Canadian studies are no more encouraging. Two value systems are fostered through Canadian studies. In Quebec the emphasis is on "a picture of history peopled with saintly, heroic figures, motivated by Christian ideals and working almost exclusively for the glory of God."⁸ In the other provinces Canadian studies are characterized by a "dry, secular and narrowly political and constitutional emphasis."⁹ Hodgetts concluded that Canadian studies did virtually nothing to help students understand the diverse, and sometimes conflicting, attitudes, aspirations, and interests characterizing the Canadian mosaic.¹⁰

The effectiveness of a program of studies does not only depend on the substantive issues dealt with in the program but rests also on teaching strategies. Hodgetts identified five different strategies. One of the two most common teaching methods was the 'lecture'. Over one fifth of all classes reflected a poor use of the lecture method - "classes in which the lecture was being used day after day as a standard technique, in which there was absolutely no discussion or student participation, and in which the content was obviously a mere recitation of the prescribed textbook."¹¹ Hodgetts classified less than two percent of the classes, in which the lecture method was used, as 'excellent'.

The second most widely used technique was the 'assignment method'. The pupils were given a list of questions which were supposed to be answered at home and then discussed in class the next day. The emphasis usually was on factual answers. It is regarded by the Departments of Education across Canada as one of the worst possible techniques. Over

fifty percent of all classes fell into this category.¹³ Hodgetts reported this as one of the most serious findings of the Project.

The third technique was similar to the question - answer technique, but encouraged free student participation in the questioning process. Although this technique has good potential it was used poorly due to lack of prior planning or purpose. Students simply asked any question that came to their minds.

The fourth technique was a student-centred discussion, which represented approximately eight percent¹⁴ of the classes in the Survey. In most instances, this effort to turn the class over to the students resulted in "aimless chit chat".¹⁵ In other classes, students were asked to assume the role of the teacher.

The final technique was the 'ideal dialogue'. The seven percent of the classes in the Survey, which reflected a predominant use of this technique, were considered superior to the other classes for the following reasons:

1. The students were well prepared.
2. The students were in the process of developing skills in discussion techniques.
3. The classes were not completely student-centred.
4. All the classes were studying topics in depth.
5. The development of intellectual skills was encouraged. The students were encouraged to think for themselves, solicit factual evidence, weigh and evaluate factual evidence, and increase their powers of oral and written expression.
6. They reflected the 'inquiry' method of teaching.¹⁶

In summary, Hodgetts found that only twenty percent of all classes in the Survey could be rated as satisfactory or better.¹⁷ This leaves eighty percent where inadequate teaching practices were being employed!

The results of the choice of subject matter and teaching strategies was revealed dramatically in the Student Questionnaire. Eighty-two percent of all English-speaking students and over fifty percent of all French-speaking students found Canadian studies "boring and meaningless". The

classroom observations revealed that the students in eighteen percent of the classes were "actively bored". Another seventeen percent of the students were "passively bored". - "these students simply sat or slumped in sleepy apathy throughout the class." Hodgetts referred to them as "100 percent psychological dropouts".¹⁸ In forty-one percent of the classes, Hodgetts described the students as 'mechanical'. They were well-behaved, but not really interested in Canadian studies. Students in seventeen percent of the classes were rated as 'moderately keen' and seven percent as 'very keen'.

In summary, it is obvious that current practices in subject matter selection and teaching strategies leave much to be desired. With the exception of the few teachers who are using the 'ideal dialogue' technique, teachers do not seem to be providing systematic educational experiences to promote the development of moral reasoning. It would seem that alternative subject matter, materials, or teaching strategies should be explored because the programs do not seem to meet the objectives set for them.

It might be objected that conclusions about the quality of what goes on in Canadian Social Studies classes concerning moral education should not be made exclusively on the basis of one Study or Survey. Unfortunately no comparable recent study has been made in Canada. The only other large scale studies available were conducted in the United States. These studies reveal a situation very similar to what was discovered through the National History Project.¹⁹ J. Wayne concluded that:

social studies courses had little or no effect on the basic social-civic-moral attitudes of students and that they could be eliminated with little or no change in the educational outcomes.²⁰

A 1969 Harris poll in the United States revealed that students found history courses in public schools "most irrelevant" and "least useful" when compared with English, mathematics and science.²¹

After John J. Patrick had reviewed the research on the effects of civic education he concluded that:

while not conclusive, several research studies have indicated that formal instructional programs in civic education have little or no impact upon

political attitudes and values.²²

Finally, a comprehensive survey of the learning achievements of high school youth in the United States revealed that a substantial proportion of students held beliefs that were much more appropriate to a police state than to a democracy."²³

The results of civic education in Canada and the United States seem to be similar - they seem to make very little difference in terms of the objectives set for it. Although the studies in the United States cited above do not explain the lack of success, the National History Project strongly suggests that at least three reasons are apparent - choice of subject matter, choice of literature, and choice of teaching strategies. These explanations have several 'value' implications. First, some of the teachers - the ones promoting aimless chit-chat - were trying to take a value neutral position. This is reflected in a comment from a young, modern elementary school teacher:

I give a damn what the dear little bastards learn about history as long as they like school and talk their heads off in my classes.²⁴

The following is an example of such 'talking their heads off' (discussion about Sir John A. MacDonald):

"I say he was a drunkard."

"Come off it, John, he liked his drink but he wasn't a soak."

"He got drunk right in public meetings."

"Yeah, a real old wine-o."

"I'll bet he didn't drink wine. I'll bet it was good Scotch."

"Hah, just like my old man."²⁵

Such pointless discussions, however, are not value neutral. The teacher revealed a set of values in permitting it to go on, and the students revealed and encouraged a value system in indulging in such idle talk. The teacher mirrored a romantic ideology. She implied that what comes from within the child is what counts. The learning environment must be permissive enough for the 'inner good' to unfold itself. The emphasis appeared to be placed on emotional development. Implicit in the teacher's passive role was the assumption that teaching children ideas and attitudes is not only meaningless but it actually interferes

with the natural development of the child. The teacher's 'neutral position' was not neutral at all. Implicit in her teaching strategy was a concept of learning which allowed the students to discuss without any regard for improving their oral expression, or the intellectual quality of the discussion. The students were free to shout to win an argument, attack persons rather than ideas, advance unfounded opinions as though they were true, make sweeping general assertions, jump to hasty conclusions and refuse to consider other viewpoints. Such a classroom situation (it is difficult to call it a teaching strategy!) is loaded with attitudes and values. It certainly, is not a value neutral teaching strategy.

Second, most of the teachers attempted to transmit a 'commonly accepted' set of values through the use of the 'lecture method' and the question-and-answer method. Teachers would express several points of view on an issue. They would try to conceal their own position or advocate one particular position. Both methods were used primarily to transmit bodies of information, rules, or values of the past. Implicit in this approach is the value assumption that it is important for young people to adopt the basic moral order approved by society.

In short, the study conducted by Hodgetts suggests that existing programs of studies in civics and Canadian studies not only do not meet with the objectives set for them, but that these programs have implicit value assumptions - which may or may not be desirable. A study by G. McDiarmid and David Pratt²⁶ is even more disturbing. It reveals that a considerable amount of prejudice is contained in the prescribed texts for Social Studies in Ontario. There is no reason to believe that the texts in other provinces are any better. For example, the Manitoba Human Rights Commission discovered considerable prejudice in Manitoba social studies texts as well.

The following tables illustrate the stereotyping found by McDiarmid and Pratt in social studies textbooks. Table 1 identifies the evaluative terms most frequently applied to target groups as well as the frequency of use. The difference in choice of evaluative terms between the 'Christians' and 'Indians' is unmistakable.

TABLE 1

Five Evaluative Terms Most Often Applied to Target Groups and Frequency of Use.

<u>Christians</u>		<u>Jews</u>		<u>Immigrants</u>	
devoted	46	great	8	hardworking	6
zealous	40	faithful	3	enriched Canada	5
martyr	38	just(ice)	3	contribution	4
great	37	wise	2	skilful	3
famous	28	genius	2	problem	3
<u>Moslems</u>		<u>Negroes</u>		<u>Indians</u>	
infidels	9	primitive	38	savage(s)	86
fanatical	9	friendly	15	friendly	51
great	8	fierce	6	fierce	47
devout	5	savage	6	hostile	36
tolerant	5	superstitious	6	skilful	26

Source: G. McDiarmid and D. Pratt, Teaching Prejudice, p.41, Table 4

Table 2 shows how textbooks evaluated rank on a scale that ranges from very unfavorable to very favorable treatment of each group. The discrimination against Indians is apparent from a comparison between Christians and Indians - no unfavorable assertions about Indians and fourteen very favorable assertions about Christians as compared to only two very favorable assertions about Indians.

TABLE 2

Distribution of Overall Evaluation Scores for Each Target Group

Group	Very Un- favorable (-3 to -1.5)	Unfavor- able. (-1.4 to -0.5)	Neutral (-0.4 to+0.4)	Favor- able(+0.5 to +1.4)	Very fav- orable (+1.5to+3)	Total no. of books
Christians	0	0	32	26	14	72
Jews	0	0	9	13	6	28
Immigrants	1	0	20	3	4	28
Moslems	0	0	28	4	0	32
Negroes	2	7	48	7	1	65
Indians	0	14	54	3	2	73

Source: G. McDiarmid and D. Pratt, Teaching Prejudice, p. 43, Table 6.

In Ontario, the course of study in grade four geography, grade seven geography, and grade ten history include a study of the Canadian Indian

today.²⁷ Of the twenty-three prescribed texts recommended for the three courses, eighteen did not once mention Indians as a live issue. All the texts that did mention Indians were judged 'poor' on the basis of the following criteria: validity, comprehensiveness, balance, and concreteness.²⁸ None were judged 'good' or even 'fair'! The treatment of this issue might be compared to the treatment of a topic like "Expulsion of Acadians"²⁹. Out of a total of twelve prescribed texts, eight percent omitted this topic, thirty-three percent gave it a fair treatment and fifty-eight percent gave it a good treatment. Even the topic "Britain and Ireland 1916 - 21" received better treatment in Canadian texts than the study of "Canadian Indians Today"! Out of a total of seventeen prescribed texts for courses which might cover the former topic, fifty-three percent omitted the topic, twenty-nine percent treated it poorly, twelve percent gave it a fair treatment and six percent gave it a good treatment.³⁰

In summary, textbooks are loaded with numerous accounts which place Indians in an inferior relation to white men.³¹ Negative or neutral evaluative terms are ascribed to Indians. When Indians display any 'virtue', the author expresses surprise; when Indians kill white men, the incident is described as a 'massacre' but when white men kill Indians, it is called a 'fight'.

McDiarmid and Pratt point out that discrimination is not restricted to Indians but is also expressed against other people (e.g. Moslems, Negroes). Suffice it to say at this point, that their study of textbooks in Ontario has disclosed that discrimination and prejudice is encouraged in schools through textbooks which indoctrinate Canadian children to hold prejudicial attitudes towards certain fellow Canadians. Whether the indoctrination is successful or not, surely such an approach cannot contribute to the development of responsible citizens. The use of such prejudicial literature cannot be considered 'value neutral'. Nor can it be considered a morally responsible choice of texts.

In fact, the research to date strongly indicates that students coming through Canadian social studies programs fail to acquire the intellectual skills, the knowledge nor the attitudes requisite to becoming morally responsible citizens, as outlined in the objectives stated by the departments of education.

B. Political Socialization

Not only is there an implicit and explicit moral code in the formal curriculum, but sociologists, like Robert Dreeben³² have pointed out its presence in the 'hidden curriculum'. Dreeben refers to such things as structural characteristics of schools; patterns of conduct like expressing affection, activities of adults and non-adults, and sanctioning. He indicates that the hidden curriculum has many normative implications such as adherence to norms like achievement, independence, universalism and specificity. In other words, these ideas or norms are accepted by students as standards by which to govern and evaluate their conduct.

A number of studies in political socialization have been conducted to illustrate the effect of the hidden curriculum on children. One example is the work of Sara Lawrence Lightfoot.³³ The purpose of this study was to evaluate "the relationship between the levels of political consciousness of black teachers and the social and cognitive development in black children including reasoning, reflection, and elaborative thinking".³⁴ She concluded that differences in political ideology are reflected in differences in educational philosophy and practice, and that both have a profound impact on the cognitive development of children.

In the following descriptions of two classrooms, Lightfoot clearly portrays the hidden curriculum:

As I entered the classroom, Teacher A introduced me to the children, 'Can you all stand and say hello to Mrs. Lightfoot?' In simultaneous movement and choral speaking, the children rose obediently from their seats and said 'Hello, Mrs. Lightfoot'. The teacher offered no further explanation of my presence. As I walked to the back of the room, I walked through the traditional rowed-up arrangement of desks. There were five rows of desks and chairs with five children in each row. The children's seats were stationary and boys and girls seemed to be mixed through the room. The room was absolutely noiseless. Immobile faces looked up at me as I passed to the back of the room. Some kids

swiveled in their seats to check out the new person and a few children fixed long, sustained stares in my direction. But the whole atmosphere, as I immediately perceived it, felt inhibitory and silenced. The children were obviously curious about me but they didn't express their curiosity fully. There were a few whispers and the kids who left their work to attend to me obviously left their primary task at their own risk, . . . During the lesson, Teacher A made intermittent references to me, most of which began 'Can you show Mrs. Lightfoot how well you can do . . .' or in a more threatening tone, 'I don't want Mrs. Lightfoot to see any slouching bodies, sloppy desks . . .' Children glanced secretly over their shoulders at me - another oppressor. I smiled to show my good intentions, my friendly nature, but their faces were untrusting, solicitous, and fearful. To them, I was clearly in alliance with the teacher.³⁵

Lightfoot described the other classroom as follows:

I entered Teacher B's classroom right after the children returned from lunch. The transition was lengthy and it took quite a while for the children to take off their coats, get seated, and settle down. Lots of children, all girls, approached me: physically touching and rubbing against me; marvelling at my clothes, my dress, my earrings; and generally trying to get tight with me real quick. The boys surveyed me from a distance in a partially disinterested, partially jealous fashion. One girl, Brenda, having learned my name first, acted as if she owned me, would shove people away when she wanted to come close. The introduction of me to the class was very different from Teacher A's class. 'All right, when you get settled, I want to introduce you to this lady who you have been wondering about . . . This is Mrs. Lightfoot, do you want to welcome her? . . . Would you tell us, Mrs. Lightfoot, why you are here . . . what you are doing.' Caught off guard, I mumbled something about wanting to get to know them, seeing how they are with one another . . . But in retrospect, my reasons for being there must have sounded rather confused and aimless. They accepted my jumbled purpose with silent stares, some approving comments and almost immediately began approaching me for attention and help.³⁶

Using a Sociometric Interview, Lightfoot explored classroom environment on the perceptions and expressions of the children. Most important were the questions which asked the pupils to give reasons for their answers. These questions were:

I. Guess who the teacher can trust most when she leaves

- the classroom. Why?
5. Guess who most of the children like . . . who does everyone like? Why or how come?
 9. Guess who is the best leader in class . . . which child can tell other children what to do? Why?
 11. Tell me the name of the boy or girl who you would like to sit beside you in school. Why?
 12. Who would you choose to help you with your homework? Why?
 13. Who would you choose as president of the class? Why?
 14. Who would you tell a very special secret to? Why?
 15. Who would you choose to play on your team on the playground? Why?
 16. Who is your best friend in the class? Why?³⁷

Responses to the above questions were used to analyse the difference between the hidden curriculum in Classrooms A and B. Attention was focused on the different reasons given. The Sociometric Interview revealed significant differences between Classrooms A and B in

"The authority relation between teacher and child, in the ability and eagerness of children to give reasons for their status choices, and in the degree of sophistication and individuality of the reasoned responses."³⁸

The reasoned responses in Classroom A, which were very few, were generally unimaginative and superficial. In Classroom B the children struggled longer to answer the questions and to offer reasoned judgments (see Table 3). The reasons offered in Classroom A were much more homogeneous than those offered in Classroom B where more individual critical reflection was in evidence (See Tables 4 and 5 for the results of this study.).

TABLE 3

Number and Percentage of Children Giving Reasons for their Pupil Choices in the Following Questions: Sociometric Interview

Questions	Classroom A		Classroom B	
	Number of Children	%	Number of Children	%
2 Most trustworthy	6	22	23	85
5 Most likeable	3	11	20	80
9 Best leader	13	11	21	78
11 Seating comparison	12	44	22	82
12 Tutor	10	37	23	85
13 President	5	18	12	63
14 Confidant	14	52	22	82
15 Playmate	6	22	21	78

Source: Sara L. Lightfoot, "Politics and Reasoning: Through the Eyes of Teachers and Children", Table 2, p. 229

TABLE 4

Number of Categories of Reasoning Used in Response to Each Question

Questions	Classroom A	Classroom B
Section I		
2 Most trustworthy	3	4
5 Most likeable	3	8
9 Best leader	2	5
Section II		
11 Seating comparison	4	8
12 Tutor	4	6
13 President	2	7
14 Confidant	3	6
15 Playmate	2	7

Source: Sara L. Lightfoot, "Politics and Reasoning: Through the Eyes of Teachers and Children", Table 4, p. 232.

TABLE 5

Number of Children Using Each Category of Reasoning		
Categories of Reasoning	Classroom A	Classroom B
1. Physical attributes	0	6
2. Special talents	1	2
3. Intelligence	3	16
4. Friendship, companionship	18	29
5. Obedience	4	22
6. Superior personal traits	18	25
7. Fear, submission	1	12
8. Reciprocity	1	14
9. Egocentric motivations	0	19
10. Empathy, sympathy	1	1
11. Family loyalties	0	5
12. Special privilege, teacher	3	16

Source: Sara L. Lightfoot, "Politics and Reasoning: Through the Eyes of Teachers and Children", Chart 6, p. 234.

This is only one of many studies that have been conducted to indicate that a hidden curriculum can be identified in the classroom and that it has an influence upon the moral development of the child. What these studies try to establish is the extent of the influence of the 'hidden curriculum', how it can be 'controlled', and whether it is the only significant influence upon the moral development of the child.

Merelman points out that most studies in political socialization cannot determine the long-term developmental implications of the 'hidden curriculum' because most studies are based on a Freudian conceptual framework.³⁹ The choice of a Freudian framework for political socialization established two basic assumptions:

1. Political orientation was conceived mainly as diffuse, deep-set responses to environmental stimuli; this implication followed from the Freudian emphasis upon conscious motivation.
2. Political socialization research focused primarily on childhood, the major formative period according to psychoanalytic theory.

Therefore, the Freudian framework cannot accommodate the development of political attitudes in adolescents. For example, the Freudian framework has difficulty predicting the differentiation of attitudes towards parental authority from attitudes towards political authority developed

during adolescence.

Recently, however, studies⁴⁰ have pointed out a parallel between Piaget's developmental model and the child's passage from a diffusely supportive, personalistic, traditional view of politics to a more institutional, skeptical perspective. Curriculum based on a Piagetian-Kohlbergian model of development seems to influence the development of fundamental orientation towards law, the community and individual rights. It suggests that systematic educational experiences (i.e. curriculum) can be developed to influence the moral development of adolescents.

This brief critical review of moral education, as it is operative in the schools, suggests the need for curriculum changes which will promote the development of morally sensitive human beings, even if only due to the fact that existing programs appear to be quite unsuccessful. Before changes can be recommended, however, a psychological and philosophical basis must be established for moral education. Chapter Two, thus, describes a model for analyzing psychological and philosophical assumptions that underly educational objectives.

FOOTNOTES

- 1 Hodgetts, A B., What Culture? What Heritage? A Study of Civic Education in Canada. (Toronto: The Ontario Institute for Studies in Education, 1971), p.78.
- 2 Ibid., p. 78
- 3 Ibid., pp. 75-76.
- 4 Ibid., The National History Project research team conducted a two-year investigation (completed in 1967) into the teaching of Canadian history, social studies and civics in the elementary and secondary schools of all ten provinces. The following types of data were gathered:
 1. Student Questionnaire - administered mainly to some 10,000 grade twelve students in English and French.
 2. The Open-ended Essay - administered to over 1,000 students in five provinces.
 3. The Teacher Interview - administered to 500 teachers in all ten provinces.
 4. The Student Interview - administered in the summer of 1966 to a group of 72 grade ten boys in Ontario and Quebec.
 5. The Student-Teacher Questionnaire - administered in 14 faculties of education.
 6. The Preliminary Interview - administered to some 200 persons directly concerned with some aspects of Canadian studies.
 7. The School Profile and Classroom Observation: some 850 teachers in 247 schools in 20 cities across Canada were observed.
 8. Department of Education Publications - these included course outlines, lists of prescribed texts and copies of provincially set examinations.
 9. Current Literature - collection of clippings, newly published books, and articles related to the field of inquiry of the Project. For more details on the investigation procedures see Hodgetts, What Culture? What Heritage? , pp. 1-3.
- 5 Ibid., p. 78.
- 6 Ibid., p. 30.
7. Ibid., pp. 78-80
- 8 Ibid., p. 31.
- 9 Ibid., p. 31.
- 10 Ibid., p. 34.
- 11 Ibid., p. 45.
- 12 Ibid., p. 46.
- 13 More than half of the 847 Canadian studies classes in the Survey were

- using this method. Hodgetts, What Culture? What Heritage? , p. 46.
- 14 Ibid. , p. 50.
- 15 Ibid. , p. 50.
- 16 Ibid. , pp. 53-56.
- 17 Ibid. , p. 57.
- 18 Ibid. , p. 58.
- 19 Richard M. Merelman, "The Adolescence of Political Socialization", Sociology of Education, vol. 45 (Spring, 1972).
- 20 See J. Paul Leonard & Alvin C. Eurich (eds.). An Evaluation of Modern Education, (New York: Appleton-Century, 1942). Quoted from Robert D. Barr, Values and Youth, Washington, D.C. National Council for Social Studies, 1971.
- 21 Louis Harris, "Collision Course in the High Schools", Life, May 16, 1969. Quoted from Robert D. Barr, Values and Youth.
- 22 John J. Patrick, "Implications of Political Socialization Research for the Reform of Civic Education", Social Education, (January, 1969). Quoted from Robert D. Barr, Values and Youth.
- 23 See H H. Rommers & D.H. Radler, The American Teenager, (New York: Bobbs-Merrill, 1957), p. 193. Quoted from Robert D. Barr, Values and Youth. This is not to suggest that attitudes and beliefs reflect only what goes on in school.
- 24 Hodgetts, What Culture? What Heritage?, p. 51.
- 25 Ibid. , p. 68.
- 26 Garnet McDiarmid and David Pratt, Teaching Prejudice. Curriculum Series #12, (Toronto: The Ontario Institute for Studies in Education, 1971).
- 27 Ibid. , p. 68.
- 28 For a description of these categories see G. McDiarmid & D. Pratt, Teaching Prejudice, p. 57.
- 29 Ibid. , p. 84.
- 30 Ibid. , p. 84.
- 31 Ibid. , pp. 88-92.

- 32 Robert Dreeben, On What is Learned in School
- 33 Sara L. Lightfoot, "Politics and Reasoning: Through the Eyes of Teachers and Children", Harvard Educational Review, Volume 43, Number 2, (May, 1973), pp. 197-244.
- 34 Ibid., p. 197.
- 35 Ibid., pp. 220 - 221.
- 36 Ibid., p. 221.
- 37 Ibid., p. 224, The Sociometre had a total of sixteen questions.
- 38 Ibid., p. 238.
- 39 Richard M. Merelman, The Adolescence of Political Socialization, p. 137.
- 40 Ibid., p. 147. Reference is made to Dawson and Prewitt (1969: 51 - 52) and Merelman (1969).

CHAPTER TWO

A Model for Developing a Conceptual
Framework for Education

Lawrence Kohlberg and Rochelle Mayer¹ have developed a model for establishing clear rational educational objectives or aims - including aims for moral education. These aims, they argue, can be established by identifying and analyzing the assumptions underlying the various ideologies used to establish goals for education. Such a review, they claim, distinguishes the ideologies which do not have a rational justification from those which have a rational justification. Before this model is outlined in some detail, it should be mentioned briefly that it is assumed in this study that aims for moral education should be established on the basis of rational justification. Since moral education is the pursuit of processes for 'prescribing action' - asserting what is right conduct for all people in like circumstances - it is important that 'good reasons' serve as a basis. This point is elaborated at various places through the study.

Briefly, Kohlberg and Mayer claim that the psychological assumptions must be reviewed because they reflect what is considered to be the developmental capacity of the learner. Philosophical assumptions must also be assessed for they form the basis for a conceptual framework. Kohlberg and Mayer point out the scope and limitations of the educational aims of three ideologies - romantic, cultural transmission, and cognitive development. This approach provides some direction for the establishment of aims for moral education because the philosophic assumptions include value assumptions.

The main components of Kohlberg and Mayer's model are identified in the following outline:

- A. Ideologies
- B. Identifying and clarifying assumptions
- C. Defining objectives
- D. Developing a rational justification for objectives.

Each component will be explained to show how the model assists in establishing a basis for moral education.

A. Ideologies

1. Romantic ideology

The 'romantics' maintain that what comes from within the child is what counts. The learning environment must be permissive enough for the "inner good" to unfold. Teaching children ideas and attitudes through rote or drill is not only meaningless but it actually interferes with the 'natural' development--identity of self and formation of social relations. As for intellectual development, it means the pursuit of the child's natural curiosity in the world about him. Educators adhering to this school of thought place great value in 'childhood'. G. Stanley Hall, in 1901, captured the central thrust of romantic educational thought:

The guardians of the young should first strive to keep out of nature's way and to prevent harm and should merit the proud title of the defenders of the happiness and rights of children. They should feel profoundly that childhood, as it comes from the hand of God, is not corrupt but illustrates the survival of the most consummate thing in the world; they should be convinced that there is nothing else so worthy of love, reverence and service as the body and soul of the growing child.²

'Summerhill', the free school set up by A.S. Neill³ in Britain, is a contemporary expression of this ideology. Many of the writings on 'deschooling' also are a plea for the romantic's sentiments to free the child. These include the writings of John Holt, Everett Reimer, Neil Postman, Paul Goodman, George B. Leonard, and many others.

2. Cultural transmission ideology

The historical expression of cultural transmission is rooted in the classical academic tradition. Adherents to this ideology claim that the primary task of education is to transmit bodies of information, rules or values of the past. Direct instruction by educators is of primary importance. This ideology has gained renewed attention today by educators who advocate behaviour modification as the overriding aim of education. They maintain that knowledge and values are internalized by children through

the imitation of adults or through rewards and punishment. They recognize that learning is an individual matter and therefore occurs at different rates in different children. Teaching machines are considered to offer great potential for education. Recent expression of this 'modern' version of cultural transmission are found in the writings of Robert Mager and B.F. Skinner.

The main point which the traditional as well as the contemporary variants of cultural transmission both emphasize is the need to transmit knowledge and values commonly considered 'good'. Educational goals can be reduced to fixed immutable knowledge and skills. For example, both stress disciplines and skills. The traditionalists regard literacy as an essential trait of the 'cultural person' and the modern educational technologists value literacy because it opens the doors to many vocations. Both recognize the need to adopt the basic moral rules approved by society. In contrast to the personal emphasis of the romantic ideology, the cultural transmission ideology focuses on the needs of a 'good' social order.

3. Cognitive developmental ideology

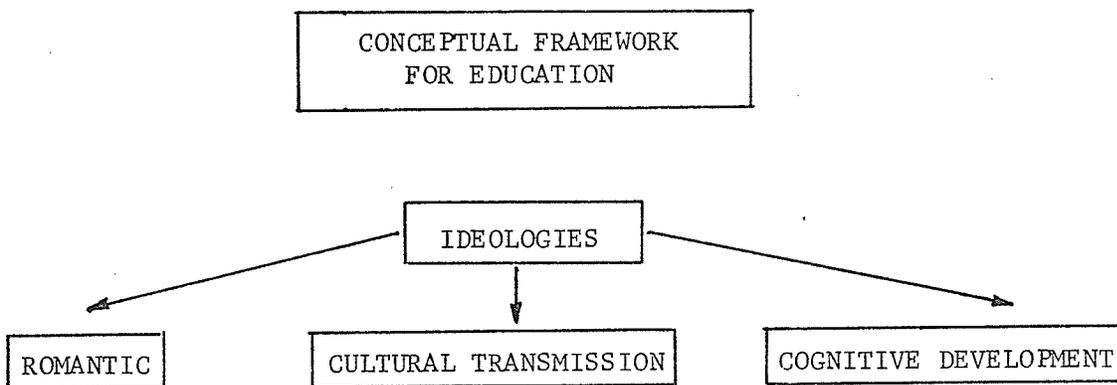
This ideology is popularly termed 'progressive' although that is somewhat misleading. The term is used because John Dewey⁶ was one of the first and most prominent exponents of this ideology. It is a misleading nomenclature because 'progressive' has come to include much more than the research emanating from the new horizons identified by John Dewey. Today it frequently includes many of the contemporary romantic writers who advocate rapid changes in 'schools'. The basic philosophical and psychological tenets of the advocates of a cognitive developmental learning paradigm - people like John Dewey, Jean Piaget, Lawrence Kohlberg - are quite different from those of the advocates of romantic ideology.

Cognitive developmental ideology focuses on the interaction⁷ between the learner and his environment. Development is defined as a progression through invariant ordered sequential stages. Higher stages are characterized by increased differentiation and

integration of the interaction between the learner and the environment. The purpose of education is to encourage the learner to acquire higher stages. The emphasis is not on definitive truth statements which are to be received by the child, but on genuine problems or conflicts. Students should be challenged to try to understand the physical and social world about them. Cognition is not divorced from emotion because the inquiry involves a genuine problem or conflict of the learner. Change in patterns of thinking is brought about through problem-solving situations and not through the mere acquisition of knowledge. Similarly in moral development⁸, the emphasis is on active participation in clarifying and resolving problematic social situations. Moral development is an 'affective' as well as a 'cognitive' experience. Morality is not 'out there' with the cultural heritage nor is it 'latent' within the child.

The scope and limitations of the three basic ideologies will become much more apparent when the assumptions underlying each ideology have been identified and classified. Before that is done, attention should be drawn to the model which is emerging for the development of a conceptual framework. (See Table 6).

TABLE 6
Classification of Ideologies



It is important to observe that the Model does not advocate any particular ideology but helps to organize and classify ideological orientations. So far, only two assertions have been made through the Model. These are:

1. Ideologies underlie the development of curriculum.
2. Existing ideologies seem to fall into three broad categories. The description of each category does not properly belong in the Model. The classification offered by the Model helps to draw out the general description of each category.

B. Identifying and classifying assumptions

The brief resumé of the three ideologies implies that educators start at very different points in their effort to explain and justify aims for education. The ideologies are clearly in conflict with each other on any number of important issues. Basically, the romantics maintain that the direction for development comes from within the child; the cultural transmission advocates claim that the direction must be derived from the cultural context; and the cognitive developmental advocates maintain that the impetus for development emanates from the interaction between the learner and his environment. Hence, it is impossible to pursue curriculum development (or any other educational task) consistently by merely incorporating all ideologies.

How can this discrepancy be accounted for? Kohlberg and Mayer suggest that it is primarily due to a divergence in assumptions inherent in each of the ideologies. They suggest that the next step in the Model must be 'identifying and classifying assumptions'. Before this step can be pursued, it must be established what categories should be used to classify the assumptions. A survey of ideologies seems to suggest three categories. First, since all ideologies are concerned about the state or condition of the 'learner', one category must be the 'psychological assumptions' about the learner. Second, since all are concerned about knowledge and understanding, a second category must be 'epistemological assumptions' - what educators mean when they refer to 'knowledge and understanding'. Third, since all ideologies make obvious value statements about the aims of education because there is no other way of advocating aims, a third category must be 'value assumptions'. It would appear that these three categories cover most of the important aspects of education:

- 'psychological assumptions' deal with such aspects as how children learn, personality traits, behaviour modification, emotional condition, transfer of knowledge, etc.
- 'epistemological assumptions' deal with content selection and organization (e.g. discipline), inquiry method.
- 'value assumptions' deal with asserting aims, moral education, pragmatic judgment, cultural relativity, etc.
- a combination of all three categories deals with issues like curriculum development, school organization, professional development.

One way of assessing the desirability of these categories for classifying assumptions is to use them on the three ideologies described above. If the categories can be used to classify most of the assumptions which have an important place in the explanation of all three ideologies, then it would seem that the categories serve a useful function in classifying assumptions. Furthermore, if the classification can serve to show the consistency or inconsistency (both internally and externally) of the ideologies, then the categories have also helped to disclose relationships which are essential for understanding and establishing educational aims and objectives. Therefore, the next question that must be dealt with is: 'what are the psychological, epistemological, and value assumptions underlying the three ideologies?'

1. Psychological Assumptions

The romantic ideology is based on a maturationist theory of development. The intellectual and emotional growth of the child is viewed in a manner like the physical growth of plants and animals. The environment merely provides nourishment for the natural growth of the child. Cognitive and emotional development are regarded as the unfolding of pre-patterned stages. Interference with the child's environment can frustrate the natural growth. Both cognitive and emotional development have an independent biological basis.

Cultural transmission ideology regards the mind somewhat like a machine - as a memory bank or a tabloid without anything on it, or a computer which stores bits of information which can be retrieved on cue. The environment provides the 'input'. The learning organism emits 'output' behaviour depending on what has been learnt or 'stored'. In short, the ideology is based on a stimulus-response psychological theory. In classical cultural transmission the emphasis is on 'training' the child so that he will 'respond' in a manner which is in harmony with the child's environment. The reward is 'success' when the child enters the adult world because there will be an 'important' (prestige, high income) job waiting for him. The modern cultural transmission adherents offer immediate positive reinforcements to encourage the learner to respond in

expected behaviour patterns¹⁰. Even cognitive development reflects only structures which have been internalized through careful teaching. Positive response is the key motivation for retaining and remembering points of information or patterns of behaviour.

Cognitive developmental ideology is based on an interaction theory. Jean Piaget¹¹, for example, claims that 'understanding' emerges from experience which is neither based on natural maturation or environmental stimuli. Instead, a child may explore new ways of understanding as he experiences ideas and situations. He might try to reorganize his basic mental structures when he experiences dissonance between himself and his environment.

Piaget's view of cognition differs from the traditional intellectual interpretation (classical cultural transmission). For Piaget, 'cognition' refers to structures whose functions are to process information and identify relationships among events or situations. Hence, cognitive development involves a change in these structures. They change through experience - when the living organism and the environment interact.

Since this concept of development is contingent upon perceiving and responding to experience, it has both cognitive and affective dimensions. As it occurs a person feels and thinks. The key source of change is in cognitive structure, so that a person may still continue to feel the same way but think about it differently. For example, two people might experience an intense feeling of repugnance when informed of a brutal beating of the neighbor's friendly dog. However, if one of the two people is at the ego-centric level of moral reasoning, he might entertain the harshest form of punishment for the culprit with no regard for the culprit's condition nor the circumstances under which the beating occurred. The other person, who, let us say, is at a 'law and order' stage of moral reasoning, would consider punishment within the parameters of the law that covers the case. The point is simply this: both experienced an intense feeling of repugnance towards the act, and yet each responded to the act quite differently. The difference,

it can be argued, is due to the different forms of thought exercised by the two people.¹²

Cognitive structures are characterized by several features. First, each stage is a distinctive way of thinking or solving problems. Second, the stages form an invariant sequence or order which may be slowed down, speeded up, or stopped by environmental factors but nothing can change the sequence. Third, each stage represents an underlying thought organization. Fourth, the hierarchy of stages reflects an increased differentiated and integrated series of structures or ways of thinking.

To encourage a child to move up the hierarchy of stages requires that the child be exposed to the next most difficult stage from his dominant stage.¹³ This can be done by exposing children to problem situations for a resolution of which their thought structures are inadequate. This is in strong contrast to the traditional emphasis on providing children with 'right' answers. It has important implications for curriculum development.

2. Epistemological Assumptions

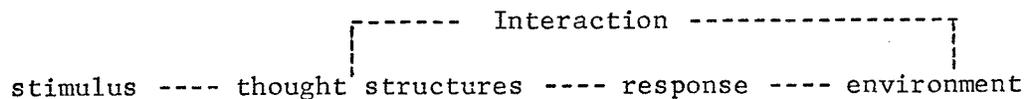
What are the distinctive epistemological features of each ideology? How does each ideology establish what are observable facts and how these facts can be interpreted? How do epistemological assumptions help to establish aims for education? Do the epistemological assumptions entail short-term or long-term objectives?

Romantic ideology reflects an existentialist approach, namely, defining knowledge and reality in terms of the 'inner immediate experience of the self'. 'Truth' has emotional as well as intellectual components. One can also acquire sympathetic understanding for other 'selves'. Romantics object strongly to the subjective/objective dichotomy. They claim that both are equally 'real' and therefore it is fallacious to make the truthfulness of subjective statements contingent upon objective statement. Romantic ideology in recent educational thought reflects

a reaction against an epistemology which places the full weight on scientific facts.

Cultural transmission ideologies involve an epistemology which focuses on sense-experience which can be monitored objectively. That which can be found to recur in the physical and social environment is considered 'reality', 'truth', or 'knowledge'. Primary emphasis is placed on the use of scientific modes of inquiry in the social sciences as well as the physical sciences. The result has been the emergence of disciplines like psychology, sociology, anthropology, social psychology, etc. Second, emphasis is placed on the important but limited role of deductive reasoning or formal classical logic. In other words, it is claimed that the basis of all knowledge is inductive reasoning (formal experiments, correlational studies, etc.). Deductive reasoning can be employed to determine the consistency among inferences.

In the cognitive developmental ideology, epistemology reflects the relationship between the living organism and the stimulating environment. Epistemology is neither an inner experience nor an outer sense-reality. Knowledge is actively constructed through interactions between external observable behaviour and the thought structures of the learner. The basis for such an epistemology may be diagrammed as follows:



The appropriate stimulus produces cognitive dissonance which in turn challenges the learner to reorganize his thought structure so that he can respond to the environment which created the cognitive dissonance. For example, what would a fourteen-year-old boy do when faced with the following problem:

A small, fragile twelve-year-old boy was repeatedly stealing a fourteen-year-old boy's lunch. One day a friend of the older boy caught the offender in the act of stealing the older boy's lunch. What should the older boy do about it?

The initial reaction of the fourteen-year-old might be to 'beat up' the young lad. However, on second thought, when the older boy considered this punishment in the context of being treated in like manner in like circumstances, the solution seemed quite inappropriate.

The fourteen-year-old was experiencing cognitive dissonance in this dilemma situation - the traditional solution of 'beating the culprit' seemed strangely inadequate, and no new solution was immediately apparent. 'Knowing what to do in this situation' was not a matter of 'knowing' 'objective truth statements'. It involved alternative ways of thinking about that which had been observed. The boy's second thoughts were not merely reflex actions motivated by positive reinforcements. Instead the boy felt frustrated.

The epistemological distinctions reflected in the three ideologies have considerable implications for establishing aims for education. First, do objectives emanate from within the learner or are they established by the external cultural environment? The position of the romantics and the cultural transmission adherents are at opposite ends of the continuum. The romantics claim that skills and achievements are not satisfying in themselves but can only serve as a means to an inner happiness and health. If they fail in this respect then there is no point in pursuing them. In contrast, the cultural transmission adherents pay attention primarily to the child's immediate performance. Everything else is eliminated as being too subjective. It should be pointed out that 'performance' is interpreted quite differently by different adherents to cultural transmission. The classical emphasis is focused on acquisition of information, skills, and values whereas the modern stimulus/response advocates focus on behavioural change which may or may not involve acquisition of information, skills, and values.¹⁴

The cognitive developmental ideology integrates a certain kind of inner state (cognitive stages) and external behaviour in establish-

ing aims of education. For example, it takes into account both thought processes as well as language. The development of increased differentiated and integrated forms of thought is encouraged as well as skills like oral expression, conducting experiments, reading and writing.

Does the epistemology of the respective ideologies focus on immediate experience and behaviour or on long-term consequences? Romantics regard intense immediate experience as self-development or self-actualization. The 'behavioural concern' of modern cultural transmission adherents is essentially an emphasis upon the immediate situation. It is assumed that behaviour patterns will be transferred by the learner to later experiences. The classical cultural transmission adherents promote an immediate acquisition of 'truth', skills, and values and hope that they will have particular desirable effects in later life. The cognitive developmental paradigm focuses educational objectives on long-term development - the development of forms of thought. This is not done at the expense of immediate interests. Enjoyment and immediate challenge are considered necessary but not sufficient educational objectives. In short, for development to have occurred, it must be reflected in long-term as well as immediate understanding and behaviour.

Are the aims of education reflected in the epistemologies of each ideology, universal or unique for each individual? Romantics focus on unique aims for each individual because each individual is assumed to be pre-patterned differently from everyone else. The cultural transmission adherents focus on 'general norms' of 'objective truths'. Individuals are ranked against the norms. The cognitive developmental approach to establishing educational aims is a merger of both--specific and general. The forms of thought (e.g. concrete operational thought) are 'epistemological universals'. On the other hand, whether a person will be able to exercise higher forms of thought depends on whether situations will arise in which a person will experience an immediate dissonance that might prompt the development of a higher form of thought.

3. Value Assumptions

Since prescription of educational objectives cannot be derived from psychology alone, but also include value assumptions about what is educationally worthwhile, it must be determined how the respective ideologies deal with the issue of 'worthwhile' objectives. Before that is done, the fallacy of value-neutrality should be pointed out. Fact statements about what the processes of development are cannot be sufficient to establish what development ought to occur. Whenever educators do not make this distinction, conformity to cultural norms seems to be the implicit value component. In short, morality is reduced to conformity. This poses special problems for educators in a pluralistic society.¹⁵ Which cultural value assumption should be adopted? A value neutral position cannot provide answers which it can justify. Another problem is the fact that it is logically impossible to reconcile a value-free means with value loaded ends. If 'education' is considered a 'worthwhile' enterprise, how can the decisions as to what 'means' to use be a value-neutral decision? For example, positive reinforcement is not an ethically neutral means because a decision must be made as to why it would be considered a valuable aim of education. Implicit in choosing particular 'means' is a choice for certain 'ends'.

How do romantics determine which educational objectives are worthwhile? Some objectives are grounded in 'value relativity' and some in 'psychological fallacy'. Those who claim value relativity regard children's rights as relative to the individual child in question. It is the task of parents and teachers to ensure the happiness and rights of fact, some argue that there is no place for education because invariably it means a manipulation of other people. This interferes with the natural development of the child. Those romantics who select objectives mainly on the basis of psychological facts about 'mental health' and 'happiness' commit the naturalistic fallacy. This focus is quite apparent in A.S. Neill's writings:

The merits of Summerhill are the merits of healthy free children whose lives are unspoiled by fear and hate.¹⁶ The aim of education, in fact, the aim of life is to work joyfully and to find happiness.¹⁷

These are not value neutral statements because it is asserted that it is good for all children and adults to be healthy and happy. They do not, however, provide an ethical or moral standard for establishing what is educationally 'good'. It is considered desirable (psychologically) for children to be healthy and happy because those two conditions are considered sufficient for development. An implicit assumption in this position is that 'what children do want is what they should want'. It suggests that children are pre-patterned to act in accord with ethical norms. The implication for parents and teachers is considerable, as A.S. Neill points out:

Well, we set out to make a school in which we should (grant) all children freedom to be themselves. In order to do this, we had to renounce all discipline, all direction, all suggestions, all moral training, all religious instruction. We have been called brave, but it did not require courage. All it required was what we had - - a complete belief in the child as a good, not an evil being.¹⁸

In short, for A.S. Neill as well as other romantics, the psychological concern for mental health and happiness justifies 'freedom'. Freedom is not regarded as an ethical principle. No effort should be made to initiate children to ethical principles like justice, equality, etc. A child is certainly not to be confronted with a dilemma because the conflict or dissonance might make him 'unhappy'!

Cultural transmission ideologies are founded in ethical relativism. They provide no way of challenging or attempting to justify one cultural standard as better or worse than another. What is 'good' or 'bad' depends on what a society regards as 'good' or 'bad'. Adherents, like B.F. Skinner, deny any function for principles because the only things that matter are observable scientific facts. Principles are not considered as guides that help to choose among different objectives, because it is contended that principles are based on the unscientific concept of 'free will'. Moral education is irrelevant. However, several questions are left unanswered by the cultural relativists: 'Why is cultural survival good?' 'Why is reinforcement good?' 'Who is the

cultural designer?' 'Who ought to control the cultural designer?'

The cognitive developmental ideology rests on the assumption that values are derived from a dialectical relation between psychology and philosophy. Of course 'psychological facts' must be taken into account. 'Happiness', 'mental health', 'reinforcement', are important. On the other hand, it is recognized that value universals are ethical principles which serve as grounds and limits of rational assent. Therefore, it is the interaction between psychological facts and ethical principles which determines a value position - not only the values of parents or culture. That is not to say that the knowledge and values of parents and teachers have no bearing. They can contribute to the development of a rational justification for value judgments but they do not play the role of final judges. In this sense cognitive development is quite different from cultural transmission.

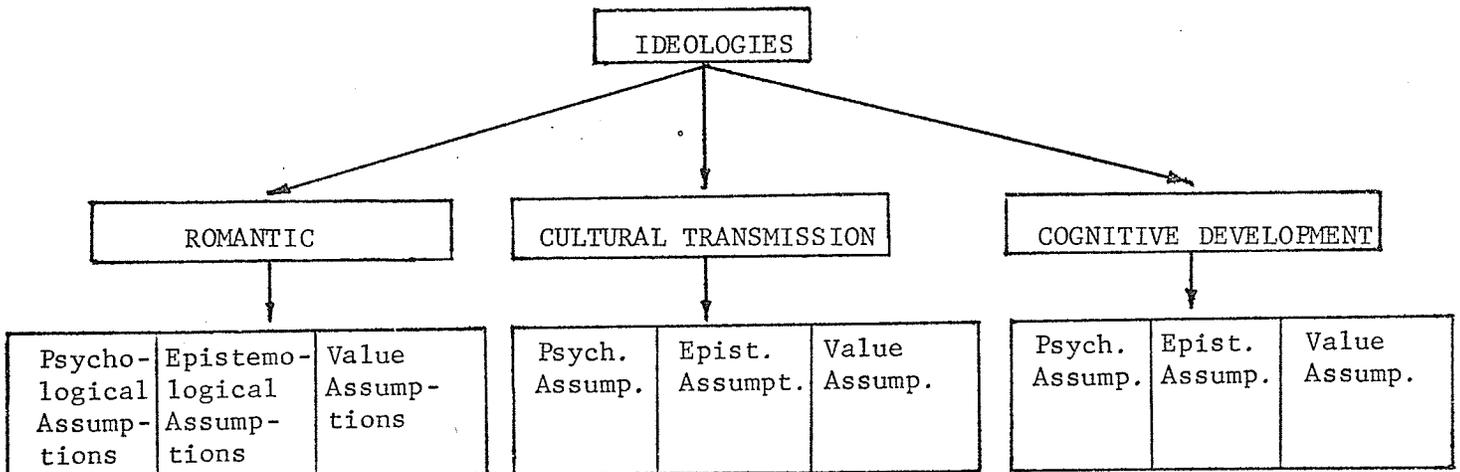
Cognitive developmental value assumptions have vast implications for teachers. They require that every teacher have a sound knowledge of ethical and psychological principles. The purpose of value education is to stimulate the development of such ethical principles. The principles are not universals that must be applied in certain situations, but they are viewed as representing increased differentiated stages of reasoning, judgment, and action. Since these stages are cultural universals, they can be viewed as long-range goals of teaching ethical principles. These stages parallel stages of intellectual development outlined by Piaget.

A review of the three categories of psychological, epistemological, and value of each ideology suggests that the three categories dealt with are important aspects of each ideology. This also indicates that the categories might be helpful in facilitating increased understanding and development of a conceptual framework for establishing aims for education and thereby also serve as a basis for moral education. Of course, this exercise does not rule out the possibility of identifying other important categories.

That possibility always exists, no matter how many categories were chosen. It is in that sense that a 'model' must not be regarded as immutable. Further research might well result in important modification in the model itself. The important question that a model must speak to is: 'Does the model categorize and classify in such a manner that it offers further knowledge and understanding about that to which it is applied?' If so, then a model can be regarded as 'tentatively useful'. The above analysis would suggest that the categories helped to analyse the ideologies.

The model for developing a conceptual framework can now be expanded as diagrammed in Table 7.

TABLE 7
Identifying Assumptions Underlying Ideologies
CONCEPTUAL FRAMEWORK FOR EDUCATION



C. Defining Objectives

How are the psychological and philosophical (epistemological and value) assumptions of each ideology employed to define objectives or aims for education? The romantics tend to list a 'bag of virtues' which is made up of traits characterizing healthy personalities - e.g. creativity, self-confidence, etc. The traits are selected on the basis of 'psychological facts'. Little or no consideration is given to implicit philosophical assumptions.

The cultural transmission ideology defines objectives in terms of standards of knowledge and behaviour learned at school. These are linked with long-range objectives like success, income, etc. It is assumed that the existing culture can be maintained and that success can be assured within the system to those who comply with it. Classical cultural transmission places great emphasis on immutable universal principles which appear to be valid because they have been handed down through the ages. Modern cultural transmission (education by machine and stimulus/response learning paradigm) pays little attention to philosophical assumptions and places great emphasis on tests and measurements of achievements in order to predict where in the social system the child will be most successful as an adult. Essentially, all cultural transmission adherents derive aims for education from psychological facts in that they concentrate on this question: 'How can children best learn to fit or conform to their contemporary culture'? This places little or no emphasis on philosophical assumptions.

The cognitive developmental ideology identifies objectives in terms of increased differentiated and integrated stages of development. Aims for education are determined on two bases:

- a. Do they have a sound basis in psychological fact (e.g. promote stage development)?
- b. Do they have a sound philosophical basis (epistemological and ethical)?
In other words, do they promote the development of understanding through an interaction between the learner and his environment?

D. Developing a Rational Justification for Educational Objectives

In what sense are the aims for education established by each ideology valuable or desirable? Are they short or long-term objectives?

The romantic ideology encounters considerable problems with respect to these two questions. The lists which are proposed by romantics seem rather arbitrary because they differ considerably in content from one proponent to the next. The question that remains unanswered is: 'Which list is valid and how can one know?' It can be argued that the reason for this difficulty is the fact that romantics take only psychological factors into account. For example, many questions are left unanswered when aims and education are established only on the basis of asserting that children must be 'healthy' and 'happy'. Does it follow that anything that makes children happy is educational--promotes understanding? Does it follow that all understanding is equally desirable? These questions remain unanswered.

The 'virtue words' recommended by romantics usually are culturally relative because no philosophic considerations are taken into account. The result is, for example, that the behaviour which one person describes as 'self discipline' is described as 'lack of spontaneity' by another. The study conducted by Hartshorne and May¹⁹ revealed the relative meaning of words like 'cheating'. Frequently, a child would consistently cheat in one kind of situation but not in another. This might suggest that to have learned not to cheat in one situation does not ensure that a person will not cheat in a different situation. Whether a person will cheat does not seem to depend on whether the person adheres to the virtue 'honesty'.

The romantics also fail to offer any solution to a conflict of virtues in a given situation. Suppose a person claims 'happiness' and 'justice' as two of a number of virtues. What is, in a particular situation, the person must make a choice between the two virtues? Romantic ideology offers no solution. It should be added that most dilemmas entail a conflict of several 'virtues'. In fact, that is what frequently creates a dilemma.

Romantics frequently advocate the objective of altering personality.

However, research²⁰ suggests that personality traits are fairly stable. There is little reason to believe that personality trait, like 'passivity', can be changed in the long run. Therefore it is doubtful that the pursuit of 'personality changes' serves as a suitable aim for education. What is more, the objective would be established on psychological grounds without taking into consideration ethical principles. For example, it fails to deal with the question 'what right does one person have to change the personality of another person'?

Cultural transmission adherents do not offer a critical review of the bag of virtues offered by 'culture'. 'Culture' means different things and values to different people and the ideology provides no way of choosing one cultural basis from another. For example, do 'classical philosophers' determine the best cultural values? If so, which classical philosopher? Does one's contemporary culture best determine cultural values? This is further complicated by a pluralistic society.

Cultural transmission attempts to identify long-term and short-term aims for education. The long-term aim of attaining intellectual skills (advocated by 'classical' adherents) has met with some success. This might be due to the fact that the development of these skills overlaps with cognitive development and with general intellectual ability.

The reliability of 'achievement tests' for establishing long-term objectives is less convincing. Such tests do not seem to be very accurate in predicting the success a person might enjoy later in the job-system. The main problem with achievement tests is that they predict success within the school system (elementary, junior high, senior high, college) without justifying the system or determining whether success within the system is desirable. Their predictive function beyond 'schooling' is quite limited.²¹ Moreover, no philosophic basis is offered for the use of achievement tests. Therefore the use of achievement tests to determine aims of education is questionable.

Cognitive developmental ideology offers a procedure for identifying universal values as well as a long-term direction. The invariant sequence of stages represents a movement from a less adequate psychological state

to a more adequate stage of development. The stages are 'universals' because they are not cultural attributes of children in some cultures. Children in all cultures tend to move in the direction of higher stages²² under the stimulation of dissonance. This is the case in both moral and cognitive development. This psychological theory of development is complemented by a philosophical conception of adequate principles' based on forms of thought. Piaget²³ dealt with the epistemological question of what thought structures are more adequate and adaptive for dealing with complexities. Ethical adequacy is dealt with in terms of how higher stages deal with more facets or aspects of ethical problems.²⁴ This makes the cognitive developmental ideology partly empirical (psychological aspect) and partly analytical (the philosophic aspects). Educational objectives require that both aspects be taken into account. Otherwise, educators either commit the 'psychological fallacy' or rely on rationally accepted principles which might be little more than arbitrary doctrine. The joint consideration of facts of psychological development and philosophical principles can make possible the establishment of worthwhile aims for education.

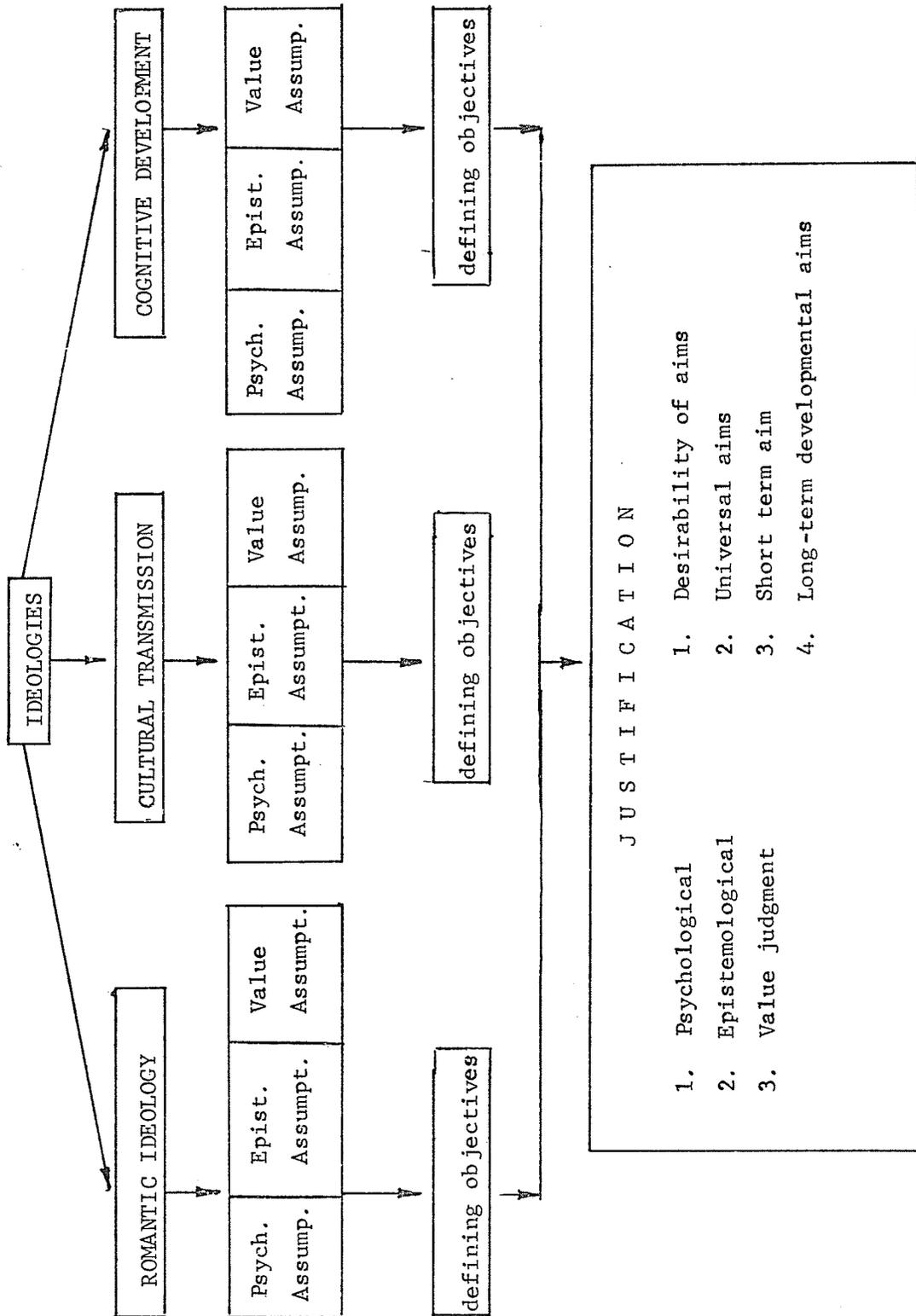
At this point the Model for the development of conceptual framework can be expanded to include two more dimensions:

- a. defining objectives
- b. justification for an ideology or conceptual framework

Analysing the way ideologies establish aims for education helps to clarify the various levels of consistency of these ideologies. It helps to point out in what way an ideology is internally consistent--consistent within the terms of facts and assumptions incorporated in the ideology. It also points out in what way the ideology fails to take into account certain facts and assumptions necessary to justify aims for education. Therefore, justifying how ideologies arrive at aims for education is a valuable component in a model for the development of a conceptual framework for education. The expanded Model is diagrammed in Table 8.

TABLE 8

MODEL FOR THE DEVELOPMENT OF A CONCEPTUAL FRAMEWORK FOR EDUCATION



Not only did the analysis of 'defining objectives' facilitate understanding of the ideologies, but it also revealed the 'justification' offered by each ideology for its aims of education. That is the main function of the Model--to disclose what justification is offered by each ideology for its aims of education. It would seem that the Model²⁵ can help to deal with the key issues related to the establishment of educational objectives. These are:

1. justification for the desirability of aims
2. justification for universal aims
3. justification for short-term aims
4. justification for long-term developmental aims

The fact that the Model deals with the value assumptions implicit in education, makes it an appropriate Model for establishing the basis for moral education. The Model suggests that the establishment of objectives for moral education must be done through psychological facts, epistemological assumptions, and value assumptions because these are the categories necessary to establish aims of education.

FOOTNOTES

- 1 Lawrence Kohlberg and Robert Mayer, "Development as the Aim of Education", Harvard Educational Review, Vol., 42, no. 4, (November 1972), pp. 449-496.
- 2 G. Stanley Hall, "The Ideal school based on child study", The Forum 32, (1901), p. 24. Quoted from Lawrence Kohlberg and Rochelle Mayer, "Development as the Aim of Education", p. 452
- 3 A.S. Neill, Summerhill, A Radical Approach to Child Rearing, (New York:: Hart Publishing Company, 1960).
- 4 John Holt, The Underachieving School, (New York: Pitman, 1969). Everett Reimer, School is Dead, (Middlesex, England: Penguin, 1971). Neil Postman and C. Weingartner, Teaching as a Subversive Activity, (New York: Delacorte, 1971). Paul Goodman, Compulsory Mis-education and the Community of Scholars, (New York: Vintage, 1964). George B. Leonard, Education and Ecstasy, (New York: Delta, 1968).
- 5 Robert Fl Mager, Preparing Objectives for Programmed Instruction, (Palo Alto, California: Fearon Publishing Company, 1962). B.F. Skinner, Walden Two, (New York: MacMillan, 1970).
- 6 John Dewey, Democracy and Education (New York: Free Press, 1966).
- 7 Lawrence Kohlberg and Rochelle Mayer, "Development as the Aim of Education", p. 485.
- 8 Lawrence Kohlberg, "Stages of moral development as a basis for moral education", Moral Education: Interdisciplinary Approaches, ed. by Clive Beck, Brian S. Crittenden and Edmund V. Sullivan, (Toronto: University of Toronto Press, 1971), pp. 3-9.
- 9 Lawrence Kohlberg and Rochelle Mayer, "Development as the Aim of Education" pp. 455 f.
- 10 B.F. Skinner, Walden Two, (Toronto: Macmillan, 1970).
- 11 John Flavell, The Developmental Psychology of Jean Piaget, (Toronto: Van Nostrand, 1968).
- 12 It is recognized that other factors also have an important bearing on specific acts. (e.g. previous experience, personality traits, personal interests).
- 13 Elliot Turiel, "An Experimental Test of the Sequentiality of the Developmental Stages in the Child's Moral Judgment", Journal of Personality and Social Psychology, No. 3 (1966), pp. 611 - 618.

- 14 This is an oversimplification of both positions but it should be mentioned even though this is not the place to deal with it in detail.
- 15 Kurt Baier has elaborated on some of the problems related to trying to justify a value position in a pluralistic society. See Kurt Baier, "Ethical pluralism and moral education", Moral Education: Interdisciplinary Approaches, ed. by Clive H. Beck, Brian S. Crittenden, and Edmund V. Sullivan, pp. 93-112.
- 16 A.S. Neill, Summerhill, p. 4.
- 17 Ibid., p. 297.
- 18 Ibid., p. 4.
- 19 H. Hartshorne and M.A. May, Studies in the nature of character: I Studies in deceit; II Studies in self-control; III Studies in the organization of character, (New York: Macmillan, 1928-30)
- 20 Kohlberg and Mayer make reference to the following reviews in support of the statement that personality traits are fairly stable:
- a. David Ausubel & E. Sullivan, Theory and problems of child development, (New York: Greene & Stratton, 1970).
 - b. Lawrence Kohlberg, "Stage and sequence: The cognitive developmental process to socialization", Handbook of socialization theory and research, ed. by D. Goslin (New York: Rand McNally, 1969).
 - c. Lawrence Kohlberg, K. LaCrosse and D. Ricks, "The Predictability of adult mental health from childhood behaviour", Handbook of child psychopathology, ed. by B. Wolman, (New York: McGraw-Hill, 1971).
- 21 Christopher Jenks, Inequality: A reassessment of the Effect of Family and Schooling in America, (New York, Harper Colophon Books, 1972), Chapter Three.
- 22 Elliot Turiel, "An Experimental Test for the Sequentiality of the Stages in the Child's Moral Judgment"
- 23 John Flavell, The Developmental Psychology of Jean Piaget
- 24 Lawrence Kohlberg, "Stages of moral development as a basis for moral education"
- 25 A note of clarification should be made about adopting a conceptual framework. To adopt a particular conceptual framework does not mean that the framework is considered immutable and complete and that it must be defended forever at all cost of energy and integrity. Frequently, a framework is adopted with considerable reluctance (as is the case in this study) because many questions remain unanswered. Educators have no

choice--they must proceed from a framework, consciously or unconsciously in establishing aims for education. Since the aims of education affect the lives of many people, it is the moral obligation of educators to give careful consideration to the aims they set. Therefore, educators should take time to develop conceptual frameworks even though no framework may be entirely satisfactory.

CHAPTER THREE

The Development of Moral Reasoning

The model for establishing the psychological and philosophical basis for moral education suggests that the cognitive developmental learning paradigm offers an adequate psychological and philosophical basis for education. However, before it is used as a basis for moral education, a closer look at the psychological and philosophical assumptions of cognitive development is required. To do so requires a review of the studies conducted by Jean Piaget on cognitive development, for they serve as the basis for the studies on the development of moral reasoning. Although Piaget explored some of the implications of his findings in cognitive development for the development of moral reasoning, the major studies in the development of moral reasoning were conducted by Lawrence Kohlberg, Elliot Turiel, James Rest, and others.

A. Jean Piaget and Cognitive Development

The studies in genetic epistemology conducted by Jean Piaget have provided considerable insight into how children acquire the ability to 'understand'. Piaget has drawn attention to the development of 'forms of thought' which people use to try to understand the environment with which they interact. He identified four levels or stages of thought:

1. sensorimotor stage
2. pre-operational or representational stage
3. concrete operational stage
4. formal hypothetical deductive reasoning stage

The stages are in a hierarchical order from the least complex to the most complex. Everyone moves through some or all of these stages, at his or her own rate of development, in the order of complexity beginning with the least complex stage. Hence, the stages reflect an invariant sequence of cognitive development. People move from one stage to the next when they experience disequilibrium as they interact with their environment. In other words, a person might be challenged to try a more complex form of thought when he discovers the limitations of his dominant form of thought.

A basic understanding of Piaget's stages of development is

essential for an understanding of the development of moral reasoning because the psychological theory of morality underlying the development of moral reasoning derives largely from Piaget.¹ What follows is a brief account of Piaget's stages of cognitive development.

During the first two years after birth, children develop sensori-motor² or practical intelligence. They are preoccupied with action, and not with ideas. The dominant form of thought from two to seven is intuition. Children form representational images of what they perceive through the senses. But, there are no logical correlations of these representations of perceptions. For example, eight blue discs are lined up with small spaces between them. The child is required to pick up the same number of red discs from a pile and line them up. The four to five year old displays no concern for the spaces between the discs but only for the length of the line. The six year old matches the disc. However, if the blue line is stretched after the child has matched the red line, he says the blue line is longer. This experiment suggests representational action and thought is based entirely on perception. It is clearly a prelogical form of thinking and understanding. The following is another example to demonstrate the pre-logical form of thought. Three balls, A, B, and C, each representing different colours are strung on a wire. The child observes that they enter a tube in the A, B, and C sequence. He anticipates that they will emerge in the same order. However, if the tube is rotated 180° after the balls enter, the child still anticipates the same sequence as the order in which the balls entered. This suggests that the child formed a picture or imitation of reality (the order in which the balls entered the tube) but lacks the logical operation necessary to anticipate a reverse order when the tube is turned 180°. The child demonstrates an elementary intuition of spatial relationships. His forms of thought could be compared to habits--they are irreversible and rigid. (The logical operation required in the experiment above is as awkward for the child as the attempt to reverse the order of writing habit from left to right.) The child can anticipate the consequences of action and perceptions because of the representational images but he cannot form any logical operations.

The emergence of the ability to perform logical operations occurs from seven to twelve. Operations refer to actions whose origins are perceptual, intuitive or motor (muscle movements). There are many operations: logical operations, arithmetic operations, geometric operations, temporal operations, mechanical operations, and physical operations. The following is an example of the logical operation of addition and its reverse, subtraction. The child is given a pile of sticks and is asked to place them in order from shortest to longest. A child at the intuitive stage (two to seven) will do the experiment on the basis of comparing two sticks and placing the shorter of the two first without realizing that there might well be shorter sticks than the two he picked up. The child at age seven plus, does the following operational thinking: A, B, C, D etc. In other words, he finds the smallest stick and places it down first. Then he finds the smallest stick of those that are left and places it down. The child displays an understanding of 'smaller than' and 'larger than' (adding and subtracting). The 'operational reversibility' permits logical operations. It must be observed, though, that the logical operations both have a concrete perceptual base. The logical operations are performed on perceptions, on mental representations of perceptions (intuitions), or on action. The following example also illustrates the central characteristic of the logical thinking of children in this age group. The child is presented with an open box containing two or three white wooden beads and about twenty brown wooden beads. He is asked whether there are more wooden beads or more brown beads in the box. Below the age of seven, most children say there are more brown beads. This indicates that they are unable to compare a part of all the beads with all the beads, but are able to compare only the two parts that make up the whole. However, beyond the age of seven the child shows that he can compare the part with the whole because he recognizes that there must be more wooden beads than brown beads because the whole is greater than any of its parts. This response also reflects the child's ability to understand the two main laws of groupings, namely, composition and reversibility. The child not only assimilates what he perceives but organizes what he perceives by identifying logical relationships. This, Piaget calls concrete operational thought.

During early adolescence children usually become capable of hypothetico-deductive reasoning. For the first time, they develop systems and theories. They acquire principles which can be applied in various situations. They are intrigued by possible solutions to problems. Prior to this age, they will try to recall a parallel situation and its corresponding solution. After the age of eleven or twelve they will conjure up all kinds of possible approaches and solutions including some which have no basis in their own past experiences, perceptions, or intuitions (mental representations of experiences). This makes it possible for adolescents to reason about a simple hypothesis: The following example illustrates the point. E has darker hair than L. E's hair is lighter than T's hair. Which of the three has the darkest hair. Most children before the age of twelve reply as follows: E and L are dark-haired. E and T are light-haired. Therefore L has the darkest hair, T has the lightest hair and E is inbetween. The adolescent recognizes that T must have the darkest hair. If the pre-adolescent could have seen the hair of the three people, he could have answered correctly without any difficulty because then the problem would require a concrete operational solution similar to the problem in the preceding paragraph. However, the child could not see the three people and therefore had to do logical operations on the plane of ideas with the support of perceptions, experience or faith to solve the problem. He could not do it. On the other hand, since the adolescent was able to solve the problem, he showed that he could operate on the plane of ideas or make an 'hypothesis' Through hypothetico-deductive reasoning³ he was able to solve the problem. He was able to draw conclusions from pure hypothesis without the support of actual observations. He did not rely on factual truth to solve the problem but on the use of logical operations in a hypothetical situation. The adolescent was able to work from propositions whereas the child could only apply operations on objects, experiences, or intuitions. In a sense, the adolescent is liberated from the limitations of concrete operational thought--free to think or reflect on theories that go beyond his range of experiences and intuition. This allows for increased differentiated and integrated understanding never before possible. However, it is dependent on concrete operational thought. An understanding of the logic of relations, classes, and numbers is

acquired through concrete operational thought. This understanding in turn is the basis for the logic of propositions of operations. The logic of propositions is entailed in formal thinking and understanding.

Special problems are related to the transitional stage when a person moves from one level of thinking and understanding to another. First, the transition is characterized by inconsistencies and unsettledness. The person is somewhat insecure and awkward in his explorations into new forms of thinking. This appears to be particularly characteristic of adolescents as they explore formal thinking. A secure and adequate base in concrete operational thought appears to make the transition easier. Second, the transition is characterized by a higher than usual degree of egocentricity. This is reflected in the adolescent's emphasis on idealistic solutions to the world's reality. After the adolescent understands the operation and limitation of formal thinking, his 'centering' on metaphysical or ideal solutions of problems is brought in balance with due consideration for reality. In other words, formal thought is used to predict and interpret experience. This is the most differentiated form of equilibrium possible.

In summary, intellectual development for Piaget is "an organization process," and what is organized are active, intellectual operations; their organization into systems with definable structure is the sine qua non for 'good' cognition, i.e. cognition of a greater genetic maturity.⁴

Piaget also established the foundation for recent research in the development of moral reasoning.⁵ By paying careful attention to what children say, probing questions, numerous interviews, and hypothetical stories, Piaget concluded that children pass through stages of development in moral reasoning. The moral domain, for Piaget, refers to the obligations and rights that people assume as they recognize the reciprocal inter-relationships among each other's interests and needs. Piaget identified two basic categories--heteronomy and autonomy. These can be illustrated in people's concept of

'cooperation'. Children's concept of 'cooperation' as it relates to adults is characterized by 'unilateral respect'. Adults' concept of cooperation generally is characterized by mutual respect. The former is an example of a heteronomous person and the latter is an example of an autonomous person. In short, what is most significant about Piaget's observations about the development of moral reasoning, is that the same moral concept frequently means different things to different people. This difference seems to reflect different ways of understanding 'obligations' and 'rights'.

As was pointed out in the introduction to this Chapter, the major research in the development of moral reasoning was conducted some time after Piaget wrote The Moral Judgment of the Child (1932).⁶ A recent thrust in the development of moral reasoning is the work of Lawrence Kohlberg. Others, like Elliot Turiel and James Rest, have identified important facets of the basic conceptual framework developed by Kohlberg. It is to this body of research that attention should be drawn to establish a psychological and philosophical basis for the development of moral reasoning.

B. Lawrence Kohlberg and the development of moral reasoning

1. Psychological theory of development

Lawrence Kohlberg identified an invariant sequence of stages of moral reasoning which parallels the stages of cognitive development identified by Piaget. Through cross-cultural studies and longitudinal studies,⁷ Kohlberg identified six stages of moral reasoning. These are:

I. Preconventional level

1. Punishment and obedience orientation.
2. Instrumental relativist orientation.

II. Conventional Level

3. Interpersonal concordance or 'good boy--nice girl' orientation.
4. Law and order orientation.

III. Post conventional Level

5. Social-contract legalistic orientation.
6. Universal ethical-principle orientation.⁸

At the preconventional level the child operates on the basis of what is considered good and bad, right or wrong as defined by his cultural environment. He identifies them by the punishment or reward consequences of his action. Stage one is strictly a matter of avoiding punishment. Power is considered right. Therefore one must be obedient. No sense of moral values of life is displayed. For example, with respect to the moral worth of human life, when a ten year old boy was asked the question: "Is it better to save the life of one important person or a lot of unimportant people?", he replied:

"All the people that aren't important because one man just has one house, maybe a lot of furniture, but a whole bunch of people have an awful lot of furniture and some of these poor people might have a lot of money and it doesn't look it."⁹

No distinction is drawn between the moral worth of human life and physical and social values.

The main concern at stage two is the satisfaction of one's own needs and sometimes the needs of others. Immediate pragmatic

considerations are normative. For example, with respect to the moral worth of human life, when a thirteen year old boy was asked the question, "Should doctors 'mercy kill' a fatally ill woman requesting death because of the pain?", he replied:

"Maybe it would be good to put her out of her pain, she'd be better off that way. But the husband wouldn't want it, it's not like an animal. If a pet dies you can get along without it--it isn't something you really need. Well, you can get a new wife, but it's not really the same."¹⁰

The reply suggests that the value of a human life is a matter of the way it satisfies the needs of its possessor or of other persons.

At the conventional level, the person displays a concern for group loyalty. The expectations of the group take precedence over immediate consequences. At stage three, good behaviour is that which pleases or helps others and is approved by them. Behaviour is frequently judged by intention. For example, with respect to the moral worth of human life, when a sixteen year old boy was asked the question put to the thirteen year old boy (above), he replied:

"It might be best for her, but her husband--it's a human life--not like an animal, it just doesn't have the same relationship that a human being does to a family. You can become attached to a dog, but nothing like a human you know."¹¹

The boy expressed a concern for a special affective relationship possible among members of a family.

At stage four, at which most people peak, there is an awareness of a social order and concern to maintain it through centres of authority, fixed rules, and doing one's duty. For example, another sixteen year old boy replied to the above question as follows:

"I don't know. In one way it's murder, it is not a right or privilege of man to decide who shall live and who shall die. God put life into everybody on earth and you are taking away something from that person that came directly from God, and you're destroying something that is very sacred, it's in a way part of God and it's almost destroying a part

of God when you kill a person. There's something of God in everyone."¹²

The value of life is determined by sacred order of rights and duties with which nobody has a right to tamper. This order serves the group.

The post-conventional autonomous or principled level of moral judgment is made independently of authority and the individual's immediate interests. At stage five, the social-contract legalistic orientation, modifies the legal point of view by taking into account social utility. There is a clear awareness of the relativism of personal values and corresponding emphasis on procedural rules for reaching a consensus. It is recognized that certain aspects belong to the rule of law. The United States constitution and government is a good example of stage five. A young man, age twenty, when asked the same question as above, replied as follows:

"Given the ethics of the doctor who has taken on responsibility to save human life--from that point of view, he probably shouldn't, but there is another side; there are more and more people in the medical profession who are thinking it is a hardship on everyone, the person, the family, when you know they are going to die. When a person is kept alive by artificial lung or kidney it's more like being a vegetable than being a human who is alive. If it's her choice I think there are certain rights and privileges that go along with being a human being. I am a human being and have certain desires for life and I think everybody else does too and in that sense we're all equal."¹³

Life is valued, by this man, both in terms of its relation to the community welfare and in terms of being a universal human right.

Stage six, the universal ethical-principle orientation reflects the truly autonomous person who acts on the basis of self-chosen ethical principles grounded in logical consistency and universality. They are abstract (e.g. The Golden Rule) and not concrete (e.g. The Ten Commandments). For example, when a young man, age twenty-four, was asked "Should the husband steal the drug to save his wife? How about for someone he just knows?", he replied:

"Yes, a human life takes precedence over any other moral or legal value, whoever it is. A human life has inherent value whether or not it is valued by a particular individual."

("Why is that?")

"The inherent worth of the individual human being is the central value in a set of values where the principles of justice and love are normative for all human relationships."¹⁴

This man has expressed a belief in the sacredness of human life as representing a universal human value of respect for the individual.

It is apparent from Kohlberg's description of the stages that specific motivations for moral action characterize each stage. At stage one, action is motivated by the avoidance of punishment, and "conscience" is irrational fear of punishment. At stage two, action is motivated by a desire for reward or benefit. In other words, under certain beneficial circumstances, fear of punishment might be overruled. At stage three, action is motivated by consideration for approval of others, actual or imagined. At stage four, action is motivated by anticipating dishonour or group censure for failure to do one's duty. At stage five, action is motivated by a concern for maintaining the respect of equals and of the community. At stage six, action is motivated by a concern about self-condemnation for violating one's own principles.

Not only did Kohlberg identify six stages of moral development, but he also observed that these stages appeared in the same sequence in all cultures included in the experiments. People seldom responded to a moral issue at a level below their individual dominant stage. If a person changed his stage he would move to a higher stage. In all cultures involved in the experiment, most people never reached stage six. Different cultures peaked at different stages. For example, most of the middle-class urban boys in the United States reached level four and five by the time they were sixteen whereas most Mexican boys at the same age

reached level three and four.

Kohlberg summarized the psychological theory underlying cognitive development and, therefore, also the development of moral reasoning, as follows:

1. The terms "cognition", "thought", or "intelligence", basically refer to adaptive actions upon objects or internalization of such action. Mature or adequate cognition is identified by an equilibrium or reciprocity between action and object. Cognition is defined as function (as modes of action) rather than as content (as sets of words, "verbal responses", associations, memories, etc.), or as a faculty or ability (a power of producing words, memories, etc.). The encouragement of cognitive development, there is the provision of opportunities for activities of an organized or equilibrated form.
2. Cognition proceeds from stages of structural reorganization. While cognitive functions are present from birth, cognitive structures are radically different from one stage to the next.
3. The implication of structural reorganization in development is that the source of cognitive structure and of cognitive development is to be found neither in the structure and maturation of the organism nor in the teaching structures of the environment, but in the structure of the interaction between organism and environment.
4. The optimal conditions for such structural reorganization entail some optimal balance of discrepancy and match between the behaviour structures of the child and the structure of his psychological environment.
5. From birth, there are inherent motives for cognitive activities, but these motives too, undergo structural change in development.
6. Both the "cognitive" and the "affective" are functions, not psychic contents or structures. Cognitive and affective development are parallel aspects of the structural transformation undergone in development.¹⁵

Several concepts in the above summary require further clarification. One of the key concepts is 'structural reorganization'. Kohlberg defines structure as "the general characteristics of

shape, pattern, or organization of response rather than the rate or intensity of response or its pairing with particular stimuli".¹⁶ All mental structures have a cognitive component; hence the reference to 'cognitive structures'. Cognition means putting things together or relating events. Cognitive structures are 'rules for processing information or for connecting experienced events.' It is considered an 'active connecting process and not a passive connecting of events through external association and repetition.' The process of relating events depends upon "general categories which represent the modes of relating common to any experienced events, for example, causality, substantiality, space, time, quantity, and logic."¹⁷ Basic neutral structures are the result of an "interaction between certain organismic structuring tendencies and the structure of the outside world".¹⁸

Cognitive structures lead to the core of the cognitive development theory—cognitive stages. Kohlberg offers the following general characteristics of stages:

1. Stages imply distinct or qualitative differences in children's [all people's] modes of thinking or of solving the same problem at different ages.
2. These different modes of thought form an invariant sequence, order, or succession in individual development. While cultural factors may speed up, slow down, or stop development, they do not change its sequence.
3. Each of these different and sequential modes of thought forms a "structural whole". A given stage-response on a task does not just represent a specific response determined by knowledge and familiarity with that task or tasks similar to it; rather it represents an underlying thought-organization . . .
4. Cognitive stages are hierarchical integrations. Stages form an order of increasingly differentiated and integrated structures to fulfil a common function.¹⁹

In summary, an interactional conception of 'stages' assumes that "experience is necessary for the stages to take the shape they do as well as assuming that generally more--or richer stimulation will lead to faster advances through the series involved."²⁰

Each stage (except stage 6 according to Kohlberg) is characterized by certain limitations. For example, stage two offers no basis for building social structures for cooperation. Stage three provides no way of understanding conflicts of loyalties. Stage four provides no critique of existing social structures or for choosing new laws. In short, higher stages of moral reasoning provide people with more strategies with which to clarify and resolve moral issues.²¹

Central to the cognitive stages outlined by Kohlberg is the following question: 'How do people move from one stage to the next?'. This question centres on the issue of interaction which is the source of the 'developing structures' that characterize the various stages.²² The biological characteristics of the learner combine with experience in forming structures. The way in which the organism deals with reality is in part determined by the biological principles of organization, adaptation, (assimilation and accommodation) and equilibration. Turiel explains 'restructuring' (movement from one stage to the next) as follows:

The existing structure influences how the environment is experienced and it is an interaction of that structure and new experience that leads to a re-organization of structure. . . . The child's [or person at any age] structure has been acquired in the developmental process and has been determined by an interaction of organismic tendencies and his previous experiences. The interaction must be conceived as multiple since, in a sense, new experiences are interacting with previous experiences, as these are represented in the existing structure.²³

Several conditions must prevail if interaction between the learner and the environment is to result in cognitive development. First, interaction between the learner and the environment requires a 'match' similar to what David Hunt describes in "Matching models and moral training".²⁴ David Rappaport describes the match as an interaction between the 'ego' and his 'id' and the 'environment'. The 'ego structure and organization' parallels Kohlberg's stages of development. Rappaport maintains that interaction can stimulate 'ego structure and organization'

changes to allow for increased relative autonomy or what Kohlberg would refer to as higher stages of moral reasoning.

Elliot Turiel used Hunt's matching model to determine which interaction solicited the most eager response and consequently resulted in developmental changes. He conducted the following study.

He classified a group of seventh-grade boys according to their dominant moral stage. He assigned each to one of four treatment conditions--one above, one below and two above their dominant stage, or to a control group. Then they were exposed to role playing and discussion at the different levels. They were retested after one week to determine their post-treatment stage of moral development to establish what, if any, change had occurred. The results of the experiment and others²⁵ showed that exposure to stimulation one stage above the child's present stage produced the greatest change. For example, a student whose dominant stage was stage two, responded most eagerly to hypothetical situations that required level three kind of differentiation. Secondly, the research indicated that people do not respond to stimulation two stages above their dominant stage. Thirdly, although no change was observed in using the stage which is one below the dominant stage, it was being used. In other words, people operate at at least three stages.

To comprehend the next stage up requires considerable usage of that structure of thought. For example, children whose parents are at the principled level reach higher stages faster than those whose parents are at lower stages of development.²⁶ In other words, a child must be involved in situations which require higher levels of moral reasoning in order to develop to higher stages. Social participation (role-taking) is a necessary environment for moral development because it involves a continual process of matching a moral view to one's experience of life in a social world. Experiences of conflict in this process generates movement from structural stage to structural stage.

An understanding of the 'laws of transition' from one stage to the next is important for creating a 'match'. Central to this issue is Piaget's concept of 'disequilibrium'. It should be recalled that people deal with their environments using the cognitive structures available to them. Cognitive structural change may occur through a person's inability to assimilate (or accommodate) events completely with their existing structures. If the required operations for assimilation are developmentally close enough to a person's cognitive structure, then the disequilibrium created by the event may motivate attempts to achieve a new equilibrium which makes possible a more complete assimilation of the new experience. Turiel reports that two main factors characterize the equilibration process: the organizational and the energetic. The energetic factor refers to "the affective experience of disequilibrium that must exist if the equilibrium process is to take place."²⁸ The organizational factor refers to (a) the environmental conditions that facilitate mental actions necessary for the attainment of a more progressive cognitive organization, and (b) the effects of different symbolic media on cognitive reorganization.²⁹

Turiel summarizes the process of disequilibrium and stage movement as follows:

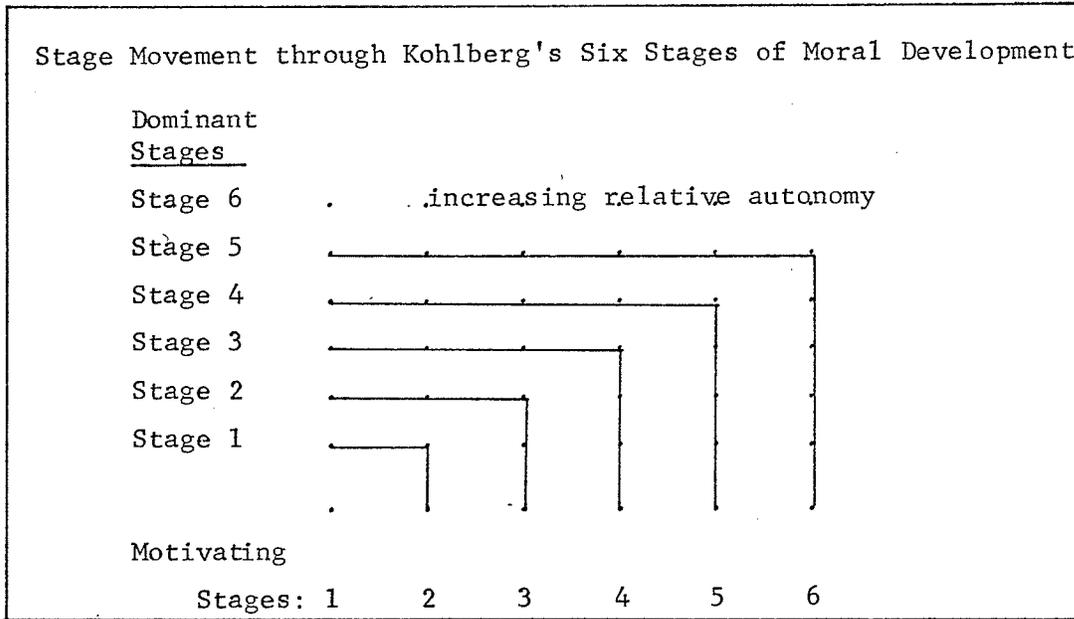
. . . change occurs when perceived conceptual contradictions energize attempts to restructure by exploring the organizational properties of the higher mode of thought."³⁰

Another factor that facilitates stage movement is the ability to operate at several stages.³¹ Children who have fixated at one stage experience very little cognitive conflict and therefore such children experience very few contradictions in the external environment. However, children who do operate at several levels can be induced to experience disequilibrium through structural contradictions at one stage above their dominant stages. In other words, "stage mixture serves to facilitate the perception of contradictions, making the individual

more susceptible to disequilibrium and consequently more likely to progress developmentally."³²

In conclusion, Table 9 illustrates stage movement at each of Kohlberg's six stages as well as the main motivating factor for making the move.

TABLE 9



2. Philosophical assumptions of the development of moral reasoning

Psychological evidence concerning the culturally universal stages of moral reasoning does not provide a sufficient basis for determining whether educators ought to encourage the development of moral reasoning. This is so for several reasons. First, it must be established that stage six is a higher stage, not only psychologically which has been pointed out, but also philosophically. To move from the 'is' of natural development to an 'ought' of moral education is a value issue. Moral judgments cannot be reduced to non-moral criteria. If rules, regulations, or laws of natural development control a person's action, he does not have the choice of being moral. However, moral judgments entail choice. For these reasons it is essential to establish philosophically whether stage six moral reasoning produces more adequate moral judgments. In other words, the psychological

evidence suggests that stage six moral reasoning does produce more adequate moral judgments. The question is: is it also more adequate in a philosophical sense (i.e. in terms of the structure of the argument)? If the moral philosophic criteria of stage six are also more adequate, than the previous stages, then it can be argued that educators ought to encourage the development of moral reasoning.

Kohlberg argues that the formalistic tradition in philosophic ethics (from Kant to Rawls) provides a philosophic basis for cognitive development. He claims it is naturally allied with the psychological theory of stage development. Briefly his argument is as follows. Psychological research points out that the logical structures of higher stages is characterized by increased differentiation and integration. For example, higher forms of thought are capable of coordinating an increased number of points of view. Formalistic philosophy introduces principles of 'justice' or 'fairness' which can be applied to resolve all conflicting claims in a dispute. A resolution would entail 'giving' each his due according to some principle of justice that can be recognized as fair by all the conflicting parties involved.³³ Kohlberg claims that this is done most adequately at stage six. Thus he identified an isomorphism between the moral philosophic criteria of adequacy or moral judgment and the psychological theory of cognitive development. In short, Kohlberg claims that "the philosopher's justification of a higher stage of moral reasoning maps into the psychologists' explanation of movement to a higher stage, and vice versa".³⁴

Kohlberg's justification for claiming that stage six moral reasoning produces the most morally adequate judgment is based on natural structures which he calls 'stages'. They are natural in the sense that they are the result of processing moral experience. Moral theory is a "constructive systematization of these natural structures".³⁵ What are the formalistic properties of the highest decision-making structure (Stage 6) that make it philosophically the most adequate?

First, the criteria of differentiation and integration will be dealt with. It has been pointed out earlier that these two criteria reflect the explanatory power of the psychological development of 'thinking'. Philosophically, they are necessary in rational justification and choice. This can be illustrated through an analysis of the usage of the universal moral categories³⁶ "rights" and "duties" from stages one to six:

Stage 1. Having a Right: Means having the power or authority to control something or someone, or it is confused with being right (in accordance with authority).

Obligation: or "should" is what one "has to do" because of the demands of external authorities, rules or the external situation.

Stage 2. Having a Right: implies freedom of the self to choose and to control the self and its possessions. One has a right to ignore the positive claim or welfare of another as long as one does not directly violate his freedom, or injure him. (Having a right differentiated from being right, and from being given the power to, by a status one holds.)

Obligation: Obligation of "should" is a hypothetical imperative contingent on choice in terms of an end. In this sense, obligations are limited to oneself and one's ends. ("Should" or obligation differentiated from "has to", from external or authoritative compulsion).

Stage 3. Having a Right: implies an exception of control and freedom which a "good" or natural person would claim. A right is based either on a rule or on a legitimate expectation towards others, e.g. you have a right to have your property respected since you worked hard to acquire the property. Rights are earned. (Having a right differentiated from the freedom to control and choose.)

Obligation: Should or "duty" equals a role-obligation, what it is incumbent on a member of a social position to do for his role-partner as defined by rules, by the expectation of the role-partner, or by what a good role-incumbant (a good husband, a good doctor) would do. (Obligation differentiated from being a means to a desired end.)

Stage 4. Having a Right. Rights are: (a) categorical general freedoms and expectations which all members of society have, and (b) rights awarded to particular roles by society. General rights usually take primacy over role-rights. (Having a right differentiated from a particular legitimate expectation.)

Obligation: Obligations are responsibilities,

i.e. welfare states of others or of society for which one is accountable. These responsibilities arise through: (a) being a member of society, and (b) voluntarily entering into roles which entail these responsibilities. (obligations or duty as commitment and responsibility differentiated from what is typically expected of a role-occupant.)

Stage 5. Having a Right. Has an awareness of human or natural rights or liberties which are prior to society and which society is to protect. It is usually thought by stage five that freedoms should be limited by society and law only when they are incompatible with the like freedoms of others. (Natural rights differentiated from societally awarded rights.)

Obligations: Obligations are what one has contracted to fulfil in order to have one's own rights respected and protected. These obligations are defined in terms of a rational concern for welfare of others. (Obligations as required rational concern for welfare differentiated from fixed responsibilities.)

Stage 6. Having a Right: There are universal rights of just treatment which go beyond liberties and which represent universalizable claims of one individual upon another.

Obligations: Any right or just claim by an individual gives use to a corresponding duty to another individual.³⁷

The usage of the concepts 'rights' and 'duties' indicate that each higher stage is more differentiated and integrated than the prior stage. Only at stage six are 'rights' and 'duties' completely correlative. The lack of correlativity, even at stage five, is illustrated in the following example:

"Morality to me means recognizing the rights of others first to life and then to do as they please as long ³⁸ as it doesn't interfere with somebody else's rights."

The correlative to 'right' in society is clearly present in the statement--for every right, society has some duty to protect that right. However, there is not correlativity between individual rights and duties in the absence of a contract. Recognition of individual rights does not directly generate individual duties. In the Heinz dilemma, people at stage five recognize the woman's right to live, but they do not believe that it generates the

obligation to steal to save her life: 'Stealing' in this situation would not be 'wrong' but it would go 'beyond the call of duty' and be regarded as a deed of supererogation. In contrast, people at stage six consider it the husband's duty to steal the drug so that his wife can realize her right, namely, the right to live.

To make 'rights' and 'duties' correlative requires the judgment of an autonomous rational moral agent. He is 'fair', but he is not a 'saint'. He does only what he is rationally prepared to demand that others do as a duty. This account of moral judgments poses a further question:

[What does it mean] for a "rationally moral agent" to choose between conflicting duties since he cannot be an omnipotent saint?"³⁹

The question is only partially resolved by the second group of categories that characterize stage six as being philosophically more adequate. These are 'universalizability' and 'reversibility'.⁴⁰ Again, Kohlberg adopted the formalists' (Kant, Rawls, etc.) argument that rational moral judgments must be reversible, consistent, and universalizable, and that this implies the prescriptivity⁴¹ of such judgments.

'Reversibility' is a central concept in developmental theory. Piaget considers it to be the keystone of logic. For example, one can move back and forth between the premises and conclusions in a syllogistic argument. The same applies to mathematical logic. Similarly 'reversibility' is central to moral thought. To say that 'rights' and 'duties' are correlative is to say that one can move back and forth between them without distortion. In fact, 'universalizability' is "fully attained by the 'reversibility' of prescriptions of actions".⁴² In other words, 'fairness' is attained through 'reversibility' in the sense that a moral decision requires that all interested parties agree as they consider their own claims impartially. Each party to the agreement arrives at the same decision as each person puts himself in the shoes of the other.

Universalizability raises the question, "What if everyone did it?" or "What if everyone made this decision?" The answer to this question is implied in reversibility. If something seems right from the conflicting points of view of all those involved in the situation, it would appear to be the right thing to do for everyone in that situation.

Not only does reversibility imply 'universalizability', it also implies 'reciprocity'--a conception held at every stage. At stage one, the conception of reciprocity is mechanical equivalence--'an eye for an eye and a tooth for a tooth'. At stage two, reciprocity is reflected through an awareness of 'fairness' as positive (or negative) exchange of gratification--'if you contribute to my needs and interests, it's fair for me to contribute to yours.' At stage five, reciprocity means reciprocity of contractual rights. At stage six, reversibility is attained through "ideal role-taking"⁴³ which, according to Kohlberg involves the following steps:

1. To imagine oneself in each person's position in that situation (including the self) and to consider all the claims he could make (or which the self could make in his position).
2. Then to imagine that the individual does not know which person he is in the situation [Rawl's 'veil of ignorance' as to one's identity⁴⁴] and to ask whether he would still uphold the claim.
3. Then to act in accordance with these reversible claims in the situation.⁴⁵

This stage six approach to moral dilemmas links in with the 'natural stage development'. In a study by A. Erdynast,⁴⁶ only respondents at stage five could change to the stage six approach to moral development.

This summary of the philosophic assumptions underlying the development of moral reasoning, would suggest that the moral theory explicated by Kohlberg parallels his psychological theory of natural stage development.

C. Key issues concerning the development of moral reasoning which require further research

The main difficulty with Kohlberg's theory arises from the stage six moral principled reasoning. Eventually, the parameters for stages one to five were established by psychological evidence. The 'natural' stages one to five seemed to accommodate all moral experience except individually principled moral decisions. Kohlberg created a stage six to accommodate these decisions. That stage six reflects a new decision-making process is evident in the following arguments:

Philosopher I: (stage five)

What Heinz did was not wrong. The distribution of scarce drugs should be regulated by principles of fairness. In the absence of such regulations, the druggist was within his legal rights, but in the circumstances he has no moral complaint. He was within his moral rights, however, unless it was within his society a strongly disapproved thing to do. While what Heinz did was not wrong, it was not his duty to do it. In this case it was not wrong for Heinz to steal the drug, but it goes beyond the call of duty; it was a deed of superogation.

Philosopher II: (stage six)

Question: If the husband does not feel very close or affectionate to his wife, should he steal the drug?

Answer: Yes. The value of her life is independent of any personal ties. The value of human life is based on the fact that it offers the only possible source of a categorical moral "ought" to a rational being acting in the role of a moral agent.

Question: Suppose it were a friend or an acquaintance?

Answer: Yes, the value of human life remains the same.⁴⁷

The structure of the stage five argument is based on social contract, whereas that of stage six is based on principled moral reasoning. The duties and rights are viewed in the context of the principle, 'primacy of life over property'. The stage six philosopher insists that this should always be the case in every situation and therefore he reflects a new decision-making process which is not characteristic of stage five moral decisions. In-so-far as stage five moral judgments are not based on moral principled decision-making, they are less adequate than stage six moral judgments because a stage five philosopher has no way of establishing the 'morality'

of a particular social contract. To establish the morality of a contract would require determining the priority of principles underlying one contract as opposed to another. Stage six is supposed to enable a philosopher (or any other person) to establish a priority of principles in a given situation.

The difficulty with Kohlberg's stage six lies not with moral principled decision-making, but with how he claims this is accomplished. He identified what he regarded as the fundamental moral principle which he called a categorical imperative (following Kant, R.M. Hare, and Rawls).⁴⁸ He claimed that, by stage six, 'authority' and 'utility' are replaced by the principle of 'justice'. The principle of 'justice' is regarded as the universal absolute principle since it is compatible with the logical properties of ethical terms, namely, 'prescriptivity' and 'universalization'. 'Justice,' therefore, is a mode or rule of choosing which is desirable for all people in all situations. It is not a particular rule determining action. 'Justice' is the principle used for sorting out conflicting welfare alternatives.

The difficulty with positing one universal principle (i.e. 'justice') is as follows. First, it is a shift from the structure of a moral judgment to 'content'. Kohlberg has not explained in his psychological theory why 'justice' ought to be the moral substance of stage six. Nor has he established it as a universal principle over against all other principles that are sometimes brought to bear on a moral issue. The only solution offered by Kohlberg to a conflict of principles at stage six is to assume that the principle of 'justice' overrides all other principles. But, it is not clear that this necessarily always follows from the morally relevant elements that characterize stage six judgments (i.e. human interests and human rights). This criticism is not to suggest that moral principled decision-making is structurally not superior to stage five social contract, or that the principle of 'justice' is unimportant. What is not clear is how it can be established that the principle of 'justice' will override all other principles in all situations. There are, conceivably, situations where 'justice' is not the overriding principle. Kohlberg's stage six could not cover such situations. He would then

be compelled to postulate more stages.

A second difficulty with Kohlberg's stage six lies in the fact that his moral philosophy theory as well as his psychological theory rest on psychological evidence. In other words, he has attempted to derive an 'ought' from an 'is' by asserting that any conception of what moral judgment ought to be must rest on an adequate conception of what 'is'. In a strictly logical sense, he has committed the 'naturalistic fallacy', which, incidentally, he does not deny.⁴⁹

In other words, he has attempted to derive an imperative conclusion from indicative premises. He claims that in this instance he may do it because he has identified very close isomorphism between the psychological theory and the philosophical theory underlying stage six. It is admittedly tempting to follow Kohlberg's stage developmental theory given the psychological evidence in its support. Moral principled decision-making would intuitively appear to be the highest possible level of moral decision-making. Nevertheless, it is important to keep in mind that the isomorphism in Kohlberg's theory between psychological and philosophical assumptions entails a naturalistic fallacy. It would appear uncertain, at this stage, whether he has effectively overcome this problem.

The main issues raised above concerning the developmental theory do not exhaust the issues that require further research. James Rest, in an article on "The Cognitive Developmental Approach to Morality: the State of the Art",⁵⁰ emphasized that the research to date really only provides leads and suggestions as to what might be a developmental approach to 'morality'. What is required is further research to clarify and provide more empirical evidence to support the suggestions. He maintains that there are several key questions which require extensive further research. These are:

1. "What kind of variable is moral judgment? How can one put much confidence in what people say when there often seems to be such a discrepancy with what they do?"⁵¹

First, 'moral judgment' involves sampling the subject's problem-solving capacity by observing a person at problem solving. A careful

note is made of how the person goes about taking 'relevant' factors into consideration in constructing a solution. It is an emphasis on how a person thinks through moral problems--not how kindly or self-denying he feels towards others. It must be distinguished from moral knowledge (ke.g. knowing the Ten Commandments) and moral opinions (e.g. opinion about the non-medical use of drugs). Secondly, to date very little has been done on the correlation between resolving moral issues in hypothetical dilemmas as compared to real life situations experienced by the person making the judgment. Third, although moral judgment might well be central to moral development, are the two really synonymous? This question will be expanded later in the concern raised about the emotive component in solving problems involving moral judgments.

2. How is one stage 'better' than another? By what criteria are higher stages said to be more advanced than lower stages?⁵²

Generally, the research to date suggests that 'better' refers to the ability to consider more 'aspects of morality' and the ability to use more complex forms of thought. Higher stages are dependent on lower stages and on an elaboration of the thought processes reflected in lower stages. What must still be demonstrated, is a clear distinction among the characteristics of each stage. Kohlberg's scoring manual⁵³ has made a beginning in this area. Further work is required to show how all these characteristics logically fit together, and to elaborate on the empirical basis for the characteristics.

3. "How can a theorist claim to have identified stages of moral thinking which are unbiased or not slanted towards his own values? Couldn't another theorist just as easily invent his own set of stages, and call his own thinking the culmination of development? Is Kohlberg's typology sexist, ethnocentric, anti-clerical, too individualistic--in short, is it arbitrary?"⁵⁴

One possible bias is the strongly individualistic orientation of stage six. Why not equate stage six with a societal orientation? Similarly, the philosophical and psychological criteria for establishing the stage characteristics of other stages also require further research.

4. "How can one know whether stages of moral judgments even exist? How useful is it to study moral judgment development in terms of stages?"⁵⁵

Research is required into the simple stage theory to point out the many qualifications and complexities that characterize stage development. A person's thinking is not nearly as uniform (one stage level) as the theory might suggest. Changes in making moral judgments occur gradually and not uniformly with regard to all aspects of morality. Developmental changes are not synonymous with the ability to develop logically consistent arguments:

To date there is little evidence that people are generally aware of the six stages identified by Kohlberg. If people are indeed aware of such distinctions, that might add credibility to Kohlberg's stages. Further study is required to find out how desirable, recurrent, and prevalent Kohlberg's conceptual constructs really are. This in turn might help to refine the conceptual model itself.

5. "Is morality really as cerebral and intellectual as the cognitive developmental approach suggests? What is the relation between moral cognitions and affect?"⁵⁷

Rest divides this question into two parts: a) "What motivates movements from stage to stage of moral judgment?"⁵⁸ b) "Even if people have the same conceptual understanding about a situation, can't they differ in how intensely they feel about it?"⁵⁹ First a distinction, recognized in Kohlberg's model, must be pointed out-- a) feelings concerning social issues and, b) the conceptual framework with which those feelings are interpreted or understood. They are regarded as two aspects of the same psychological system (person). Related issues which require further attention are: Do people exercise only one cognitive framework when confronted with social issues or do they have alternative ways of dealing with it? Do some people not simply react to stimuli to which they have been conditioned and which have no relation to a person's conceptual framework for making moral judgments? What is the connection between a person's ability to make moral judgments and his moral values? What aspect of a person is not monitored by Kohlberg's stage development model? (past experience, ideologies, etc.?) In other words, how does a person's 'stage'

interact with his cultural or personal values?

6. "How is moral judgment related to actual, real life behaviour?"⁶⁰

Studies to date suggest a moderate degree of correlation between moral judgment and behaviour. Types of behaviour that have been studied are: cheating on a quiz, confessing to a misdeed, touching a forbidden toy, participating in political protest, etc. 'Behaviour' also refers to making judgments about the rightness of other peoples' acts--a lawyer defending his client, a politician justifying new legislation, voters casting ballots on a money by-law, people at a party discussing a political scandal. Would a person reflect the same stage of moral judgment at a party as he would on a hypothetical moral dilemma? Do people reflect their dominant stage of making moral judgments when they are actually involved in considering the welfare of other people, possibly at their own expense? Some people like Socrates or Martin Luther King seem to suggest a correlation. What about most people? How significant are situational pressures? Are 'values' other than 'moral values' centre stage in real life situations? What if most people do not live a reflective life? Does that reduce the significance of making moral judgments in some people's lives?

Brian Crittenden has raised another central question which is only partly dealt with in Rest's list of concerns. The following question outlines his central concern about Kohlberg's concept of moral reasoning and its relationship to 'morality':

"Is the nature of decision-making in morality such that we can distinguish the characteristics of moral reasoning quite independently of moral beliefs."⁶¹

Crittenden suspects that developmental psychology is attempting to separate moral reasoning from substantive moral beliefs--separation of form and content. If this in fact is attempted, then it would follow that developmental psychology is trying to resolve moral issues by dealing only with the 'form' and not with the 'content' of moral issues. It should be pointed out that Kohlberg consciously attempted to come to grips with both, 'form' and 'content', by dealing with the psychological and philosophical aspect of moral development That

does not totally resolve Crittenden's concern. Rest's list of questions reflect a concern for many psychological and philosophical dimensions of 'moral development' and in that sense Rest's questions support Crittenden's concerns.

Finally, Peter Glassen raises a question which has not been raised quite in that form by either Rest or Crittenden. He asks:

"Are there unresolvable moral disputes?"⁶²

Is it possible that cognitive development accounts for the resolution of some disputes but not all? For example, it is important to consider whether cognitive development takes into account the subjective aspect of moral assertions. In fact, many people argue that moral judgments are a matter of expressing personal attitudes of approval and disapproval. They argue that the difference of attitude is not always a matter of adhering to different beliefs or having different knowledge about the issue. If that is the case, then the cognitive developmental paradigm does not seem to cover all moral disputes.

Peter Glassen approaches this problem by analysing the bases or assumptions and assertions underlying all moral disputes. He points out that a statement of approval has a 'subjective' and an 'objective' basis. For example, the statement "He approves of the war because he believes that wars bring out the noblest qualities of man" asserts a fact or characteristic as an objective basis for approval. The basis for approval is in the object of the person's approval. Of course, the person could be in error about what he believes about war and therefore it is important to note that the characteristic is attributed to the object. If further evidence challenges the person's belief about the characteristics of war, then a person, whose attitudes were based on his beliefs, would no doubt change his attitude. A change in the objective basis would have changed the person's attitude.

However, it is quite possible for two people to have the same beliefs about an object and yet one of the two may approve of it and the other may not approve of it. This suggests to Glassen that there must be more than just an objective basis for an attitude of approval or disapproval. In the statement, 'He approves of the new civic

auditorium because he is a great lover of music and drama', the expressed approval does not have a basis in any characteristics of the object but rather in certain characteristics in the subject. A subjective basis was offered for the approval.

Therefore, Glassen argues that attitudes of approval or disapproval have a subjective and an objective basis. He does not claim to be able to prove this assertion, but he offers the following support for it. He claims that it would be unlikely that, if a person were totally indifferent to man's noble qualities, that his belief 'that wars bring out these qualities' would lead him to approve of wars. Hence, there seems to be an implicit subjective basis alongside the stated objective basis for approval. If a person did not consider that increased music resulted in some benefit to someone, it is doubtful that a person would approve of the construction of a new civic auditorium just because he is a great lover of music. The benefit of music serves as an implicit objective basis alongside of the expressed subjective basis for the statement of approval. In summary, an attitude of approval or disapproval is the result of two factors:

1. a person's knowledge or belief about the characteristics of an object and
2. a person's personal reaction to the object.

Disagreement between two people can be the result of either or both conditions. Two parties hold the same attitude because the subjective factors determining their attitude are the same and they hold the same beliefs. Two parties might express different attitudes because the subjective factors determining their attitudes are not the same but they hold the same beliefs; or their beliefs are the same but the subjective factors determining their attitude are not the same, or both the subjective factors and beliefs are not the same. All this might confirm the emotivist theory that there are unresolvable moral disputes.

Glassen challenges this conclusion by analyzing the nature of the subjective basis,⁶³ as compared to the objective basis. The objective basis consists of knowledge and/or perception of the qualities of an object. These are cognitive conditions for approval. The subjective basis consists of feeling or emotion or sentiment; wanting, desiring, liking; or a trait of personality (these are reducible to feeling

or desiring). These appear to be emotional or motivational conditions or affective conditions. Glassen refers to them as 'emotive-motivational' or 'affective-conative' conditions of a person.

How does this analysis help to understand moral disputes? First, it should be observed that whereas moral judgments are expressions of approval or disapproval, so are other sorts of evaluative judgments--aesthetic judgments; prudential judgments, etc. Since the basis for approval is the product of two factors--objective and subjective conditions--the difference in judgment must reside in both or either factor. Glassen points out that there frequently is a difference in the objective condition in different judgments like moral judgment and aesthetic judgment, but there are occasions when there seems to be no objective difference. In the case of moral approval and prudential approval, the objective bases are often indistinguishable. Two people might both hold the same beliefs about, for example, keeping promises, and yet one person might approve of it morally and the other person on prudential grounds. This would suggest that the difference in the judgments is located in the subjective basis for the judgments.⁶⁴ Glassen provides further support for this observation by pointing out that in ordinary language people do not accept just any sort of affective-conative condition as a subjective basis for moral approval or disapproval. Only a certain kind of affective-conative condition is accepted. For example, suppose someone, John, says of another, David, 'He is a wicked man'. Suppose, also, that it is known that David has recently defeated John in a fair competition, say, chess. In such an instance, John's comment is not treated as a moral judgment because it is suspected that the comment was prompted by frustrated ambition, disappointment, or something of the sort. Glassen summarizes this point as follows:

. . . in general, any attitude of approval or disapproval that is believed to have as its subjective basis some selfish desire, or fear, or hatred, or any one of various other affective-conative conditions, will not be regarded as being an attitude of moral approval or disapproval; nor will a moral judgment be regarded as the appropriate expression of that approval or disapproval,⁶⁵

Glassen identifies three attitudes which support the above conclusion. These are: 'hypocrisy', 'rationalization', and 'cynicism'.

Hypocrisy is defined as "the practice of deceiving others by leading them to believe, among other things, that one approves or disapproves of something morally when in fact one either has no attitude of approval or disapproval at all, or when the basis of one's attitude is some selfish desire, fear, hatred, etc., rather than the particular affective-conative condition of which alone the moral judgment would be the appropriate expression."⁶⁶ Rationalization is defined as "The practice of deceiving oneself by, among other things, persuading oneself that one's approvals and disapprovals are moral, whereas in fact their subjective basis is something quite other than what would entitle them to be so considered."⁶⁷ Cynicism is defined as "the tendency to suspect others of being guilty of either hypocrisy or rationalization."⁶⁸

Glassen concludes that for an attitude of approval or disapproval to be a moral attitude, it must have a special sort of affective-conative or subjective basis. In short, evaluative judgments reflect different subjective bases for approval and disapproval. All moral disputes, says Glassen, reflect a special kind of subjective basis. He does not spell out what that special kind of basis might be, although he indicates that he has a preference for 'benevolence', 'fellow-feeling', 'sympathy', or 'the sentiment of humanity'.⁶⁹

Since all moral disputes have the same subjective basis, all moral disputes are resolvable by the disputants coming to agree in their beliefs concerning the object about which they are in dispute and towards which their attitudes initially differed. This is so, because, if both parties are really expressing moral attitudes, then the subjective basis of both must be the same. The only thing that can account for the difference in their attitudes is the objective basis of their attitudes--differences in their beliefs about the object. Therefore, when the difference in objective basis is eliminated, then no more differences exist. This observation has important implications for the resolution of moral disputes. It suggests that moral judgments have a basis in cognition. This observation is supported by the fact that when a person encounters a person who disagrees with his moral judgment, the person will make an effort to

change the other person's belief so that they may agree about the moral judgment. The willingness to engage in a dispute if the same affective-conative condition exists, suggests that the difference can be resolved by settling the difference in beliefs. Approval would come with the resolution of the difference in beliefs,

The cognitive basis for moral judgments explains why moral judgments are expressed in declarative sentences and not in exclamatory sentences. It helps to explain why people can 'know' that something is right or wrong; talk about moral convictions and moral principles; refer to moral judgments as being true or false, correct or mistaken, valid or invalid.⁷⁰ It also explains why people take seriously moral judgments which have been made by people whom they do not know--the cognitive basis of moral judgments makes them independent of the particular person who made the judgment.

The analysis of statements about moral disputes, conducted by Glassen, provides further support for the cognitive developmental paradigm outlined by Kohlberg in that it does not deny the subjective component of moral judgments, but subsumes it under the cognitive component, thus making 'cognition' the basis for the resolution of moral disputes. This relationship between the 'subjective' aspect and 'objective' aspect of moral judgments is most explicit in Kohlberg's development of cognitive dissonance. It reinforces the assumption that morality requires rational moral agents.

Glassen's account of the subjective basis also clarifies the various kinds of dilemmas experienced by different people who are confronted with the same issue. Some might experience a logical dilemma, some a cultural dilemma, some an experiential dilemma, and some a moral dilemma. It is impossible for a group to resolve a moral dispute when they perceive the dispute from such different subjective points of view because it is not a 'moral' dispute for all of the members of the group. They do not all experience a moral dilemma, and therefore they are making different kinds of evaluative judgments.

In conclusion, this chapter has identified the psychological and philosophical basis for cognitive development and more specifically, the development of moral reasoning. The studies of Kohlberg, Turiel, Rest, and others lend considerable support to the first five stages identified by Kohlberg although some serious problems remain concerning stage six--the stage of development of the fully autonomous moral person. The research seems to deal with most people since most people do not develop beyond stage four. Kohlberg's invariant sequence of development of moral reasoning can serve as a model for the development of moral reasoning of adolescents; which is the group of people under consideration in this study. Therefore, Kohlberg's developmental theory was adopted as the basis for the Jurisprudential Teaching Model developed in this study. This decision is made even though it is recognized that there are numerous issues about Kohlberg's developmental theory which require further study.

FOOTNOTES

- 1 Lawrence Kohlberg, "The claim to moral adequacy of a highest stage of moral judgment", Journal of Philosophy Vol. 70, January-December, 1973.
- 2 For a detailed account of Piaget's stages of cognitive development, see John H Flavell, The Developmental Psychology of Jean Piaget. Part One deals with the theory, Part Two describes many of his experiments, and Part Three summarizes many of the critiques of Piaget's work.
- 3 Flavell describes hypothetical deductive reasoning as follows:
It is "not so much this or that specific behaviour as it is a generalized orientation, sometimes explicit and sometimes implicit, towards problem-solving: an orientation towards organizing data (combinatorial analysis), towards isolation and control variables, towards the hypothetical, and towards logical justification and proof." Ibid., p 211
- 4 Ibid., p. 168.
5. Jean Piaget, The Moral Judgment of the Child. (London: Routledge and Kegan Paul, 1968).
- 6 See the extensive bibliography prepared by J.H. Flavell in Ibid., pp. 447 - 462. Note especially Barbel, Inhelder and Jean Piaget, The Growth of Logical Thinking from Childhood to Adolescence, (New York: Basic Books, 1958).
- 7 Lawrence Kohlberg, "Stages of moral development as a basis for moral education", p. 35-37.
- 8 Ibid , pp 86-88.
- 9 Ibid., p 89.
- 10 Ibid.
- 11 Ibid.
- 12 Ibid., p. 90
- 13 Ibid.
- 14 Ibid.
- 15 Lawrence Kohlberg, "Early Education: A Cognitive Developmental View", Child Development, 39, 1968, p. 1015.
- 16 Ibid., p. 1017.

- 16 Ibid., p. 1017.
- 17 Ibid., p. 1017.
- 18 Ibid., p. 1018.
- 19 Ibid., p. 1021.
- 20 Ibid., p. 1024.
- 21 Lawrence Kohlberg, "The claim to moral adequacy of a highest stage of moral judgment"
- 22 Elliot Turiel, "Developmental Processes in the Child's Moral Thinking", Trends and Issues in Developmental Psychology, ed. by P. Massen, J. Langer and M. Corington, (New York: Holt Rinehart & Winston, 1969), p. 98.
- 23 Ibid.
- 24 David E. Hunt, "Matching models and moral training", Moral Education: Interdisciplinary Approaches, ed. by C.W. Beck, B.S. Crittenden, E.V. Sullivan, pp. 231 - 251.
- 25 Elliot Turiel, "Developmental Process in the Child's Moral Thinking", pp. 100 - 106.
- 26 Lawrence Kohlberg, "Stages of moral development as a basis for moral education", pp. 49 - 50.
- 27 Lawrence Kohlberg and R.B. Kramer, "Continuities and discontinuities in childhood and adult moral development", Human Development, 12 (1969), p. 118.
- 28 Elliot Turiel, "Developmental Processes in the Child's Moral Thinking", p. 126 He bases this observation on the research conducted by J. Langer, "Disequilibrium as a source of development", a paper read at the Society for Research in Child Development, New York City, April, 1967.
- 29 Ibid.
- 30 Ibid., p. 127
- 31 Many people operate at three stages--a dominant stage, one below, and one above it. See James Rest, Elliot Turiel, and Lawrence Kohlberg, "Level of moral development as a determinant of preference and comprehension of moral judgments made by others", Journal of Personality, 1969, pp. 232 - 241.

- 32 Elliot Turiel, p. 130.
- 33 Lawrence Kohlberg, "The claim to moral adequacy of a highest stage of moral judgment", The Journal of Philosophy, p. 633
- 34 Ibid.
- 35 Ibid., p. 634.
- 36 See Appendix A, pp. 324 - 327.
- 37 Lawrence Kohlberg, "Claim to moral adequacy of a highest stage of moral judgment", pp. 636 - 637.
- 38 Ibid., p. 638
- 39 Ibid., p. 641.
- 40 Ibid., p. 641.
- 41 Ibid., p. 641 'Prescriptivity' means that a person must act according to the moral judgment he had made. He is not free to make the judgment but to ignore it in action.
- 42 Ibid., p. 641.
- 43 Ibid., p. 643.
- 44 John Rawls, "Distributive Justice", Philosophy Politics and Society, Third Series, ed. by Peter Laslett and W.B. Runciman (Oxford: Basil Blackwell, 1969).
- 45 Lawrence Kohlberg, "Claims to moral adequacy of a highest stage of moral judgment", p. 643. The third point probably should read 'Then try to act . . .' since many other variables affect a judgment once an attempt is made to act according to a judgment or decision.
- 46 Ibid., p. 645. Kohlberg refers to an unpublished doctoral thesis by A Erdynast on "Relationships between Moral Stages and Reversibility of Moral Judgment in an Original Position", Harvard University, 1973.
- 47 Ibid , p. 659.
- 48 Emmanuel Kant, Foundations of the Metaphysics of Morals, translated by Lewis White Beck, (New York: The Bobbs-Merrill Co., 1959). R.M. Hare, Freedom and Reason, (New York: Oxford University Press, 1970),

John Rawls, A Theory of Justice, (Cambridge, Mass: Harvard University Press, 1971).

49 Lawrence Kohlberg, "From is to ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development", in Cognitive Development and Epistemology, ed. by T. Mischel, (New York: Academic Press, 1971).

50 James Rest, "The Cognitive Developmental Approach to Morality: The State of the Art".

51 Ibid., p. 6

52 Ibid., p. 9

53 Lawrence Kohlberg, "Kohlberg's Scoring System: Table 2, Aspect List" Harvard, October, 1972 (mimeographed).

54 James Rest, "The Cognitive Developmental Approach to Morality: The State of the Art", p. 13.

55 Ibid , p. 16.

56 The main tenets of the simple stage theory are:
a) a person's response is nearly 100% at one of Kohlberg's six stages;
b) one day a person runs up against a social problem he cannot handle and as a result he explores alternative ways of thinking which he adopts as his own framework from that day on;
c) the change in (b) is one stage up for all issues--never down or up two stages;
d) all people move through the six stages or a portion of them in a particular manner. Everyone is moving towards stage six.
e) there is considerable unity between a person's stage of moral reasoning and the way he leads his life with respect to various social issues which may arise.

Ibid.

57 Ibid., p. 19.

58 Ibid., p. 19.

59. Ibid., p. 20.

60 Ibid., p. 22

61 Brian Crittenden, Form and Content in Moral Education, monograph series #12 (Toronto: The Ontario Institute of Studies in Education, 1972).

62 Peter Glassen, "Are There Unresolvable Moral Disputes?", Dialogue, 1962

- 63 Ibid , p. 43f.
- 64 Ibid., p. 45.
- 65 Ibid., p. 46.
- 66 Ibid., p. 46.
- 67 Ibid., p. 46.
- 68 Ibid., p. 47.
- 69 Ibid., p. 47, footnote #3.
- 70 Ibid , p. 49

CHAPTER FOUR

Moral Reasoning and Citizenship

It was pointed out in the introduction that this study is focused on 'law' as it relates to 'citizenship. Special emphasis is placed on the concept of 'civil rights' in terms of the 'rights' and 'duties' (or responsibilities) of citizens as 'decision-makers' concerning important social issues. Therefore the purpose of this Chapter is to establish that 'assuming the decision-making responsibilities of citizenship' entails moral reasoning. If that relationship can be established then young people should be encouraged to develop moral reasoning to assume their responsibilities (and concomitant 'rights') as young citizens and to assume leadership responsibilities as adult citizens. It would also suggest that a program in 'Youth, Law, and Morality' might assist in promoting the development of moral reasoning.

The decision-making responsibilities of citizens is discussed under the following topics:

1. Citizenship and moral tension
2. Principles as a basis for law
3. Principled decision-making

A. Citizenship and moral tension

Michael Walzer¹ points out that while in the past 'citizenship' was accepted to mean 'being faithful to the state', such an interpretation is no longer found to be entirely acceptable. For example, he draws attention to the citizen whose state requires him to get involved in monstrous unjust wars. Should a citizen refuse to participate? Is that treason? What about the citizen who is caught in a civil war? Which side must he obey? Should a citizen obey a revolutionary party which has overthrown the previous government? Should citizens never obey a revolutionary party--not even after twenty-five years as is the case in China? Walzer suggests another more immediate and general problem about citizenship in the Western world--the problem of alienated and powerless citizens. In other words, when a citizen can no longer understand the state--how it operates and the policies it pursues--is the person, as a citizen, free of all moral obligation? Walzer deals with this issue by describing a 'pluralist' approach. A 'pluralist' is "a man with more than one commitment, who may at any moment have to choose among his many obligations. Citizenship is one of his obligations, but only one."² Walzer does not simply choose this conception of citizenship because he happens to like it, but he shows in what sense previous conceptions of citizenship are quite inadequate today. First, he identifies the limitations of viewing a citizen simply as "the recipient of certain benefits that the state, and no other social or political organization provides".³ Bodin's writings are cited as an example: "a citizen is one who enjoys the common liberty and protection of authority."⁴ The citizen receives liberty and protection, but does not wield the instrument which provides the services. Walzer identifies several limitations of this concept of citizenship. The definition suggests no relationship among citizens but only a promise to provide 'security' in return for 'obedience'. It also separates 'citizens' from 'authorities' which raises the most serious objection, namely: 'who decides?' Who decides what is to be protected? Who decides whether the protection is adequate? Does the instrument--the state--'decide' or do men 'decide'? If it is men who, at the same time, are also citizens, who decides which men? Viewing 'citizenship' only in terms of the state providing protection offers no explanation for these questions.

Another objection raised by Walzer to Bodin's concept of citizenship is that viewing citizens only in terms of recipients of benefits, omits a moral dimension--a concern by citizens for other citizens. It suggests that citizenship does not entail a mutual concern among citizens. This, in turn, suggests that citizens are passive figures who do not belong to a political community. It suggests that citizens have no part in watching over their protected position, but merely sit back in private enjoyment.

An alternative concept of citizenship was outlined by Aristotle: "a citizen is a man who rules and is ruled in turn."⁵ This concept is possible only in a state in which everyone has a sense of personal participation in the affairs of the state. Everyone would have to participate in a government office at some time. Bodin rejected this concept because he was convinced (as are many others) that such an arrangement could only work in a small state--like the Athenian polis. Therefore, Bodin aimed for a different solution for the sixteenth century nation-state--an exchange between the powerful and the powerless. This exchange has been described as an exchange of obedience for security. Bodin felt that, in a nation-state, citizens would merely get deputies to do their political duties instead of doing it themselves.

Walzer points out that 'Ruling and being ruled' does not necessarily mean only direct participation in political affairs by everyone. Today, it means an arrangement whereby the authorities can be forced from power by the citizens. As for direct participation, that is done by those who have a commitment to public business. The result is that most citizens do not have an active role in political affairs. The nation-state today makes citizens participate in war. In short, the situation today can be summarized as follows: citizens are told they make decisions, they are implicated in the decisions that are made, but they do not in fact decide. Walzer portrays a citizen in this situation as "compromised, anxious, guilty, impotent".⁶

Is it necessary, or does it reflect reality, to view citizenship only in terms of either the 'passive citizen' or the 'active citizen'?

Both operate from the assumption that the tie between the citizen and the political community must be direct. Walzer suggests that those ties can also be mediated because the citizen stands to the state "not only as an individual, but also as the member of a variety of other organizations with which the state must relate in relating to him."⁷ This is the fundamental tenet of Walzer's 'pluralism'. Hence, the citizen is not only protected by the state as a private individual but also in his 'associations'. The result is that the associations of citizens can influence the quality of security they receive from the state. The citizen is involved in the protection of his liberty even though he is not directly involved in the political community. Second, citizens are actively involved in governing themselves in the associations in which they are members. Self-determination occurs within church groups, unions, etc. The moral and political meaning of the word 'citizen' finds expression in these groups. The state authorities protect these groups. Hegel described it as follows:-

This is the secret of the patriotism of the citizen - because it is the state that maintains their particular spheres of interest, together with title, authority, and welfare of these. ⁸

Walzer summarized 'pluralist citizenship' as follows:

It not only implicates the citizen in state policy, but generates real obligations and an authentic patriotism by recognizing a sphere within which they actually have scope for meaningful action.⁹

This concept builds moral and political conflict into citizenship. It no longer is only a matter of being obedient to state authorities, but the citizen must constantly choose among the several loyalties to which he is committed.

Even though the citizen has responsibilities to the state as well as other associations to which he belongs, it does not follow that he will not be a good citizen most of the time. Walzer points out that it would result in the best possible citizen,

free, because he governs himself, virtuous because of his public spirit, powerful because his actions have significant effects.¹⁰

At the same time it could also make for a 'dangerous citizen' in that he might not be able to agree with the state authorities at all times. This could result in a refusal to obey state authorities. The fact that 'pluralism' as described by Walzer attempts to accommodate the need for protection as well as the need for self-determination within the modern state, creates the situation in which a citizen might be caught in the dilemma described above. This approach to citizenship rests on the assumption that "pluralism may not promote 'order' and yet still be socially and morally valuable."¹¹

Walzer concludes by observing that the citizen's welfare is attended to best through citizen participation in groups through which a citizen is more capable of judging the quality of his protection. Through groups he is more capable of protecting himself and not leaving that entirely to state authorities or bureaucrats. The citizen is more responsible in his group and so also in the state because of the relationship between the groups and the state. He helps in making policies and in carrying them out. In short, he takes an active role in the main values of citizenship--protection and responsibility. Walzer emphasizes that pluralist participation is "not a duty, but only a means to realize values that ought, perhaps, to be realized".¹² On the other hand, in-so-far that citizens do not participate, others will rule them.

In summary, Walzer made the following observations about 'citizenship'. First, the substantive values of citizenship are 'protection' and 'responsibility'. Second, citizens today can enjoy these through participation in group decision-making at the state level and through numerous other groups to which they belong. Third, 'citizenship' entails a moral tension in-so-far as citizens agree to participate in group decision-making about important social issues. Fourth, 'civil rights' refers to assurances that citizens can enjoy 'protection and responsibilities' through participation in group decision-making. It is in this context that 'citizenship' entails moral tension because moral judgments are required to make legal decisions about 'civil rights'.

B. Principles as a basis for law

The legal decisions designed to protect the rights of citizens are enacted into laws. But, what is 'law'? Why is "the law" regarded as a matter of legal 'obligation'? Does 'the law' have something to do with 'moral obligation'? Although there is no agreement among legal philosophers as to whether legal obligations entail moral obligations, an effort will be made in this Chapter to explain under what condition 'the law' includes moral obligations. That condition has been elaborated by Ronald M. Dworkin in "Is Law a System of Rules?"¹³ Dworkin takes issue with H.L.A. Hart¹⁴ who claims that legal obligation does not entail moral obligations.

R.M. Dworkin argues that "until we can identify the principles we are following we cannot be sure that they (laws) are sufficient, or whether we are applying them consistently".¹⁵ He claims this is the case in all instances where people are sent to jail, or fined a sum of money, or compelled to do what they do not want to do on grounds that such people have 'broken the law', or have failed to meet their obligations, or have interfered with the rights of other people. Dworkin attempts to defend this position by analyzing the position held by positivists who try to establish legal rights and obligations from the way legal institutions operate and not from a basis of principles. Dworkin concentrates on a comparison of his position to that of the 'Positivists' because they stand most clearly in opposition to the argument that 'laws' have their basis in 'principles'.

It is understood that this fundamental issue cannot be resolved in this study. All that will be attempted is to reconstruct the position taken by a major advocate of positivism, Professor H.L.A. Hart of Oxford, as well as the position based on 'principles' advocated by R.M. Dworkin and M.P. Golding. From this comparison it will be suggested that there is reason to believe that some laws¹⁶ have a basis in 'principles'.

The theory of law developed by the positivist, H.L.A. Hart, is characterized by three organizing principles:

1. The law of society is a set of 'special rules' to determine certain public behaviour. The rules are identified by the way they were adopted or developed. This distinguishes them from social or moral rules.
2. The set of rules is exhaustive which means that anything that is not expressly covered by the rules is outside the parameters of the law. When a judge is faced with matters that are not covered by law, he must exercise his discretion and reach beyond the law for some kind of standard to establish a legal rule for the particular situation.
3. Valid legal rules establish legal obligations as well as legal rights. To call a rule 'valid' means that an acceptable procedure was used to create the rule. When a judge exercises his discretion, he does not enforce a legal obligation. ¹⁷

Hart identified two types of rules--primary and secondary rules. Primary rules grant rights or impose obligations (e.g. criminal law). Secondary rules outline how and by whom primary rules can be formed (e.g. parliamentary procedure for making statute laws, rules for establishing contracts, rules for executing wills, etc.). The authority of rules is based on two sources: a) a group accepts a rule as a standard for its conduct; b) it is enacted in conformity with a secondary rule which spells out how rules shall be enacted--a procedure for establishing the validity of a rule. Hart refers to secondary rule as 'rules of recognition'. Secondary rules can be simple (the king's word is law) or they can be complex (a mixture of a written and unwritten constitution). Hart provides no test to establish in what sense a rule of recognition is valid because, by definition, it is the ultimate basis for rules. The only way to identify the rule of recognition is to observe the behaviour of a group, which includes the arguments the members of the group use to establish validity. The rule recognition is clearly distinguishable from moral rules because the former is the basis for the government apparatus of the group.

That primary and secondary rules are sometimes arrived at and administered in the manner described by Hart can hardly be doubted. Special rules are sometimes put into effect simply because a group accepted them. Groups can choose to accept rules for many different reasons--economic advantage for the group in its relation to other

groups, under the threat of force, in ignorance, on grounds of 'universal principles', on the basis of moral value principle tests. Is it not also possible that sometimes particular rules are put into effect even though the group might find them unacceptable--e.g. increase in taxes, conscription? What constitutes group acceptance--100%, 50%, 20%? The main weakness in Hart's theory is that he does not seem to take into account such situations where laws are established on the basis of 'principles' or 'moral value principle tests'.

There seem to be legal cases where judges develop their arguments on principles. For example, in 1889 a New York court, in the case of Riggs vs. Palmer, had to determine whether an heir named in the will of his grandfather could inherit under that will, even though he had murdered his grandfather to do so. The court began the argument as follows:

"It is quite true that strategies regulating the making, proof and effect of wills, and the devolution of property, if literally construed, and if their force and effect can in no way and under no circumstances be controlled or modified, give this property to the murderer.¹³⁸

However, the Court concluded as follows:

"All laws as well as all contracts may be controlled in their operation and effect by general, fundamental maxims of common law. No one shall be permitted to profit by his own fraud, or to take advantage of his own wrong, or to found any claim upon his own iniquity, or to acquire property by his own crime.²⁰

The Court concluded that the murderer was not entitled to his inheritance on grounds of a moral/legal principle in spite of the fact that the law entitled him to the inheritance. As will be pointed out later, it would appear that this case cannot be relegated to a judge exercising his 'discretion' because a law did cover the case. Even if it was a matter of discretion, that still does not explain the basis for the discretion if legal principles are denied.

R.M. Dworkin explains in what sense principles serve as standards for resolving disputes about legal rights and obligations. He refers to a principle as a "standard that is to be observed, not because it will advance or secure an economic, political, or social situation

deemed desirable, but because it is a requirement of justice or fairness or some other dimension of morality."²¹ 'That no man may profit from his wrong' is a principle. Principles are quite different from legal rules like 'The maximum legal speed is sixty miles an hour'. Dworkin argues that the distinction between 'principles' and 'rules' is a logical distinction. Rules are either valid or not valid--they dictate in a situation what ought to be done or they do not apply to the situation at all. This is most apparent in situations like a baseball game. 'Principles', however, do not apply automatically in certain situations. Even though the principle 'no man may profit from his wrong' is accepted, it frequently happens that a person legally profits from his own wrong. In short, principles do not set out conditions that make its application necessary. Instead, principles state reasons that argue in one direction but do not necessitate a particular decision.²²

Another distinction between 'rules' and 'principles' is that principles have a dimension of weight or importance whereas rules do not. When more than one principle has a bearing on a case, the relative weight of the principles involved must be taken into account. Needless to say, this is a controversial responsibility. Rules do not operate this way. Even though one rule might be more important (e.g. have greater implications for more people) than another, it does not supercede the other on the basis of weight. When two rules conflict, then one of them cannot be valid unless a legislative error has been made.

If principles are not applied directly to situations in the manner that rules apply to specific situations, what place do principles have in resolving legal disputes? The court cites principles as its justification for adopting and applying a new rule.²³ In Riggs, the court cited the principle 'that no man may profit from his own wrong' in order to justify a new interpretation of the statute of wills. Just how are principles treated when they are used to reach particular decisions of law? Dworkin suggests two approaches. First, legal principles might be treated like legal rules in that some legal principles are binding like laws and therefore must be taken into account. Second, principles do not apply like legal rules but judges

are free to apply them if they wish to do so. In the former interpretation, it is possible that pre-existing legal rights and obligations are pursued by arguing from legal principles. In the latter, it would seem that the case is settled ex post facto because in applying a legal principle, the judge is stepping outside a legal basis. Hence, it would appear that he is enforcing a legal obligation which did not exist prior to the case. Dworkin argues that the appeal to 'exercising discretion' made by positivists in cases where no law adequately covers a case, properly belongs in the second category which Dworkin calls 'the doctrine or judicial discretion in the strong sense'.²⁴

Positivists argue that principles cannot be binding or obligatory. However, in the case of Riggs, many critics would have censured a judge for not considering the principles that were relevant to the case. 'Binding' for Dworkin, simply means that a judge must consider and follow principles that carry the greatest weight in the situation. A judge is as obligated to do this as he is obligated to follow a legal rule.

Second, positivists might argue that whereas some principles are binding in that judges must take them into account, they cannot determine a particular result. It is true that 'rules' dictate specific results or they must be abandoned and that 'principles' incline a decision one way (though not conclusively). However in one sense, principles can dictate results. If a judge concludes that the principles with the greatest weight point one way then he must decide that way just as he must follow a legal rule, even though he may be wrong in establishing the weight of principles. Likewise, he may also be wrong in determining whether a particular rule is binding.

Third, positivists might argue that since the authority and weight of principles is controversial they are not binding law. However, principles are arrived at through a thorough examination of practices and other principles to attain a thorough understanding of the issue at hand as well as the insight that previous cases might provide. Therefore principles can hardly be regarded as random selections of other standards. Judges are obligated to follow this approach on principles. In that

sense they are really not exercising their own discretion regarding the selection of principles.

The central argument offered by Dworkin against divorcing principles from law is summarized by Dworkin as follows: "Unless at least some principles are acknowledged to be binding upon judges, requiring them as a set to reach particular decisions, then no rules, or very few rules, can be said to be binding to them either."²⁵ The conclusion is arrived at from an analysis of the question: "When . . . is a judge permitted to change an existing rule of law?"²⁶ Whoever accepts that a judge can and should have the responsibility of changing existing rules of law (positivists accept this), must recognize a standard that determines when a judge may overrule an established rule and when he may not. This requires principles. It is necessary, though not sufficient, that the judge identify a principle which can justify a reinterpretation of an existing law. (e.g. in Riggs the principle was 'no man shall profit by his wrong'). However, not any principle will do, because then no law or rule is binding. The selection of principles must be established on the basis of the relative weight of principles in the case, or else a judge could choose any standard or principle. In fact, it is important that the judge also take into account the principles in support of retaining the existing rule of law (e.g. doctrine of legislative supremacy or the doctrine of precedence). Although no doctrines on either side of the issue command a solution, the judge is not free to pick and choose among any and all principles. If he could do this, no rules would be binding.

In summary, to say that a particular rule is binding implies one of two things, both of which treat principles as laws in the sense that rules are—"as standards binding upon officials of a community (or group), controlling their decisions of legal right and obligation."²⁷ First, it may be implied that the weight of principles supporting the rule is greater than the weight of principles that support a change. Second, it may be implied that the general principles of 'legislative supremacy' or 'precedent' should not be ignored by the courts. A combination of both could also be implied. The point is that the decision is made on grounds of principles. In other words, law is more than a system of

rules. Law includes 'principles' and 'rules'.

Dworkin continues by pointing out that the recognition of principles in law is more than the 'rule of recognition' described by Hart. What is involved in fixing the relevance and weight of a particular principle in a particular situation is much more than Hart's master rule which specifies "some feature or features possession of which by a suggested rule is taken as a conclusive affirmative indication that it is a rule. . ." ²⁸ Dworkin points out that to argue for a particular principle involves

grappling with a whole set of shifting, developing and interacting standards (themselves principles rather than rules) about institutional responsibility, statutory interpretation, the persuasive force of various sorts of precedent, the relation of all these to contemporary moral practices, and hosts of other such standards. ²⁹

What is more, Hart's 'role of recognition' stands as an ultimate basis in a manner unlike principles. Principles are established on both 'acceptance' and 'validity'. This does not establish some ultimate principles. 'Principles' shift their inter-relationships and relative weight from one situation to another.

Dworkin concludes that legal obligations might be imposed by principles as well as by rules. He recognizes that this conclusion leads to a number of complicated questions of which the most fundamental question is:

If there is no rule of recognition, no test for law in that sense, how do we decide which principles to count, and how much, in making such a case? ³⁰

In order to deal with this question, it is necessary to establish what is entailed in 'principled decision-making'. M.P. Golding ³¹ provides some insight into that issue.

R.M. Dworkin has made a case for the need to take principles into account in making legal judgments or decisions. Since legal judgments concern social issues, Dworkin's position indicates that legal decisions or judgments also entail moral principles, if an attempt is made to establish a rational justification for a legal judgment,

C. Principled decision-making

M.P. Golding clarifies principled decision-making by identifying the similarities and differences between 'principled judicial decisions' and 'principled moral decisions'. They are similar in that both make a universal claim. In that sense both are neutral of the particular situation and general to many real or hypothetical situations. Both include the weight of principles in the decision-making process. Both must take into account other factors, besides principles as well-- e.g. the consequences of action, people's likes and dislikes. Both must make decisions based on rational justifications.

Two distinctions, says Golding, can be identified between principled judicial decision-making and principled moral decision-making. The former presupposes that:

a legal system is able to stipulate in a large measure the principles that must be employed in deliberation and second, a legal system may stipulate what grounds are and what grounds are not legitimate grounds for the different treatment of persons or circumstances.³²

Moral principled decision-making is not excluded from judicial principled decision-making but the scope for exercising the weight of moral principles is reduced by the legal system. Insofar as principles are required in making a judicial decision, they are moral principles because the legal issues raised in the legal dispute entail social issues. All cases require reasons for judgment that not only take into account the case at hand but that go beyond the case. This is not to suggest the judicial principled decision-making is based only on moral principles. A person could choose to make the decision on other principles--aesthetic; prudential, etc. However, if the intent in making a judicial principled decision is to base it on a rational justification, then moral principles must be taken into account since judicial disputes centre on social issues.³³

Golding illustrates the role of legal and moral principled decision-making by referring to the civil rights case, Brown vs. Board of Education. The following statement summarizes the court's opinion:

We must consider public education in the light of

its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws . . . Such an opportunity (education), where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . To separate them from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . .

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate equal facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated . . . are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.³⁴

Golding identified five points in the argument:

1. the focus is only on education
2. it is assumed, without dispute, that when a state introduces a program of public education it must be made available to all on equal terms.
3. segregation is bad because it 'generates a feeling of inferiority'
4. 'separate educational facilities are inherently unequal'.
5. the issue is settled entirely on equal protection grounds.³⁵

First Golding pointed out that there is reason to believe that the case was not settled entirely on the facts of the case. It is true that the testimony of social scientists was solicited to establish whether segregation 'generates a feeling of inferiority'. If the case rested primarily on the weight of the 'facts', then surely the Court would or should have also dealt with the following questions:

If the harm that segregation worked was relevant, what of the benefits that it entailed: sense of security, the absence of hostility? Were they irrelevant?³⁶

The point is that the argument did not revolve around the relative benefit of these two considerations. That the decision did not really turn upon the facts is also supported by the lack of clarity of the relationship between the Court's judgment that 'segregated schools generate a feeling of inferiority' and its judgment that separate educational facilities are 'inherently unequal'. Does the second question follow the first? What then is the force of the word 'inherently'?³⁷ Golding concludes that 'principles' played a crucial role in the Court's reasoning.³⁸

The Court's decision must be viewed in the light of the legal position of segregated schools prior to the Brown decision. The pre-Brown legal position was 'separate but equal'. In other words, there was no need of a justification for separating a group of citizens and educating them separately provided they received equal facilities. Apparently it was felt that there was no reason to believe that any individual suffered any kind of injury due to this doctrine. This contention was challenged by the Brown decision.

Golding claims that the Brown decision was based on the following two points:

1. segregation in public schools is invalid because it is in principle a denial of equality
2. it is constitutionally bad because it generates a feeling of inferiority in the minority group.³⁹

The major premise of the decision is that public education must be made available to all on equal terms. Disparity of treatment of equals must be justified by the discriminator if it is to be principled. It would appear that the Court made a principled decision when it insisted on sameness of treatment in public education because this requires that a rational justification must be offered for different treatment. The distinction of race alone is no longer acceptable ground for permitting separate school facilities. After the Brown decision, a rational

justification must be made for each request to introduce 'separate but equal' educational facilities because the Brown decision established 'equality for all' as an overriding moral principle.

In order to keep the function of 'principles' in judicial principled decision-making in proper perspective, it should be emphasized that the Brown decision certainly took 'facts' into account as well. This is illustrated in the manner in which the Court dealt with its second concern, namely;

it [segregation] is constitutionally bad because it generates a feeling of inferiority in minority groups.⁴⁰

The Court was opposed to segregation not only on a matter of principle (e.g., 'that everyone has a right to the sameness of treatment'), but also because it felt that Negroes were harmed by discrimination; which is a factual issue. It was a combination of 'principles' and 'facts' which made the Court's decision so forceful and which made it so difficult to justify any form of discrimination in public action after the Brown decision. Through this decision one more principle had been drawn into the domain of judicial decision-making in matters related to 'segregation'. After the Brown decision all judicial decisions concerning 'segregation' must take into consideration the 'weight' of the moral principle 'that everyone has a right to the sameness of treatment'.

In summary, Golding has pointed out that principled judicial decision-making takes into account the weight of moral principles. The legal system can serve to identify which moral principles must be taken into account by judges and lawyers because previous decisions (precedent) and legislation may inhibit them from considering certain moral principles. On the other hand, the legal system may require or compel lawyers and judges to take into account certain moral principles. This was apparent in the consequences of the Brown decision.

Golding pays scant attention to a very important point when he says:

Of course, in situations in which people are expected to make principled decisions it is expected that the psychological process will accord with the above procedures . . . and

it seems to me that this does happen at least sometimes.⁴¹

He seems to be referring to cognitive development discussed in Chapter Three in this study; but he does not seem to give much thought to whether all people are cognitively capable of principled decision-making. This is a particularly crucial issue for this study since the primary purpose of the Jurisprudential Teaching Model outlined in Chapter Five is to promote the development of moral reasoning through moral principled judicial decision-making. Therefore the final question that must be dealt with is:

Are adolescents cognitively capable of moral principled judicial decision-making?

The research of Piaget, Kohlberg, and Turiel suggests a tentative answer to this question. First impressions of Kohlberg's model would suggest that adolescents are not cognitively capable of moral-principled judicial decision-making because that would seem to require stage six reasoning. Adolescents, it should be recalled, operate predominantly at stages two to four. However, this conclusion is the result of applying a simplistic stage developmental model which does not take into account all the aspects of cognitive development. First, it should be observed that Piaget points out that early adolescents are predominantly at the concrete operational stage. They are capable of logical operations provided the context for doing so is concrete (e.g. specific case study, specific precedent). Second, Piaget observed that adolescents are in a state of transition between concrete operational thought and hypothetical deductive reasoning (the requirement for principled decision-making). In other words, they are in the process of moving into the stage of reasoning which is required for principled decision-making. Third, Piaget argues that cognitive dissonance must be created to encourage people to attempt a stage movement. Cognitive dissonance can be created by providing a person with a dilemma which creates anomalies which the person cannot accommodate and assimilate with his present thought structures. The result is that the person might try increasingly differentiated thought structures in order to be able to accommodate or assimilate the situation. For adolescents, such 'new' thought structures would be hypothetical deductive reasoning.

In other words, most adolescents require dilemmas which would challenge them to try hypothetical deductive reasoning since most early adolescents are at the concrete operational stage. This suggests that adolescents might be exposed to dilemmas that involve principled judicial decision-making in order to challenge them to explore increasingly differentiated thought structures.

Before this conclusion can be drawn, the stage movement must be examined in the light of Kohlberg's studies in the development of moral reasoning because the concern of this paper is concentrated on the more specific cognitive development of moral reasoning. If, according to Kohlberg, most students are at stages two to four, how can they be expected to try principled decision making which would appear to require ethical principled reasoning (stage six), when stage movement seems to occur only one stage at a time?

The answer to this question requires a clarification of Kohlberg's stages three and four (conventional level of reasoning). Stage development with respect to principles of judgment suggests the consideration of principles at stages three and four. For example, concerning the welfare of others, stage three thinking is summarized as follows:

the good is helping others being unselfish and loving.⁴²

Stage four thinking concerning the same aspect is as follows:

the maintenance of social order, the honour and survival of the larger or institutional group are the ultimate welfare.⁴³

Both statements reflect a concern for other people, possibly, even at a person's own expense. Neither position is reducible to the facts on an isolated position. Both are general universal statements covering all situations. Both reflect the application of principles. Neither suggests a way of resolving a conflict of principles except to assume that the above statements enshrine universal principles--anything contrary to them must always yield to them in a particular situation. It is obvious that this is not the same as ethical principled reasoning (stage six) as is reflected in the following summary statement about

the welfare of others:

Where justice does not have a prior claim, welfare is the ultimate criteria.⁴⁴

Moral principled reasoning as explained by Golding is best reflected in stage six reasoning. However, it is important to heed Kohlberg's observation that moral reasoning is not the same for all people. In other words, adolescents at stages three and four exercise moral reasoning, but they deal with 'principles' differently than adults do, because their stage of cognitive development is different from most adults. Only through concrete situations (case studies, personal experiences, precedents) can most adolescents take 'principles' into account in decision-making.

In fact, it is important that adolescents be challenged to try moral principled decision-making since Kohlberg identified an invariant sequence of stages of development through which an adolescent may pass if he encounters cognitive dissonance at one stage higher than his dominant level of reasoning. If adolescents are to be encouraged to approach Golding's concept of principled decision-making, then they must be challenged with increasingly complex decision-making situations. This can be done by inviting them to exercise moral principled judicial decision-making on a variety of legal case studies.

Legal case studies provide a framework within which to consider moral principles in making decisions. In that sense principled judicial decision-making can be less complex than moral principled decision-making where all conceivable principles must be considered.

In conclusion, not only can adolescents be expected to try moral principled judicial decision-making, the cognitive demands of such decision-making could create the cognitive dissonance necessary for the development of moral reasoning.

D. Summary

M. Walzer's account of a citizens' 'obligation' suggests that 'citizenship' entails moral tension. The citizen's responsibility

of protecting the 'rights' of all citizens (civil rights) involves making moral decisions. Dworkin explains how making decisions about law involves principled decision-making. The weight of conflicting principles must be established to justify law and legal decisions. Golding points out that principled judicial decision-making entails moral principles. A rational justification is not established, unless moral principles are taken into account. In short, citizens require the ability to exercise moral principled judicial decision-making to clarify and resolve issues of 'rights' and 'duties'. The research on the development of moral reasoning suggests that moral principled judicial decision-making situations can create the cognitive dissonance necessary for the development of moral reasoning.

FOOTNOTES

- 1 Michael Walzer, Obligations: essays on obedience, war, and citizenship, (Cambridge: Harvard University Press, 1970), p. 205.
- 2 Ibid.
- 3 Ibid.
- 4 Ibid., p. 205, See footnote no. 4
- 5 Ibid., p. 211, See footnote 10 for a reference to Aristotle's development of this concept.
- 6 Ibid., p. 217
- 7 Ibid., p. 218
- 8 Ibid., p. 219. See footnote #19. With 'corporations' Hegel meant secondary associations like guilds, religious bodies, societies of scholars, and perhaps also local government.
- 9 Ibid., p. 220
- 10 Ibid., p. 222
- 11 Ibid., p. 223, footnote #23
- 12 Ibid., p. 225
- 13 Dworkin, Ronald M., "Is Law a System of Rules?" University of Chicago Review, vol. 35 pp. 25-60.
- 14 H.L.A. Hart, The Concept of Law, (London: Oxford University Press, 1961), H.L.A. Hart, Definition and Theory in Jurisprudence, (London; Oxford University Press, 1953).
- 15 R.M. Dworkin, "Is Law a System of Rules?", p. 26
- 16 This argument does not deny the contention that some laws have their origin simply in the prevailing institutions. The point is that some also have a basis in principles.
- 17 Dworkin offers this summary statement about 'positivists'. Dworkin, R.M., "Is Law a System of Rules?", pp. 28-29.
- 18 115 N.Y., 506, 22 N.E. 188 (1889). See R.M. Dworkin, "Is Law a System of Rules?", p. 35.

¹⁹Ibid., p. 35, footnote no. 3 idem at 509, 22 N.E. at 189.

²⁰Ibid., p. 35, footnote no. 4 idem at 511 22 N.E. at 190.

²¹Ibid., p. 35.

²²Ibid., p. 38.

²³Ibid., p. 42.

²⁴Ibid., p. 48.

²⁵Ibid., p. 5.

²⁶Ibid., p. 51.

²⁷Ibid., p. 52.

²⁸Ibid., p. 55. Dworkin is quoting Hart, The Concept of Law, p. 92, 1961.

²⁹Ronald M. Dworkin, "Is Law a System of Rules?", p. 55.

³⁰Ibid., p. 59.

³¹M.P. Golding, "Principled Decision-Making and the Supreme Court",
Columbia Law Review, LXIII (1963) 35

³²Ibid., p. 217.

³³This summary of judicial principled decision-making applies also to other situations--constructive criticism, intelligent discussions. The only difference is that the parameters of 'law' do not apply in the same way. The legal system limits the range of moral principles to be considered.

³⁴Ibid., p. 230. Golding quotes 347 U.S. pp. 492 - 95.

³⁵Ibid., p. 230-31.

³⁶Ibid., p. 231. Golding quotes Wechsler, "Toward Neutral Principles of Constitutional Law", Harvard Law Review, vol. 73 no. 1 (1959), pp. 44-45.

³⁷M.P. Golding, "Principled Decision-Making and the Supreme Court", p. 231.

³⁸Ibid., p. 232.

39 Ibid., p. 252.

40 Ibid., p. 232.

41 Ibid., p. 216.

42 See "Stage Summary A - Stages in the Major Modes of Judgment", Appendix A, p. 324

43 Ibid.

44 Ibid., p. 441.

CHAPTER FIVE

Towards a Jurisprudential Teaching Model

Introduction

When lawyers, judges, and legislators exercise jurisprudential reasoning, they consider three general aspects of issues: 1) all relevant facts, 2) authority of the law, 3) ethics.¹ These three concerns have been summarized by Julius Stone in the following quotation:

What interests lawyers, judges, legislators and others concerned with law, more often than not, is not so much whether a conclusion follows from certain premises. They are concerned, rather, with 1) whether (on the side of finding the facts and the inquiries which deal with this) those premises are true, that is, correspond to what exists or occurs; or 2) whether (on the side of finding the law) the premises as formulated are precise, have authority as law and the only available premises which have that authority; or 3) whether (on the side of ethics) the results which they bring about are just, that is consistent, in contents or objects or effects, with whatever theory of justice is adopted. Even if an arrangement from certain premises is valid, it does not follow that the conclusion is true, or is law, or is just; the conclusion may still be untrue if the major premise is false; it may still not be law, if the premise was not exhaustive and precise statement of law; and it may still not be just if the premise were not just.²

The Jurisprudential Teaching Model has been developed with the aim of taking into account all three concerns described by Stone. However, a teaching model must do more than that. It must also take into account the cognitive development of the learner. The framework outlined by Piaget, Kohlberg, and others was used to determine suitable teaching strategies especially suitable for the purpose of the Model. Finally, a teaching model should identify some suitable materials. All these factors are taken into account in the Jurisprudential Teaching Model described in this Chapter.

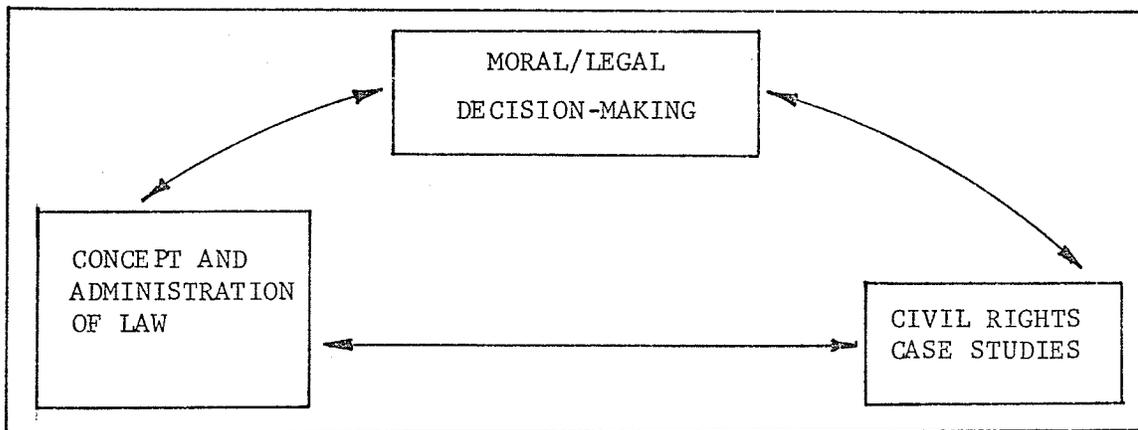
The Jurisprudential Teaching Model (see chart on page 116) outlined in this Section represents a developmental flow chart of the inter-relationships of the following aspects:

- A. a decision-making model
- B. oral discussion and discussion flow analysis
- C. civil rights case studies
- D. concept and administration of law
- E. role play and simulation

The purpose of the Teaching Model is to assist teachers in creating learning activities that will help students to engage in the three aspects of jurisprudential reasoning.

The basic structure or format of the Model is illustrated in Table 11 below. It highlights the fundamental purpose of the Model, namely, to encourage adolescents to make moral/legal decisions concerning 'civil rights issues' in the context of law.

TABLE 11



In short, the purpose of the Model is to assist teachers in creating learning activities which will help adolescents to engage in the three aspects of jurisprudential reasoning (outlined by Julius Stone) by engaging them in the various aspects of decision-making (i.e. issue framing, modes of inquiries, critical thinking, rational operations, use of precedent or analogies, and making evaluative judgments) through a discussion of a variety of civil rights case studies.

The developmental characteristics, which are established within the cognitive developmental framework, of the Model can be summarized as follows:

1. to confront the learner with situations which challenge the learner's forms of thought
2. to guide the learner in his efforts to resolve the anomalies created by the situations by introducing the learner to various intellectual strategies, new cases, and related issues.
3. to provide the learner with an opportunity to clarify and justify his personal stand on social issues.

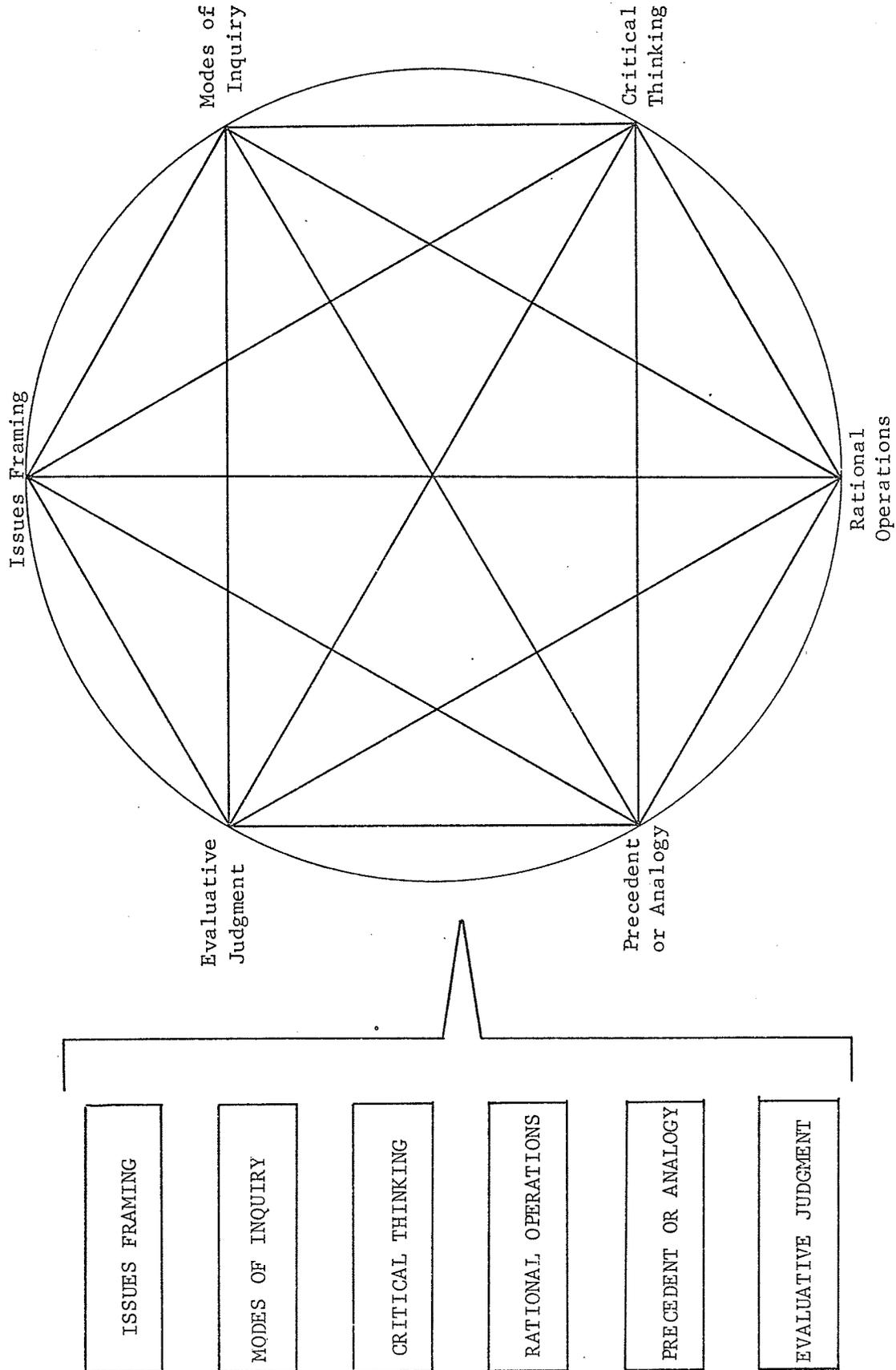
These developmental characteristics point out that the primary concern of the Teaching Model is NOT to solve social problems or to indoctrinate adolescents with 'right' attitudes and values but to facilitate the development of moral reasoning through clarifying factual, legal, and ethical issues. The success of the use of the Model is measured in terms of the development of increasingly differentiated and integrated forms of thought as well as an increasing awareness of the complexity of social issues.

The Model is designed for adolescents--ages fourteen to eighteen. According to Piaget, some adolescents are still at the concrete operational stage, some are exploring formal operations, and some are at the formal operational stage. According to Kohlberg, adolescents are predominantly at stages two to four (instrumental relativist orientation, interpersonal concordance or 'good boy - nice girl' orientation, and 'law and order' orientation).

What follows is a detailed account of each component of the Jurisprudential Teaching Model outlined in Table 10 on page 116 .

TABLE 12

Introducing Adolescents to the Components of Decision-Making



FIRST THIS - - - - - THEN THIS

Adolescents probably should be introduced to decision-making as outlined on the left before they can explore the various inter-relationships of the components of decision-making.

A. Decision-Making Model

The decision-making model serves as the conceptual framework of the Jurisprudential Teaching Model because the main purpose of the Model is to help adolescents make rationally justifiable decisions about social issues. The following aspects are entailed in making rationally justifiable decisions:

1. issue framing
2. modes of inquiry
3. critical thinking
4. rational operations
5. analogical reasoning
6. making evaluative judgments

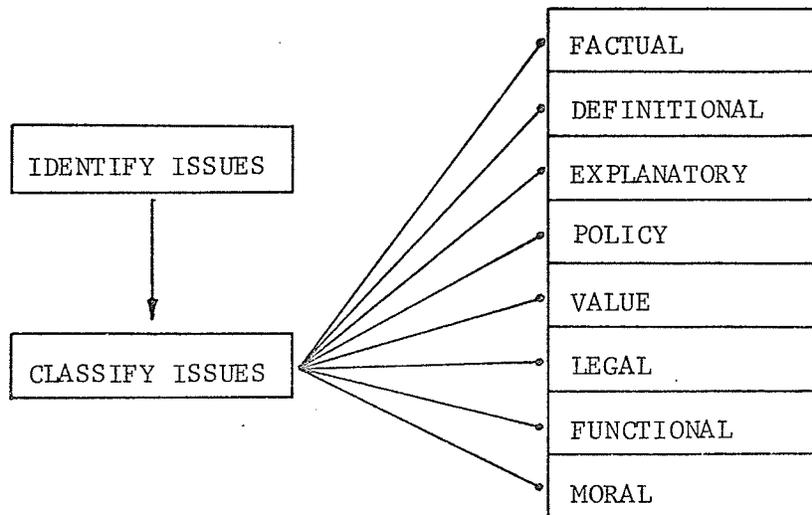
The interrelationship of these components, which is illustrated in the Table on page 118 will be explained as each component is explained.

1. Issue-Framing (see Table 13 below)

Issue-framing should be included in the Model because adolescents experience considerable difficulty in framing issues clearly. Adolescents require assistance in identifying issues and classifying them.

TABLE 13

The Components of Issue Framing



This can be done by giving them exercises like the ones that are developed by Robbie Case in Thinking Critically.³ The material includes vignettes in which students are asked to identify one or more issues. It also includes exercises which ask students to identify what kinds of issues are found in different vignettes--factual, definitional, explanatory, policy, value, moral, etc. Malcolm Levin and John Eisenberg have developed a slightly different approach. They report a dilemma which might be anywhere from three to ten pages long. This is followed by a long list of questions which raise any number of issues in the dilemma. These, in turn, are followed by analogical vignettes. Students are asked to discuss any or all of the questions and vignettes. They have produced two series--Dilemmas⁴ (1 - 4) and The Canadian Critical Issues.⁵

Issues can also be raised through various media--films, short stories, novels, dilemmas, historical literature (primary and secondary sources), news media, role play, cartoons, etc. The central purpose in media selection is to provide sufficient variety so that all students will encounter issues. Since different students seem to be attracted to different media, a variety of media should be used.

It does not follow that specific exercises must be constructed to help students to identify and classify issues. This aspect of decision-making should be encouraged at all times in conjunction with the other aspects of the decision-making model. It should be emphasized near the beginning of a program because it is essential for all other facets of the model. In order to make any decision--good or bad--a person must know what issue he is dealing with. It may well be that during further inquiry into an issue, a person might change the issue. The point is that issue framing helps to conduct a focused inquiry.⁶

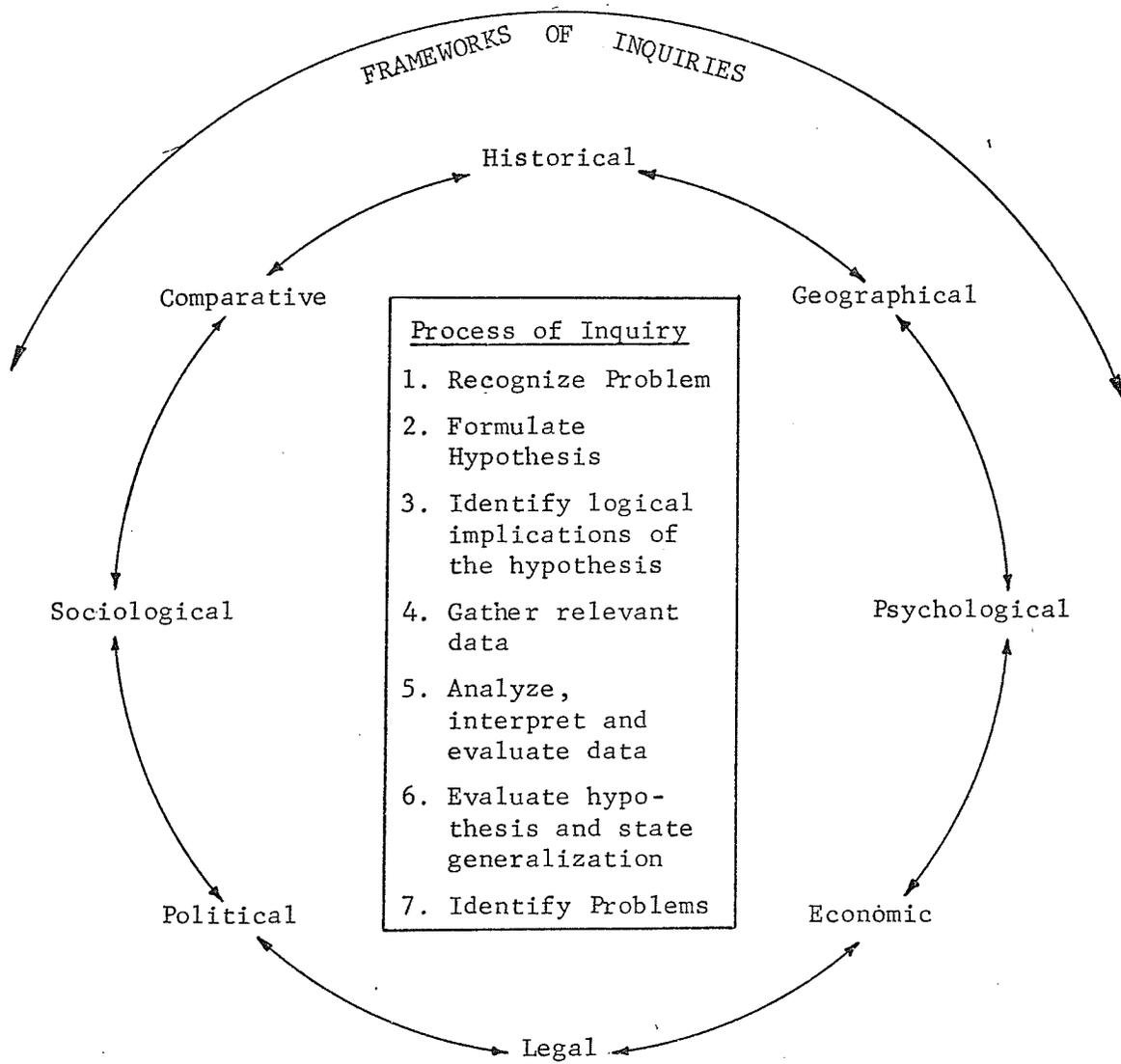
2. Modes of Inquiry (see Table 14 on page 123)

Julius Stone⁷ points out that facts and truth statements must be taken into account in jurisprudential reasoning. There-

fore, adolescents should be introduced to a variety of modes of inquiry in order to deal with the factual and explanatory requirements of a legal issue. They need to know when to acquire more information, how to recognize the need for information, how to cope with a lack of conclusive information, how much information is needed, and what kind of information seems necessary for dealing with a specific issue.

Familiarity with some 'disciplines' might be helpful--e.g. history, sociology, political science, geography--in that each discipline offers a specific way of asking questions. For example, geography focuses on questions related to the significance of 'location' although not to the exclusion of all other questions. However, Kaplan's caution against compartmentalizing 'knowledge' into distinct 'discipline packages'⁸ should be heeded because it poses several problems. First, it implies that 'knowledge' is a static thing 'out there' which must be stored in fixed boxes, namely, disciplines. Thomas Kuhn⁹ maintains that knowledge is not static. What people call 'knowledge' depends, in the first instance, upon what paradigm they use to organize what their sense perceptions perceive. Second, a 'discipline' approach to problem solving creates difficulties because problems frequently involve several disciplines. A student would probably have to have the ability to use all known disciplines in order to deal with problems. Nor is it known how well a person must know a discipline before he can use it to solve problems. Does it follow that a person must not be asked to solve problems till he 'knows' all disciplines well enough? The result might be that adolescents (and most adults?) should not be allowed to solve problems. However, that is clearly unsatisfactory because, in fact, most, if not all adolescents and adults, must solve problems constantly in daily life. It surely would be a strange educational recommendation that adolescents should not be helped to develop problem solving skills simply because they do not possess a command of the disciplines.

TABLE 14
Modes of Inquiries



Note: The Process of Inquiry is required for all the frameworks and therefore is placed in the centre of the chart. It should be the basis for all inquiries. The list of Frameworks of Inquiries is a representative list and should not be regarded as exhaustive. The arrows connecting the frameworks indicate that all the frameworks are interrelated, somewhat overlapping, and interdependent.

Third, and most important, can adolescents understand abstract disciplines? Do 'disciplines' mean the same thing to adolescents as they mean to scholars and teachers? These questions must be dealt with in the context of the invariant sequence of stages of cognitive development. Since it is doubtful that adolescents, who are primarily at the concrete operational stage can understand disciplines as organizing models, it is doubtful that they should be the basis for modes of inquiry in a program for adolescents.

Kaplan offers a more adequate organizational model which is not restricted to formal operational thought. He recommends a 'process' to replace the static structure of 'disciplines'. The categories are open and closed in that they permit a reciprocal interaction among the categories. The categories identified by Kaplan are methodology, logic, concepts, laws, experiment, measurement, statistics, models, theories, explanations, and values.¹⁰ These categories allow a person to pursue an inquiry at the concrete operational level as well as the formal operational level of cognitive development.

A greatly simplified version of Kaplan's 'conduct of inquiry' is outlined by Edwin Fenton in the following model:

1. Recognizing a problem
2. Formulating an hypothesis
 - asking analytic questions
 - stating hypothesis
 - remaining aware of the tentative nature of an hypothesis
- 3 Recognizing the logical implications of an hypothesis
- 4 Gathering data
 - deciding what data will be needed
 - selecting or rejecting sources on the basis of a statement of logical implications.
5. Analyzing, evaluating and interpreting data
 - selecting relevant data from sources
 - evaluating the sources
 - determining the accuracy of statements

- interpreting data
- 6. Evaluating the hypothesis in the light of data
 - modifying the hypothesis if necessary
 - rejecting a logical implication unsupported by data
 - restating the hypothesis
 - stating a generalization¹¹

Although Fenton's mode of inquiry misses many of the details identified by Kaplan, it has several advantages. First, due to its simplicity, it can serve as a format for adolescents. Second, and most important, it illustrates how inquiry can be organized in a way that adolescents, who are only beginning to make the transition from the concrete operational stage to the formal operational stage, can be involved in inquiry. All the steps outlined by Fenton can be conducted at both stages as well as at the transitional stage from concrete to formal. Since Fenton's model places much emphasis on proceeding from an 'hypothesis' or 'hunch' or 'possibility', it encourages adolescents to pursue exploratory thinking--consider several alternative solutions. According to Eric Erickson, adolescents seem to be keenly interested in exploratory thinking.¹² It reflects 'stage movement' in cognitive development.

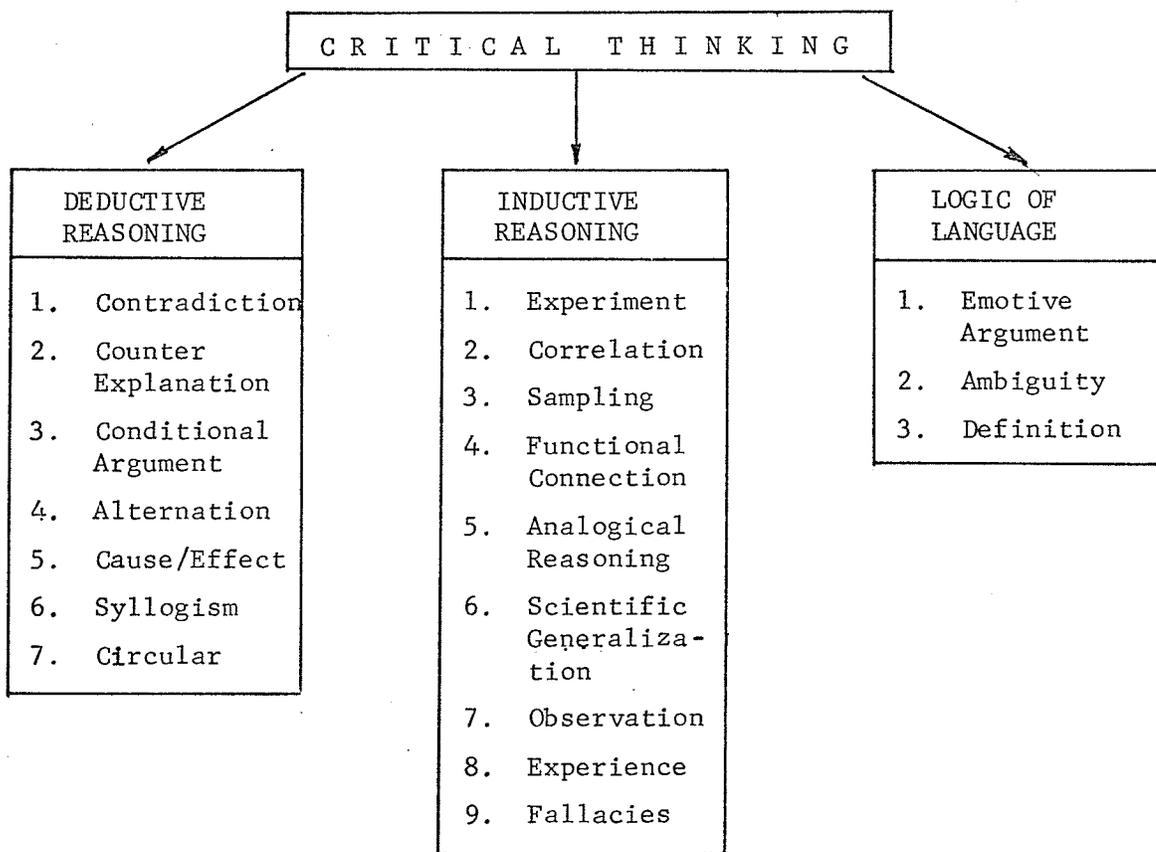
That Fenton's mode of inquiry overlaps into the other components of the decision-making model is not a limitation but an asset because it suggests that modes of inquiry are interrelated with the other aspect of the model. Each aspect of the model is not intended to be an independent entity but merely reflect a dimension of the model. To separate the aspects into component parts is a somewhat arbitrary and distorting exercise but it helps to understand the total model, if the component is not taken out of context.

3. Critical Thinking

It is apparent from the explanation of modes of inquiry that critical thinking is an important component of the decision-making model. In fact, all aspects of the decision-making model require critical thinking. Critical thinking can be pursued from

direct experience (concrete operational thought), or from propositions (formal operations), or from a combination of both. Three basic components can be identified--deductive reasoning, inductive reasoning and the logic of language (see Table 15 below):

TABLE 15
Categories of Critical Thinking



Even though the three-way distinction is wrought with problems as has been pointed out by Karl Popper,¹³ the categories are helpful in classifying various types of critical thinking.

It is not good enough for a person to 'sense' that something is wrong with a person's argument, if the purpose of the discussion is to arrive at a rationally justifiable decision. A person must know the nature of the error in the argument in order to proceed with the discussion. For example, suppose Jim has given a conditional argument (if - then) for his position but has offered no support for the condition ('if'). Other members must understand how a conditional argument functions so that they can detect the error committed by Jim. Otherwise, the group is in danger of pursuing a line of argument that might not have any valid basis. Someone should insist on an explanation of the 'condition' upon which Jim's argument is based. Similarly, the group members must be on guard for inductive arguments. For example, if Tom makes an argument based on a small sampling of correlational studies but calls it an experiment, the group could be misled to place too much weight on the evidence produced by Tom. Someone should ask for an explanation of Tom's 'experiment' so that his 'information' can be placed in proper perspective. Finally, people frequently use emotive language to win an argument. Members of a group should guard against this tactic by listening carefully to what the person has to say. Propaganda is characterized by emotive language.

4. Rational Operations

The function of rational operations is to establish the accuracy, relevance and logical validity of statements about specific issues. It is not assumed that rational operations can terminate controversy, or solve problems, but they can help to provide evidence and reasons for positions, and to discover alternative approaches to issues. Rational operations serve four main functions:

1. to develop skills in discussion process for developing group and individual positions;
2. to make analytic distinctions among types of issues;

3. to suggest strategies for elaborating an argument;
4. to suggest strategies for evaluating an argument.¹⁵

The development of a rational justification is wrought with many problems, especially if it is attempted by a group. People are frequently too sensitive about their own statements, and insensitive towards the argument of other people. As a result, they sometimes fail to observe important points made by other people. Second, people fail to recognize precisely what kind of issue is being discussed. Hence, they sometimes disagree simply because they are not all dealing with the same issue. Third, sometimes members of a group deliberately change the discussion to another issue in order to avoid certain complications about certain issues. This makes it difficult to explore issues adequately. Fourth, sometimes a discussant will present an ad hominem argument in an attempt to persuade another person, who disagrees with him, to stop arguing. The discussant is trying to terminate the discussion not by establishing a rational justification but by making another person uncomfortable by attacking him personally. Fifth, sometimes an 'analogy' is introduced which bears little or no resemblance to the issue or situation under discussion. This is done to shift the discussion to a position where it is hoped that certain anomalies will disappear. These are but a few of the strategies used in discussions which can thwart the pursuit of a rational justification.

Discussants who use these strategies might be quite adept at critical thinking or other facets of the decision-making model. What they lack are operations which place statements into perspective with various statements made before and statements which might follow. What they need are operations which take into account all aspects of the decision-making model and show the interrelationship of statements. This is what rational operations attempt to do and that is why they serve a central role in the decision-making model and in the Jurisprudential Teaching Model. The integrating and differentiating power of

rational operations is the cement of the Model. They should not be seen as ends in themselves nor as behaviours to master in playing the game of 'discussions'. They should be regarded as tools for building rational justifications.

Various models of rational operations have been developed to analyze the flow of an argument or discussion. None are a comprehensive list of all operations which might be brought to bear in discussions but each is a list of operations for a particular purpose. For example, D. Oliver and F. Newmann constructed a model to aid adolescents in monitoring the operations used in their discussions. (See Table 16)

TABLE 16

Newmann's Categories for Argument Flow Analysis

Good Ratings

- G - 1: Definition given or asked
- G - 2: Evidence or example given or asked.
- G - 3: Analogy given
- G - 4: Inconsistency challenged
- G - 5: Relevance questioned
- G - 6: Issue stated
 - Factual
 - Definitional
 - Policy or value
- G - 7: Summary given or asked
- G - 8: Stipulation Made
- G - 9: Concession Made

Poor Ratings

- P - 1: Claim repeated
- P - 2: Irrelevant statement
- P - 3: Insensitive statement
- P - 4: Issue changed abruptly
- P - 5: Unclear statement
- P - 6: No evidence given
- P - 7: Inaccurate facts
- P - 8: Personal attack
- P - 9: Loaded words¹⁶

Although this model is very simple in that it has only two main classifications (Good, Poor) which do not really classify the various types of rational operations, its simplicity is an advantage in working with early adolescents. The categories are in simple everyday English which is familiar to adolescents. Its simplicity enables adolescents to discover the function of rational operations in the development (or interference) of a

rational justification.

Dr. Terrence Morrison developed a more comprehensive classification of rational operations which takes into account the four main functions identified above.¹⁷ Although the model does not claim to encompass all rational operations, it does indicate the scope of rational operations. His categories are as follows:

TABLE 17

Morrison's Classification of Rational Operations

I Discussion Process Clarification

- RO - 1: Discussion rules suggested
- RO - 2: Summary given or requested
- RO - 3: Paraphrasing
- RO - 4: Repetition - duplication noted

II Issue Stating

- RO - 5: Factual Issue
- RO - 6: Definitional Issue
- RO - 7: Explanatory Issue
- RO - 8: Policy Issue
- RO - 9: Value Issue
- RO -10: Moral Issue
- RO -11: Legal Issue
- RO -12: Motivational Issue
- RO -13: Functional Issue

III Argument Elaboration

- RO - 14: Definition given or requested
- RO - 15: Stipulation made
- RO - 16: Assumption given
- RO - 17: Comparison - distinction given or requested
- RO - 18: Clarification given or requested
- RO - 19: Evidence - example given or requested
- RO - 20: Analogy given or requested
- RO - 21: Hypothetical instance introduced

IV Argument Evaluation

- RO - 22: Analogy challenged
- RO - 23: Inconsistency noted
- RO - 24: Relevance questioned
- RO - 25: Assumption probed
- RO - 26: Counter-evidence introduced
- RO - 27: Moral-value principle test-new case
- RO - 28: Moral-value principle test-subsumption
- RO - 29: Moral-value principle test-role exchange
- RO - 30: Moral-value principle test-universal consequences
- RO - 31: Conditional argument¹⁸

The four main aspects of Dr. Morrison's Model identify the main components of a discussion. These 'modal phases' "describe the relationship of a pattern of rational operations to the stage of an on-going flow of discussion."¹⁹ The first modal phase, 'Discussion process clarification', "describes various moves used by discussants to elucidate or establish the procedures, rules, or directions governing an on-going flow of communication."²⁰ The second modal phase, 'Issue-stating', "refers to a phase in a discussion within which the moves are directed toward the definition and clarification of the substance of particular types of issues or areas of dispute." The third modal phase, 'Argument elaboration', "encompasses moves employed for the purpose of detailing and extending the component parts of the structure of a particular line of reasoning or point of view". The fourth modal phase, 'Argument evaluation', "includes operations directed towards judging, estimating, adjudicating or appraising (in relation to a variety of criteria), the validity or worth of particular points of view."²¹ It is important for discussants to recognize at what modal phase they are operating. Facility at all four modal phases is essential for the development of a rational justification in an oral discussion.

Each modal phase includes a variety of rational operations which reflect the relationship between aspects of reasoning and strategies of argumentation. Aspects of reasoning include cate-

gories like inductive and deductive reasoning which place special emphasis on the logical structure of an argument. Strategies of communication refer to various techniques and styles of persuasion like an analogical argument, conditional argument, subsumption probing, etc. A two-way relationship exists between rational operations and the flow of an argument: the discussion flow is analyzed by breaking it down into its rational operational components, while the rational operations are analyzed and given meaning by their relationship to the flow of the discussion.²²

Although Dr. Morrison's Model is the most comprehensive available, it requires further elaboration. First, the Model does not identify or clarify all rational operations. For example, 'discussion rules suggested' (RO - 1) does not indicate as to what might be suitable discussion rules or how a person might determine what constitutes a good discussion rule. All the categories for 'Discussion Process Clarification' require further elaboration. For example, no reference is made to the role of the chairperson in a discussion (non-directive, directive, supportive, provocative, etc.). No monitoring procedure is recommended to determine how democratically or authoritarian the discussion is conducted. No procedure is recommended to deal with emotional issues like 'dependency - counterdependency,' 'fighting and controlling', 'withdrawing', and 'pairing up'. No procedures for developing communication patterns have been suggested. Such patterns should deal with the following issues:

1. Who talks? For how long? How often?
2. Whom do people look at when they talk?
 - a) particular person
 - always the same person
 - person who is addressed
 - b) the group
 - c) no one
3. Who talks after whom?
4. Who interrupts whom?
5. What form of communication is used?
 - a) assertions?

- b) questions?
- c) tone of voice?
- d) gestures?

'Discussion Process Clarification' is a component of the decision-making model because the process can promote the use of rational operations in a discussion in which the purpose is to develop rational justifications. If there are no discussion rules, chances are that a discussion by adolescents will jam. A summary statement can help to indicate the direction of the discussion by establishing whether issues are being clarified or whether everyone is sticking to his own favourite issue and paying little attention to what the rest have to say. Similarly, all the categories help to establish a suitable process in which the discussants have the best opportunity to exercise rational operations in a discussion.

'Argument Elaboration' and 'Argument Evaluation' fail to take into account a number of logical operations. No reference is made to counter-explanation and syllogistic argument (true and sound). No consideration is given to the pitfalls of many fallacies:

1. Formal fallacies (e.g. what is true of a part is therefore asserted to be true of the whole).
2. Linguistic fallacies (e.g. deliberate use of a word or phrase in more than one sense in the same argument--equivocation).
3. Material fallacies (e.g. argument ad hominem).
4. Fallacies of circumstance (e.g. appeal to pity, prejudice, vanity, ridicule, force, etc.)

The reference to fallacies draws attention to the main omission in the model--absence of any reference to avoidance strategies. Dr. Morrison is currently developing a separate model for monitoring avoidance strategies. It will, no doubt, include categories similar to the 'Poor Ratings' listed by F. Newmann and the 'fallacies' pointed out above.

In spite of the few concerns expressed above about Dr. Morrison's model, it has much to offer. Although this study is not the place to analyze each category of the model, a few will

be analyzed to illustrate the 'power of analysis' of the categories. First, classifying and explaining definitions assists in the development of a rational justification. This rational operation deals with the following issues:

1. Is it accepted as a definition due to conventional usage?
2. Was an authoritative source used to establish the definition?
3. Is it a stipulative definition?
4. Does it have supportive factual claim?
5. Is it arrived at deductively?
6. Is it non-circular?
7. Is it convertible?
8. What discriminating power does it have?

Clarification of these questions helps to distinguish a definitional issue from all other issues and so assists the process of argument elaboration. Value issues entail different questions from those of definitional issues. Some of the questions raised by a value issue are:

1. What is a Value?
 - a) quality a thing has in itself?
 - b) characteristics it possesses in relation to other things?
 - c) 'worth' conferred onto the thing by someone?
2. Classification of Values
 - a) by subscribership?
 - b) judged by certain value characteristics?
 - c) due to benefit entailed in it?
 - d) purpose?
 - e) instrumentality?
3. Assessment of Value
 - a) analytic (clarify, classify)?
 - b) descriptive (empirical inquiry)?
 - c) normative or prescriptive?²³

These two examples point out in what sense issues are quite different. It is these differences that must be kept in mind in order to move on to 'Argument Elaboration' and to 'Argument Evaluation.' That is not to suggest that 'Issue

Stating' is conducted only at the beginning of a discussion. That is not the case. As a discussion proceeds, frequently further clarification of issues is required. Sometimes new issues arise which must be resolved in order to proceed with the main issue. For example, if the main issue is a value issue, it can happen that the discussion requires a definition of new terminology introduced in the discussion. In other words, a definitional issue has arisen which must be dealt with before the group can proceed with the 'value issue.' Sometimes a discussion leads to new overriding issues which, in effect, steal centre stage because all the other issues are subsumed under it.

Special reference should be made to the 'moral value principle tests',²⁴ categories which are absent from all other existing models of rational operations. They are valuable for establishing the relationship and 'weight' of principle. First, it should be recalled that social issues are usually characterized by an intersection of principles. Hence the problem usually is not simply a matter of establishing which 'principle' is relevant and which is not, but it is a problem of establishing the relationship among principles in a particular situation. The moral value principle tests do this in the following manner. First, one way of testing the applicability of a principle is to explore a new case that is similar to the one under discussion. If it can be established that the cases are similar on important points and if it is clear which principle(s) were applicable in the new case, the case at hand may be resolved through the application of the 'new cases'. Second, the 'subsumption test' refers to the relationship among principles. Sometimes the 'weight' of various principles relevant to a case can be clarified by establishing how the principles relate to each other. For example, to resolve the Billy Budd case, it might be helpful in the development of a rational justification to establish that 'justice' is the over-riding principle in that particular case. The attempt to establish a priority of principles is called the application of the 'subsumption test.' Third, the 'role exchange test' can be used to establish the

weight of a principle. Reversible thought is encouraged by taking the role of the defendant. It can help to overcome egocentrism and so place the principles in an entirely different light. Fourth, the 'universal consequences test' urges a person to explore the implication of a priority of principles in all like hypothetical instances. This encourages a person to consider the priority in a much wider arena than the immediate case. That can help the person to assess the weight of the principle quite differently. In short, the moral-value principle tests assist in dealing with the most difficult dimension of social issues, namely, moral values. To apply the 'tests' is to apply rational operations to the most complicated issues in oral discussion.

In summary, Dr. Morrison's Model helps discussants to map the flow of the argument by disclosing the relationship between the 'form of what is said and the structure, substance, and direction of the on-going discussion.'²⁵ The analysis can reveal anomalies in the argument. This sets the stage for cognitive dissonance and the subsequent exploratory effort to resolve the anomaly in the argument.

5. Precedent and Analogies (see Table 18 on page 137)

The major function of analogies in the Jurisprudential Teaching Model is to assist adolescents in noting distinctions and qualifications which might refine the rational justification which they are developing on social issues. Analogies can help in this respect by pointing out factual, logical, legal, and value similarities and distinctions. Actual case studies and hypothetical cases can be used to test the consistency of a value judgment. The application of analogies can result in one of four consequences:

- a. it may reverse a person's position
- b. it may support a person's position
- c. a person may retain a person's position because it can be shown how the analogy is different in important respects
- d. it may qualify or modify a person's position.

TABLE 18
Analyzing Precedents and Analogies

PRECEDENT AND ANALOGIES			
RELEVANT SIMILARITIES AND DIFFERENCES		IRRELEVANT SIMILARITIES AND DIFFERENCES	
ANALOGICAL REASONING			
FACTS	LOGIC	LAW	VALUES

Factual distinctions can persuade a person to reverse his position. For example, suppose two people A and B both have shop-lifted a coat from a downtown retail outlet. A group of adolescents are discussing what should be done with B who is a fourteen year old boy with no previous record. One of the discussants suggests that B should be jailed for two weeks (as a deterrent) because the discussant had read of another person, A, who had been jailed for two weeks for stealing a coat. Upon further inquiry it is observed that A is eighteen years of age and a repeating offender. At this point the discussant who recommended two weeks of imprisonment for B might withdraw his recommendation because he recognizes that the two cases are different in important aspects.

Errors in the use of analogies are frequently logical blunders similar to the one committed by Alice in "Alice in Wonderland" as is illustrated in the following passage:

"Then you should say what you mean', the March Hare went on. "I do," Alice hastily replied; at least --at least I mean what I say--that's the same thing, you know."

How the problem of misusing logical analogies can be revealed is illustrated by Alice's companions:

"Not the same a bit!" said the Hatter. "Why, you might just as well say that 'I see what I eat' is the same as 'I eat what I see'!" "You might just as well say," added the March Hare, "that 'I like what I get' is the same thing as 'I get what I like'!"

"You might just as well say," added the Dormouse, who seemed to be talking in his sleep, "that 'I breathe when I sleep' is the same thing as 'I sleep when I breathe'!" "It is the same thing with you," said the Hatter, and here the conversation dropped." 26

Alice's companions' use of analogies was suitable because they pointed out the pattern of Alice's argument. The fallacy of the pattern of Alice's analogies became obvious in the analogies identified by her companions.

Analogies can be cited to support a person's value judgment. This is the argument from precedent used by lawyers and judges. They do not restrict themselves to legal analogies but require the use of all four types--depending on the case at hand. In fact, every effort is made by judges to resolve cases on the basis of previous judgments in similar cases but to avoid the danger of comparing the case at hand with a case which is really quite different. However, when the Jurisprudential Teaching Model makes use of this practice in law, a serious distortion might arise. The adolescents might be led to believe that the case at hand is not resolved on the basis of principled decision making but merely by searching for a case that looks similar at the expense of the unique factors of the case at hand. Students may not notice the role of 'principles' in preparing a judgment. This is potentially a serious distortion that might encourage some educators to recommend that court simulations should not be incorporated into the Model.

However, the danger inherent in inviting adolescents to deal with issues in a legal setting, using precedent, can be one of

the key aspects of the Model to help students appreciate the role of principles in analogous cases. It should be recalled that moral principled decision-making is stage six in Kohlberg's hierarchy of stages of moral reasoning, whereas adolescents are predominately at stages two to four. It should also be noted that Piaget observed that adolescents are predominately at the concrete operational level of thought as well as at the transitional stage from concrete operational thought to formal operations. Given these developmental characteristics about adolescents generally, there is reason to believe that a consideration of precedents can assist adolescents to see the role of principles in a case even though they cannot develop a rational justification from principles through formal operations. An argument from concrete previous cases or incidents requires concrete operational thought. In this context principles are sufficiently concrete-- i.e. in the form of precedents that must be taken into account-- so that adolescents can bring them to bear on a case even though they do not operate at the formal operational level and even though they are not at stage 6 of moral reasoning.

This might be illustrated by the case of Riggs v. Palmer described by R.M. Dworkin. It should be recalled that the issue in this case was whether an heir named in the will of his grandfather could inherit under that will, even though he had murdered his grandfather to do so. The students could become familiar with the details of the case as well as the law which covers it. They could review other cases in which the law was rigorously applied when a will was contested. They could check out sub-issues like the technical validity of the particular will. For example, had the will complied with the stipulation that 'A will is invalid unless signed by three witnesses.'? They could see how this case is different because of the applicability of an overriding principle--'No man shall profit by his own wrong.' The question then is, does that difference warrant a different court decision? The court which dealt with Riggs v. Palmer obviously thought so because they did not grant the murderer his inheritance.

The point is that adolescents might learn to take principles into account by meeting them in analogous cases and observing how they have affected the judgment in different cases because precedent decisions can help to concretize principled decision-making. In Riggs v. Palmer the students could observe that this case was different from previous cases with respect to one aspect only--the moral principle that 'no man shall profit from his own wrong.' Hence, the exceptional decision of the Court.

It is difficult to recommend where analogies should be drawn into an argument because that is in part determined by the flow of the argument. However, a few guidelines might be helpful for introducing adolescents to effective usage of analogies. First, members of a discussion group should establish the main issue under discussion even though this may change as the discussion progresses. Then attempts should be made to clarify the main issue by resolving important factual questions, definitional questions, value issues. At this point enough might be known about the issue to introduce analogies. In short, adolescents might be encouraged to hold off with drawing on analogies until the issue or case at hand is quite clear to the discussion group. If this precaution is not taken, then the introduction of analogies can result in serious distortions because the discussants might be unaware of important similarities and distinctions. The analogy can actually side track the discussion and lead the group to conclusions which they would not accept had they realized in what sense the analogy was not a valid analogy.

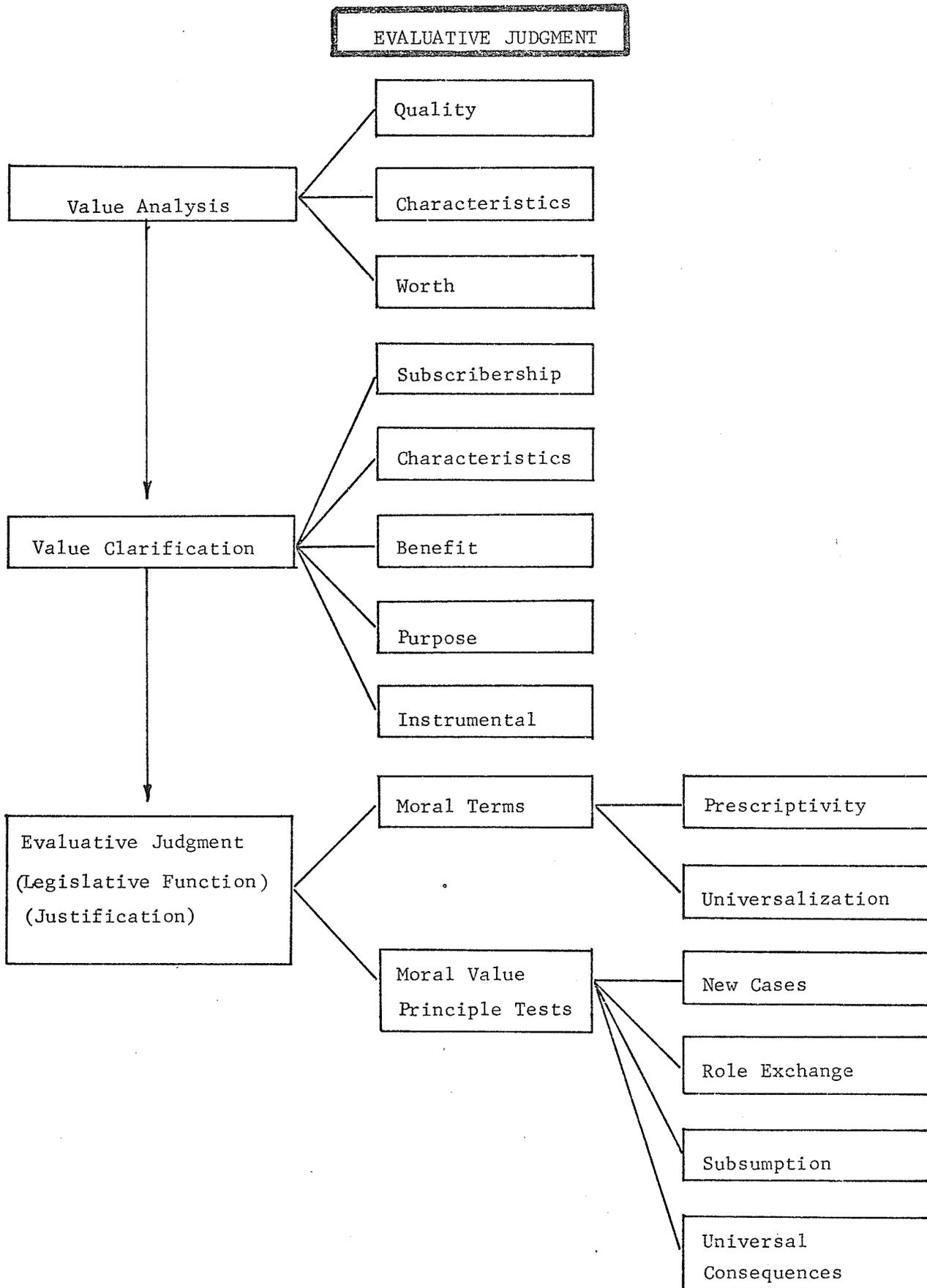
In summary, it is suggested that although the use of analogies can thwart a discussion, especially through the introduction of legal analogies (precedent), it can introduce adolescents to the role of principles in the development of a rational justification even though adolescents are not at the moral principled level of moral reasoning. This enables them to get involved in principled decision-making.

6. Evaluative Judgments (see Table 19 on page 142)

The most difficult aspect of the decision-making model, which serves as the basis for the Jurisprudential Teaching Model, is 'evaluative judgments'. It is at this point that emotions frequently take over and reason is disbanded. However, it is suggested in the research outlined in Chapter Three (The Development of Moral Reasoning) that 'reason' should play an important part in making evaluative judgments. Chapter Four (Moral Reasoning and Civil Rights) showed how moral reasoning is an integral part of the development of a rational justification for prescribing action for other people. Therefore, adolescents need to be introduced to value analysis, value classification, and moral value principle tests in order to make rational evaluative judgments. It completes the decision-making model.²⁷

What is entailed in the final and most complex aspect of the decision-making model, namely: evaluative judgments? First, adolescents must learn to conduct value analysis. Nicholas Rescher²⁸ suggests that instead of asking 'what are values?' one think in terms of 'what do values do?' Then one does not have to deal with the question of whether the quality is inherent in the thing itself. For example, when one says 'All red cars are good cars' does the statement mean that all red cars are inherently good? That is a very difficult question to deal with and probably quite unsuitable for adolescents because they lack adequate tools of analytic philosophy. Does it mean that the 'good' is a characteristic red cars possess in relation to other things? Again, this is a difficult question to deal with because 'what does it mean to possess a value?' However, if values are conceived in terms of 'what do values do?' then they can be viewed in terms of 'worth' being conferred upon a thing, person, or idea. Someone considers red cars valuable and therefore he made the statement, 'All red cars are good cars.' Adolescents can understand the third meaning of 'value'. It also leads to the next task, i.e. 'value classification', which is also familiar to adolescents because it is reflected in the ordinary use of language.

TABLE 19
Categories of Evaluative Judgments



Rescher has identified a number of common classifications. First, they are classified by subscribership (who holds it?). Do most people ascribe to it? Are those who ascribe to them considered authorities on the matter? Second, sometimes value is conferred because the object has certain characteristics which are considered desirable. For example, speed is considered a valuable characteristic in racing cars and therefore a fast car is considered valuable. Third, an object can be considered valuable because of its benefit to people. It happens to meet some of the needs or interests of people and therefore 'worth' is conferred upon it. For example, milk is valued because it is a source of calcium which helps to keep people healthy. Fourth, the purpose of an object can establish its value. An awful tasting drug can be considered valuable for medicinal purposes. Fifth, some values are the basis for other values. For example, 'frugality' is not valued for itself but because it can lead to other values like 'wealth' or 'self-sufficiency.' All these classifications have been used by most, if not all, adolescents. The same value word can be classified in different ways according to its function. Adolescents need to be informed about the classification so that they understand more clearly the role of value statements in various situations.

'Value' words have several dimensions besides conferring worth on an object. Values can be regarded in greater or lesser degree from one instance to the next. One chair can be more comfortable than another, one car can be more 'economical' than another. Various scales are used to express the degree to which a value is considered present in an object. First, sometimes an ordinal value scale is used (e.g. the sunset is beautiful). A value is present or it is not present. Second, sometimes a cardinal scale is used (e.g. wealth/destitution). Third, sometimes a bi-polar scale is used to express the relative value of an object:

<u>negative</u>	---	<u>neutral</u>	---	<u>positive</u>
harmful		harmless		beneficial

Fourth, sometimes only a mono-polar scale is used (e.g. only negative or only positive). Fifth, some values are terminating. For example, when a person is healthy he cannot become more healthy. Sixth, some values are non-terminating. For example, a person can go on accumulating more and more wealth whether he is wealthy or not.

A person's value system is characterized by three distinct tasks:

1. the analytic task of characterizing, classifying and explicating the concepts of the various 'values' that are at issue.
2. the descriptive task of applying the value concepts to specific concrete settings.
3. the normative task of evaluating this specific pattern of value subscription.²⁹

The value classifications illustrated above are examples of the analytic task. The descriptive task is an empirical inquiry similar to what was outlined in 'modes of inquiry' above. It is the normative task, which is the most complex task of all, that requires further explanation. The discussion of moral-value judgment tests (see 'Rational Operations' above) was an attempt to explain what is entailed in making an evaluative judgment. However, before more is said about those tests, it might be helpful to observe in what sense it is possible to reason about value questions. Rescher maintains that values have an objective (empirical) component³⁰ and therefore values can be treated in a manner like 'facts'. In other words, the fact/value dichotomy is false. Values which claim to enhance the 'quality of life' are either well founded or false. They are not a matter of personal choice. For example, that racial supremacy undermines the quality of life (including that of the 'master race') can be argued on the empirical base of historical evidence. It is not a matter of 'subjective preference'. Second, since values have an impersonal (universal) quality about them, they cannot be reduced to mere subjective expressions. Something cannot be of

value to one person but not to another in like circumstances. This distinguishes a 'value' from a 'personal preference'.

Third, reasoning about values is important because the principle role of values resides in the rationalization of action. This is implicit in the following ordinary questions:

What am I to do? (1st person)

What are you to do? (2nd person)

What are the merits of what John is doing? (3rd person)

Implicit in asking these kinds of questions, which are characteristically asked by everyone concerning the conferring of 'worth' upon action, is the assumption that action should be conducted upon the basis of good reasons. If that is the case, the role of reason is fundamental to value issues.

The most fundamental question is: 'What is entailed in evaluative reasoning assuming that the purpose of evaluative reasoning is the development of rational justifications. Implicit in a value judgment are two things: (1) value principles and (2) a set of facts which show that the value principles apply. It is logically inconsistent to assert the judgment but deny the principle because the value principles relate the supporting facts to the evaluative terms. The facts must meet two conditions to be relevant: (1) they must be facts about the value object and (2) they must be facts to which the evaluator ascribes some value rating. Value criteria must be introduced to rate the facts. For example, the value criteria that 'killing is wrong' establishes that 'euthanasia is wrong.'

An application of the moral principle value tests probably illustrates most clearly what is entailed in evaluative reasoning. Hence, the inclusion of the following examples.

1. New cases test. Consider the acceptability of the tentative value decision in a similar new case. Suppose a person asserts that 'lowering the voting age is bad' in a discussion of federal election procedures. Suppose the statement was

made on grounds that people under the age of eighteen are politically immature. A new case could be made by shifting the discussion to a comparison of rural housewives and college students. Can it be established that rural housewives possess more political maturity than do college students? Such a shift might suggest that 'immaturity' is not an acceptable basis for establishing an age limit for voting.

2. Role exchange test. Due to the emotional component in value decisions, people sometimes prescribe action for other people which they would find entirely unacceptable for themselves. Consequently it is desirable to apply the role exchange test to determine the acceptability of the underlying principles. Suppose a person argues that 'no able-bodied man should receive welfare allowance for himself or his family.' Such a person might be asked to consider the following situation 'Suppose you were a technician at the James Bay Power Development site before it was damaged. You might be laid off for a whole year due to the damages at the site. Since you were laid off in the middle of winter along with nine hundred other men, you fail to get another job for several months. Sould your family go hungry just because you were laid off due to no fault of your own?' At this point the discussant might be ready to qualify his statement. He might even concede that there might be numerous circumstantial situations where a so-called 'able-bodied person' might be in need of welfare allowance and therefore should receive it.
3. Subsumption test. This test involves exploring the inter-relationship of principles. When there is strong disagreement about a value decision due to disagreement over the applicability of a principle, it might be desirable to explore related principles. Suppose a person is opposed to lowering the voting age because 'it is unwise to grant voting privileges to immature people'. This value decision might be placed in proper perspective by trying to establish the relationship between 'immaturity', 'rationality', and

'political rationality'. Does 'to be immature' mean the same as 'being irrational'? Are 'rational people' immature in some respects? Is 'rationality' a preferred criteria for voting above that of 'maturity'? Are people over eighteen necessarily more rational about politics than people under eighteen years of age? If not, should 'age' be an absolute criteria for granting voting privileges on the basis that people over eighteen are more 'mature' than those under eighteen? Such a series of questions might lead a discussant to question the basis he gave for his original value decision. In fact, it might even change his value judgment.

4. Universal consequences test. A person can be invited to 'test' his judgment by considering the consequences of applying his judgment to all like hypothetical or real situations. Suppose a teacher punished a fifteen year old boy for denying that he had stolen the teacher's car keys when in fact, the boy had stolen them. In other words, the teacher punished the boy for lying to the teacher. Suppose Teacher B agrees with Teacher A that the boy should be punished but disagrees with Teacher A's reason for punishment. Teacher B thinks that the boy should be punished because of the seriousness of stealing other people's car keys because such theft increases the temptation to steal cars. That must be discouraged in order to protect private property, argues Teacher B! Neither teacher is willing to give in to the other person's argument. Finally, in desperation Teacher B asks Teacher A to consider the consequences of punishing everyone for telling lies or making false statements. What about the two-year old who sometimes imagines things to be different from what they really are? What about old people who sometimes experience memory lapses? What about the problem of 'selective perception' frequently characterizing witnesses at the scene of an accident? What about a teacher who 'signs in' a fellow teacher who is late for school? What about failing to report some personal income on the income tax returns? What about the 'white lie' to cover a minor breach of rules in order to

avoid embarrassment? What about a 'white lie' to get a friend 'off the hook'? What about withholding vital information as a witness in a civil court case? What about a lie to protect the innocent in time of invasion? What about war spies who live a life of deception on behalf of a country they love? These are just a few questions Teacher B might ask to invite Teacher A to consider the universal consequences of punishing people whenever they make false statements.³¹ Applying the universal consequences test might help Teacher A to reconsider the adequacy of his 'justification' for punishing the boy by pointing out factors relevant to the situation which Teacher A had not taken into account prior to the test.

It is important to emphasize again that the moral-value principle tests are not designed to resolve issues (guarantee right answers!) but to assess the 'justification' for moral value decisions. They can assist in argument evaluation. Nor is there any assurance that they will help to clarify issues because they can stimulate various kinds of dissonance--logical, cultural, experiential, and moral. Only a moral dissonance can help to clarify moral issues. A logical dissonance can help indirectly if the discussion is caught in a logical inconsistency. However, if a cultural or experiential dissonance has been created, then the issue might have become more confused than ever. Then it might be necessary to try any and all rational operations to help a person to shift from a cultural or experiential dissonance to a logical or moral dissonance. Whether the person will make the shift is not at all certain.

Since the task of making evaluative judgment is a part of the Teaching Models some suggestion should be made as to how adolescents could be introduced to the process. Before that is done, it should be emphasized that the purpose of the Model is not primarily to introduce adolescents to the formal properties of making evaluative judgments, but to help them to make evaluative judgments based on rational justifications. In other words, it is not expected of adolescents that they be able to conduct a

philosophical analysis of what is entailed in evaluative judgments.

The following teaching strategy is recommended for dealing with evaluative statements. First, identify the value questions. On what basis is the object in question regarded valuable? What specifically is regarded valuable? Second, assemble all the evidence related to the value statement. This involves collecting facts, organizing data, classifying facts, etc. Third, assess the factual assertions. In what sense are the facts generally applicable or specific to any facet of the issue? Are they conditional facts? If so, has the condition been met? What is the source of supporting evidence? What is the reliability of the source and the evidence? Have alternatives been considered? Fourth, establish the relevance of the facts. Fifth, arrive at a tentative value decision which is based on the weight of the preceding four steps. Sixth, apply moral-value principle tests to the tentative conclusion in order to test the acceptability, relevance, and weight of the principles implicit in the tentative value decision. This step applies only if the value statement involves 'moral' values.

It should be apparent that the teaching strategies for helping adolescents to make evaluative judgments based on rational justifications included the entire decision-making model. This illustrates the point that the entire model culminates in the evaluative judgments. It also points out that the components of the model reflect an integrated process. The process is more than the sum total of all of its parts. Integrating the parts into a decision-making model creates a process with which to make evaluative judgments based on rational justifications.

This completes an account of the decision-making model which is the most important aspect of the Jurisprudential Teaching Model. It is by no means a comprehensive account but it should serve to outline the function and power of the decision-making model to make evaluative judgments based on rational justifications.

B. Oral Discussion and Argument Flow Analysis

One of the main teaching strategies in the Jurisprudential Teaching Model is oral discussion and discussion flow analysis. This is suggested in spite of the criticism levelled at attempts to discuss public issues conducted in the classroom. It is sometimes argued that generally people are stubborn and/or afraid to change their minds about social issues. Therefore, what is the point of wasting valuable class time on such discussions? Second, it is argued that political and social issues have no right answers and cannot be resolved through rational discussions. They are only a matter of opinions, so what is the use of talking? Third, it is contended that most adults, let alone adolescents, do not have enough facts to discuss complicated social issues intelligently. What is more, if they did have access to enough facts, the answers to the problems would be so obvious that there would be nothing to argue about. Finally, since the average person is helpless in the face of political bureaucracies, what is the point of identifying better solutions for social problems?

It is not assumed in this paper that there are satisfactory answers to each of the five objections to oral discussions of social issues, but it is assumed that it is worth trying to challenge each of the objections. It is felt that oral discussion of public issues has generally not been tried properly and therefore there is reason to believe that the objections might be unwarranted. Oral discussion is not recommended as an isolated activity conducted now and again in-between traditional lectures and assignments unrelated to the discussion. It is recommended for use in the decision-making model described above as well as the other aspects of the Jurisprudential Teaching Model. Finally, and probably most important, it is recommended for use in conjunction with argument flow analysis models. The purpose and function of these models constitutes the main purpose of oral discussions in this Model.

Oral discussion and argument flow analysis is incorporated into the the Teaching Model to meet the following aims:

1. to appreciate complex issues

2. increase adolescents' use of reasons in support of a position or to reject or revise a former position.
3. provide qualifications and distinctions for positions.
4. help to analyze arguments prepared for opposing positions and so learn to appreciate in what sense positions may differ.
5. develop increasing facility in discussion strategies.

M.A. Levin suggests that a 'good discussion' (a discussion that meets the aims outlined above) must meet two conditions:

1. it must be a 'disciplined discussion';
2. it must be effective in classifying and/or resolving important issues.³²

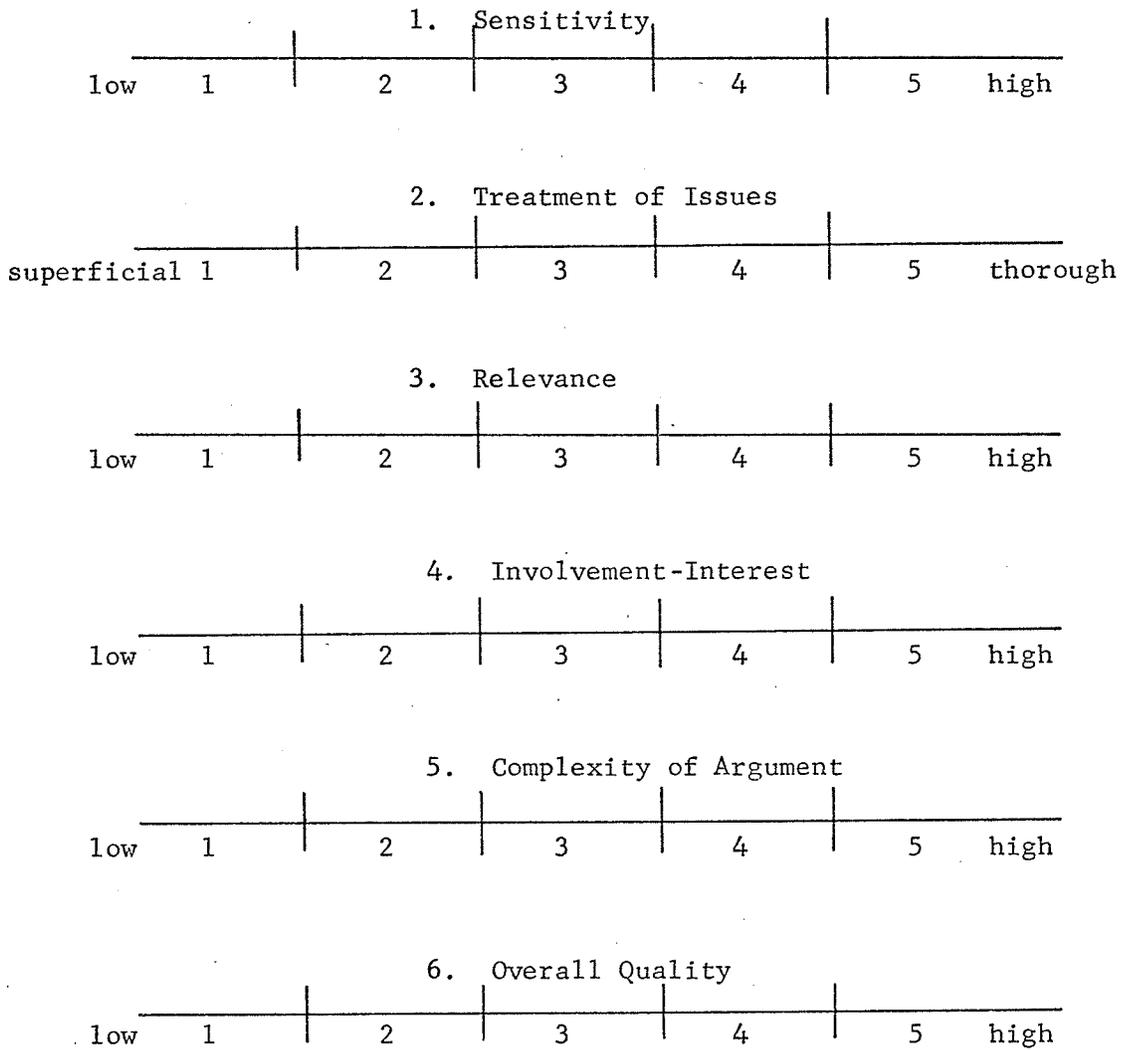
He recommends the following conditions for a disciplined discussion:

1. explicitly stating the issues over which the participants disagree;
2. responding sensitively to each other's statements (e.g. paraphrasing and clarifying);
3. sticking with issues: pursuing them systematically and with some degree of continuity;
4. recognizing when the issue or topic changes and making explicit transitions when moving from one issue or sub-issue to another;
5. summarizing the progress of the discussion at different points in the course of the conversation;
6. showing concern for relevance.³³

Fred Newmann has developed a Discussion Rating Scale to assess the quality of 'disciplined discussion' (see Table 20 on page 152). This aspect of a discussion is also monitored by the first part of the Rational Operations Model developed by T.R. Morrison (see Table 21, page 153).

The most important function of 'discussions' is the effectiveness with which issues are clarified and/or resolved (Levin's second condition of a 'good' discussion). Although Levin has developed a model as well as some charts to introduce this component, the classification of rational operations developed by T.R. Morrison offers a more comprehensive guide to issue clarification and resolutions. Some of

TABLE 20
Discussion Rating Scales



Source: Fred Newmann, Clarifying Public Controversy, 1971, p. 293

TABLE 21
Argument Flow Analysis Grid

Issues Rational Operations	Factual	Definitional	Explanatory	Policy Value	Moral	Legal	Motivational	Functional
<i>A</i> DISCUSSION PROCESS CLARIFICATION								
RO-1 Discussion rules suggested								
RO-2 Summary given or requested								
RO-3 Paraphrasing								
RO-4 Repetition-duplication noted								
<i>B</i> ISSUE STATING								
RO-5 Factual Issue								
RO-6 Definitional Issue								
RO-7 Explanatory Issue								
RO-8 Policy Issue								
RO-9 Value Issue								
RO-10 Moral Issue								
RO-11 Legal Issue								
RO-12 Motivational Issue								
RO-13 Functional Issue								
<i>C</i> ARGUMENT ELABORATION								
RO-14 Definition given or requested								
RO-15 Stipulation made								
RO-16 Assumption given								
RO-17 Comparison-distinction given or requested								
RO-18 Clarification given or requested								
RO-19 Evidence-example given or requested								
RO-20 Analogy given or requested								
RO-21 Hypothetical instance introduced								
<i>D</i> ARGUMENT EVALUATION								
RO-22 Analogy Challenged								
RO-23 Inconsistency noted								
RO-24 Relevance questioned								
RO-25 Assumption probed								
RO-26 Counter-evidence introduced								
RO-27 Moral-value principle test-new cases								
RO-28 Moral-value principle test-subsumption								
RO-29 Moral-value principle test-role exchange								
RO-30 Moral-value principle test-universal consequences								
RO-31 Conditional reasoning								

Argument Flow Analysis Model

Source: Dr. T.R. Morrison, University of Manitoba

the aspects of his model have been discussed earlier in this paper to illustrate the 'power of analysis'³⁴ of the model. It is this kind of analysis which is most important for discussion.

Although there are many ways of conducting discussions, some seem to be more conducive towards the development of a 'good' discussion. The following format is recommended:

Determine the size of the group and the type of leadership for the discussion. In most circumstances the size should be approximately ten people but the leadership may vary. If a teacher chooses to be the leader, he should restrict his input to a minimum so that the discussion reflects the thinking of the adolescent and not that of an adult. There is the danger of adolescents trying to imitate teachers in order to impress them and thus hopefully get a better grade. More commonly, there is the tendency for the adolescents to search for 'correct statements' (those which will meet the approval of the teacher) by asking for more teacher input and attempting to construct the kind of answers which a teacher might make. The teacher should try to restrict his input to two roles: (1) getting the discussion started, and (2) chairing the discussion to make sure everyone has a chance to talk to an issue, and to maintain general order so that the group can carry on a discussion. To start a discussion, the teacher might restrict himself to three kinds of questions: (1) what is the issue? (2) what is your position on the issue? (3) why? If these three questions are asked of most or all of the members of a group, chances are that some members will begin to pick up the discussion. A student may also lead the discussion and play a role similar to that of the teacher. The student may be involved in the discussion more freely than a teacher because the student is a peer to the group members and so will not introduce the 'adult arguments', as is the case with the teacher.

Restricting the participation of the teacher cannot be emphasized too much, because of the danger of distorting the discussion. For example, the teacher might raise a law and order (stage 4) question when most of the discussants are at stage 2 (instrumental relativist

orientation). Since it is the teacher (authority image) who raised the question and since most discussants happen to be two stages below the level of the question, the students might be inclined to try to guess what might be a 'good answer' to the question. This kind of discussion probably would not create the cognitive dissonance which makes adolescents explore alternative forms of thought and therefore it would not encourage cognitive development.

The entire discussion should be taped. If the teacher is present in the discussion he may choose to interrupt the discussion at certain intervals to play back to the group what they have discussed. During the play-back the teacher should take a much more active role because the purpose of the playback is to help the students to discover what went on during their discussion. He should assist students in identifying the use or misuse of rational operations by stopping the replay at certain points to analyze what transpired. With the aid of lead questions, the teacher can assist students in recognizing the use of rational operations. This in turn helps them to identify and analyze the flow of the argument which is quite different from specific operations. They begin to see how the discussion is progressing (or why it is not progressing) because someone clarified a definitional issue, or drew an analogy, etc. This kind of analysis helps the group to decide where to go in the discussion (e.g. reconsider what is the main issue). The teacher can help the students to acquire this ability by asking the following kinds of questions during the replay:

1. Is that a factual issue or a definitional issue?
2. Did you notice the hypothetical instance introduced in support of the argument? What do you think of it?
3. Did anyone notice the inconsistency in the argument?
4. Can anyone introduce a counter-explanation to the argument?
5. Do you accept the argument from the new case?

Of course the teacher should encourage the students to interrupt the replay to make their own observations. In fact, after several teacher-directed analyses of discussions, the students should be encouraged to do it on their own. The teacher might choose to get

involved only to introduce students to certain analyses which they are not using (e.g. the use of additional rational operations).

The replay of the students' own discussion is one of the most important teaching strategies because it reveals the use and misuse of rational operations and thereby reveals the kind of justification produced by the group. This helps to determine whether the group is indeed developing a rational justification. For example, the replay might reveal that the discussion is proceeding on the basis of who can talk the loudest, and not on the basis of evidence and the use of rational operations. Such an observation can help to redirect the group towards the pursuit of rational justification. Unless the discussion is focused on the development of rational justification, it is unlikely that the discussion will encourage the development of moral reasoning but is more likely to create cultural, experiential, or logical dissonance.

Various types of materials can be used for this kind of discussion-- dilemmas, vignettes, personal incident, film, research kits, research projects, newspaper clippings, cartoons, etc. Silvia Farnham Diggory has identified the most important conditions that should be met by all materials: (1) what is read must raise a question that the reader finds hard to answer, (2) there is a hero who is faced with the question, (3) the hero is engaged in an active search for an answer, (4) there is a central element of struggle against difficulties and perplexities.³⁵

Some of the types of materials need further clarification. First, a dilemma is 'a problem story which stops at the dilemma point'.³⁶ The story usually is brief (one to ten pages), which allows students to read it just before the discussion. It has a dramatic story line which is of interest to the students. It is a good place to start a discussion because it raises one or more common issues for all members of the group. It helps to focus on the use of rational operation because, due to its brevity it clearly fails to supply large amounts of facts with which to try to resolve the dilemma. Finally, since it is brief it can be written by students and teachers

for specific purposes. A dilemma can concentrate on specific aspects of morality (see Kohlberg's universal aspects of morality in Appendix A, page 324), on particular cultural situations (e.g. The Nobrega Case-- see below), on personal experience (of the students involved in the discussion). Second, a vignette is a short excerpt, or slice of a story without a complete plot.³⁷ It is anywhere from a few sentences to about a page in length with all the features of the dilemma. Since it is so much shorter than a dilemma, a discussion of a vignette must rely almost entirely on the use of rational operations and not on the availability of facts. A vignette identifies an issue without indicating how it might be resolved. Since it is so open-ended, it may create personal, experimental, or logical dissonance as well as moral dissonance. Therefore it is particularly important to conduct an argument flow analysis at regular intervals during a discussion of a vignette. Vignettes are particularly suitable for one special function--identify analogous situations to the situation under discussion. This technique has been used particularly well in the Dilemma³⁸ series and the Canadian Critical Issues series.³⁹

Research kits were prepared to help students to integrate the use of relevant information with the use of rational operations in an oral discussion. For example, a kit was assembled on a particular case, like the Nobrega Case as follows:

1. Ten page summary statement of the case found in The Law and The Police.
2. Toronto Globe and Mail coverage of the shooting incident:
 - "Youth shot dead; detective claims scuffle accident".
 - "Set inquest into the shooting for June 12."
 - "80 Portugese protest shooting in church rally."
 - "Detective's gun--inquest will be held in shooting of youth."
3. Verdict of Coroner's Jury (May 28, 1969).
4. Canadian Criminal Code on use of firearms and offensive weapons. (pp. 37 - 51)
5. Globe and Mail coverage of the Inquest:
 - "Stories of policemen shot told at Nobrega inquest."
 - "An inquest which failed."

- "Gun expert supports actions of detective."
- "Inquest jury visits death site."
- "Nobrega jury faced with question: Was youth's death accident or murder?"
- "Nobrega shooting described."⁴⁰

This kit of materials on the Nobrega Case is not a comprehensive coverage on the Case but it supplies a considerable variety of materials that can be studied and taken into account in an attempt to clarify the case. A group of students could spend several hours on this material in preparation for a discussion of the case. The materials could be available during the discussion so that the discussion could be based on precise statements from primary documents thus forcing the discussants to restrict 'fact statements' to whatever fact statements are actually available.

On the other hand, a kit of this nature has reduced the research requirements for the case to a volume which can be handled by adolescents. The level of research conducted by lawyers in most cases is too complex for adolescents. Nor is the time available to pursue such in-depth research.

The students were also encouraged to conduct community research projects in preparation for a group discussion. A group of students would decide to inquire into current laws and attitudes about 'capital punishment'. This would involve the following activities:

1. Identify and describe a problem area.
2. Draft an hypothesis with regard to the problem.
3. Identify sources of information:
 - legislation
 - Law Reform Commission
 - police officer
 - lawyer
 - judge
 - general public
4. Design appropriate instruments (list of questions) to pursue each source of information.

5. Chart the information .
6. Draw inference from all the information.
7. Review original hypothesis and revise it if necessary.
8. Each researcher draft a report on his position after conducting the research project.
9. Conduct an oral group discussion with other students who were interested in the topic.

Due to the time that is involved in a research project of this nature (probably about three weeks), it is not practical to conduct this kind of research for each group discussion. Nor is it necessary to do so as was pointed out earlier. However, this kind of research provides a dimension to the discussion which the others do not have-- the discussants are closely involved with the case by personally researching it. They develop a keen interest in the case by talking to many different people in the community about the issue. Second, the issue probably is much more real to them because they actually monitored the opinions of many different people about it. It no longer is an academic issue about which other people write. It is a real live issue 'now'. All these factors can help to develop a serious, probing group discussion.

Due to the nature of the types of material, they serve different purposes in the Program. 'Vignettes' and 'dilemmas' require no research and concentrate on the use of rational operations. They can be used through the entire program. 'Research kits' require the ability to conduct some research and therefore require more insight into research techniques as well as some understanding of the concept and administration of law. Therefore, they should be introduced later in the Program. 'Community research projects' are even more complicated to execute and so should be held for the second half of the Program. The same applies for 'Simulation activities' due to their complex demands. (See Table 22, page 160, for a recommended introduction of these types of materials and strategies.) It should be emphasized that the Table offers a very general guideline. Many students do not fit the guideline and therefore exceptions should be allowed.

TABLE 22
Introducing Types of Materials

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER
VIGNETTES				
DILEMMAS				
RESEARCH KITS				
COMMUNITY RESEARCH PROJECTS				
SIMULATIONS				

Materials and related activities recommended for oral discussions and subsequent analysis of arguments.

This completes a brief outline of the main kind of group discussions recommended for the Teaching Model. Other kinds of discussions have been suggested. Newmann has described a procedure for his jurisprudential model⁴¹ which requires very active participation on the part of the teacher. He recommends that the teacher participate in the discussion--probing the students constantly for an explanation for everything they say. His objective is to make students aware of the various rational operations. In effect, he is trying to do in one step what this study recommends should be done in two steps--group discussion without teacher involvement followed by an argument flow analysis of a replay of the discussion with the teacher taking an active part in the analysis.

Other discussion formats are: leaderless group discussion, jury panel, debate, pairing groups of students against each other, devil's advocate role playing. 'Leaderless discussions' should be used sparingly

because they frequently lack the qualities of a 'disciplined discussion'. The rules of debate are so rigid that the debating rules tend to infringe on a 'give and take' among opponents. What is more, the emphasis in debates tends to be on winning through the use of strategies, rather than on developing a rational justification as a group. Pairing groups of students against each other and giving the groups three minutes each in turn to respond to each other in several rounds of exchange is a useful alternative format. It encourages the participants to listen, because they cannot interrupt each other for three minutes. It also encourages students to stop and plan a response before saying something in reply. The 'devil's advocate' role for the teacher should be used sparingly because it might suggest that any position is as good as another because the teacher never really argues for what he believes. Jury panel and role playing offer great potential as a format for discussion. They will be discussed under a separate topic in this study.

In summary, it should be observed that group discussion is one of the most important teaching strategies for the Jurisprudential Teaching Model. It allows for constant application of the decision-making model. It can be used in a variety of formats. It is sufficiently flexible to allow students to participate at whatever level of development they might be and whatever level of skill development they might have acquired.

C. Case Studies Approach

The case study approach is an examination of many characteristics of one 'unit' (e.g. idea, person, situation, company, community, culture, etc.). The emphasis on a particular 'unit' creates a body of information, values, and principles which are sufficiently focused so that a discussion can be held on it--everyone can know what the discussion is all about. In short, the main value of the case study approach for a decision-making Teaching Model is that it is specific.

A case study approach seems to be suitable for the Jurisprudential Teaching Model because it can create the setting for the movement from concrete operational thought to formal hypothetical deductive reasoning. For example, the case of a young Italian immigrant (The Nobrega Case) who was shot by a police officer is specific enough for an adolescent to grasp. An adolescent can immediately entertain many questions about the case--'Why did the officer fire his gun?' 'Did he have a right to do so?' 'What had the young man done?' 'What should the officer have done?' 'What would (should) I have done if I had been the police officer?' 'What should be done with the police officer?' In fact, rather than formally ask all these questions, the adolescent would probably blurt out a number of responses immediately after reading the case which, in effect, would be answers to the kinds of questions raised above. In other words, the case is concrete enough for the adolescent to be able to think about it immediately. This could be compared to a discussion situation where the teacher might raise an 'intersection of principles issue' which would require formal thought just to understand what the issue is all about. For example, a teacher might ask 'In a conflict of 'individual rights' and 'the state's responsibility to protect citizens', what should a citizen, employed by the state to protect citizens, do?' It is not likely that most adolescents could deal with that question as it stands.

Not only are case studies concrete enough for adolescents but case studies involving social issues can be a challenge to anyone regardless of his stage of development. The case can be resolved at stage one (punishment and reward orientation)

by a six year old or at stage three ('good boy', 'nice girl' orientation) by a fourteen year old, or at stage six (ethically principled reasoning orientation) by a forty year old. Hence there is always the possibility of a cognitive challenge in each case study. There is always the possibility of stage development because a dissonance may arise in connection with any case. It does not follow that an adolescent will experience dissonance with respect to every case study--certainly not cognitive dissonance. An adolescent might be convinced about a solution to the social issue immediately and therefore experience no dissonance. An adolescent might experience a logical, experimental, or cultural dissonance instead of a moral dissonance. Therefore it is extremely important to recognize that cognitive development need not, indeed probably does not, occur every time a person encounters a case study involving social issues. The point is that case studies might encourage cognitive development. Therefore it is an important teaching strategy for the Jurisprudential Teaching Model.

In order to use case studies effectively, several questions should be taken into consideration. First, what issues should be raised? That will depend on the substantive issues selected for a particular program of studies. For example, in the unit of study 'Youth, Law and Morality', which is described in Chapter Six of this study, the materials focused on 'youth issues' although not to the exclusion of other issues. In fact, in the research project that students conducted, they were free to work on any topic if they could find appropriate materials on it. Materials had also been collected for the program on issues other than 'youth issues'. This theme was selected for its potential appeal to adolescents but it was hoped that the students would move on to other issues as well and so expand the range of issues.

What type of cases should be considered? The following are recommended: hypothetical cases, historical cases, contemporary cases in society generally, and contemporary school cases. Adolescents should be allowed to discuss immediate personal social issues--including those related to the schools they attend. This can help to make the discussions important to them personally. It may be essential, for

some adolescents, to experience stage movement. They should be encouraged to consider social issues in a somewhat broader context-- the community (suburb, city, province) in which the school is located so that they might observe some of the implication of the inter-relationship among the issues of both categories. They should be encouraged to see contemporary social issues in a larger historical context. Therefore, historical case studies should be available. They could be used to draw analogies. Finally, hypothetical case studies in the form of novels and historical fiction should be available. By encouraging adolescents to consider many possibilities which may not have actually happened, hypothetical cases can increase the students exposure to the range of moral aspects. Hypothetical cases can also be created to pose analogous situations.

Third, what format should be adopted for the case studies? The following outline suggests some variations:

1. Non-print media:
 - a. film
 - b. slides
 - c. tapes
 - d. cartoons
2. Print
 - a. vignettes
 - b. dilemmas
 - c. research kit
 - d. legal file (factums, forms, appeal books, evidence)
3. Community research project (including school)
 - a. literature
 - b. interviews
 - c. surveys
 - d. inspection tours

A number of these formats have been described previously in this study. Since it is essential that students get involved in a program of this nature, it is necessary to utilize a variety of formats to accommodate a greater range of student interest.

D. Role Play and Simulation

Since there is a considerable amount of confusion about role-playing, simulation and games, a Handbook for Teachers on Simulation and Gaming in the Classroom⁴² was produced for this Teaching Model. Although no attempt will be made to summarize the Handbook in this study, some of the main points about role play and simulation will be mentioned. First, it is necessary to establish what is meant by each 'activity' even though the literature does not entirely agree on such definitions. The Handbook makes the following distinctions:⁴³

1. Role-play: Role-playing is the practice of 'being someone else'. It is used to enable a person to understand the situation of another person. For example, a person might role-play a Member of Parliament by trying to act like a particular M.P. Of all the categories, role-play is the closest to 'imitation'.
2. Sociodrama: 'Sociodrama uses role-playing as a means of enabling players to find a solution to a problem'. The emphasis of this activity is on the interaction of players and not so much on a 'model' or setting for the interaction. For example, students might choose to be members of a citizen's committee which is debating a controversial development. The students would not pretend that they are somebody else but would use their personalities and knowledge to enact a citizen's meeting. The activity is characterized by an open structure where the rules of order are less important than the interaction of personalities.
3. Model: 'A Model is a simple set of interrelated factors that together are symbolic of a particular social system.' The Model replicates the structure of an organization or institution with the emphasis placed on the arrangement of facilities and rules of operations. For example, students would conduct a Model Parliament where the emphasis is on correct procedures.
4. Simulation: 'Simulation involves the use of role-play by actors or players during the operation of a comparatively complex Model of a real or hypothetical social process.' It has the advantages of role-play ('being someone else'), of sociodrama (enable students

to find solutions to problems) and a model (set of interrelated factors that represent a social system). This makes it the most complex of all the activities. It provides the greatest opportunity for development.

5. Gaming. 'Gaming is an application to Simulation of situations demanding the development and choice of strategies, or decision-making, and nonetype of pay-offs--rewards or deprivations dictated either by chance or as the result of the choice of particular strategies. The decision and rewards are subject to the structures of rules known to all players.' When gaming is applied to simulation activities the participant loses some freedom for making decisions. In this sense, gaming reduces the scope or potential of simulation. However, in some situations, gaming impositions might be necessary to make it possible for participating students to manage the simulation. For example, consumer marketing is such an open and complex activity in real life that it might be desirable to introduce adolescents to consumer marketing through a rather structured decision-making process built into it--in other words, making it into a game where the range of decisions is restricted.

The Handbook suggests several reasons for using these kinds of teaching strategies. Their motivating power is high; they encourage interaction of students; they offer students power over a hypothetical environment which reflects the real environment; they permit the teacher to take on the role of coach instead of instructor; they encourage students to experience psychological reactions; they focus on processes rather than facts. Although these attributes are desirable, they do not speak directly to some important questions which must be raised about these activities. Some of these questions are:

1. Do these activities teach facts better than is possible with other teaching strategies?
2. Do they teach values or bring about changes in attitudes?
3. Do these activities help students to think more critically?
4. Do games teach a simplistic view of reality because the models have been over-simplified?

5. Do these activities dehumanize students by allowing them to maneuver the lives of other people without exposing the students to the constraints of real life?
6. Does the 'winning' motif distort the decision-making processes built into the activities?⁴⁴

Nesbit offers very few answers for these questions, primarily, it would seem, because insufficient research has been conducted to date. He mentions one study, conducted in 1963 by Garvey and Seiler,⁴⁵ in which the control group learned more information than the pilot group which used simulation activities. The same study showed no significant change in attitude. Both groups demonstrated an equal growth in political realism.⁴⁶ The study found no evidence that critical thinking was improved more through simulation than by other teaching methods. The evaluation of games by the Education Development Center drew the same conclusion about the development of critical thinking.⁴⁷ Cleo Cherryholmes, who reviewed a number of studies, reports that 'learning, critical thinking, attitude change, and retention' are not significantly enhanced through games.⁴⁸ He reports that 'Although students are encouraged to test propositions to compare simulated behaviour with referent behaviour and to offer revision of parts of the simulation, students do not discover structural relationships in the simulate, they memorize them.'⁴⁹

All this information might be most discouraging except for what appears to be a crucial difference between the simulation and gaming studies reported on by Nesbitt and the simulation recommended in this study. The difference is this: the studies reviewed by Cherryholmes and others seem to be based on a 'behaviour modification' paradigm whereas the simulation recommended in this paper is based on a 'cognitive developmental' paradigm. Cherryholmes' reference to comparing 'simulate behaviour' and 'referent behaviour' suggests a concern for 'behaviour modification.' It may well be that simulation accomplishes very little in terms of behaviour modification--especially in terms of long-term objectives. But, it does not follow from this observation that simulation activity based on a cognitive developmental paradigm will not encourage attitude changes, increased critical thinking, and most

important for this study, facilitate the development of moral reasoning.

In fact, there is reason to believe that simulation⁵⁰ activities might facilitate the development of moral reasoning if they are done in the context of a Teaching Model which has a cognitive developmental conceptual framework. First, simulation encourages reversible thinking because it forces a person to think in terms of another person for the moment. To do this, a person must be able to distinguish between his own identity and those of other people. This is a prerequisite for concrete operational thought and formal hypothetical thought. Second, simulations are one way of recreating concrete situations of what took place, or what should have taken place. Since most adolescents are at the concrete operational stage (Piaget), simulations would seem to provide suitable concrete experiences for adolescents to think critically. Third, simulations could help adolescents to apply the moral-principle tests--role exchange, new case, subsumption, and universal consequences--which are so important in the clarification and resolution of social issues. In simulations, adolescents can actually exchange roles, indeed, play a number of roles in the same case and explore the consequences of a value position from the perspective of a number of other people. This might encourage them to apply the universal consequences task. Finally, and maybe most important, simulation activities could help to create dissonance--logical, experimental, cultural, moral--which is essential for stage movement in moral reasoning. Simulation encourages a degree of actual participation (through role-play activities) which is not the case with many other teaching strategies. When two adolescents confront each other in a simulated court case--one role-playing as a defense counsel and the other as prosecuting counsel--they can experience the drama of intense direct examination, cross-examination, and argument. This draws their own emotions and thought into the issue confronting them. They are required to develop rational justifications for moral value positions which they are defending 'in court'. Presenting positions, defending them, and challenging the positions of others can create intense cognitive dissonance. Such an encounter can create moral dissonance due to the nature of the issues at hand--social issues--and due to the challenge to resolve them through jurisprudential reasoning.

It is recognized that the arguments that have just been presented to suggest that simulation activities can facilitate the development of moral reasoning might apply more to some simulation activities than others. However, they should apply to any simulation which is not constrained by a tightly structural model and which challenges the participants to make rationally justifiable decisions about social issues.

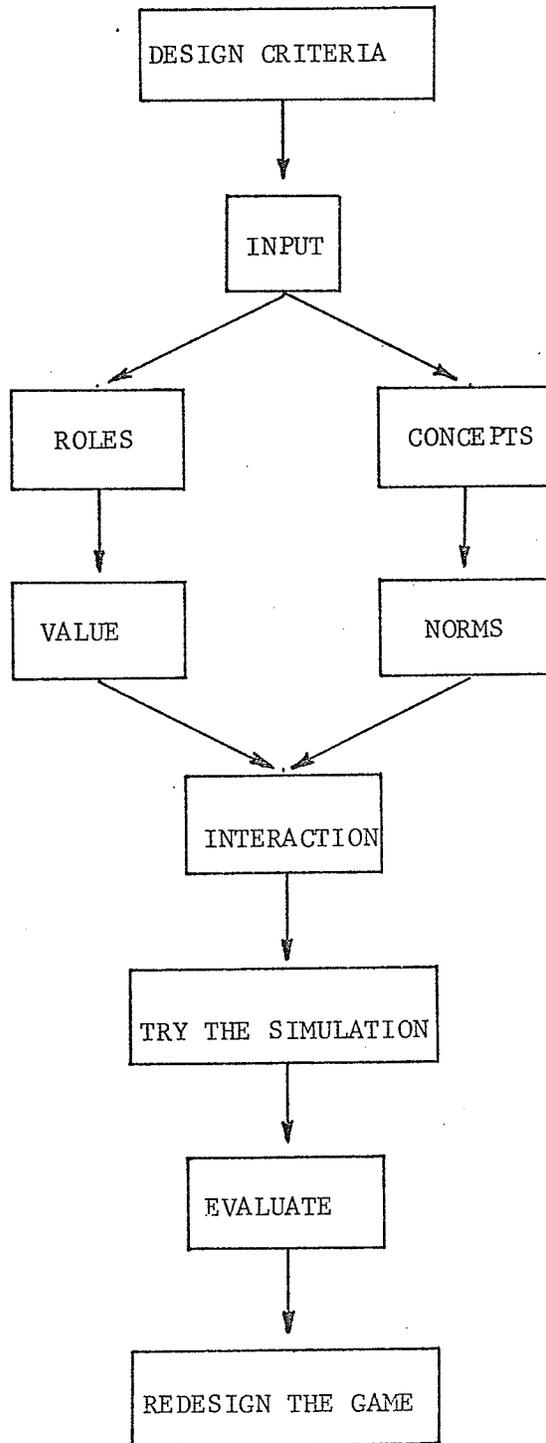
In conclusion, it is suggested in this study that, in spite of the studies conducted on simulation activities to date, there is reason to believe that simulation might facilitate the development of moral reasoning. For that reason, it was incorporated as a teaching strategy in the Jurisprudential Teaching Model.

Teachers and students should be encouraged to develop their own simulation activities. However, the Handbook⁵¹ urges teachers to follow a certain design so that important steps in designing a simulation activity are not overlooked. This design is outlined in Table 23 on page 170. It has been described in some detail in the Handbook.

Finally, what kind of activities are included in the Jurisprudential Model? Role-playing and sociodramas are encouraged throughout the Model. Whenever students try to understand the situation of another person in the discussion of a dilemma, students are encouraged to participate in sociodramas of conflict situations. This is done spontaneously most frequently about conflicts arising at school about school policies and regulations or alleged mistreatment of students by fellow students or by teachers. Legal games are introduced, like mock trial, alibi, false evidence, third degree,⁵² to help students to argue points of law, to prosecute, or to advocate.

Most important of all, the participants are encouraged to get involved in simulating a court case. As was pointed out earlier, simulations bring together role-play, sociodrama, and models, in such a manner that it provides wider scope for re-enacting situations as well as an open structure within which the participants are free to make decisions. The simulation included in the Teaching Model is

TABLE 23
Creating Simulation Activities



What do you want to simulate:
(state goals and objectives).

What is important to give reality

What is important to give
reality to the simulation?
(persons, things, processes,
ideas, props, environment)

What is to be done, by whom,
and when?

Observe carefully and note
what happens.

Assess what happens according
to design criteria, input and
interactions.

Develop new design criteria,
applications and interactions,
having studied the evaluation.

introduced as a concluding activity in which all the components of the Model can be brought together. This is done in a court simulation of a case which the students have researched in some depth. The preparation, simulation and evaluation involve the following steps:

1. Preparation
 - a. introduce the class to several cases
 - b. group students according to case choices
 - c. students research the cases they chose
 - d. students select roles and research the roles
 - e. determine type of case--civil or criminal
 - f. determine court of jurisdiction
2. Legal process
 - a. pleading:
 - claim
 - defence
 - reply to defence
 - b. preparation for trial
 - c. interpretation of statutes and regulations
 - d. case law technique
 - e. court procedure
 - f. evidence:
 - proof
 - admissibility
 - g. examination:
 - direct examination
 - cross-examination
 - re-examination
 - objection
 - h. witnesses
 - i. argument
 - j. judgment
 - k. appeal
3. Role-play components of court case
4. Tape and analyze (video tape)
 - a. student analysis
 - b. lawyer's analysis:
 - legal process
 - c. teacher analysis:
 - issue framing

- modes of inquiries
- critical thinking
- rational operations
- analogical reasoning
- evaluative judgment⁵³

There are four basic components to the simulation activity. First, students are asked to research a case in detail [1 (a) - (c)]. This includes a study of the roles [1 (d)] that are involved as well as court procedure [1 (e) - (f)]. Second, they plan how they will handle the case in court (2). This includes role-playing parts of the case in order to explore how the case might be developed--especially the lines of argumentation on both sides. The students are asked to try as many different roles as possible so that they might consider a case from many different points of view. The role playing is followed up with group discussions. Third, the students conduct one complete simulation in court. They may include, if desired, role-playing the incident which initiated the case,--the incident which prompted the plaintiff to bring the action against the defendant. In this final simulation, each student is restricted to one role and position. A student judge presides over the case and makes the final judgment. The entire drama is taped or video tape.

The final step is a comprehensive evaluation of each court simulation. This involves an analysis from the standpoint of how well the students used the legal process, but more important, it involves an analysis of the flow of the argument. With the aid of an argument flow analysis model, the students are asked to analyze the simulated court case to determine the adequacy of the rational justifications presented in 'court'. This activity is a culminating activity in that it includes all components of the decision-making model as well as the concept and administration of law. Through this culminating activity, the students are challenged to develop their most comprehensive rational justifications for their value positions on social issues.

E. Content Selection

The departure from a traditional 'discipline approach' to a 'social conflict approach' and the strong emphasis on moral development in the program, "Youth, Law and Morality" recommended in this study, raises several problems concerning content selection. Implicit in the Jurisprudential Teaching Model is the assumption that some methodologies, some information, and some understandings are in fact more valuable than others in educating adolescents to assume their social responsibilities in the context of exercising their civil rights. Chapter Three offered a justification for promoting moral development through the development of moral reasoning. Chapter Four identified a general substantive area which entails moral reasoning, namely, citizens' rights and responsibilities re decision-making. The first part of this Chapter outlined specific methodologies within the framework of the Jurisprudential Teaching Model. In other words, so far this study has made an attempt to justify choosing a particular methodological model (The Jurisprudential Model) and a particular content area, and giving it priority over others. What is now required is the difficult task of selecting specific content within the framework of this study. First, a selection of specific areas of human conflict is required. Second, a selection of information concerning legal methods of regulating human affairs (including legal process and laws) must be established. Third, a selection of historical as well as contemporary issues must be made. Any recommendations must be reviewed in the light of the cognitive development that characterizes adolescents.

The area of human conflicts selected for the program on "Youth, Law, and Morality" is 'civil rights' as they relate to citizens' rights and responsibilities. This seems to be a suitable area for several reasons. First, civil rights issues (as described in Chapter Four) reflect the entire range of usual aspects of morality identified by Kohlberg. Briefly these are:

- I Stages in the Major Modes of Judgment
 - 1. Obligation (aspects 1 - 3)
 - 2. Responsibility (aspects 4 - 6)
 - 3. Punishment (aspects 9, 10, 23)

II Principles of Judgment

1. Prudence (aspects 11 - 14)
2. Welfare of others (aspects 15 - 16)
3. Respect (aspects 19 - 21)

III The Basic Values and Rights

1. Contract and promise (aspect 25)
2. Life (aspect 26)
3. Property (aspect 27)⁵⁴

Kohlberg's cross-cultural studies suggest that these aspects of morality are faced by people of all ages in all cultures. A review of the sample arguments in Chapter Three shows that the arguments revolve around these aspects of morality. The treatment of 'rights' and 'obligations' of citizens (in Chapter Four) reflects these aspects of morality. In short, civil rights issues seem to fall within the parameters of Kohlberg's moral aspects as well as those of 'citizenship'. This is not to suggest that no other content area falls within these parameters.

A second reason for choosing civil rights issues is student interest. Adolescents seem to be just as keenly interested in their rights as are adults. Needless to say, currently, civil rights issues enjoy considerable attention. Adolescents read and discuss rights issues for all ages. Their sympathy is readily aroused for the underdog in society.

Third, according to Eric Erickson,⁵⁵ adolescents are quick to explore numerous ideal hypothetical solutions to social problems. Since civil rights issues are one area of social problems, they solicit this reaction from adolescents. It should be recalled, that exploratory thinking is a requisite for stage movement and that exploratory hypothetical thought encourages the development of post-conventional moral reasoning (stages 5 and 6).

Fourth, civil rights issues do not restrict the program to contemporary issues. Historical case studies can and should be included to encourage adolescents to avoid viewing the present as though it were isolated from the past. This is not to suggest that history

should be taught to the young so that they will learn great lessons from the successes and failures of past generations, but that they might take the interrelationship of past and present into consideration as they grapple with current issues.

The most important and complex aspect of discussing civil rights issues is the ability to exercise moral principled judicial decision-making (described in Chapter Four). What makes this task so difficult is the role of principles in making judicial decisions about areas of social conflicts. Since such conflicts entail moral tensions, they involve moral principles. Therefore the main question concerning the introduction of civil rights issues is whether adolescents are cognitively capable of exercising moral principled judicial decision-making. Fred Newmann maintains that it requires thinking in abstract terms and relatively sophisticated moral reasoning (at least stage three in Kohlberg's stages).⁵⁶

Levin argues that it requires at least the following reasoning abilities:

1. detect logical inconsistencies
2. see relation between specific cases and principles
3. make distinctions among different situations⁵⁷

The research outlined on the "Development of Moral Reasoning", (Chapter Three) seems to support the use of civil rights issues. Briefly, it should be recalled that adolescents in America are primarily at stage two to four with only ten percent at stage one.⁵⁸ Furthermore, the studies conducted by Elliot Turiel and others pointed out that people will try to use, under appropriate motivation, a level of reasoning which is one stage above their dominant stage.⁵⁹ In fact, such a challenge seems to solicit the greatest interest and effort. In short, this body of research would suggest that adolescents are 'ready' for the cognitive dissonance created by civil rights issues.

One more problem seems to linger concerning the difficulty of moral principled judicial decision-making. Does it not require stage six moral reasoning (ethical-principled orientation)? This problem

was dealt with above⁶⁰ when the use of precedent as analogies was explained in connection with the decision-making model of the Jurisprudential Teaching Model. Briefly, precedents are concrete manifestations of logical, factual, legal, and ethical similarities and differences. Since adolescents are at least at the concrete operational stage of reasoning (Piaget), it is suggested that adolescents can take principles into account if they are expressed in concrete analogies, like precedents. Therefore it is suggested that adolescents are cognitively capable of working with civil rights issues.

Since the program should be based primarily on contemporary civil rights cases, it is difficult to list specific cases. Participating teachers and students would have to select appropriate contemporary cases each year. Historical analogies would have to be selected accordingly.⁶¹ The teacher should take into account the guidelines for 'Case Studies Approach' outlined above⁶² in making the selections. Even though the study of specific cases might vary from year to year, there are some content concerns that carry over. They are (1) concepts and principles, and (2) administration of law. This study departs from the Harvard Social Studies Project on the manner in which concepts and principles are treated. Fred Newmann⁶³ and others in the Project took the traditional approach of introducing the students to commonly-held definitions of legal concepts and principles. Presumably, they expected adolescents to acquire an 'adult' understanding of the 'basic' concepts and principles.

Piaget points out, however, that concepts do not necessarily have the same meaning for adults and adolescents (or children). For example, he observed that a child's concept of 'cooperation'⁶⁴ was different from that of an adult. To a child the concept means 'unilateral respect' (with reference to adults), whereas to the autonomous adult it means 'mutual respect'. Similarly, the concept of 'justice' can mean different things to different people depending on the level of understanding attained by a person. For example, justice can mean 'retributive justice' to some and 'distributive justice' to others. What a concept means seems to depend, in part, on the level of cognitive development attained by a person.

Therefore, standard adult definitions or explanations of concepts and principles could be meaningless to some adolescents. Instead, what is required is a great variety of situations in which adolescents can encounter concepts and principles. Dissonance should be encouraged in these situations so that increased differentiated and integrated insight can be acquired into concepts and principles which are necessary for a discussion of civil rights issues. In the program, "Youth, Law and Morality", the students are not given a formal introduction or explanation to many concepts like 'freedom', 'equality', 'consent', etc., nor to principles like 'right of advocacy', 'equality before the law', 'innocent until proven guilty', etc. Efforts are made to give students an opportunity to encounter them in conflict situations about civil rights issues. For example, in the Nobrega Case, which was mentioned earlier, the students might encounter many legal concepts in order to clarify the issues--e.g. concept of law, arrest, duty, obedience, etc. The students might be asked to clarify them through reading other similar cases, discussing the case with fellow students and with teachers, and conducting interviews and discussions with members of the community. In this manner the students are free to explore concepts as they can understand them. They are constantly challenged through discussions with other people who understand the concept somewhat differently. This can create the necessary dissonance for cognitive development.

In one respect, 'concepts' are dealt with differently than 'principles'. Special effort is made to introduce students to particular 'concepts' but this is not done with 'principles'. Throughout the use of the Teaching Model, students are constantly confronted with these concepts:

- a. moral disputes
- b. civil rights
- c. citizenship
- d. rights
- e. decision-making
- f. principles
- g. values
- h. precedent

A development of increased understanding of these concepts is considered important in any discussion of civil rights issues. The centrality of the first seven concepts was explained in Chapter Four of this paper (Moral Reasoning and Civil Rights). The importance of the last concept (precedent) was explained in the decision making model (Chapter Five). It should be emphasized again that these concepts are not 'taught' but students are constantly confronted with them and they are encouraged to clarify them.

Principles are not dealt with in any order of priority because there does not seem to be a universal logically necessary order of priorities among principles. The order of priority among principles is always related to the particular case in question. The clarification of principles and the establishment of the 'weight' of principles can only be done in the context of specific cases. This is done through the application of the decision-making model described earlier--particularly through the use of the moral value principle tests.

The second area of content required by adolescents is special legal information for discussing case studies and for simulating court cases (simulation is discussed below). They must have access to two kinds of legal information: (1) existing laws and legislation covering the case at hand and (2) judicial procedure. Various documents must be made available like "The Canadian Criminal Code", "Juvenile Delinquency Act", "Manitoba Schools Act", "Canadian Bill of Rights", "Manitoba Human Rights Act" as well as a statement of rules in particular schools. Students must receive guidance in reading these official documents.

Second, students require access to information on the Canadian legal process if they are to review critically previous decisions of the Court and simulate court cases. This information was made available to students through the preparation of a Student Legal Handbook,⁶⁵ which deals with the following facts of legal process in Canada:

1. Police arrest
2. Bringing a case to court
3. Inquest
4. Preparation for Trial

5. Procedure in the Courts
6. Using the 'Past' to make decisions in the 'Present'
7. Evidence
8. Examination procedure
9. Questioning technique
10. Judgment
11. Appeal
12. Government supervision of the legal process⁶⁶

Each topic is introduced in the context of a series of dilemmas. Each dilemma is a situation which involves a particular procedure, such as 'arrest procedure'. The dilemma is followed with a series of questions which are designed to invite the students to think critically about the topic and to find out what they know about it. The questions are followed up with a brief report which explain the procedure, including documents, and diagrams required to execute the procedure, and reasons for the procedure. In short, each topic is dealt with in three different ways--dilemmas, critical questions, and a report.

The Student Legal Handbook also includes a final section on Legal Culture which describes what is involved in attaining a legal education and outlines some vocational opportunities for people who have a legal education. The purpose of this information is to make adolescents more familiar with the legal community which has the official responsibility of making legal decisions. It might help adolescents to understand the role of lawyers in case studies and court simulations.

Finally, the Student Legal Handbook contains a glossary of concepts, legal expressions, and some principles in order to help students read some of the more difficult literature in connection with some cases which they might encounter. For example, if a group of students decides to review an actual court case, they might choose to read through Factums, Evidence, and Appeal Book on the case in question. To do so, they might require some help with the technical terms in the documents.

The Student Legal Handbook should include two more aspects of Canadian legal procedure. First, it should contain a resumé of previous

civil rights court decisions.⁶⁷ The resumé should include:

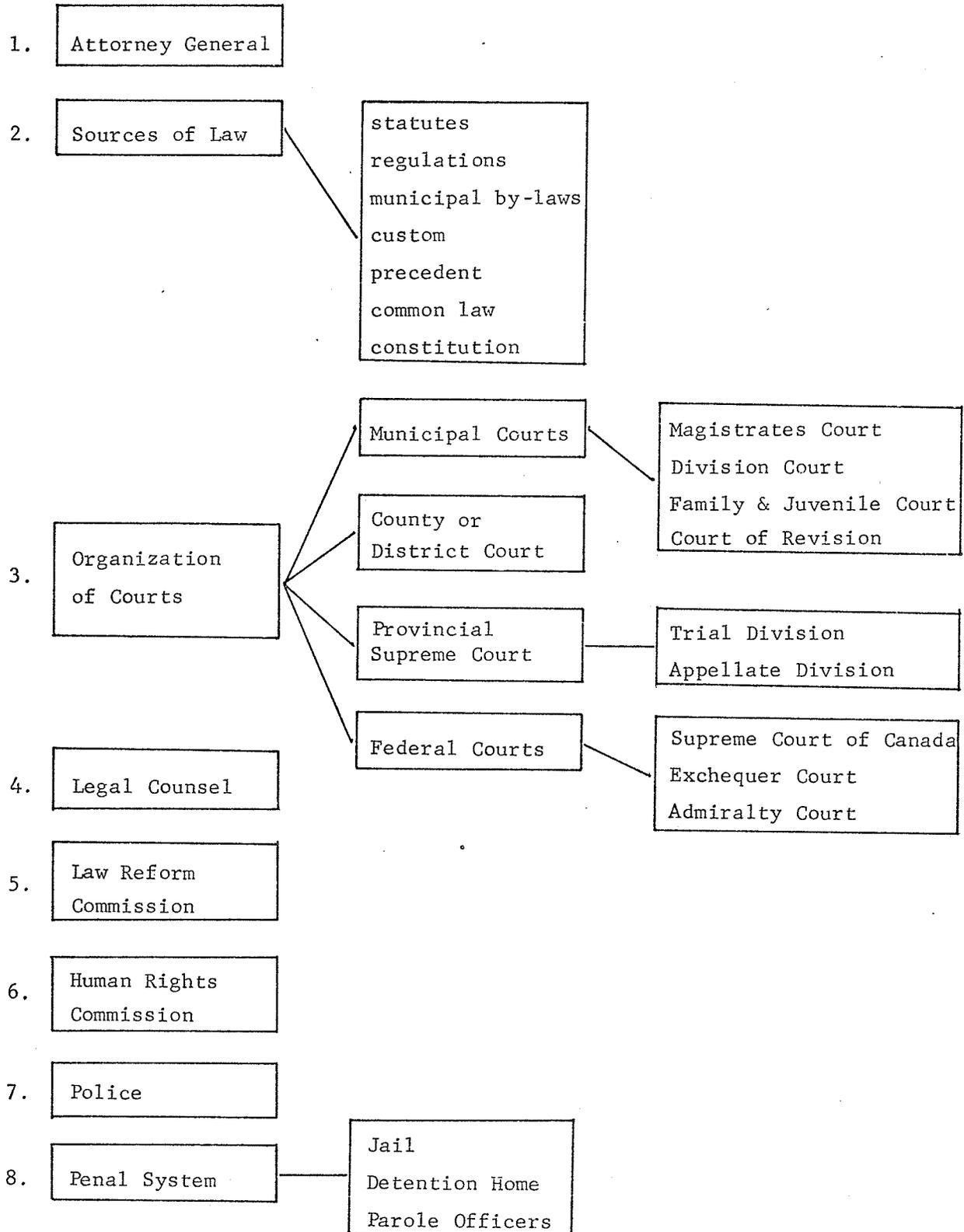
1. a brief description of the incident which brought about the court action
2. the decision of the Court (including the reasons for the decision)
3. dissenting judgments (if any)
4. appeals (if any)
5. decision of the Appeal Court (if any)

These cases could be reviewed critically by the students thus testing their ability to analyze principled decisions. Students might choose to come up with a dissenting judgment. This kind of exercise could help students to write dilemmas about previous civil rights cases. Through the student-written dilemmas they might conceptualize the dissonance (logical, cultural, experimental, moral, or all of them) or conflict entailed in the case as they see it. A former court case could also be used as a precedent in a case which the students might be discussing or simulating.

Second, the Handbook should include a report on the structure of the administration of law (see Table 24, page 181). The chart should be accompanied with a brief description of the roles and responsibilities of each component of the structure. Most important, the Handbook should include sources where more information could be obtained. This should include a list of people to be interviewed, print material, institutions to be visited, etc.

With the aid of a Handbook, which includes the additions outlined above, as well as a list of documents and case studies, adolescents should have enough material so that they could conduct legal inquiries for the purpose of this Teaching Model.

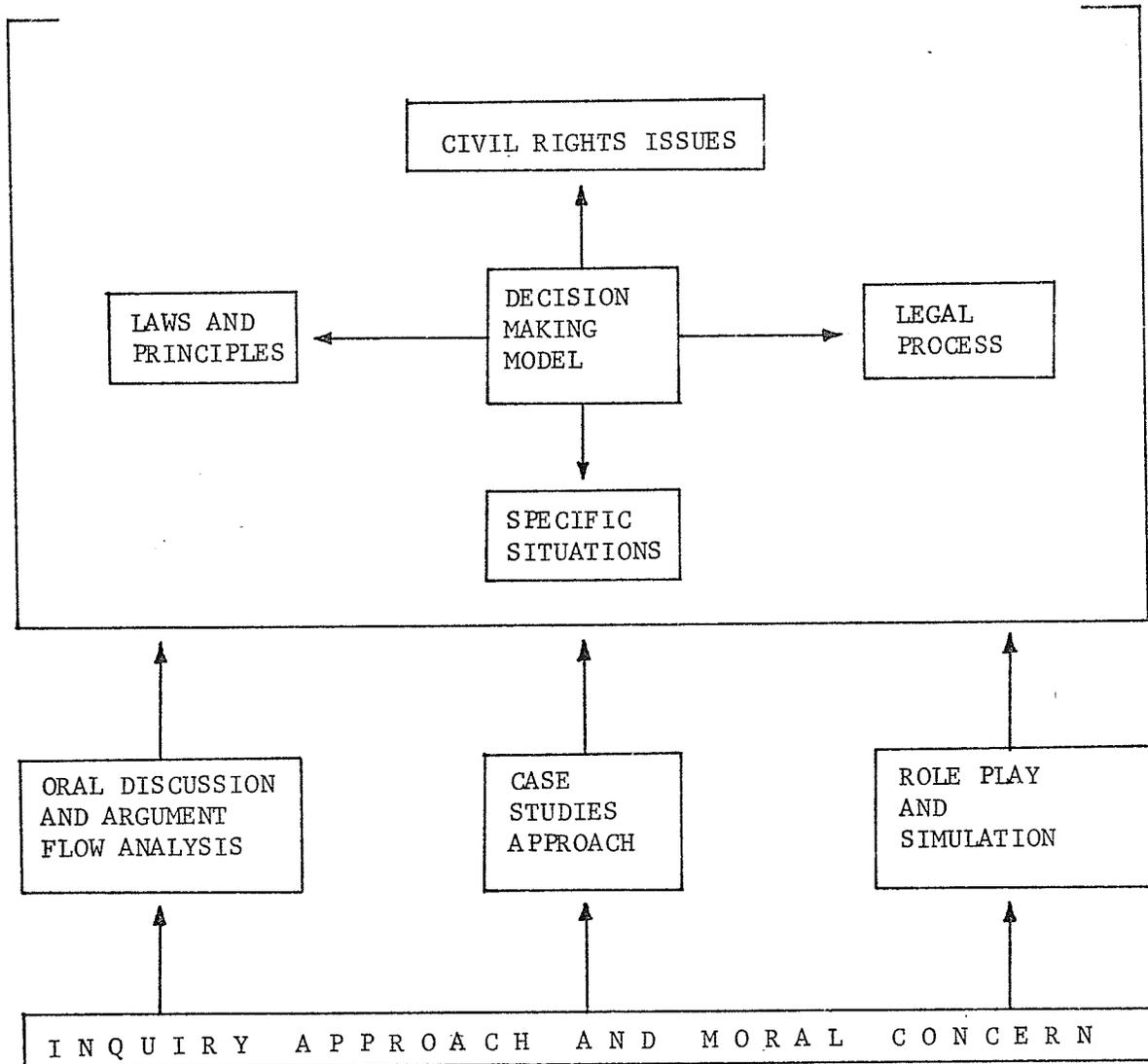
TABLE 24
Administration of Law:
Formal Structure



This concludes an account of the Jurisprudential Teaching Model. The purpose and function of each component of the Model was explained to show how each may contribute to the development of moral reasoning among adolescents. Table 25 on page 183 illustrates the interrelationship of the components within the conceptual framework of the Jurisprudential Teaching Model. The central (integrating) component is the decision-making model where civil rights issues, legal process, specific situations, and 'laws and principles' meet and are brought to bear upon each other to clarify (and resolve) civil rights issues on the basis of rational justifications. Three main teaching strategies are used to encourage adolescents to develop rational justifications. These are: oral discussion and argument flow analysis, case studies approach and 'role-play and simulation.' The adolescents are encouraged to participate in the decision-making process in an atmosphere of honest inquiry--the pursuit of all relevant information, a commitment to critical thinking, and an atmosphere of moral concern.

TABLE 25

Interrelationship of the Components of the Jurisprudential Teaching Model



G. Application of the Jurisprudential Teaching Model

The significance of the Jurisprudential Teaching Model can be illustrated in an analysis of a Court Simulation conducted in piloting the Program "Youth, Law and Morality". The analysis reveals the central role of the decision-making model within the Teaching Model. In other words, it reveals the need for issue-framing, modes of inquiries, critical thinking, using analogies, and making evaluative judgments when a group of citizens attempts to resolve civil rights issues. The role of rational operations in constructing arguments based on rational justifications is also emphasized. It shows how the students are drawn into the discussion by simulating court cases. In summary, the analysis of a court simulation discussed below illustrates the function of the Teaching Model as well as the extent to which a group of students, who participated in the Program, used the decision-making model.

The Court Simulation requires some clarification before a Transcript of it is analyzed. The rule under dispute is referred to as the 12:20 Rule. Briefly, the Rule can be stated as follows:

If students leave the school building some time during the noon lunch hour (which is from 11:30 to 12:30) they may not re-enter the building till ten minutes before the end of the noon lunch hour except through special arrangements with a staff member.

Ever since the Rule was introduced (December, 1971), many students have objected strongly to the Rule on the grounds that it is an infringement upon the free movement of students when classes are not in session.

During the time that the Program "Youth, Law, and Morality", was conducted, some students decided to take this opportunity to discuss and try to resolve this problem. Therefore, they researched the implementation of the Rule and requested a Declaration of the Court from a 'simulated student court' to determine whether indeed the Rule was an undue infringement upon the free movement of the students during the noon hour.

The Court Simulation was conducted during the first piloting (1972) of the Program. Arrangements had been made for a lawyer, Robert Carr (LLM, Harvard) to assist the staff and students with the legal procedure and the development of Arguments. The students were given access to all relevant documents on the 12:20 Rule (See Appendix B, p. 328) as well as the right to subpoena any students and staff members.

The analysis of the Transcript is done in two parts--the first part is an argument flow-analysis and the second part is an analysis of student's understanding and use of legal procedure. The second part had to be included since the discussion took place in the context of a court simulation. The analysis explores the scope and limitation of student participation in legal procedure.

The argument flow analysis of the Chief Peguis 12:20 Rule Court Simulation is a running commentary of the Transcript. This makes it easier to place the analysis into the context in which the discussion occurred. The alternative is to chart the use and omission of rational operations. A chart has the advantage of providing a statistical account of the use of rational operations, but the disadvantage of not identifying the context in which the rational operations were used. In this analysis priority is given to the context in which students do or do not use rational operations. A contextual account of the use of rational operations indicates the frequency of usage as well as the situations in which they were used. Such an analysis provides a more comprehensive account of adolescent usage of rational operations.

The numbers in brackets throughout the Transcript identifies the rational operation used at that point in the Simulation. They refer to the categories in the Argument Flow Analysis Model developed by T.R. Morrison. (See Table 10, p.116).

The analysis reveals that the students used some rational operations (5, 10, 12, 15, 18, 19) much more frequently than others. On many occasions the students failed to use an operation that would have strengthened the discussion. The Simulation was at its weakest

in the 'Arguments' and 'Judgment' presented at the end. Generally, however, the students displayed some understanding and usage of rational operations.

Student Court Simulation of a Declaration of
the Court on the Chief Peguis 12:20 Rule

Transcript

Judge: State your name and the purpose of bringing this case to court.
C.W.: My name is C.W., and I would like a Declaration from the Court
about the 12:20 Rule.
D.S.: My name is D.S. and I would defend this Rule.

Argument Flow Analysis

The discussion got under way with C.W. stating the purpose of the discussion: "I would like a Declaration from the Court about the 12:20 Rule Rule". The background to this statement is that, when a person questions the validity of a law, he may request that the courts review it, and make a declaration as to its validity. Hence, implicit in the introductory statement, was the point that C.W. questioned the validity of the 12:20 Rule. The response by D.S. confirms this interpretation: "I would defend the Rule." Taking clear positions helps to clarify the main issue under discussion and set the stage for the discussion. Unfortunately, the issue was not as clear as it could have been stated. For example, there is no indication in C.W.'s statement as to whether she was raising a policy issue (8), value issue, legal issue (9), moral issue(10), or a combination of these.

(transcript cont)

C.W.: Would you call L.F. to the stand, please.

Direct Examination of L.F. by C.W.:

Court Clerk: Calling L.F. to the stand. Do you swear that the evidence you shall give touching on the matters in question shall be the truth, the whole truth, and nothing but the truth so help you God?

L.F.: I do.

C.W.: What is your full name?

L.F.: L.F.

C.W.: How old are you?

L.F.: Fifteen.

C.W.: What school do you attend?

L.F.: Chief Peguis Junior High.

C.W.: What grade are you in?

L.F.: Grade nine.

C.W.: What unit are you working on in Social Studies?

L.F.: A unit on law.

(analysis cont.)

Immediately, C.W. called for a person who could assist her in clearing up some factual issues (5). Through question and answer, L.F. is established as someone who could know something about the Rule because she reported that she, along with some other students (they were named) went to discuss the 12:20 Rule with Mrs. C., the Principal. According to L.F., Mrs. C. told them why the 12:20 Rule was in effect.

(transcript cont.)

- C.W.: Where were you on Wednesday, January 24, 1973, at approximately 12:20 p.m.?
- L.F.: In the front foyer.
- C.W.: What were you doing?
- L.F.: Attempting to open the outside doors.
- C.W.: Who was involved in this with you?
- L.F.: K.D., D.S., L.F., M.G., M.L., C.D., myself, K.W., and Mr. M.
- C.W.: What part did I play in this?
- Lawyer: What part did you play in this! Better leave that part out, because Council is not allowed to participate in anything that's related to the case. Does that throw a monkey wrench into the whole thing?
- C.W.: Well, I was called into the office too.
- Teacher: Just use the other party instead of yourself.
- C.W.: What part did M, L and M play?
- L.F.: They were waiting outside; they wanted to be let in.
- C.W.: What did D do?
- L.F.: She got Mr. M. from the staff room and got him to walk in the front foyer.
- C.W.: What did Mr. M. do?
- L.F.: He caught us.
- C.W.: Was the above procedure previously planned?
- L.F.: Yes it was.
- C.W.: Was the outcome successful?
- L.F.: In a way.
- C.W.: In what way?
- L.F.: Well, we got caught.
- C.W.: Why did you want to get caught?
- L.F.: We wanted to speak to the Principal.
- C.W.: What did the Principal do to us? Say to us?
- Carr: Say to whom?
- C.W.: You.
- L.F.: She told us why the 12:20 Rule was in effect, her reasons for it, and what she would do to the kids who broke the Rule.
- C.W.: Okay. How long did the Principal say it took the average student to get from one end of the building to the other on the

(transcript cont.)

way to lunch?

L.F.: About fifteen minutes.

C.W.: Okay. What did the Principal say concerning the time in which the 12:20 Rule is in effect?

L.F.: From 12 to 12:20.

C.W.: Are all of the teachers in the school aware of this fact?

L.F.: No, they're not.

C.W.: How do you know this?

L.F.: Well, we conducted a similar test case, but this time it was performed before twelve.

C.W.: On what day?

(analysis cont.)

Unfortunately, C.W. did not ask L.F. just what Mrs. C. had said about the Rule. That was a serious omission in trying to solicit, right at the start, all relevant facts concerning the Rule.

(transcript cont.)

- D.S.: Your Honour, I object. That line of questioning has nothing to do with the first test case to prove that the 12:20 Rule . . .
- C.W.: We're merely establishing the rules in effect, Your Honour, My Lord (laughter).
- Judge: (a student) Objection overruled. You may go on.
- C.W.: Are all the teachers in this school aware of the fact that this rule is in effect from 12 to 12:20?
- L.F.: No they're not.
- C.W.: How do you--Oh, I already asked that. What did you find out?
- L.F.: We found that the teachers were misinformed about the rule.
- C.W.: What did you do then?
- L.F.: We went to the Principal's office and told her about it.
- C.W.: What did the Principal say?
- L.F.: She said that she was glad we were on our toes.
- C.W.: That will be it.

(analysis cont.)

At this point D.S. questioned the relevance (24) of C.W.'s question. The objection was useful in that it helped to identify the purpose of the line of questioning--"establishing rules in effect".

C.W. did not allow pat answers standing unsupported. When L.F. reported that not all teachers in the school knew just when the 12:20 Rule was in effect she responded: "How do you know?" This request for evidence (19) solicited further facts relevant to the case--the second test case.

The value of using non-leading questions was evident. C.W. was careful not to lead L.F. to particular answers, because the task at this point was to solicit relevant information to which L. F. had better access than C.W.

(transcript cont.)

Cross-examination by the defense counsel: D.S.:

D.S.: Were you aware that you were breaking a school rule?

L.F.: Yes I was.

D.S.: Then why did you let in the students that were at the door?

L.F.: Well, I don't think the Rule is any good.

D.S.: What makes you think you can go changing the rules? It's a school rule, it's there to follow. What gives you the authority to say, "I don't like this rule, I'm going to go and break it"?

(analysis cont.)

The tone of the discussion changed abruptly when D.S. asked L.F. a few questions. At this point, it is assumed that L.F. has had her opportunity to report about the test cases and the Rule. Since it is also possible that she might have offered only selective information, D.S. took it upon herself to explore a few alternative questions and answers. She began by probing several issues. First, she raised a policy issue (8): "Were you aware that you were breaking a rule?" Since there was agreement on the policy issue, she raised a motivational issue (12): "Then, why did you let in the students that were at the door?" This in turn led to a moral issue (10): "What makes you think you can go changing the rules? It's a school rule, it's there to follow". The principle stated by D.S. solicited the principle underlying L.F.'s position: "I'm a part of this school and I think I should be able to help in any way I can, or go against . . . ". It is apparent that the sequence of questions followed by D.S. greatly assisted in getting to the bottom of things--assumptions (16)-- which in turn helped to clarify some issues. One of the assumptions stated in support of opposing the 12:20 Rule was identified.

(transcript cont.)

- L.F.: I'm a part of this school and I think I should be able to help in any way I can, or go against . . .
- D.S.: Would you call that helping, breaking a school rule?
- L.F.: I think it would help if the Rule was abolished, and the Rule was taken away.
- D.S.: Why?
- L.F.: Well, I think a lot of the kids in this school would be a lot happier and like the whole thing.
- D.S.: Yes, but don't you think the Rule is there for a reason?

(analysis cont.)

D.S. continued the discussion by requesting clarifications (18) about what she implied was a stipulative (15) definition (14) of "helping", namely, "breaking a school rule". The answer in the affirmative makes it quite clear that L.F. would consider civil disobedience (10) necessary in certain circumstances. D.S. requested a further elaboration (C) of the argument by asking "Why?". L.F. replied "Well, I think a lot of the kids in this school would be a lot happier and like the whole thing". D.S. missed an opportunity at this point. Instead of requesting further elaboration by pointing out analogical situations where 'happiness' and 'liking' are not sufficient reasons, she suggested that there might also be reasons supporting the Rule. In other words, to offer just any reasons is not good enough. It is important to assess the importance of reasons. This point could also have been reinforced through the use of examples and analogies.

(transcript cont.)

C.W.: I object to this line of questioning, Your Honour. The Counsel is discriminating, no the Counsel is incriminating the Witness.

Lawyer: Nothing wrong with incriminating the Witness.

C.W.: But also, the Witness was merely to say what happened in the test case. If you want the opinion of--if my Learned Friend D. wants the opinion of--we conducted a survey that I will ask my next Witness about, which was the opinion of quite a few people in this school. Thank you.

Judge: Objection overruled.

(analysis cont.)

At this point, C.W. who was in support of L.F.'s position, was incensed at D.S.'s use of leading questions. She accused her of leading L.F. to self-incrimination. Unfortunately, an adult interfered in the discussion at this point: Lawyer: "Nothing wrong with incriminating the Witness". No discussion followed as to the problem of self-incrimination. This is an example of the problem of adults participating in adolescents' discussions. The age or position of authority can resolve issues in a student discussion which should be resolved by the students.

C.W. continued her objection by arguing that D.S. had shifted to another issue--reasons for and against the Rule. The student leader of the discussion group, C.B., overruled C.W.'s objection, but she did not state why. It is apparent that the objection should be overruled because the line of questions posed by D.S. led to L.F. stating a reason for taking her position against the 12:20 Rule. At this point it would have been quite appropriate for L.F. to draw attention to the student opinion poll without C.W.'s interruption. C.W.'s concern to stick to a factual account (5) of the test case: ("the Witness was merely to say what happened to the test case") was unwarranted because L.F. and D.S. had clearly gone into a discussion of principles which in turn, led to a discussion of reasons for adhering to the principles.

In her objection to D.S.'s line of questioning, C.W. used a conditional (31) line of reasoning, which was consistent with her own position. It was used to introduce further evidence (19)--student opinion poll.

(transcript cont.)

D.S.: L., did you receive this Student Handbook, a Student Handbook like this one at the beginning of the year?

L.F.: Uhuh.

D.S.: And did you read through the Student Handbook?

Lawyer: You'd better file that as an exhibit.

D.S.: I am. Did you read this Student Handbook?

L.F.: Yeah, I did.

D.S.: You would have noticed on page 5, the third paragraph, it tells you about the school lunchroom. It says: "The students leaving may not enter until 12:20." and you have stated that you have broken a school rule, is that right?

L.F.: Uhuh.

D.S.: Your Honour, I would like to submit this as an exhibit. That is all the questions.

L.F.: (Let me sit down).

(analysis cont.)

In conclusion to her questions to L.F., D. introduced one more piece of evidence (19)--"Chief Peguis Student Handbook"--to point out that it should be clear to every student just what the Rule says and to remind everyone in the discussion that L.F. had broken the Rule. This was consistent with the position she took earlier: "It's a school rule, and it's there to follow".

(transcript cont.)

Request to file exhibits by C.W.

C.W.: I'd like to file a few exhibits. Should I say what they are?

Lawyer: What purpose are you going to use them for?

C.W.: So that the Judge--well, one of them is the minutes of the meeting and . . .

Lawyer: Was anyone in attendance at the meeting who could be called as a witness?

C.W.: No.

Teacher: Yes.

C.W.: Yes.

Lawyer: You file this with the Principal when she is on the witness stand; you say "Remember at a meeting when you made these minutes . . . "

C.W.: What about the staff and student bulletin? Don't we have to . . .

Lawyer: What are you using them for?

C.W.: Well, just to have them. (laughing) So that we are aware of the rules.

Lawyer: That's right. That is the reason. So put it in through a witness.

C.W.: Well, I want to put it through L.

Lawyer: Okay. Yes, L. is your witness. You should have done it when she was on the stand.

C.W.: Oh, I'm sorry.

Lawyer: We'll put them in now. That's all right.

(analysis cont.)

At this point, C.W. was involved in discussing the rules of procedure (1) as they relate to introducing further evidence. She knew what each document was supposed to 'prove' but failed to realize, on her own, that evidence is best introduced as it fits the discussion so that everyone understands the purpose of each piece of evidence.

(transcript cont.)

C.W.: I'd like to call M.G. to the stand.

Lawyer: (with reference to exhibits) Give these to the Judge to read.

Direct Examination of M.G. by C.W.:

Court Clerk: Calling M.G. to the stand. Do you swear that the evidence you shall give touching on the matters in question shall be the truth, the whole truth, and nothing but the truth, so help you God?

M.G.: I do.

C.W.: M., what is your (laughing). State your full name.

M.G.: M.G.

C.W.: What school do you attend?

M.G.: Chief Peguis Junior High.

C.W.: What grade are you in?

M.G.: Grade nine.

C.W.: What unit are you working on in Social Studies.

M.G.: A unit on law.

C.W.: Whose group are you in?

M.G.: Yours. (laughing)

C.W.: What did you do in the test case?

M.G.: We waited outside, for L. to let us in.

C.W.: What else did you do in conjunction with this case?

M.G.: We conducted a survey.

C.W.: What did you want to find out?

D.S.: Your Honour, I object. The survey is a poll of what the students think of the Rule, and I don't see any use of this because it's a student opinion. It's six hundred papers saying if the students like the Rule or not. I don't see where this survey has anything to do with this case. It is just student opinions.

(analysis cont.)

C.W. drew another person into the discussion to get some more information on the student opinion poll. However, D.S. had reservations about it because she was worried that opinions might be taken for facts. ("It is just student opinions!"). Will the group distinguish between facts and opinions?

(transcript cont.)

- C.W.: Well, Your Honour, I think it is very important because it displays and illustrates student unrest, and how the students feel about the 12:20 Rule. And I think it has quite a bit of bearing on this case.
- Judge: Objection overruled. You may proceed.
- C.W.: I'd like to submit one of the survey forms for the Judge to look at. How many people did you survey?
- M.G.: Six hundred and sixty-five? Six hundred and sixty-six, I'm positive.
- C.W.: Okay. How many of these were in favour of the 12:20 Rule?
- M.G.: I have the statistics here.
- C.W.: Oh, fine. Should she read them all out?
- Lawyer: Were your notes made at the same time that your survey was done, immediately after the survey?
- M.G.: Immediately after.
- Lawyer: Go ahead.

(analysis cont.)

C.W. maintained that opinions would introduce the feelings of the students (14) which she thought should have a bearing (24) on the central issue. She assumed (16) that student response to the poll indicated student unrest. That, by the way, need not follow, and someone in the group should have pointed it out. The Judge allowed C.W. to continue her questions about the opinion poll.

C.W. raised a procedural (1) question concerning how best to deal with statistics in a group discussion. Is anything accomplished by reading them to the group? Would the group take them seriously?

(transcript cont.)

- M.G.: Okay. Um. Six hundred and nineteen of the students did not agree with the Rule and thirty were undecided.
- C.W.: What reasons did the students have for disliking the Rule?
- M.G.: Well, they did not like it because of problems during weather conditions.
- C.W.: How many didn't like this? How many. . .
- M.G.: Thirty-four of the students that we surveyed, said that it wasn't because of weather conditions. 581 said 'yes' it was because of weather conditions, and four were undecided.
- C.W.: Were there any other reasons?
- M.G.: Yes, on this survey we stated five different reasons and at the bottom we had a space where they could write other reasons if they wanted to.
- C.W.: Well, how about just telling us about the reasons that we have, and some of the other reasons.

(analysis cont.)

A statistical account (5) of the poll as well as the reasons for student opinion were discussed. Unfortunately, nobody checked into the kind of questionnaire that was used, even though a copy of it was made available to the group. This was a serious omission in that the way the questionnaire was constructed was biased in favour of opposing the Rule. For example, five reasons were listed for opposing the Rule, but no reasons were given for approving the Rule. Had this point been made, it might well have affected the discussion.

(transcript cont.)

D.S.: Your Honour, I object. I don't see what (difference) it makes whether they have other reasons or not, because the witness has said they had five reasons and room for other reasons. And it does not matter what the other reasons are.

C.W.: Well, this is what the case is all about, with all due respect to my learned friend. But, I think it's very important in this case since it is the students versing the Rule, that we should have all the reasons the students have for not liking the Rule. It has very pertinent value in this case.

D.S.: But, your witness has said that there's five reasons (jamb)

C.W.: It only takes a moment, and some of the reasons, all of the reasons are very valuable to this case.

Judge: Objection overruled.

M.G.: Do you want the number of students . . .

C.W.: Just read them, please.

Lawyer: Would you speak up, please.

(analysis cont.)

C.W. once again repeated the central issue as she saw it ("it is the students versing the Rule") (16), when D.S. questioned the relevance (24) of listing all the reasons for objecting to the Rule. It appears that C.W. did not realize that interpretations of the opinion polls are really only assumptions because of the way the opinion poll was conducted.

(transcript cont.)

- M.G.: Some of the kids wanted to work in the MRC during lunch hour, or they wanted to go to free gym, after going outside, or they forgot things and would like to go back inside for them. They like to get together with bussed students and lunch is the only convenient time that they can do so, and because being able to come in and out of this school at lunch would contribute to learning of school spirit.
- C.W.: Did they give any other reasons?
- M.G.: They gave reasons like they wanted to go to the store and come back in and they got too cold.
- C.W.: Okay, thank you. What reasons did the students have for liking the Rule?
- M.G.: There was one comment that I recall and it was that the girl thought that there was too many kids running around at lunchtime. That was the only one.
- C.W.: There was only one, or was there; how many were there?
- D.S.: Your Honour, I object.
- C.W.: I rephrased my question, Your Honour, I know what a leading question is. That will be all, thank you. Your witness.

(analysis cont.)

Examples of reasons were requested and offered (19), including a reason in favour of the Rule.

A procedural issue arose again in that C.W. started to lead a person towards an answer contained in the question. It was realized immediately, by various members of the group, including C.W., that a person who knows a lot about a certain aspect of an issue should be encouraged to say what he knows about the case. To lead such a person might result in an omission of important information.

(transcript cont.)

- D.S.: M , what did you try to prove in this survey?
- M.G.: Well, we tried to prove how many kids did like the Rule and how many didn't.
- D.S.: What difference does it make if the students like the Rule or not?
- M.G.: Well, it concerns them. They're the ones that have to wait outside.
- D.S.: Did you know that L. was breaking the school Rule when she . .
- M.G.: Yes I did.
- D.S.: Then why did you come in?
- M.G.: Because (hesitation) I was cold, and I thought the Rule. . .
I just don't like the Rule.

(analysis cont.)

D.S. used a lead question very effectively: "What did you try to prove (12) in this survey?" M.G. accepted the wording and thereby discredited somewhat the survey because the motivation could very well have resulted in a bias in the questionnaire.

D.S. was still not satisfied with M.G.'s contention that whether the students like the Rule or not has any relevance (24). She asked M.G. to clarify this assumption (16) again. M.G. offered two reasons: 1) it concerns them; and 2) they are the ones that are inconvenienced.

D.S. started again on this line of questioning. This time the questions were personal ("Then why did you come in?"). M.G. gave her personal reasons ("I was cold", "I just don't like the Rule-"). The former raised a functional issue (13) and the latter raises a value issue (9).

(transcript cont.)

C.W.: Would you call Mr. T. to the stand.

Direct Examination of Mr. T. by C.W.:

Court Clerk: Mr. T., will you please come to the stand.

C.W.: I would like to, with this witness, submit evidence . . .

Mr. T.: I've got to get sworn in first.

Court Clerk: Do you swear that the evidence that you shall give touching on the matters in question shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mk. T.: I do. (C.W. interjects in humour, 'I do too, Your Honour.')

C.W.: I would like to submit this. (submits book on child development).

Lawyer: Are you going to be questioning on each of those books?

C.W.: Yes, I will be. Well, he'll be answering on each of the books.

C.W.: What is your name?

Mr. T.: Mr. T.

C.W.: Where are you presently employed?

Mr. T.: Chief Peguis Junior High.

C.W.: What is your job?

Mr. T.: Vice-principal of the school.

C.W.: What have you studied?

Mr. T.: I've studied History and Political Science in my undergraduate studies; I spent a couple of years on Philosophy and Theology; and I spent a couple of years on Genetic Epistemology, and half a year on readings in Philosophy of Law--part of it full-time, part of it half-time.

(analysis cont.)

One-third of the discussion had now been completed. From here on a new ingredient was added to the discussion--adults are invited, by the students, to participate. The first adult, Mr. T., was asked to supply the group with some relevant information concerning adolescents' ability to think critically. To show the relevance of this issue, Cathy began by asking for reasons why people have rules.

(transcript cont.)

C.W.: On what grounds do people decide to have laws?

Mr. T.: It appears that there are a number of bases on which people make laws. Sometimes they make laws to protect an interest that a group of people have; sometimes they make laws to enshrine a principle that they think is important for everybody.

C.W.: Do you think that these should be the reasons for making laws?

Mr. T.: I think the main reason for making laws should be the establishment of good reasons for doing so.

C.W.: How do you come by good reasons?

Mr. T.: There are sort of two things that are involved. One is, one must collect all the information that is relevant to the question at hand; and the other one is one must learn to exercise the rational operations that are necessary to put together or to construct an argument.

C.W.: In your opinion, do you think all laws have this as their basis?

(analysis cont.)

When C.W. asked for an opinion ("do you think all laws have this as their basis?"), she requested examples (19) to support the opinion. This distinguished (17) between two kinds of opinion--those which can be supported by evidence (19) and those that cannot. She made sure that the objection to 'student opinion' would not be repeated (4).

(transcript cont.)

C.W.: Can you think of any laws that take away our rights?

Mr. T.: Yes, I can.

C.W.: Could you tell us . . .

D.S.: Your Honour, I object. Would you make clear what rights, because it will be established when we do our case that the students in this school have no rights. Is it rights . . .

C.W.: I'm not referring to the rights we have as students, I'm referring to laws that take away our rights, not student rights, right rights.

(analysis cont.)

However, no sooner had C.W. managed to avoid an ambiguous use of the word 'opinion', when she was caught on the word 'right'. D.S. requested "Would you make clear what rights . . . ?". She claimed that she would be able to establish that (19) students at Chief Peguis Junior High have no rights. C.W. stipulated (15) a usage of the word 'rights' ("I'm referring to laws that take away our rights, not student rights, right rights.") Although the stipulation made one distinction quite clearly ("not student rights"), it unfortunately did not make the issue clear enough--what are "right rights"? It also suggested that she was referring to laws affecting them outside of school whereas the discussion up to this point had been of a much more general nature--reasons used by people for making laws. This ambiguity became apparent in the next objection, on grounds of lack of relevance (24), against an example of a law violating people's rights. The objection was valid in a legal sense (11) on the grounds that a law from a different province cannot be used as a precedent on one's own province. In other words, it is not an analogy (22).

(transcript cont.)

Mr.T.: One example that comes to mind is a law that they have in Edmonton where you must walk on the right hand side of the sidewalk; you cannot walk just anywhere. I think that that's an infringement of the rights of a pedestrian for which there are not good reasons.

D.S.: Your Honour, I object. I don't see what this line of questioning has to do with . . .

C.W.: Well, if you would sit down (jamb).

D.S.: He's talking about laws in other provinces.

(analysis cont.)

At this point, C.W. attempted to use the new cases test. She wanted to point out that there were good and bad laws, depending on the reasons for having laws. She asked Mr. T. for the grounds upon which laws were made. Among other reasons, Mr. T. pointed out that laws should be established on the basis of rational justifications. C.W. asked whether all laws had this as their basis and Mr. T. replied 'no'. Then she asked for an example of a law "that takes away our rights". An example was offered, but one of the students objected to it on legal grounds. It could not serve as a precedent for the Chief Peguis 12:20 Rule because the example was from another province. The objection pointed out that the example was assumed to stand as a new case over against the 12:20 Rule so that, if the example from Edmonton could not be justified, then maybe the 12:20 Rule could not be justified provided the two cases were analogous. Not only did C.W. try to introduce a new case, she prepared the grounds for introducing it through a series of good questions. What C.W. tried to do can be summarized in the following series of questions and answers:

"Should the people of Edmonton obey the sidewalk rule?

No, because it is an infringement of the people's civil rights without good reasons. (group consensus was anticipated).

Should students at Chief Peguis obey the 12:20 Rule? No, for the same reason as above (group concensus was anticipated).

(transcript cont.)

Lawyer: Objection sustained. Good objection.

C.W.: Does that mean it's sustained? (laughing)

Lawyer: Yes.

C.W.: Well, that's too bad, uh. (laughing)

(analysis cont.)

At this point, the discussion was interrupted again by an adult in that the lawyer entered the discussion in support of D.S's objection. Since he is a lawyer, the objection reinforced D.S.'s assumption that the example cited by Mr. T. raised a legal issue. The adult interference seemed to unsettle the Defense Counsel, C.W. This was the first and only time where a student was unsettled by an objection which was sustained. C.W. could not explain what she meant with her question about 'rights' nor did she know what question to ask next. She could not state the issue (13) as she intended.

(transcript cont.)

C.W.: What conclusion could you come to?
Mr.T.: Concerning what?
C.W.: Concerning what we just said.
D.S.: Come on, we had a sustain, and she's asking him to keep on with that line of questioning.
C.W.: All right, pardon me. Can adolescents think critically?
Mr. T.: Yes, I think they can.
D.S.: Your Honour, I object to that . . .
C.W.: Oh, of course.
D.S.: . . . on the grounds that she's asking him a question about can they do this. He is grouping students whether they can do stuff or whether they can't.
Judge: Objection overruled.

(analysis cont.)

D.S.'s next objection raised a functional issue (13) ("she's asking him questions about can they do this"). From this it would appear that nobody was clear about the issue under discussion--a policy issue? The group leader gave C.W. a chance to start again. She did so by requesting evidence (19) as to whether adolescents can think critically, thus introducing a factual issue (5). This seemed to be a good strategy in that factual issues are most easy to identify.

(transcript cont.)

C.W.: I'll ask that question again. Can adolescents think critically?

Mr.T.: Yes, I think they can.

C.W.: Do you have any studies proving it?

Mr.T.: Yes, I think that the studies Piaget did, back in the twenties. . .

C.W.: Who is Piaget?

Mr.T.: . . . and right through to the present would suggest that kids can think critically.

C.W.: Who is he?

Mr.T.: Piaget is a Swiss scholar who first of all studied in biology, for many years--got his Ph.D. in biology; then switched to philosophy and then mixed the two together, and had a very careful look at how children think on the basis of what he understood as to the biological ability of students as well as the structure of knowledge, namely, epistemology.

C.W.: What did he say about critical thinking in adolescence?

Mr.T.: He pointed out that kids that come to the stage--the age, where you're at, namely, about thirteen or fourteen, are quite comfortable with learning to think out of concrete experiences. In other words, if the issue at hand is something that is part of their experience, then they can think through it. If it has never been a part of their experience, then maybe they cannot think through it, some of them might, some of them might not.

C.W.: Okay, what does this have to do with the making of civil rights?

Mr.T.: Well, my suggestion earlier was that laws should be made on the basis of relevant information, and on the basis of being able to participate in putting an argument together. I'm suggesting, with the reference to Piaget and the research by Kohlberg and Turiel and Rest--that's all in the exhibits you have there--that students can do this, in such areas where they have some experience.

C.W.: Are there any other studies?

Mr.T.: I mentioned some others. Kohlberg did a longitudinal or long-term study from '58 to '70 with students ranging from ages 10 to 16. Piaget and Inhelder did together a study in Basle; another study was done in Mexico, in Taiwan, in prisons in the States;

. . . .

(transcript cont.)

in rural communities in the States, in Chicago. As far as I know, there are maybe ten studies that all suggest at least this one point.

C.W.: What did these studies prove?

Mr.T.: I think I've answered the question when I pointed out that students are able to think through issues which are directly related to their experiences.

C.W.: Oh! Thank you. How does this all concern us at Chief Peguis?

Mr.T.: As I see it applied here, is, that the 12:20 Rule is within the range of experience of the students attending here, and therefore what students have to say about the Rule has some relevance-- should be of some importance--in establishing the appropriateness of the Rule.

C.W.: Okay. Thank you.

(analysis cont.)

The discussion was further complicated by the fact that the evidence (19) was supplied by an adult, Mr. T. That the evidence was not given in a way that adolescents could understand, was evident from C.W.'s reply "What did these studies prove?", when in fact, that question had just been answered. C.W. seemed embarrassed by the fact that she had not understood. However, she followed up with a good question requesting the relevance (24) of the evidence to the specific case at Chief Peguis Junior High School.

(transcript cont.)

Cross-Examination of Mr.T. by D.S.:

- D.S.: In your earlier statement you said that you think that all students can think critically, did you not?
- Mr.T.: I don't remember, we'd have to check the records.
- Lawyer: I believe the record says that--the question was "Can students think critically" and you said "Yes".
- D.S.: Do you think there are incidents of where the majority of students are suffering because of the irresponsibility of a minority of students?
- Mr.T.: Well, I couldn't prove the point off-hand.
- D.S.: Was the 12:20 Rule brought in because of such irresponsibility?
- Mr.T.: I wasn't at the school when the Rule was put into effect.
- D.S.: Can I read directly . . .
- Lawyer: You are allowed to read directly only on issues that are raised in cross-examination.
- D.S.: Oh.
- Lawyer: If there's anything arising out of that, yes.

(analysis cont.)

The exchange between D.S. and Mr.T. is an illustration of the way adults can avoid student questions and get away with it. It seriously raises the question of whether it is desirable to involve adults in student discussions about social concern issues. D.S. requested a further clarification (18) from Mr. T. by probing for an assumption (25) underlying the affirmation that students can think critically. She wanted to know whether it meant all students. An appeal was made to the record. Next she asked for an opinion. An opinion was not offered on grounds that evidence was not immediately available. D.S. persisted even though she was getting no cooperation, "Was the 12:20 Rule brought in because of such irresponsibility?" Through this question, she raised a functional issue (13). The question was avoided. D.S. tried to read a quotation but by this time she was no longer sure just how it related to the issue at hand and therefore gave up.

(transcript cont.)

Direct Examination of K.D. by D.S.:

Court Clerk: Calling K.D. to the stand. Do you swear that the evidence you shall give, touching on the matters in question, shall be the truth, the whole truth, and nothing but the truth, so help you God?

K.D.: I do.

D.S.: State your full name.

K.D.: K. D.

D.S.: Are you a student at Chief Peguis school?

K.D.: Yes.

D.S.: What did you see at the noon hour of January 24th?

K.D.: I saw C. distracting a teacher while L. opened the door to let some students in.

D.S.: And what did you do about it?

K.D.: I went and told Mr. M.

D.S.: What did you say to Mr. M.?

K.D.: Mr. M., the kids are opening the door.

D.S.: Why did you tell Mr. M. about this?

K.D.: Because they were violating a student rule.

(analysis cont.)

At this point, the group had reached the half-way mark in the discussion, and D.S., for the first time, drew a member of the group into the discussion. K.D. was asked why she reported (12) students who were allowing other students into school before 12:20, to Mr. M., a teacher. Her reply, "They were violating a student rule". In other words, she gave the same reason as the one defended by D.S. earlier.

(transcript cont.)

Cross-Examination of K.D. by C.W.:

- C.W.: Are you in favour of the 12:20 Rule?
K.D.: Yes.
C.W.: And you also agree that the students at Chief Peguis don't have any rights?
K.D.: Yes.
C.W.: Would you like it if we did have rights?
K.D.: Yes.
C.W.: You would. And you think that you'd be responsible enough to handle these rights if you had them?
K.D.: Are you talking about the whole school?
C.W.: I'm talking about you.
K.D.: Yes.
C.W.: You think that you would be responsible enough? Well, if you are responsible enough then why do you like the Rule? Don't you think you're responsible enough to walk in and out without causing trouble?
-

(analysis cont.)

C.W. chose to probe K.D. concerning her position. First, she inquired (18) into K.D.'s position concerning the 12:20 Rule--was she in favour of it? The answer was "yes". Then C.W. alluded to one of the issues entailed in the 12:20 Rule, namely, student's rights (10 and/or 11). ("And you would also agree that the students at Chief Peguis don't have any rights?"). K.D. agreed. To invite K.D. to review her position towards a rule which infringed on students' rights, C.W. introduced a hypothetical instance (21)-- "Would you like it if we did have rights?" The reply to this personal value issue (9) was "yes". C.W. pursued the hypothetical instance by asking: "And you think that you'd be responsible enough to handle these rights if you had them? It was assumed that K.D. should be able to answer this question at least about herself and therefore her reply would be sufficient to resolve the factual issue of whether she could handle rights. Nobody challenged this assumption. The answer was "yes". Then C.W. used a conditional argument (for which the condition had been met in the previous answer), to challenge K.D.'s position regarding the Rule. In short, she argued that 'if you are responsible enough to handle student rights, then you should be responsible enough to handle the responsibility of walking in and out of school without causing trouble'. C.W. was suggesting that if K.D. accepted one but not the other, she was inconsistent (23).

(transcript cont.)

K.D.: Yes, but there's other kids in the school that they would go in and wreck vending machines, and the halls would be so crowded.

C.W.: So would you say that's the majority of the students, and that you're just the minority that's responsible enough to walk in and out?

K.D.: Well, I think that most of the kids are responsible.

C.W.: So you're saying that the Rule's put in because of a minority of students?

K.D.: Yes.

C.W.: And you think that the majority of the students at the school are responsible?

K.D.: Yes.

C.W.: Okay.

(analysis cont.)

C.W. tried to summarize (2) K.D.'s position by asking whether she belonged to the minority. K.D. clarified (18) herself by saying that she belonged to a majority. From this it followed, as C.W. observed, that the Rule was put into effect because of the minority. K.D. agreed, but C.W. did not seem interested in knowing why K.D. would support this position because she did not pursue it any further with K.D.

It would appear that K.D. applied the universal consequences test to a situation put to her by C.W. She had asked K.D. to consider, for the moment, a situation where students would have rights. K.D. replied that she would be able to assume the necessary responsibilities. Then C.W. wanted to know why K.D. supported the 12:20 Rule. She replied that the universal consequences of all students having these rights would be further vandalism and crowding of limited facilities because some students could not or would not assume the necessary responsibilities.

The role exchange test was tried only once. After K.D. conceded that "the students at Chief Peguis don't have any rights", C.W. asked her: "Would you like it if we did have rights?" C.W. was asking K.D. to put herself in a hypothetical situation where she had rights as a student.

.....

(analysis cont.)

What would that be like? For the moment, K.D. was asked to exchange her role of 'having no rights' for that of 'having rights' so that she may answer some questions related to 'having rights'. This technique probably was used by C.W. to encourage K.D. to reconsider her position towards the 12:20 Rule which infringed upon the rights of students.

K.D. used an effective technique to explain (18) her position--she offered a counter-explanation. In other words, she was not contending that the 12:20 Rule was inappropriate because she, personally, could not assume responsibilities, but, on grounds that "there's other kids in the school that would go in and wreck vending machines, and the halls would be so crowded." It was not a moral issue (10) with K.D. but a functional issue (13).

(transcript cont.)

Direct Examination of Mr. M. by D.S.:

Court Clerk: Calling Mr. M. to the stand. Place your left hand on the Bible and raise your right hand. Do you swear that the evidence you shall give touching on the matters in question shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr.M.: I do.

D.S.: State your full name.

Mr.M.: Mr. M.

D.S.: What is your present occupation?

Mr.M.: I beg your pardon?

D.S.: What is your present occupation?

Mr.M.: Teacher.

D.S.: Where?

Mr.M.: Chief Peguis Junior High.

D.S.: How much education do you have?

Mr.M.: Bachelor of Arts and Bachelor of Education.

D.S.: Where did you get your education?

Mr.M.: University of Manitoba.

D.S.: How long have you been teaching?

Mr.M.: Ten years.

D.S.: Have you taught in other large schools like this one?

Mr.M.: None quite as large as this one, but others that were fairly large, yes.

(analysis cont.)

D.S. drew another person into the discussion--a teacher at Chief Peguis J.H.--to explore instances analogous (20) to the situation at Chief Peguis.

(transcript cont.)

D.S.: Did they have lunch students?

Mr.M.: Just a few.

D.S.: Did they have special lunch rules?

Mr.M.: Yes.

D.S.: And what are they?

C.W.: I object. Your Honour, I fail to see how this line of questioning has any bearing on the rules at Chief Peguis Junior High.

D.S.: This line of questioning is going to show that other schools do have lunch rules and as Mr. M. was just going to state what their rules were, (C.W.: I object, I object.). . . in comparison with ours.

C.W.: I object. two wrongs don't make a right. Just because there are other schools that have rules that has nothing to do with the making of rules at this school. And I think since we're short of time, it's a waste of time.

(analysis cont.)

Immediately, C.W. challenged the analogy (22) on grounds of relevance (24), namely, rules at other schools do not apply at Chief Peguis J.H. and therefore cannot be used as precedent. She tried to make a legal issue of it.(11). D.S. replied that factual similarities (20) between the school referred to by Mr. M. and Chief Peguis J.H. made the analogy valid. C.W. objected on moral grounds (10) that "Two wrongs don't make a right". The question of 'rights', which is a moral issue, cannot be resolved simply by introducing facts--it is also a matter of principles. C.W. also threw in a functional reason ("and I think since we're short of time, it's a waste of time"). It is surprising that she threw in the functional issue because she had consistently argued that the questions of rights were moral issues (10) even though others had argued that they were essentially functional issues.

(transcript cont.)

D.S.: These questions are leading up to a point, if my learned friend would let me finish this line of questioning.

Judge: Objection overruled.

D.S.: What were their rules?

Mr.M.: Unless you stayed for lunch you couldn't come in at all at the noon hour. Once you're out, you're out, and that was it. And you couldn't come in until 15 minutes before noon hour was over. If you stayed for lunch you had to stay in one room, eat your lunch there; if you went out after lunch (you had to stay in that room half an hour)...if you went out after . . . (a brief portion of the testimony is missing due to taping complications)

(analysis cont.)

The Judge allowed D.S. to continue. It should be noted that the Judge seldom sustained an objection (which cuts off a line of discussion). The reason for it might be that she would rather not interfere in a discussion, thus allowing the students to resolve their own differences.

D.S. used the new cases test to try to establish that the 12:20 Rule should be in effect at Chief Peguis. She solicited information from a teacher who had taught in another school concerning the procedures for dealing with the lunch hour. The school had rules very similar to the 12:20 Rule even though fewer students stayed for lunch and the school was smaller. In effect, what D.S. was trying to say can be summarized this way:

If the smaller school must have rules similar to the 12:20 Rule for the lunch hour, then Chief Peguis probably needs them as well.

The analogy was made on the grounds that both schools had very similar rules and that both institutions were schools, presumably having similar objectives.

(transcript cont.)

D.S.: Have you taken any courses in psychology?

Mr.M.: Yes I have.

D.S.: On the basis of your knowledge do you think that students of the ages of 12 to 15 are responsible enough to go in and out of the school without causing problems?

Mr.M.: The majority are; but there is always that minority that does cause problems.

C.W.: I object. Did you learn this in your studies of psychology?

Lawyer: You can't question a witness on an objection.

C.W.: Oh. I submit that he did not learn this while taking his course in psychology (jamb).

Lawyer: Just hang on. Remember that when you are objecting to questions Counsel never talks to each other and you only speak once, and never again. You make your argument to the Judge; she makes her argument to the Judge and the Judge rules.

D.S.: May I ask her how she can make that statement because she does not know what my witness took in his psychology courses?

Judge: Objection sustained.

(analysis cont.)

In the way D.S. asked her questions, it was assumed (16) that Mr. M. knew that "there is always that minority that does cause problems" because of his studies in psychology. C.W. challenged that assumption (25), but failed to offer any counter-explanation. Although this made her objection weak, the Judge sustained the objection; probably on the grounds that unless a necessary connection could be established between the 'information' offered by Mr. M. and the course (5) he had taken in psychology, he could not make an argument.

(transcript cont.)

D.S.: Were you here when the 12:20 Rule was made?
Mr.M : Yes I was.
D.S.: Were you in favour of the 12:20 Rule?
Mr. M.: (pause) Partly.
D.S.: Why?
Mr.M.: Pardon?
D.S.: Why?
Mr.M.: If it solves some problems I am in favour of it.
D.S.: What instruction did you get from the office concerning the 12:20 Rule--and by 'the office' I mean the Principal.
Mr.M.: A set of papers directing us about the Rule, explaining why it was being brought in, explaining how it was going to be carried out, explaining the duty rosters, how and when to tell the students about the Rule. It was distributed to us.
D.S.: What would happen if you let students in before 12:20; I don't mean just once, but several times? What would happen to you?
Mr.M.: If I didn't get caught or I got caught?
D.S.: If you got caught.
Mr.M.: I'd probably be frowned at rather severely.
D.S.: Then, why did you take these two girls to the office?
Mr.M.: They were violating the Rule.
D.S.: Thank you.

(analysis cont.)

D.S. seemed to be looking for a comparison (17) between the instructions given to students (Student Handbook) and those given to staff ("What instructions did you get ..."), but the purpose for this was not indicated. She switched, instead, to the implications for Mr.M. if he did not enforce the Rule (would he get into trouble?), thus shifting the discussion to a functional issue. The reply was "I'd probably be frowned at rather severely". This does not seem to be enough reason for D.S. for enforcing the Rule because she replied: "Then, why did you take these two girls to the office?" In other words, what motivated Mr.M. to take the action, (12) still seemed to puzzle D.S. Mr. M's reply was "they were violating the Rule". This reply was not pursued any further even though it left a lot of questions unanswered. Maybe D.S. was confused at this point, because earlier he seemed to indicate that his support for the Rule was contingent upon functional reasons (13) and now he seemed to suggest that more basic issues were involved. Since he did not elaborate, they could be policy issues, value issues, moral issues, or legal issues.

(transcript cont.)

Cross-Examination of Mr. M. by C.W.:

C.W.: I gather, Mr. M., that you are not in favour of the 12:20 Rule?
Mr.M.: I didn't say that.
C.W.: You are in favour of the 12:20 Rule?
Mr.M.: I didn't say that.
C.W.: What did you say?
Mr.M.: I said that I was in favour--partly.
C.W.: Which part are you in favour of?
Mr.M.: If it solves problems then I am in favour of it.
C.W.: What were the conditions like before the 12:20 Rule?
Mr.M.: What conditions?
C.W.: Lunchroom conditions.
Mr.M.: Lunchroom conditions?
C.W.: You didn't notice anything drastically wrong about the way students were running about in school? You can't remember?
Mr.M.: There was quite a bit of traffic, and a lot of kids from our school running in and out. Kids from other schools coming in, if that's what you mean.

(analysis .

C.W. tried to resolve this dilemma by starting from the beginning: "Are you in favour of the Rule?" After several lead questions, Mr. M. stated his position "If it solves problems, I am in favour of it". With this statement he returned to his original functional position (13). Hence, C.W. began to determine whether the Rule had brought about any noticeable changes in the conditions (5) at Chief Peguis J.H. during the lunch hour. Mr. M. gave an account of the lunch hour situation before the Rule: "quite a bit of traffic", "a lot of kids from our school running in and out", and "kids from other schools coming in".

(transcript cont.)

C.W.: Did you have an opportunity to voice your opinion on the Rule?
Mr.M.: There was a staffroom discussion about . . .
C.W.: Did you have a vote?
Mr.M.: I don't know if it came to a vote. I don't recall that. I don't think there was . . .
C.W.: Do you recall?
Mr.M.: I have a bad memory.
C.W.: So you would not remember how you voted if you had voted?
Mr.M.: No, I wouldn't remember that.
C.W.: Well, if you can't remember if you were voting, you can't remember how you were voting, how can you even remember what the conditions were like in the noon hour before the Rule? You can't remember anything else. Can you remember . . . (pause)
Mr.M.: Are you asking a question or making a speech?
C.W.: Yes I am.
Mr.M.: What was the question?
C.W.: How come you can't remember, if you can remember other things? (D.S. objecting) Okay, I submit that Mr. M. cannot remember what they were like, the conditions were like, gathering from his other testimony.

(analysis cont.)

C.W. asked Mr. M. whether the staff members had an opportunity to voice their opinions (5) on the Rule. Then C.W. wanted to know whether there had been a vote (5). Mr. M. was not certain and ended up saying, "I have a bad memory". What C.W. was searching for in this series of questions is not certain, but she got an opportunity out of it to discredit Mr. M.'s evidence (19). With the use of a series of conditional arguments which were based on statements made by Mr. M., she challenged the reliability of his description of conditions during the lunch hour before the introduction of the Rule. She claimed that she detected an inconsistency (23) in Mr. M.'s use of his memory. She used the following argument: "if you can't remember if you were voting, you can't remember how you were voting." Mr. M. had already accepted this part of the argument. Then she continued: "If you can't remember anything else, how can you remember what the conditions were like during the noon hour before the Rule?"

(transcript cont.)

- D.S.: My learned friend is not letting my witness answer the questions she's asking. She's asking questions and then submitting stuff as an excuse to you.
- C.W.: I allowed him to. (pause) Does doing your job by enforcing the Rule justify enforcing the Rule? (pause) Do you want it in writing?
- Mr.M.: Does doing your job by enforcement of the Rule justify the enforcement of the Rule? (pause) Yes, I would like that in writing.
- C.W.: Just a minute.
- D.S.: I object, Your Honour. If she would rephrase her question, my witness, he might be able to answer without having to write it out.
- Judge: Rephrase that question.
- C.W.: Alright. You said, in your previous testimony, that you were doing your job; and D. thinks that because you were doing your job, this is alright. Do you think that just because you were doing your job, that justifies what the job was?
- (pause)
- D.S.: Your Honour, I object. My learned friend is not making herself clear enough so that my witness can answer the question.
- C.W.: Too bad Mr. M. can't understand a grade niner.
- D.S.: I'd like her to rephrase that.
- C.W.: I'm not going to rephrase that, Your Honour. If Mr. M. cannot understand, then I have to conclude what I have to conclude. Thank you.

(analysis cont.)

C.W. concluded that Mr. M. could not remember what the conditions were like. So she explored another reason why Mr. M. might enforce the Rule (25). She asked, "Does doing your job by enforcing the Rule justify enforcing the Rule?" (10). D.S. objected to the question on grounds that it was not clear. (18) C.W. elaborated on the question by linking it up to what she thought Mr. M. and D.S. (who both seemed to be arguing the same position) had said earlier, "You said in your previous testimony that you were doing your job, and D.S. thinks that because you were doing

. . . .

(analysis cont.)

your job this is alright". This reference to previous testimony is dubious because C.W.'s recall of previous testimony is really a recall of assumptions (25) which she thinks underlay some previous statements. The only statement to which the quotation attributed to Mr. M. could possibly refer, is his reply to the question (from D.S.), "Then, why did you take these two girls to the office?". His reply was, "They were violating the Rule". Since this statement was not probed any further it is unknown what reason he had for making that statement. It could have been the reason referred to by C.W. and it could have been others. Maybe, C.W. did it to probe Mr. M. through lead questions because she was having difficulties getting an answer to her last question. The assumption (25) attributed to D.S. ("because you were doing your job; this is alright") can only be associated with a statement made by D.S. early in the discussion in an exchange between D.S. and L.F., "It's a school rule, it's there to follow". Since D.S. argued that students have no right to break a rule, it probably is reasonable for C.W. to infer that D.S. felt the same way about teachers. Hence the assumption derived (25) from D.S.'s comment probably helped to clarify the issue (18).

The reference to what Mr. M. was supposed to have said probably was enough reason for D.S. to keep on asking for further clarification (18) of the question. It solicited an emotive response (one of the few in the entire discussion) from C.W.: "Too bad Mr. M. can't understand a grade niner!". Instead, she should have explained why she attributed the assumption to Mr. M. The discussion broke down and nobody seemed to know why. C.W. simply refused to do any more rephrasing and Mr. M. did not speak to the question even though he could have done so. He could have taken issue with the statement attributed to him or simply stated his position concerning the moral question (10) raised by C.W.

(transcript cont.)

Direct Examination of Mrs. C. by D.S.:

Court Clerk: Calling Mrs. C. to the stand please. Do you swear that the evidence you shall give touching on the matters in question shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. C.: I do.

D.S.: State your name.

Mrs. C.: Mrs. C.

D.S.: What is your occupation?

Mrs.C.: Principal of Chief Peguis Junior High.

D.S.: Why was the 12:20 Rule made?

Mrs.C.: It was made for a number of reasons. And the reasons all concerned the program and safety of students in the school. I don't want to make this too long, but the whole thing centred around where we have very limited or non-existent lunch facilities. Many openings to the outside are in proximity to apartment blocks, stores, and other schools, are a problem with about over half of the students having to stay for lunch. It was a rule trying to regulate the student traffic and add to the students' safety within the school and it fitted into, somewhat in to the philosophical thinkings in terms of the program as I see it; in that it was a further situation where students would be given the opportunity or at least the condition that they would have to think and work through this kind of thing for the sake of each other.

D.S.: When was the Rule made?

Mrs.C.: Um, it was made, it was effected January 1972, but the Rule was actually introduced November 1970. It was introduced to the teaching staff at a staff meeting in November, and was discussed in a second staff meeting towards the end of November--early December 1970.

(analysis cont.)

For the final third of the discussion, the students invited another adult to participate in the discussion--Mrs. C., Principal of Chief Peguis. The information solicited so far from various members of the discussion group was checked out by raising a few factual issues to begin with.

(transcript cont.)

D.S.: And would you find that information in the minutes that my learned friend gave to him? (referring to the Court Clerk). And what instructions did you give the staff about the Rule? And I mean supervision, and what would happen to people caught letting students in several times?

Mrs.C.: The instructions to staff, actually came through discussions. There were discussions at staff meeting level allowing feedback from staff. So the way you put it, you want formal instructions. This was outlined in staff bulletins in terms of procedures for supervision, what people might be expected to do while they are on supervision. There was no mention as to what penalty a staff member would have to serve if he or she let in a student. I don't--it never occurred to me, to include that. There's a proviso also present, and I think understood by all staff members, that if any staff member wanted a student group for any reason whatever, in the school, he or she was quite at liberty to have them come in.

D.S.: What would you do if you did catch a teacher letting in students several times?

Mrs.C.: Well, it would--I would first of all inquire as to what the reason was, perhaps, a teacher is running a small club at noon or something, and had invited them back. I would first inquire.

(analysis cont.)

D.S. next explored what would happen to teachers who failed to enforce the Rule. This was done, no doubt, to clear up a motivational issue (12) concerning teachers who enforce the Rule. Mrs C.'s answer seemed to play down this issue and it was dropped.

(transcript cont.)

D.S.: Is the Rule working as you see it?

Mrs.C.: It is working in-so-far as I think it has reduced the number of student accidents, I mean physical things that happened to students prior to having the Rule. It certainly has reduced the amount of traffic in and out of the school. It has reduced the number of invading students from other schools. Yes, I think it's working in terms of the objectives for which it was designed.

D.S.: Do the students of this school have a bill of rights?

Mrs.C.: No.

D.S.: Why?

Mrs.C.: I don't think I can give the answer there. The student council has attempted to work on such for two years. Perhaps they haven't had enough time to develop this kind of thing.

D.S.: Thank you. Your witness.

(analysis cont.)

Then the discussion came around to the functional issue on which Mr. M. had insisted. "Is the Rule working, as you see it?". Mrs. C. contended that it was working, by supplying reasons related to the improved conditions subsequent to the enforcement of the Rule.

At this point, the discussion was side-tracked to a new issue without explaining why it was done (B). ("Do the students of this school have a Bill of Rights?"). The answer was 'no'.

(transcript cont.)

Cross-Examination of Mrs. C. by C.W.:

C.W.: In previous testimony, you said that the Rule is working, because of reduced traffic and that kind of thing. Uh, do you have any proof of this?

Mrs.C.: In terms of numbers, yes, I can give you the example of students meeting physical problems, and this I'm not giving you a statistic that I have in writing but, I can do it from my own recollection. Prior to having the Rule, there were, I would say, at least an average of six incidents per week where students were injured or somehow infringed upon at the entrances of the school. And when I say infringed upon, I might just mean a student on one side of the doors, holding the door so that the student couldn't get in or out. Now with the Rule, it appears that this sort of thing does not happen as frequently.

C.W.: I'd like to submit to the Court a request that I gave to Mr. T. to find some information as to how often the Rule was broken and by whom, and this information was not obtainable. How did you find out?

Mrs.C.: About what? (Record interrupted due to technical difficulties)

(analysis cont.)

C.W. was interested in Mrs. C.'s reasons for saying that the Rule was working. She requested further proof. On the basis of recollection, Mrs. C. provided the 'proof' (19). C.W. countered by saying that she had requested information from the school office concerning the conditions before and after (17) the enforcement of the Rule. It was reported to her that such information was not available. C.W. submitted this as counter-evidence (26) to Mrs. C.'s claim based on recollection. Why was this information not made available upon request? Maybe she is not recollecting accurately. Unfortunately this discussion was interrupted by technical recording difficulties and so the analysis must also remain incomplete.

(transcript cont.)

- C.W.: About the second test case. In where we--well, I wouldn't want to submit--I mean, do something but, where the door was opened before twelve o'clock.
- Lawyer: Why don't you just ask her what took place at that meeting?
- C.W.: What took place on January 16th?
- Mrs.C.: Okay.
- D.S.: Your Honour, I object. I don't see what this line of questioning has to do with the case . . .
- C.W.: If you let me finish my line of questioning . . .
- Lawyer: No, no, you let, no, no, (C.W.: My learned friend) wait, wait, you let her finish her objection. You only get to speak once on an objection, then you say all you have to say to object.
- D.S.: Your Honour, I object to this line of questioning because I don't see that it has anything to do with this case that we are dealing with about the first test case that was taking place, and about the Rule that students may not be able to enter up to 12:20. And in my exhibit, it just says that students cannot enter after, and if they leave, they can't enter till 12:20. It doesn't say that they can enter before that, so and that we're debating.
- Judge: Objection sustained.
- Lawyer: Wait, wait, maybe you had better hear from C.W. on the objection you may want an argument . . .
- C.W.: Yes, I might want to. If the Court would let me continue with this line of argumentation, you would find that I am coming to a very valuable question. And also I would like to, and also I'd be really pleased . . . (laughing)
- Lawyer: Come on, let's keep it in logical form. (C.W.: Okay) If you can't support your argument, let it go.
- C.W.: If the Court lets me finish this line of questioning, it will be finished very soon, and it will prove relevant to the case.
- Judge: Objection overruled.

Analysis cont.)

The discussion seemed to grind to a halt in that everyone had lost sight of overriding issues. Consequently, there were repeated requests for clarifications. Nobody seemed to know why C.W. was asking Mrs. C. to report everything she knew about the test case.

(transcript cont.)

- C.W.: When is the 12:20 Rule in effect?
- Mrs.C.: At 12. What do you mean 'in effect'? The Rule, the 12:20 Rule is in effect 200 days per year, from the time school starts, every time the school's in session.
- C.W.: Yes, I know that. What time during the noon hour?
- Mrs.C.: Well, you're referring to a 12:20 Rule, therefore it's 12:20 what you're speaking of.
- C.W.: What time does it start? What time do the doors lock so the children can't come in?
- Mrs.C.: The doors are never locked. It's just that students are not to re-enter. The students can always . . .
- C.W.: Would this be from 12:00 to 12:20?
- D.S.: Your Honour, I object. She's giving the witness an answer. She's saying is it from 12 to 12:20 or is it from 10 after 12 to 12:20
- Lawyer: That's alright. She's leading her witness, but it's cross-examination.
- C.W.: Was it from 12:00 to 12:20?
- Mrs.C.: It's from 12 to 12:20 in terms of anything unless a student wants to participate in student activity within the school, namely, library, namely, free gym, this sort of thing where the student has made a pre-arrangement for that. Now when you people were brought in as a result of the second incident, there was no evidence of any participation in it.
- C.W.: So in fact, we were breaking the Rule again.
- Mrs.C.: Uhuh.

(analysis cont)

Finally, a leading question, related to a factual issue (5), made it possible to continue the discussion. (The general question was "When is the 12:20 Rule in effect?" The lead question was "Was it from 12 o'clock to 12:20?"). The reason for asking this question was not indicated, even though it obviously related to a discussion of what the teachers knew about the Rule.

(transcript cont.)

C.W.: Oh, I see. Okay. How long would you say it takes a student to get from one end of the school to the other on the way to lunch?

Mrs.C.: Um. It all depends on who the student is, and how the student moves. It certainly takes not very long, perhaps three minutes. But if the student goes to the washroom goes to the locker, stops to talk to friends, it could take as much as half an hour.

C.W.: How long would you say it took the average student, the average time to get from one end of the school to the other when the lunch hour is finished?

Mrs.C.: You mean just the distance travelled?

C.W.: Yes, how long would it take?

Mrs.C.: Well, it would. . .

D.S.: Your Honour, I object. I don't see what it matters how long it takes for the kid to get there as long as she gets there.

Judge: Objection sustained. State under what circumstances the students . . .

(analysis cont.)

The discussion switched to another issue--"How long would you say it took the average student, the average time to get from one end of the school to the other when the lunch hour is finished?" D.S. questioned the relevance (24) of this issue and so C.W. elaborated (18).

(transcript cont.)

C.W.: Under the circumstances, Okay I'll get to the point, um, you said before that it varies, and that it could be up to half an hour and that all students are different. Would ten minutes, do you think still that ten minutes is enough time? From 12:20 to 12:30?

Mrs.C.: Sometimes, for some.

C.W.: And it's only the exceptions that don't make it?

Mrs.C.: No, I didn't say that.

C.W.: Is it?

Mrs.C.: No.

C.W.: No. It's not the exceptions that don't make it to totem on time? (pause) I'm talking about from 12:20 to 12:30. (D.S.: Your Honour, I object) I'll clarify myself, just a moment. (D.S.: Thank you) You're welcome. Now we're talking about the ten minutes between 12:20 and 12:30. That's ten minutes. Now is this enough time for the majority of students to get to their totems on time?

(analysis cont.)

C.W. suggested that Mrs. C.'s explanations contain an inconsistency (23). On the one hand, she supported the Rule, and, on the other hand, she reported that the time required to travel from one end of the school to the other "varies, and that it could be up to half an hour and that all students are different". Under these circumstances how could ten minutes (12:20 - 12:30) be enough time? Mrs. C.'s reply was vague and so C.W. solicited further clarification (18).

(transcript cont.)

D.S.: Your Honour, I object. My witness can't answer that. She doesn't know. She's already stated twice that students may vary, they all vary. One kid could take two hours going around school if she felt like it.

Mrs.C.: I could answer it this way and say that of the 920 students in this school, rarely are there more than let's say ten, rarely are there more than ten who are late for totem. Now recognizing that over six hundred stay for lunch and that perhaps two-thirds of those stay in the school, we would be then talking about 2, 3, 400 students who come in the door at 20 after, go to lockers, get their books, and get to totem on time, so of that 400, approximately 10 could be late. Less than one percent.

C.W.: When this rule was first put into effect, do you think that it was right that the decision was made without direct input from the students?

Mrs.C.: The decision was not made without direct input from the students.

C.W.: Thank you.

(analysis cont)

D.S. appeared somewhat annoyed at C.W.'s persistence. She tried to summarize (2) Mrs. C.'s position to show that she could not answer C.W.'s question. In doing so, D.S. misquoted Mrs. C. as saying that "one kid could take two hours". Mrs.C. tried to resolve the issue by injecting further evidence (19) based on recollections. This seemed to satisfy C.W. because she went on to another question. The final question was: "When this Rule was first put into effect, do you think that it was right that the decision was made without direct input from the students?" Mrs. C. pointed out that "The decision was not made without direct input from the students". C.W. seemed surprised. Why this question was raised by C.W. is not clear because she knew the answer to it from the exhibits she had collected and studied. The exhibits contained the minutes of a staff meeting at which the student president's brief concerning the 12:20 Rule was discussed. Maybe she felt that the discussion was just a formality. In any case, the discussion ended on a note that did not reflect the level of discussion throughout most of the discussion.

(transcript cont.)

Arguments by both Counsel

D.S.: Can we make a statement?

Lawyer: Now, we'll have a brief argument from both sides. First . . .

C.W.: Can she be first?

Lawyer: No. It's frustrating to have these rules, isn't it? (pause)

C.W.: Your Honour, the survey showed that there is a lot of unrest among the students, that this Rule is not a good rule. They didn't like the Rule. They had reasons. And many students vary, and they had very many reasons--it was cold outside. . Well, all the reasons were mentioned. They forgot articles in the school, some of them were out in shirt sleeves and they couldn't get back in, things like that. The survey showed what we wanted it to show, we wanted to prove that the majority of students feel that they are responsible enough to walk in and out of the school freely during the noon hour. And Mr. T.'s studies showed that there is a correlation between critical thinking and responsible behaviour, and that adolescents in this school could handle their responsibility of walking in and out of the school. And could handle the responsibility of helping to make decisions in this school.

D.S.: Your Honour, first . . .

Lawyer: I think you'd better both start calling the judge 'My Lord.' You have just demoted the judge by one court. You put her in a county court.

(analysis cont.)

A request was made, by D.S. to summarize (2) the arguments. They were a disappointment in that they dealt essentially with factual issues even though many other issues were discussed. C.W. paraphrased (3) the evidence which she thought supported her position--survey, students' reasons, student's opinion, and studies on the development of critical thinking and its implications for adolescents. Some information was not reported accurately (e.g. the reference to the correlation between critical thinking and responsible behaviour).

(transcript cont.)

D.S.: By the way, first of all I'd like to say that my learned friend here has said that all students could go in and out of the school without causing any problems which neither of the witnesses said. They said the majority could, and they didn't say that at all. Anyways, in our opinion there is sufficient evidence on irresponsibility which our witnesses, Mr. T. said that not all students are responsible, and Mr. M. did say that, and Mrs. C. stated the problems developed before the Rule was there. And I think that those reasons would be enough to say that the 12:20 Rule was necessary. And our witness, Mrs. C., stated that the Rule was working. And it was proven by Mr. M. and Mrs. C. that Mr. M. was only doing his duty by taking L.F. and them down to the office for breaking the Rule.

(analysis cont.)

D.S. paraphrased (3) the evidence to support her position--evidence of irresponsibility allegedly supported by Mr. T., Mr. M., Mrs. C., that the Rule was working. Again, some of the alleged evidence was inaccurately reported. (e.g. Mr. T. took no position regarding student irresponsibility). She also misquoted C.W.: "said that all students could go in and out of school without causing any problems". C.W. did not say that. Special reference was made to Mr. M.: - "was only doing his duty". What does it mean that "it was proven by Mr. M. and Mrs. C. that Mr. M. was only doing his duty?" It might be a justification for Mr. M's course of action but not necessarily for the Rule itself.

(transcript cont.)

Lawyer: C.W., you have a right to reply. If you want to, if there's anything you would like to say.

C.W.: I think that D. stated that it was the minority of students who couldn't handle themselves responsibly, and I don't think that the majority should be punished or whatever for what the minority does. I think, if the minority does something wrong, they should be punished accordingly. And I don't think the whole school should be made to abide by a rule that doesn't really affect them.

(analysis cont.)

C.W. tried once more to summarize (2) her position and, this time, she raised one fundamental issue which served as a good summary of her position: "I don't think that the majority should be punished or whatever for what the minority does. Only those who do something wrong should be punished."

C.W. attempted to use the subsumption test in her second summary statement. If the summary is seen in the context of the entire discussion it would seem that C.W. was subsuming the functional issue (the rule is required to control students) under the moral issue (what about the rights of students). That is why the 12:20 Rule should be modified so that the wrong-doers are not left free to wander and the rights of the majority are not infringed upon. It is not a matter of either or, but that the functional issue be dealt with in the context of the moral issue.

(transcript cont.)

Lawyer: Okay we'll take a two minute recess, and the judge will make up her mind.

Judgment

Judge: First I want to thank both sides for their testimonies, and witnesses and that, but I feel that I am not the only one to say about the validity of the Rule. But in my opinion, I feel that the Rule is valid. It is needed to control the minority of students during lunch hour. But I realize that this hinders the majority from doing their responsibility during lunch hour. And, well, the minority has to be punished in some way, and even though the majority isn't part of it they have in most cases nothing to do with this Rule. I feel that it is valid and it should stay as long as there is trouble at school during the lunch hours. Thank you.

(analysis cont.)

The Judge was asked to summarize (2) the discussion. Upon hearing all the arguments, she concluded "that the Rule was valid". Why? The whole matter was essentially a functional issue (13). "It is needed to control the minority . . . as long as there is trouble at school during lunch hours." She appreciated the concerns expressed by C.W. "I realize this hinders the majority from doing their responsibility during lunch hours". (10) Although she has clearly expressed a priority (28), she does not link it up with the evidence supplied in the discussion. That is unfortunate.

The Judge also made an attempt at applying the subsumption test in the final summary. Her priority was that "It is needed to control the minority of students at the lunch hour." This must be done even if "it hinders the majority from doing their responsibility during lunch hour". She did not assert that only a functional issue was involved (controlling wrongdoers); she recognized the moral issue involved (civil rights of students). She subsumed the moral issue under the functional issue.

Analysis of Transcript

to determine how well students understand and use
legal procedure in the Transcript

The analysis of the Transcript for student understanding and use of legal procedure is organized under the following headings:

- a. Introducing Evidence
- b. Selecting Witnesses
- c. Conducting Examinations
- d. Presenting Arguments
- e. Declaring a Judgment

A. Introducing Evidence

What was introduced as evidence and how was it introduced? The test cases, which were used to bring the case to court, were used as evidence. The first test case was used to prove that the Rule was in effect. The second test case demonstrated that not all staff members know all the details related to the Rule. This suggested some ambiguity in the way the Rule was written up or inconsistency in the enforcement of the Rule or staff dissention as to the desirability of the Rule. These two items were introduced by the Prosecuting Counsel.

The Defense Counsel introduced the Chief Peguis Student Handbook to point out that it could be clear to all students that the Rule was in effect and what the Rule stated.

The Prosecuting Counsel then filed the minutes of staff meetings, and Staff and Student Bulletins related to the Rule to point out how the Rule was made and announced.

The Prosecuting Counsel filed a survey form in which students expressed their views about the Rule and the reasons for their position. 649 survey forms were submitted. 619 were against the Rule and 30 were undecided. 581 cited inclement weather as the main reason for their objection to the Rule and 34 cited other reasons. One reason for liking the Rule was cited. The purpose of the poll

was to point out the students' opposition to the Rule and that they had defensible reasons for it.

The Prosecuting Counsel solicited information from one Witness, based on exhibits submitted to the Court, on the development of critical thinking of adolescents. It was intended to point out adolescents' ability to assume responsibilities concerning matters covered by the Rule.

The Defense Counsel solicited information from one Witness concerning similar problems and rules in other schools in which the Witness had taught. It was supposed to serve as a precedent supporting the 12:20 Rule.

The Defense Counsel solicited information from one Witness, the Principal of Chief Peguis, concerning the improved conditions at Chief Peguis, after the implementation of the Rule. The evidence was based on recollections. Prior to the introduction of the case in Court, the Prosecuting Counsel had requested this kind of information from the Administration. It was reported to the Prosecuting Counsel that the information was not available. The Principal's recollections were supposed to support the contention that the Rule was working--reducing student traffic and vandalism. The Judge admitted all this evidence.

One point of information was not admitted. A pedestrian law, in effect in Edmonton, was cited as an example of a law which infringes upon the rights of people. The Witness claimed that the law could not be supported by a rational justification. The Defense Counsel objected, and the objection was sustained, on grounds that the law is in effect in another province. Actually, the Prosecuting Counsel's question made it quite clear that the question was not a matter of identifying a precedent to the case at hand but to point out something about laws in general--how they may affect rights.

A key difficult question concerning evidence arose: 'how vigorously should the students adhere to the 'laws of evidence' which establish what may be admitted as evidence and what passes for hearsay?' It is evident from the Transcript that a somewhat lax position was taken regarding hearsay. Although the rule against hearsay has never been authoritatively formulated, it has been described as follows by one notable source:

The essence of the matter is that B's statement may not be narrated by A as evidence of its truth, because B cannot be cross-examined and the court has no opportunity of considering his demeanor when deciding whether to believe his statement; furthermore, B will usually not have been on oath when making the statement. Moreover, in many instances, there will be no chance of checking the accuracy with which A has narrated B's statement.⁶⁸

According to this definition of the rule against hearsay, it is apparent that the rule was violated several times in the simulation. For example, a rigid application of this rule would have ruled out the opinion poll as 'evidence'. None of the students who filled out a form did so under oath. Nor were they cross-examined because it would not have been feasible to do so with the 666 students who filled out a form.

The rule against hearsay was relaxed deliberately. The primary purpose of the simulation was not to make legal experts out of the students so that they could rigorously apply the laws of evidence in court⁶⁹ but to encourage students to discuss human rights issues in an orderly fashion taking into account relevant information and principles. To teach all the major rules of evidence would have changed the focal emphasis of this Program. Furthermore, to apply all the rules of evidence, if the students were capable of doing so, would have been "impossible, impracticable or even highly inconvenient."

This modification of the rule against hearsay is commonly accepted in most adult discussion groups because it would be extremely difficult to discuss most issues without the relaxation of the rule. People are constantly confronted with civil rights issues--at work, at home,

at school, etc. Decisions on courses of action must be made daily. One way of improving the quality of these decisions is to clarify the issues through formal and informal discussions. Such discussions cannot comply with a rigorous application of the laws of evidence due to circumstances. It is for these situations that this Program is supposed to help the students. The relaxation of the laws of evidence in the Simulation is justified on these grounds.

B. Selecting Witnesses

The Counsels chose their own Witnesses on the basis of the information they required. The Prosecuting Counsel called the following Witnesses:

- L.F. - participated in the test cases
 - against the 12:20 Rule
- M.G. - conducted a student survey
 - against the 12:20 Rule
- Mr.T. - reported on research conducted on adolescents' ability to think critically

The Defense Counsel called the following Witnesses:

- K.D. - a student who witnessed one of the test cases and reported it to a teacher.
 - in favour of the 12:20 Rule
- Mr.M. - the teacher who reported students to the Principal for violating the 12:20 Rule
 - cited similar rules in effect in another school
- Mrs.C. - Principal of Chief Peguis Junior High. She introduced the 12:20 Rule at Chief Peguis J.H.

These Witnesses were selected to provide facts and principles in support of and against the 12:20 Rule. Both Counsels made a considerable effort to introduce Witnesses which had as much credibility as possible in the areas in which they were asked to testify.

C, Conducting Examinations

The most interesting and informative part of the Simulation was the Examination.

Most of the questions were brief and to the point. They were a series of questions which led up to a point which, in turn, had a place in constructing the larger argument. The Examination consisted of 'direct-examination,' 'cross-examination', and 'objections'.

The Transcript of the tape on the Court Declaration on the 12:20 Rule shows that the students were able to conduct various examination tasks to solicit relevant information. The least complicated task was to identify the witnesses. No difficulty was experienced with that.

The following direct examination of M.G. by C.W., the Prosecuting Counsel, illustrates the student's ability to ask a set of non-leading questions to solicit relevant facts and principles:

- C.W.: What did you do in the test case?
M.G.: We waited outside for M. to let us in.
C.W.: What else did you do in conjunction with this case?
M.G.: We conducted a survey.
C.W.: What did you want to find out?

At this point the Defense Counsel objected to the line of questioning and, in effect, asked why this line of questioning was allowed to go on. It provided the Prosecuting Counsel with an opportunity to explain why she was pursuing the line of questioning. Her reply was:

"Well, Your Honour, I think it is very important because it displays and illustrates student unrest and how the students feel about the 12:20 Rule. And I think it has quite a bit of bearing on this case."

The Judge was satisfied and allowed her to proceed. The explanation offered reasons for soliciting the facts related to the survey. It also identified a principle which was considered relevant to the case, namely, 'taking into account student opinion and feeling

in making school rules.'

The following example from the direct examination conducted by the Defense Counsel, D.S., shows that she developed a series of questions to solicit the support of precedent from other schools and the reason for choosing the particular case:

D.S.: How long have you been teaching?

Mr.M.: Ten years.

D.S.: Have you taught in other large schools like this one?

Mr.M.: None quite as large as this one, but others that were fairly large, yes.

D.S.: Did you have lunch students?

Mr.M.: Just a few.

D.S.: Did you have special lunch rules?

Mr.M.: Yes.

D.S.: And what were they?

At this point the Prosecuting Counsel, C.W., objected to the line of questioning on grounds that it had nothing to do with Chief Peguis. The Defense Counsel explained as follows:

"This line of questioning is going to show that other schools do have lunch rules and as Mr. M. was just going to state what their rules were in comparison with ours."

The students demonstrated the ability to handle cross-examination without the use of personal, emotive attacks. They used leading questions effectively. They restricted the line of questioning essentially to the issues raised through the direct-examination. Again, they were in search of facts and principles related to the case at hand.

In the following quotation, the Defense Counsel, D.S., solicited the principle underlying the position held by the key Witness of the Prosecuting Counsel:

D.S.: Were you aware that you were breaking a school rule?

L.F.: Yes I was.

D.S.: Then why did you let in the students that were at the door?

- L.F.: Well, I don't think the Rule is any good.
- D.S.: What makes you think you can go changing the rules? It's a good rule, it's there to follow. What gives you the authority to say "I don't like this rule, I'm going to go and break it?"
- L.F.: I'm a part of this school and I think I should be able to help in any way I can, or go against.
- D.S.: Would you call that helping, breaking a school rule?
- L.F.: I think it would help if the rule was abolished, and the rule was taken away.

L.F. was asserting the principle that as a member of the school she should help to make it a good school. This included deciding upon rules for the school and it might include civil disobedience. It is interesting to note how D.S. obtained this information from L.F. She did so by positing a principle as well, namely, "rules are made to be followed and not broken." In effect, the Defense Counsel's argument went as follows:

The 12:20 Rule is a school rule at Chief Peguis.

L.F. is a student at Chief Peguis

Therefore L.F. must follow a 12:20 Rule.

This argument, in turn, is based on the following principle:

If there is a school rule,
and if you are a student at the school,
then you should follow the school rule.

By stating her position, D.S. got the witness to state her position. It is an effective technique for drawing out another person's position.

Cross-examination was also used to solicit relevant information. It is illustrated in the following quotation in which the Prosecuting Counsel, C.W., cross-examined the key witness, Mrs. C. (Principal) for the Defense Counsel:

- C.W.: How long would you say it takes a student to get from one end of the school to the other on the way to lunch?
- Mrs.C.: Um. It all depends on who the student is, and how the student moves. It certainly takes not very long, perhaps

three minutes. But, if the student goes to the washroom, goes to the locker, stops to talk to friends, it could take as much as half an hour.

C.W.: How long would you say it took the average student, the average time to get from one end of the school to the other when the lunch hour is finished?

Mrs.C.: You mean just the distance travelled?

C.W.: Yes, how long would it take?

Mrs.C.: Well, it would . . .

D.S.: Your Honour, I object. I don't see what it matters how long it takes for the kid to get there, as long as she gets there.

Judge: Objection sustained. State under what circumstances the students . . .

C.W.: Under the circumstances. Okay, I'll get to the point, um, you said before that it varies, and that it could be up to half an hour and that all students are different. Would ten minutes, do you think, still that ten minutes is time enough? From 12:20 to 12:30?

Mrs.C.: Sometimes, for some.

C.W.: And it's only the exceptions that don't make it?

Mrs.C.: No, I didn't say that.

C.W.: Is it?

Mrs.C.: No.

C.W.: No, it's not the exceptions that don't make it to the totem on time?

The Prosecuting Counsel was trying to solicit information from the key Witness for the Defense to support the point that ten minutes is not enough time for students to get to their totems. If many students require more than ten minutes, then it might be fair to say that ten minutes is not enough time. This in turn might suggest that the 12:20 Rule is not a good rule, especially if some students require up to half an hour.

C.W. demonstrated a clear understanding for the need to 'justify' statements of principles in her cross-examination of Mr. M. She said:

"You said in your previous testimony, that you were doing

your job; and D.S. thinks that because you were doing your job, this is all right. Do you think that just because you were doing your job, that justifies what the job was?"

In this question, C.W. challenged Mr. M. to defend the principle of blind obedience to authorities. Implicit is the suggestion that civil disobedience might be considered when a human rights issue is at stake.

The students used 'objections' much more effectively than was anticipated and it is through raising objections that the students demonstrate much of their understanding of legal procedure and the importance of good discussion techniques. Since the students had no way of anticipating ahead of time when they should raise objections, the technique serves as a good indicator of the student's understanding of the issues and of legal procedure and their ability to 'think on their feet'. The following examples illustrate the point.

When the Defense Counsel cross-examined the Prosecuting Counsel's prime Witness, L.F., the Prosecuting Counsel strongly objected by saying, ". . . The Counsel is incriminating the witness". This occurred at the first cross-examination in this case and it demonstrated that C.W. realized the significance of using lead questions in cross-examination.

During the direct examination of M.G., the Defense Counsel objected to the introduction of information from a student poll:

". . . the survey is a poll of what the students think of the Rule, and I don't see any use of this because it is a student opinion. It's six hundred pages saying if the students like it or not. I don't see where this survey has anything to do with this case. It is just students' opinions."

This objection demanded an explanation for introducing 'opinions' into the argument. Suggested in the objection is the point that there is an important difference between 'facts' and 'opinions'.

When the Prosecuting Counsel conducted the direct-examination of

one of her witnesses, M.G., she inadvertently used a lead question, "There was only one, or was there?" Immediately the Defense Counsel objected and both parties realized the error.

The Defense Counsel, D.S., raised a key objection when the Prosecuting Counsel used the word 'rights'. She said ". . . would you make clear what rights . . . Is it right . . ." (interrupted). This is a request for a clarification of a key concept in the case.

The Defense Counsel also took strong exception to reference to laws in other provinces by one of the Prosecuting Counsel's witnesses. Although there are special complications in this objection, which are dealt with elsewhere in this study, the objection does raise the limitations of using precedents set elsewhere.

The Judge sustained the objection concerning the reference to laws in other provinces. When the Prosecuting Counsel appeared to encourage the Witness to expand on his argument related to the reference to laws in other provinces, the Defense Counsel jumped in and reminded the Prosecuting Counsel that her objection had been sustained and therefore that the line of questioning would have to be dropped.

The Prosecuting Counsel, raised an objection when the Defense Counsel tried to justify the introduction of the 12:20 Rule at Chief Peguis by referring to rules in other schools. The Prosecuting Counsel responded by saying "Two wrongs don't make a right." She pointed out that she was objecting on grounds of principle and not on the basis of whether the cases are analogous.

Objections were also used to raise relevant points of information in order to establish whether a witness' answer would be allowed to stand. For example, the Prosecuting Counsel objected to a statement made by a Witness as though it had the support of studies in psychology. C.W. said "I submit that he did not learn this while taking his course in psychology".

The Defense Counsel objected to a procedural infraction committed by the Prosecuting Counsel. She stated "My Learned Friend is not letting my Witness answer the questions she's asking. She's asking questions and then submitting stuff as an excuse to you". This was said in response to the following quotation by the Prosecuting Counsel: "How come you can't remember if you can remember other things? Okay, I submit that Mr. M. cannot remember what they are like, the conditions were like."

As has been pointed out in some of the objections cited above, one of the main purposes of objections is a request for clarifications. The Defense Counsel was particularly good at this usage.

In many instances the reply to objections was weaker than the objection. One explanation for it might be that it is more difficult to come up with a good explanation than it is to object to what was said. For example, when the Prosecuting Counsel objected to the reference to another school by saying "Two wrongs don't make a right", the Defense Counsel merely replied "These questions are leading up to a point, if my Learned Friend would let me finish this line of questioning". What point? That was not made clear. This reply was used quite frequently by both Counsel. And yet, when the Counsels continued their questioning, it was apparent that they had reason to pursue the questioning. For example, the Judge permitted the Defense Counsel to continue her line of questioning and so she asked "What were their (other school) rules?" The reply by her Witness was:

"Unless you stayed for lunch you couldn't come in at all at the noon hour. Once you're out, you're out, and that was it. And you could come in until 15 minutes before noon hour was over. If you stayed for lunch you had to stay in one room, eat your lunch there; if you went out after lunch--you had to stay in that room half an hour--, if you went out after . . .".

This reply pointed out a remarkable parallel to the rules in question at Chief Peguis. It made the line of questioning relevant.

Some replies to objections were very good. When the Defense

Counsel objected to the question, "Does doing your job by enforcing the Rule justify enforcing the Rule?" by saying that it is not clear and required rephrasing, the Prosecuting Counsel rephrased it as follows:

"Alright. You said, in your previous testimony, that you were doing your job, and D.S. thinks that because you were doing your job, this is alright. Do you think that just because you were doing your job, that justifies what the job was?"

This reply clarifies the question by an attempt to relate it to previous statements made by the Witness and the Defense Counsel.

The following is another example of a good reply. The Prosecuting Counsel asked the question:

"How long would you say it took the average student, the average time to get from one end of the school to the other when the lunch hour is finished?"

The Defense Counsel objected by saying:

"I don't see what it matters how long it takes for the kids to get there, as long as she gets there."

The Prosecuting Counsel replied:

". . . you said before that it varies, and that it could be up to half an hour and that all students are different. Would ten minutes, do you think still, that ten minutes is enough time? From 12:20 to 12:30?"

This explanation clearly points out that the question which led to the objection was important.

In summary, it should be noted that the Examination created a situation where the students taught each other a number of things concerning legal procedure: non-leading questions, leading questions, objections, order of examination, etc. More important, they taught each other procedures about discussing controversial questions. They watched each other to make sure that only relevant facts and principles would be allowed. They guarded each other against losing their arguments on personal emotive comments. They forced each other to listen carefully. They did all these things on a human rights issue which was not only an interesting academic exercise for the students

involved, but which was an immediate urgent issue with many students at school.

The Examination also provided an opportunity for adult resource people to teach. From the Transcript, it should be apparent that many points of information concerning legal procedure were not taught formally ahead of time but during the Examination, when the legal point of information was crucial. The participating lawyer interjected a number of times during the Examination to clarify matters of legal procedure. At one point he reminded the Defense Counsel to file a document used in the examination as an exhibit. He requested that the Prosecuting Counsel explain why she was filing certain documents as exhibits. In other words, all exhibits must be related to the testimony of a witness. At one point he dictated a ruling to the Judge. He explained to the Defense Counsel that she was "allowed to read direct only on issues that are raised in cross-examination". He pointed out to the Prosecuting Counsel that "You can't question a witness". He explained further what procedures to follow in raising objections.

Complications arose in the Examination due to the students' lack of understanding of the legal process. This is evident from the number of interruptions by the participating lawyer. However, it is not certain just how thoroughly familiar the students should be with the legal process before they participate in court simulations because the lawyer's contributions did not seem to disturb the simulation. Instead, the court simulation seemed to offer a suitable context for explaining points of legal procedures to an audience that was most receptive. To have made similar explanations in a formal lesson might have been much less effective.

The Examination would have been improved if the student 'Judge' would have taken a more active part. She failed to give sufficient guidance to both Counsel by not providing explanations and reasons for her judgments on the Counsel's objections. This situation might have been alleviated had the Judge been more familiar with legal process.

Another complicating factor in the simulation was adult participation. Although this happened at the request of the students, it created special difficulties in each instance. The Witness who was questioned on adolescents' ability to think critically offered testimony which probably was too complicated for adolescents. This was apparent in the reply of the Counsel's response to the testimony. The teacher, who was being prosecuted, appeared somewhat threatened by the persistent questioning in the cross-examination. The Prosecuting Counsel seemed to be somewhat overwhelmed at the task of cross-examining the Principal of the school. This was apparent in her response to the Principal's statement that the students provided some input when the 12:20 Rule was introduced. The Prosecuting Counsel appeared surprised and yet she knew this from the exhibits which she had collected and filed.⁷⁰ Only further piloting can indicate whether these difficulties can be overcome. It is important to try to involve adults in some simulation activities because the purpose of this Program is to encourage students to clarify civil rights issues that affect them personally, and not merely to prepare students for a future adult life. That adults are involved in adolescent human rights issues is quite evident from the discussions of the 12:20 Rule, which is why the students requested that adults participate as witnesses. Therefore, it is important to continue to explore whether it is possible to include adults in the simulations.

D. Preparing Arguments

The arguments of both Counsel were very weak in that they did not use the information they solicited properly, and that they did not develop a sound argument. For example, in the opening statement of the argument by the Prosecuting Counsel, she implied that the 12:20 Rule is "not a good rule" because "the survey showed that there is a lot of unrest among the students". First of all, it is presumptuous that the survey demonstrated "unrest". Maybe it demonstrated only 'disapproval'. Does the 'unrest' or 'disapproval' make the Rule good or bad? She listed some reasons for the opposition to the Rule. She made the survey highly suspect by stating that "The survey showed what we wanted it to show; we wanted to prove that the majority of the students feel that they are responsible enough . . ." With this objective, it is quite possible that a bias might have been built into the way in which the questions in the survey were worded. She reported that the studies on critical thinking suggest a correlation between critical thinking and responsible behaviour.⁷¹ Such testimony was not offered. She suggested that there are studies which support that "adolescents in this school, could handle their responsibility of walking in and out of the school, and the responsibility of helping to make decisions in this school." Testimony was offered only in support of the last portion of the statement--"helping to make decisions" which was partly supported by the statement ". . . what students have to say about the Rule has some relevance--should be of some importance in establishing the appropriateness of the Rule."

Why was the Argument so unsatisfactory? Some of it can be attributed to the fact that the Counsel was exhausted by this time. However, the main reason probably is that judgments are hard to make. It does not follow that a person can follow through on a good judgment once an issue has been clarified. The difficulty of making an "evaluative judgment" (the last stage in the decision-making model in the Jurisprudential Teaching Model (Table 10, page 116) is clearly in evidence here. The students made encouraging progress in clarifying issues in the Examination and yet, they found it difficult to construct a sound argument. Since "clarification" is logically prior to "resolution" and

since adolescents appear more capable of clarifying issues than making judgments, it might be preferable to concentrate court simulations on Examinations rather than on Judgments. Before this decision is made, the Model should be piloted some more and special attention should be paid to how adolescents can construct an argument.

E. Judgment

The Judgment was even more disappointing than were the Arguments. The Judge's reference to her feeling "that I am not the only one to say about the validity of the Rule" demonstrates a failure to appreciate the importance of all that had preceded the judgment--preparation, interpretation of statutes, evidence, examination and argument. The point is that she was not alone in determining the validity of the law because, in making a judgment, she must take into account all that had preceded. She failed to deal with all the arguments forwarded during Examination and Argument. She did not explain why the 12:20 Rule is the only way to control (or punish?) the minority. Most important of all, she did not deal with the civil rights issue of allowing the 12:20 Rule to interfere with the majority's ability to assume the responsibility of free movement during the lunch hour. She assumed that they are capable of assuming that responsibility but offered no reasons for it. If they are capable of assuming the responsibility, is there really no possibility of providing an opportunity for exercising it? Is the 12:20 Rule the only solution? Is the justification for controlling the minority, who cannot assume the responsibility, sufficient justification for infringing upon the rights of the majority? These questions were not dealt with.

The assessment of the Judgment must be qualified by the recent research conducted by L. Kohlberg and others, which was discussed earlier in this study. Kohlberg suggests that early adolescents are predominantly at stages three and four--'good boy/ good girl orientation', and 'law and order orientation'. Maybe that is why the Judge found it quite satisfactory to render the judgment she did in the simulation without developing detailed reasons in support of the Judgment.

In conclusion, it would seem that the students acquired some facility in the understanding and use of legal procedure--enough to use a court simulation as a context for discussing social issues with the aim of arriving at a decision. Therefore, court simulations can be considered a suitable alternative form for group discussions. In

fact, the structure that it imposes on a discussion might be appropriately specific for some students who experience too much frustration in an open non-directive discussion.

FOOTNOTES

- 1 Aspects two and three require moral principled judicial decision-making.
- 2 Julius Stone, Legal Systems and Lawyers' Reasonings, (Stanford University Press, Stanford, California, 1964) pp. 55-56
- 3 Robbie Case, Thinking Critically, Book 1 - 3, (Agincourt, Canada: The Book Society of Canada) experimental edition.
- 4 Malcolm Levin and John Eisenberg, Dilemma Vol. 1 - 4, (Toronto: Holt, Rinehart, 1971).
- 5 Malcolm Levin and John Eisenberg, Canadian Critical Issues Series, (Don Mills, Ontario: Paper Jacks, 1972).
- 6 Abraham Kaplan, The Conduct of Inquiry, (Scranton, Pennsylvania: Chandler, 1964)
- 7 Julius Stone, Legal Systems and Lawyers' Reasonings, p. 55
- 8 A. Kaplan, The Conduct of Inquiry
- 9 Thomas Kuhn, The Structure of Scientific Discoveries, (Chicago: The University of Chicago Press, 1970).
- 10 Abraham Kaplan, The Conduct of Inquiry
- 11 Edwin Fenton, Teaching the New Social Studies in Secondary Schools, (New York: Holt, Rinehart and Winston, 1967).
- 12 Eric Erickson, Identity, Youth and Crisis, (New York, W.W. Norton, 1968)
- 13 See Karl Popper, The Logic of Scientific Discovery (New York: Harper and Row, 1959), where he argues that in science there are no inferences other than deductive, pp. 32 f.
- 14 For a detailed explanation of each category see Max Black, Critical Thinking (Englewood, New Jersey: Prentice Hall, 1955) and Robbie Case, Thinking Critically.
- 15 These have been developed into a model by Dr. T.R. Morrison in an unpublished paper, "Discussion Flow Analysis: A Strategy for Clarifying, Evaluating and Improving Oral Discussion of Social Issues", University of Manitoba, 1973.
- 16 Donald W. Oliver and Fred M. Newmann, Taking a Stand, Public Issues Series/ Harvard Social Studies Project, AEP Books, 1972.

- 17 See Table 17, pp. 130-131.
- 18 Terrance R. Morrison, Discussion Flow Analysis
- 19 Ibid., p. 5
- 20 Ibid., p. 5
- 21 Ibid.
- 22 Ibid., pp. 7 - 8.
- 23 N. Rescher, Introduction to Value Theory, (Englewood Cliffs, New Jersey: Prentice Hall, 1969)
- 24 Kurt Bauer, The Moral Point of View
- 25 Terrence R. Morrison, "Discussion Flow Analysis", p. 4
- 26 Max Black, Critical Thinking
- 27 See Table 10 on page 116.
- 28 N. Rescher, Introduction to Value Theory, p. 8 ff.
- 29 Ibid., p. 128
- 30 Ibid. This point is supported by Peter Glassen in "Are there unresolvable moral disputes?" and by Abraham Kaplan in The Conduct of Inquiry.
- 31 Teacher A could do the same thing with Teacher B's argument by exploring the universal consequences of punishing to 'protect private property'.
- 32 M.A. Levin, "Evaluating Discussions about Controversial Issues: Some Criteria" (Toronto: Canadian Public Issues Project, OISE, 1972)
- 33 Ibid.
- 34 To observe the 'power of analysis' of rational operations, see the analysis of the '12:20 Rule Court Simulation' on pp. 238 - 255.
- 35 Silvia Farnham-Diggory, Cognitive Processes in Education: A Psychological Preparation for Teaching and Curriculum Development (New York: Harper and Row, 1972) p. 238.

- 36 F.R. Shaftel, Role Playing for Social Values: Decision-making in the Social Studies. (New York: Prentice Hall, 1967), p. 75.
- 37 D. Oliver and F. Newmann, Guide to Teaching, (Columbus, Ohio: A.E.P. Unit Books), p. 9.
- 38 Malcolm Levin and John Eisenberg, Dilemma, Vol. 1 - 4
- 39 John Eisenberg and Malcolm Levin (eds.), Canadian Critical Issues series
- 40 All the items in the kit were collected through a Summer Research Project sponsored by the Manitoba Human Rights Commission, 1972.
- 41 Fred Newmann, Clarifying Public Controversy, Part III
- 42 The definitions given in the Handbook were found in an article by Dale M. Garvey, titled, "Simulation, Role-play, and Sociodrama in the Social Studies," See the ERIC file.
- 43 The Handbook was prepared by Ron Charach under the auspices of the Manitoba Human Rights Commission, 1973.
- 44 These questions are raised by William A. Nesbitt in Simulation Games for the Social Studies Classroom. Foreign Policy Association, 1971, pp. 54-61.
- 45 Ibid., p. 59.
- 46 Ibid., p. 60.
- 47 Ibid., p. 60.
- 48 Nesbitt refers to an article written by Cleo Cherryholmes in American Behavioural Scientist (October 1964) in which he has reviewed a number of simulation studies.
- 49 Ibid., pp. 60-61.
- 50 Reference will be made specifically to simulation, but what is said about it would seem to apply generally to role-playing, sociodrama, model, and games as well.
- 51 Ron Charach, Handbook for Simulation and Gaming in the Classroom
- 52 G. Williams, Learning the Law, (London: Stevens, 1969), pp. 151 - 161.

- 53 These steps are described in a Student Legal Handbook developed by Paul Saranchuk in an Education Research Project sponsored by the Manitoba Human Rights Commission, 1973.
- 54 See Appendix A, pp. 324 - 327.
- 55 Eric Erickson, Identity: Youth and Crisis (New York: W.W. Norton, 1968)
- 56 Fred Newmann, Clarifying Public Controversy, p. 257.
- 57 Ibid. Fred Newmann summarized Levi's position.
- 58 Lawrence Kohlberg, "Stages of Moral Development as a basis for moral Education", p. 37.
- 59 Elliott Turiel, "Developmental processes in the child's moral thinking".
- 60 See p. 203 f.
- 61 The following collection of cases might be useful in selecting analogies to contemporary case studies: Harry Moffat, Cases on Civil Liberties, (Edmonton: University of Alberta, November, 1972)
- 62 See pp. 239 - 243.
- 63 Fred Newmann, Clarifying Public Controversy, pp. 85 - 236.
- 64 Jean Piaget, The Moral Judgment of the Child.
- 65 Student Legal Handbook, prepared by Paul Saranchuk in a Human Rights Education Project sponsored by the Manitoba Human Rights Commission, 1973.
- 66 Ibid., Table of Contents
- 67 The Student Legal Handbook contains a limited list of previous Canadian civil rights cases.
- 68 R. Cross and N. Wilkins, An Outline of the Law of Evidence, (London: Butterworths, 1971) pp. 96-97.
- 69 It should be noted that Cross and Wilkins point out that "the rule against hearsay has been relaxed in civil cases" and that "many people think that it should also be relaxed in criminal cases". They summarize the reasons for the relaxation as follows: "These are excellent reasons for requiring the maker of the statement to be called whenever that is reasonably possible, but they are poor reasons for rejecting the statement when it is impossible, impracticable, or even highly inconvenient". R. Cross and N. Wilkins, op cit. p. 97.

70 See Appendix B, page 328.

71 This was in fact the case. No reasons for approving of the Rule were listed; only reasons for disapproving the Rule were listed.

CHAPTER SIX
"Youth, Law and Morality":
a Modest Proposal

Introduction

Since teaching models are of little value if they are not incorporated into specific programs, this study is concluded with a brief report on a specific program based on the Jurisprudential Teaching Model. That is not to suggest that the particular program outlined in this Chapter is the only adequate implementation of the Teaching Model. Many different kinds of programs could be considered. For example, a teacher might develop a series of lectures and readings on 'Canadian civil rights issues'. These could be followed up with open discussions along with an analysis of the flow of the argument. Second, a program could be based on the Student Legal Handbook, described earlier in this study. The vignettes in the Handbook could be discussed. Third, students could be asked to research civil rights issues of their own choice. The research could form the basis for oral discussions. Fourth, a class could conduct a historic survey of "The Rights of Adolescents" and follow it up with group discussions. All these suggestions might encourage the development of moral reasoning even though none of them incorporated all the facets of the Jurisprudential Teaching Model explained in this study. The Program described in this Chapter attempts to incorporate all the aspects of the Teaching Model.

The description of the Program will concentrate on preparing 'specific objectives' within the framework of the Jurisprudential Teaching Model, because unless a Teaching Model is reduced to 'specifics', it is difficult to implement it. The teaching strategies and types of materials used in the Program have been described in the previous Chapter. Nothing will be mentioned about the 'professional development' required by teachers to implement the Program. The implicit assumption is that a teacher should delve into all the issues discussed in this study.

The Jurisprudential Teaching Model was piloted for the first time in 1972 by the writer and Robert Carr (LLM-Harvard), a Winnipeg lawyer with McCaffrey and Associates. After some revisions and additions it was control piloted a second time in 1974 by two teachers who had participated in several workshops in preparation for piloting the Program.

A. Program of Studies

The Program of Studies focused on researching and discussing a variety of civil rights issues and case studies. The students were expected to include the following facets in their research:

1. Choose two or more issues or case studies from the list provided in the Program of Studies (see p.263f) and the bibliography (See Appendix C, p. 336 ff).
2. Follow the research format outlined in the Process of Inquiry (see p.271 (E))
3. Research relevant aspects of 'Canadian legal procedure' in preparation for simulating court cases (use Student Legal Handbook).
4. Acquire a functional understanding of key words and terms necessary for discussing civil rights issues. (See Objectives, p. 268 ff.)
5. Inquire into at least one civil rights or human rights document (the distinction between the two was not emphasized), (See Appendix C, p.339). The document should be related to the issue or case study that a student is researching.
6. Try to use more than one form of communication (See p. 274)
7. Search for precedents for case studies under research.
8. The research process should include discussions with other students who may or may not research the same issue or case study.

The research should be culminated in a presentation to a group of fellow students. Although it is recommended that a court simulation serves as a suitable form of communication, since it brings together all the facets of the Program, students are allowed to use alternative forms of communication outlined on page 274.

The following is an outline of the Program of Studies.

YOUTH, LAW AND CIVIL RIGHTS

I. Case Studies

a. School issues

1. Summerhill free school
2. Chief Peguis Junior High Rules
3. High School Bill of Rights

4. Student Publications
- b. Youth and the 'Law'
 1. Non-medical use of drugs
 2. "Nobrega Case"
 3. "The Chase"
 4. Muggings
- c. Recent court cases
 1. Marlborough case
 2. N.D.Y. Writ of Assistance
- d. Fictional cases
 1. Billy Budd (Mutiny on the Bounty)
 2. various short stories
- e. Historical cases
 1. Trial and execution of Louis Riel
- f. Issues identified by participating students

II. Legal Procedure in Canada (Student Legal Handbook)

1. Police Arrests
2. Bringing a case to court
3. Inquests
4. Preparation for trial
5. Procedure in the Courts
6. Using the 'past' to make decisions in the 'present'
7. Evidence
8. Examination procedure
9. Questioning techniques
10. Argument
11. Judgment
12. Appeal
13. Government supervision of the legal process

III. Understanding civil rights

- a. Important words and terms
 1. Citizenship
 2. Legal rights and obligations
 3. Civil rights
 4. Moral rights

- b. Important civil rights documents
 - 1. Canadian Bill of Rights
 - 2. Manitoba Human Rights Act
 - 3. United Nations Declaration of Human Rights
- c. Civil rights of Canadians due to precedent

IV. Basic form and style of different types of communications.

(asterisk indicates that everyone is introduced to it. The rest are optional)

- *1. Simulation
- *2. Vignettes
- *3. Dilemmas
- *4. Tape oral discussion
- *5. Short story
- 6. Poetry
- 7. Songs about youth
- 8. Slide presentation
- 9. Transparency
- 10. Video Tape
- 11. Role Play
- 12. Reporting
- 13. Editorials
- 14. Charts
- 15. Interviews

V. How to analyze an argument

- 1. Discussion rules
- 2. Stating issues
- 3. Elaborating an argument
- 4. Evaluating an argument

B. Aims and Objectives

The overriding aim of the Program was to encourage the development of moral reasoning through systematic learning activities based on civil rights issues. This aim was discussed in Chapters Three and Four. To meet this aim, the Program focused on three general objectives:

1. to help adolescents understand and use intellectual strategies in oral discussions;
2. to introduce adolescents to several substantive civil rights concepts and issues;
3. to help students acquire the ability to clarify and justify their own personal stands on social issues.

Specific objectives were identified in five areas. These were used to design specific learning activities and to select evaluation instruments. Objectives were established in the following areas:

- I Knowledge
- II Skills
- III Attitudes
- IV Cognitive Process
- V Practical Procedures

The range of objectives supplied with the Program does not suggest that each objective must be met with each participating student. That would be inconsistent with a developmental approach. The range merely suggests the scope of the Program.

I. Knowledge

'Knowledge refers to an understanding of facts, concepts, generalizations, and principles. Facts refer to points of information concerning areas of study or procedures. For example, some relevant facts surrounding the trial of Louis Riel are specific acts, time, place, people. Points of information concerning procedure are the steps in modes of inquiries. Concepts refer to "big ideas" which must be understood in order to understand themes or topics. For example, in order to deal with the theme "Youth, Law and Civil Rights" a person should have some understanding of "legal rights and obligations". It should be

noted that concepts need not be only a single word because the emphasis is on 'big ideas' and not on specific words. They may be single words. For example, to understand legal procedure, a person should understand the concept of 'admissibility'.

'Generalizations' refer to descriptions which apply to more than a particular situation, idea, person, etc. It is a description which holds true for many situations. For example, a generalization applicable in law is "the use of the past to make decisions in the present". A generalization about literature is "the medium is the message" because it is maintained that in all literature the content is strongly influenced by its form. Principles state reasons that argue in one direction, but do not necessitate a particular decision. They are not valid or invalid but carry a dimension of 'weight' or importance. For example, "presumption of innocence" is a principle that must be understood in order to understand Canadian legal process.

The following outline is used to organize the 'Knowledge' objectives:

- I. Knowledge
 - a. Legal Process
 1. Facts
 2. Concepts
 3. Generalizations
 4. Principles
 - b. Argument Flow Analysis
 1. Facts
 2. Processes
 - c. Precedent/Analogies
 1. Concepts
 - d. Critical Thinking
 1. Concepts
 - e. Modes of Inquiry
 1. Frameworks of inquiry
 2. Process of inquiry

- f. Substantive Issues
 - 1. Facts
 - 2. Concepts
 - 3. Generalizations
- g. Civil Rights Case Studies
 - 1. Facts
 - 2. Generalizations
- h. Basic form and style of various forms of communications
 - 1. Facts
 - 2. Concepts
 - 3. Generalizations

Specific objectives were set for each area of knowledge. These served as a framework for the teachers. They were not taught as points of information which all students had to remember and recall during tests or discussions.

A. Legal Process

A 'Legal Handbook' which was referred to above, has been prepared for the students on the major facets of the Canadian legal process. Most of the content of the Legal Handbook will serve as general background information. However, all participating students should understand the following aspects of the legal process:

1. Facts

- a) court procedure for civil and criminal cases
 - civil: "That area of law which deals with one individual of society claiming that another individual did him some wrong and caused him damage".
 - criminal: "That area of our law which deals with the government, on behalf of society as a whole, trying to right wrongs done by an individual to the order and stability of society."
- b) officers and roles in the court
- c) declaration of the court - a request that the court give an opinion as to whether an existing law is "good" or "bad".

2. Concepts

- a) citizenship: The substantive values in the concept are "protection" and "responsibility".²
- b) legal rights and obligations: these concepts do not have their basis in rules but in principles and policies.
- c) "weight of evidence": "a measure of how valuable the evidence is in proving the point that is being suggested" (see Legal Handbook).
- d) admissibility: "dealing with whether or not some particular evidence should be allowed in court for the purpose of proof" (see Legal Handbook)
- e) relevance: "dealing with whether or not a particular point has any bearing or effect on the matters at hand" (see Legal Handbook).

3. Generalizations

- a) need for law (see Legal Handbook, Chapter 1)
- b) using the past to make a decision in the present (see Legal Handbook, Chapter VII).
- c) rights of youth "in trust"

4. Principles

- a) presumption of innocence: "the assumption that a person is innocent of any crime until he is proven guilty" (see Legal Handbook).
- b) beyond a reasonable doubt: "the amount of proof required in a criminal case by the Crown in order to convince the court that the accused is guilty as charged". (see Legal Handbook)
- c) balance of probabilities: "the balance of proof required in a civil case to satisfy the court that what is being said or claimed actually took place". (see Legal Handbook).

- d) due process: following the appropriate legal process for resolving a legal dispute.
- e) equality before the law: making no distinction of race, creed, wealth or sex before the law.
- f) right to council: the defendent's right to have the assistance of legal advice whether he can afford it or not.

B. Argument Flow Analysis

1. Facts

- a) types of issues
- b) value analysis

2. Processes

- a) clarification
- b) elaboration
- c) justification
- d) assumption
- e) analogy
- f) issues
- g) hypothetical
- h) new cases test
- i) subsumption test
- j) role exchange test
- k) universal consequences
- l) evidence
- m) relevance
- n) counter-evidence
- o) probe assumption

C. Precedent/Analogies

1. Concepts

- a) precedent
- b) factual similarities and differences
- c) legal similarities and differences
- d) logical similarities and differences
- e) value similarities and differences

D. Critical Thinking

1. Concepts

- a) deductive reasoning
- b) contradiction
- c) counter-explanation
- d) cause/effect relationship
- e) conditional (if-then) argument
- f) syllogistic reasoning
- g) emotive argument
- h) ambiguity
- i) fallacies
- j) circular argument
- k) inductive reasoning
- l) experiments
- m) correlation
- n) sampling
- o) scientific generalization
- p) observation
- q) experience

E. Modes of Inquiry

1. Framework of inquiry (no specific number of frameworks are established for the Program. Students are not expected to differentiate all the frameworks).

- a) historical
- b) comparative
- c) sociological
- d) geographical
- e) legal
- f) economic
- g) psychological
- h) general case study

2. Process of Inquiry

- a) identify problem
- b) formulate hypothesis

- c) note logical implications of the hypothesis
- d) gather data on the problem
- e) analyze, interpret, and evaluate the data
- f) evaluate the hypothesis
- g) identify generalizations
- h) identify problems

F. Substantive issues

1. Facts

- a) "rights" of people in our society
- b) general knowledge of the content of some "rights" documents:
 - Canadian Bill of Rights
 - Manitoba Human Rights Act
 - United Nations Declaration of the Rights of Man.

2. Concepts

- a) civil right: right of a citizen to be involved individually or as a member of a group in the decision-making process governing all the citizens.
- b) civil liberty: areas of human activity which are not governed by law.⁶
- c) moral value: result of applying a principled decision-making process on conflicts of interests and/or ideals.⁷
- d) principle: "a standard that is to be observed because it is a requirement of justice or fairness or or some other dimension of morality".⁸

3. Generalization

- a) discrimination: the practice of categorizing a person on the basis of group identity rather than on the basis of individual characteristics (e.g. 'all Indians are irresponsible')
- b) prejudice: a preconceived judgment or opinion about

a person, place, idea, etc. (e.g. preconceived idea about women being more 'emotional' than men)

- c) empathy: (fellow feeling) - the capacity of participating in the experiences (vicariously) of another person's feelings, volitions, ideas, or movements.

4. Principles

recognize several (3 - 6) principles in the Canadian Bill of Rights, Manitoba Human Rights Act or the United Nations Declaration of the Rights of Man.

G. Civil Rights case studies

1. Facts

- a) historical cases
 - trial of Thomas Scott
 - trial of Louis Riel
- b) contemporary cases
 - Marlborough case
 - Nobrega case
 - Writ of Assistance
- c) hypothetical
 - the Speluncean Explorers
 - the Chase
- d) literary
 - Mutiny on the Bounty
- e) school case
 - Chief Peguis 12:20 Rule
- f) Human Rights Commission cases

2. Generalizations (that need to be challenged)

- a) race issue: Marlborough case re: 'Indians are dirty'.
- b) youth and the law issue: 'youth cannot be trusted'.
- c) school issues: 'the need to control children at all times'.
- d) employment issue: 'women cannot take the pressure

of administrative responsibilities'.

- e) sex issue: 'boys create more discipline problems than girls'.
- f) adults and the law issue: all adults in Canada are equal before the law.

H. Basic form and style of various forms of communication

1. Facts

- a) simulation (see A Simulation Handbook for Teachers)
- b) vignette: "a short excerpt, or slice of a story, without a complete plot"⁹
- c) dilemma: a problem story which stops in the middle of a perplexing predicament.¹⁰
- d) short story
- e) poetry
- f) songs
- g) slide presentation
- h) transparencies
- i) tape
- j) video tape
- k) reporting, (e.g. newspaper)
- l) editorials
- m) interviews¹¹ (see J. Madge, The Tools of Social Science, Longman, London, 1971)

2. Concepts

communication: sharing ideas, opinions, and feeling for a purpose.

3. Generalization

- a) the medium is the message (Marshall McLuhan)
- b) emotive and cognitive fusion in communication (communication has a cognitive basis and an affective basis).

II. Skills

'Skills' refer to specific techniques which students should master in the program. It does not follow that the skills are introduced merely to facilitate an understanding of the knowledge component of the program. Insofar as skills can be transferred or applied to new situations, they are encouraged for their own sake. In fact, the knowledge/skill dichotomy is a somewhat arbitrary split. What is the point of knowledge that does not influence action? What is the point of pursuing action for no reason? For example, what is the point of being able to 'paraphrase' without knowing why or when one might use it? On the other hand, 'paraphrasing' is an important skill in oral group discussions. It is a way of summarizing what has been said up to a certain point. This can help to evaluate the discussion and assist in determining where the discussion ought to be going.

The Program concentrates on the development of the following skills:

A. Listening skills

The student will be encouraged to acquire the ability to:

1. paraphrase
2. ask related questions
3. stick to the topic

B. Group Discussion

Students will be encouraged to acquire the ability to:

1. participate in group discussions
2. analyze the discussion
3. take stock of the discussion

C. Skills required to use several forms of communications.

(see Program of Studies III (1-15) p. 265).

D. Questioning techniques

1. in an oral group discussion
2. in a court simulation (see direct and cross-examination in the Legal Handbook)
3. in an interview

- E. Conducting an interview
 - 1. preparation
 - 2. making arrangements
 - 3. questionnaire
 - 4. asking supplementary questions
 - 5. clear expression
 - 6. concluding the interview
- F. Role play
 - (see A Handbook for Simulation and Gaming in the Classroom)
- G. Research skills
 - 1. using a library
 - 2. using reference books (primary and secondary sources)
 - 3. using a variety of sources (print and non-print).
 - 4. using different kinds of reading (e.g. scanning, reading for detail)
 - 5. preparing notes
 - 6. reporting
- H. Preparing a log
 - 1. dating entries
 - 2. express entries clearly
 - 3. regular entries
 - 4. relevant entries
- I. Use Independent Instruction Stations
 - 1. Types
 - a) free reading - novels, short stories, dramas, etc.
 - b) legal research station - Legal Handbook
 - c) produce dilemmas in various forms of media
 - d) oral discussion without a teacher
 - e) research centre - prepare case studies for a group discussion or simulation
 - f) listening station- listen to taped student discussions and tapes on various aspects of the program.
 - 2. Location
 - a) Resource Centre (library centre)
 - b) classroom

- c) Resource Centre Study Area
- d) seminar rooms

J. Plot the development of a case in court.

Whenever a court case is simulated, the students who are observing will receive a chart on which they will be asked to note the strong and weak statements made in court as well as the reasons why the statements were selected.

K. Handle tape recorders

- 1. tape a discussion
- 2. play back a tape
- 3. find a particular place on a tape
- 4. erase a tape
- 5. proper identification of a tape

L. Reading various types of materials

- 1. vignettes
- 2. dilemmas
- 3. primary source materials
- 4. secondary source materials
- 5. novels
- 6. short stories
- 7. dramas
- 8. poetry
- 9. newspapers
- 10. magazines
- 11. legal forms and documents

M. Administrative skills

- 1. keep a personal file
- 2. keep a log
- 3. plan a cycle of work (12 periods)
- 4. plan a group research project
- 5. organize interviews
- 6. lead an oral discussion

III. Attitudes

Attitudes reflect how people feel about a person or idea, as well as what they think. Since it would appear that people are influenced by their feelings as well as by what they think, it is important to promote the development of certain attitudes. In this Program the emphasis is not so much on promoting specific attitudes but on identifying the student's attitudes in areas which probably have a considerable bearing on "Youth, Law, and Morality". The attitudes of the students will be monitored in specific areas in order to note any correlation between cognitive development and attitude change. For example, is there any correlation between the attitude students have towards policemen and the students' cognitive development?

A. The following attitudes will be monitored:

1. school subjects are considered:
 important/unimportant
 pleasant/unpleasant
2. Independent study opportunities are considered:
 important/unimportant
 pleasant/unpleasant
3. The teacher's way of relating to the students is considered:
 important/unimportant
 pleasant/unpleasant
4. The school rules for students are considered:
 important/unimportant
 pleasant/unpleasant
5. The principal's way of relating to the students is considered:
 important/unimportant
 pleasant/unpleasant
6. Reading at school is considered:
 important/unimportant
 pleasant/unpleasant
7. The way the school day is organized is considered:
 important/unimportant
 pleasant/unpleasant

8. The general atmosphere is considered:
important/unimportant
pleasant/unpleasant

B. The student's attitude about herself/himself.

1. Student considers himself:
important/unimportant
pleasant/unpleasant
2. Student considers himself being liked by others.
3. Student considers himself being liked by the teachers.
4. Student prefers to be left alone by other students.
5. Student feels he is a part of what goes on at school.
6. Student desires to get better marks than other students.
7. Student considers himself being left out of things at school.
8. Student prefers to decide for himself what to study at school.
9. Student prefers that the teachers set clear goals for the student.
10. Student feel that he needs lots of luck to do well in school.

C. Student's attitude toward the teachers

1. Teachers care about how much I learn.
2. Teachers like me the way I am.
3. Teachers are fair in marking students' work.
4. Students do schoolwork to keep teachers from getting mad at students.
5. Teachers are interested in learning what students have to say.
6. Teachers care about the students' feelings.
7. Teachers like to help students learn.
8. Teachers understand students pretty well.
9. Teachers assign too much work.
10. Teachers do not really listen to what students have to say.
11. Teachers should regard students as friends.
12. Teachers want to change the way students are.

D. Oral Discussion re controversial issues

1. Group size as factor in facilitating/inhibiting discussion
2. Presence of teacher as necessary, inhibiting, facilitating
3. Effect of taping discussions
4. Effect of media form on oral discussion (e.g. film)
5. Value of discussing as a way of learning
6. Views of role of discussion analysis re their understanding of the issues discussed
7. Views of role of argument flow analysis re their understanding of discussion process (i.e. how they discussed)

E. Reaction to Law as an area of Study

1. Attitude toward Legal Handbook as a vehicle for facilitating their understanding of legal procedure
2. Attitude toward study of law in school curriculum for their age level

F. Attitude toward Simulation

1. Attitude toward simulation as a vehicle facilitating understanding of legal procedure
2. Simulation as an aid in classifying views re civil rights issues
3. Simulation as a vehicle of understanding other points of view (role play)
4. Difficulty or ease encountered in performing roles within a simulation
5. Attitude toward court procedure as regulating court discussion

G. Reaction to Volume and Type of Reading Material

1. Reading about law was too complicated
2. Attitude toward reading a mixture of articles and books in place of a prescribed text

H. Research

1. Attitude re interviewing as a way of learning about issues

2. Attitude toward independent library research as a way of learning.
3. Attitude toward learning via inquiry rather than didactic teaching

I. Reaction to study and discussion of civil rights issues

1. Reaction to discussion of their value and moral positions
2. Reaction to issue-centred curriculum
3. Reaction as to whether parents and children should talk more about these types of issues
4. Reaction to type of issue as it relates to their interest
 - history
 - contemporary: local community
youth-related issues
national and international
hypothetical
5. Attitude re students learning about civil rights issues by creating dilemmas

IV. Cognitive Processes

Cognitive development is the main thrust of this program. The purpose is to encourage adolescents to explore increasingly differentiated forms of thought in dealing with civil rights issues. The assumptions of this program are based on the research of Jean Piaget, Lawrence Kohlberg, Elliot Turiel, James Rest, and others. The conceptual framework, the specific objectives, the learning activities have all been designed to promote the cognitive development necessary for increased differentiated forms of moral reasoning. Attention will be focused on the following three facets:

A. Development-- the formal criteria of development are:

1. increased differentiation
2. increased integration

This is what is meant by an upward stage movement in Kohlberg's stages of moral reasoning. The stages to be considered are:

1. punishment and reward
2. egocentric relativism

3. 'nice girl' and 'good boy' image
4. law and order
5. social contract
6. ethical-principled reasoning

B. Stage mixture will also be encouraged because stage movement requires stage mixture.

C. Cognitive dissonance

Efforts will be made to confront the students with perplexing problems because it is through such encounters that a person might explore alternative ways of thinking through a problem and possible solutions. Four types of dissonance will be explored. These are:

1. personal dissonance
2. logical dissonance
3. experiential dissonance
4. cultural dissonance

V. Practical Procedures

The program is designed to be a mixture of formal studies and practical procedures. The knowledge objectives and the skill objectives merge in the practical procedures. The involvement in practical procedures can encourage further understanding as well as serve as a way of evaluating how well the students have grasped the other objectives. For example, if students are able to conduct a court simulation, there is reason to believe that they have some understanding of legal process. On the other hand, through the court simulation the students might acquire a more comprehensive understanding of direct and cross examination.

A. Analyze a discussion

Students are expected to be able to analyze the flow of their own and each other's discussions. They should be able to identify the strengths and weaknesses of the discussion. It is hoped they will be able to do so with the aid of the more elaborate categories in the model developed by

Dr. T.R. Morrison. If not, they will be introduced to a more elementary model developed by Dr. M. Levin.

- B. All students should be able to lead a discussion. This includes:
1. stating purpose of the discussion
 2. record participants' thoughts
 3. draw members into a discussion
 4. help members to communicate clearly
 5. discourage irrelevant speculation
 6. give thought-flow summaries
 7. keep discussion on track
 8. don't make speeches
- C. Participate in court simulation. Each student should be able to:
1. research a case study
 2. determine what kind of offence has been committed in the case (use Legal Handbook)
 3. determine which court would handle the case (use Legal Handbook)
 4. participate in the legal process (use Legal Handbook)
 - a) pleading
 - claim
 - defence
 - reply to defence
 - b) preparation for trial
 - c) interpret statutes and regulations
 - d) follow case law techniques
 - e) follow court procedure
 - f) present evidence
 - g) conduct examination
 - direct
 - cross
 - raise objections
 - h) call witnesses to testify
 - i) present an argument

- j) make a judgment
- k) prepare an appeal
- 5. role play any part in a court case
- 6. analyze a simulation
 - a) how well was legal process followed
 - b) adequacy of research
 - c) how thoroughly each position was developed
 - d) strength of the arguments
 - e) quality of the judgment

- D. Make a decision about 'social' issues at school. Ability to take into account:
 - 1. framing the issue
 - 2. conducting an inquiry
 - 3. thinking critically about various solutions
 - 4. exercising rational operations
 - 5. taking into account other similar cases or situations
 - 6. making a final evaluative judgment

- E. Produce an account of dilemma situations through a variety of media.

- F. Conduct an interview (optional)
Make arrangements to conduct an interview with people in the community

- G. Participate in social action during the school year.
 - 1. Student Council activities
 - 2. Band flex-period activities
 - 3. Totem activities
 - 4. Promote changes at school through discussions with students, staff and administration
 - 5. Assist in developing a Student Handbook for the school.

C. Teaching Model

The Jurisprudential Teaching Model (See Table 10, p. 116) developed in this study was prepared to meet the aims and objectives outlined for the program on "Youth, Law and Morality". The Model outlines the conceptual framework within which the details of the Program should be planned, i.e. organize learning activities, select materials, organize time schedules, group students, etc. That is why it is so important that participating teachers understand the Model and implement the Program within its framework. For an explanation of the Model refer to Chapter Five.

D. Learning Activities

It is difficult (and not without hazards) to recommend a series of learning activities for a program of studies because, in part, the selection and timing of specific learning activities should be established by the teachers and students involved in a Program. Therefore, the chart of Learning Activities (See Table 26, page 287) recommended for this Program should be regarded only as a possible selection and sequence of activities. On the other hand, a chart of learning activities can serve a useful purpose in implementing the Program. It can serve as a map which suggests fairly concrete guide lines for the course of the Program--guide lines which are even more specific than the specific objectives. After all, in the implementation of a program the objectives have to be translated into concrete learning activities.

Several guidelines are provided in the Learning Activities Chart¹² prepared for this Program. First, it suggests a time-span for the program. Second, it suggests a group of activities which might be considered for each component of the Jurisprudential Teaching Model. Third, the sequence of the group of activities designated for each 'cycle' is only a suggested sequence. It should be decided upon by the teachers and students. The use of specific materials may also vary. For example, the film chosen for an introduction need not be "Summerhill". It could be some other film, like "No Reason to Stay" or the film loop, "The Lift", or some other activity. Fourth, it is recommended, that the assessments be conducted at regular intervals although not necessarily at the end of each cycle. For alternative procedures and techniques for process evaluation see "Evaluation" below. Fifth, the Chart recommends the use of 'learning stations' so that it is not necessary for all students to do every activity at the same time. This is a move towards individualizing the Program to meet the needs of different students.

The group of learning activities are not independent of each other but they reflect certain sequences. Most important of all, the groups of activities are intended to accommodate all components of the decision-making model, which is the basic aspect of the Jurisprudential

Teaching Model. Second, the activities are designed to introduce students to various aspects of the 'concept and administration of the law' as well as a wide variety of case studies. Third, the activities should enable students to conduct a court simulation in the last few cycles. Fourth, the activities include regular group discussions and argument flow analysis. Fifth, students are encouraged to work individually or in groups through the learning stations. Sixth, the activities become more difficult as the program progresses--from a discussion of short dilemmas to intensive research and court simulation of civil rights case studies.

F. Piloting the Program

The program was piloted in 1974¹³ under the following arrangements. The social studies teacher and language arts teacher of one House (made up of 150 grade nine students) in a Junior High School with an enrolment of 900 students conducted the program from January to March. They taught as a team using blocks of time that varied from a whole day to single periods of 45 minutes each. The program was treated as an integrated language arts/social studies program. They worked with groups of fifty students at a time in a variety of teaching and learning areas--a double size classroom that could be partitioned into three separate areas, a theatre, resource library, hallway, and the community or city of Winnipeg.

Of the three groups of fifty students each, two groups were scheduled to take the pilot program, "Youth, Law, and Morality", and one group was asked to take a course in British history. Each group of fifty students was made up of two regular classes (of 25 students each) that had been formed at the beginning of the school year.

The writer of this paper was involved in the pilot program approximately one day per cycle assisting students in their research projects and conducting group discussions. The writer was also involved in planning the entire program on a day to day basis together with the teaching team.

F. Experimental Design

Since the groups of fifty students were 'balanced' in that each group would have language and non-language students and students electing various creative arts options, they could not be treated as random groups. Therefore two groups were formed, each including well over thirty-five students-- the minimum requirement for a group sample data that is considered large enough to indicate a trend.¹⁴ Both the control and experimental groups were pretested.¹⁵ All conditions were kept the same, as much as possible, for both groups except that the experimental group received the treatment (Program on "Youth, Law and Morality") for a specific period of time (approximately ten weeks). Both groups were post-tested and scored. The follow-up tests¹⁶ were conducted approximately six weeks after the treatment was terminated. The differences among the test results will be established for each group. These differences will be compared to determine whether the application of the treatment is associated with any changes favoring the experimental groups over the control group which did not receive the treatment. Appropriate statistical tests will be applied to determine whether any of the differences in scores are significant, in determining whether the difference is large enough to reject the possibility that the difference might be simply a chance occurrence.

No steps were established to control the interaction between 'pretesting' and the 'treatment instrument'. It was assumed that the longevity of the treatment sufficiently outweighed the possible effects of the tests so that the interaction was not considered significant. What is more, the tests dealt with the same substantive issues as the Program and therefore could be considered part of the Program.

The school involved was selected because the writer of this study is employed at the school and because he is involved in a research project with the Social Concerned and Curriculum Development Research Project under the direction of Dr. T.R. Morrison, University of Manitoba.

Authorization for conducting the testing was received from the

Principal of the participating school, Chief Peguis Junior High, as well as the Superintendent of the River East School Division.

The participating students were aware that the treatment Program was not on the regular program of studies for grade nine social studies and that the treatment was being explored as an alternative to the regular program of studies. However, this is a commonplace occurrence at the participating school.

The following base line data is available on all students in the experimental group and the control group. This information is necessary for analyzing the test results since the pilot and control groups had not been randomized.

Base line data: (see the tests in Appendix H, pp.395 - 469)

I. Test related data

A. Canadian Basic Skills Tests (Grade 8)

(Grade Equivalent and Percentile Rating are available on each test)

1. Test V: Vocabulary
2. Test R: Reading
3. Test M: Mathematical Skills
 - Concepts M1
 - Problems M2
 - Total M

These tests were administered to all control groups and pilot group students in June, 1973 when they were in Grade 8.

B. Differential Aptitude Tests (Raw Score and Percentile)

1. Verbal Reasoning
2. Numerical Ability
3. V.R. and N.A.
4. Abstract Reasoning
5. Clerical Spelling and Accounting
6. Mechanical Reasoning
7. Space Relations

8. Language Usage

- Spelling

- Grammar

These tests were administered in January 1974.

II. The following non-test related data was compiled on each student:

A. Demographic Data

1. Name
2. Address
3. Age
4. Sex
5. Working mother
6. Ethnicity
7. Number of children in the family
8. Place of birth
 - a) father
 - b) mother

B. Attendance

1. Semester I
 - a) days present
 - b) days absent
 - c) lates
2. Semester II
 - a) days present
 - b) days absent
 - c) lates

C. Student promotion track

1. University entrance
2. Business education
3. Occupational entrance
4. Work program
5. Repeat
6. Discontinue

D. Teacher rating of students

1. Overall improvement
2. Selective improvement

3. General decline
 4. Slow worker
 5. Shows excellence on tests
 6. Shows excellence in daily work
 7. Uncooperative
 8. Assignments frequently incomplete
 9. Poor quality work
 10. Late with assignments
 11. Completed more than basic requirements
- E. Participation in over-night field trips
- F. Second language
1. Study second language
 2. Speak second language
- G. Part time job (yes/no)
- H. Special lessons (yes/no)
- I. Active in sports (yes/no)

G. Evaluation

The participating students were not only pre- and post-tested for significant changes in cognitive development, they were also tested for affective changes, changes in political attitudes, changes in opinions about social and personal issues, and changes in resolving conflicts. These tests were chosen because they monitor developments that closely affect the way students can deal with social issues, like civil rights issues. It is important to observe how the development of adolescents in these areas are interrelated with each other and with the development of moral reasoning. Attempts will also be made to establish any interrelationships between the test results and the base line data on the students.

Pretests, post-tests and follow-up tests were conducted with the following instruments to monitor any significant changes:

1. "Opinions about Social Problems"--This computerized instrument on the Heinz stories was developed by Dr. J. Rest. (See Appendix G, page 369). This instrument was used to monitor any significant cognitive development that might be attributable to the intervention instrument.
2. Minnesota School Affect Assessment--This instrument was used to monitor attitudinal changes concerning adolescents' attitudes towards 'schooling'. (See Appendix G, page 381).
3. Issue Questionnaire.--This instrument was used to monitor how open-minded adolescents are towards social issues. (See Appendix G, page 389).
4. Opinions about Politics.--This instrument was used to monitor adolescents' attitudes towards political institutions, roles, and personalities. (See Appendix G., page 385).
5. Conflict Resolution Sketches--This instrument was used to monitor conflict resolution strategies, through sketching instead of writing or talking. The instrument is developed by de Bono. (See Appendix G, page 394).

The following instruments and procedures were recommended for process evaluation during the ten weeks that the Program was piloted.

The purpose for administering them was not to monitor change but to provide a descriptive account of the piloting of the Program. Specific objectives were developed in considerable detail (see Objectives of the Program) to provide a framework for the process evaluation (not all of them were used in the 1974 pilot program):

1. Tape a representative number of oral discussions and conduct a comparative argument flow analysis of them.
2. Ask students to write dilemma stories.
3. Video-tape court simulations and analyze them for use of legal procedure and for argument flow analysis.
4. Administer critical thinking tests¹⁷.
5. Factual test on Canadian legal procedure based on the Student Legal Handbook.
6. Student assessment of learning activities (open essay).
7. Student file on everything each student has done.
8. Teacher's subjective assessment of student participation.
9. Record of what students have read.
10. Tape student's argument flow analysis of students' discussion.
11. Discussion of student-prepared dilemmas.
12. Students prepare written arguments on a civil rights case.
13. Tape student interviews on civil rights issues.
14. 'Comment Corner' in the classroom where students can record their concerns about the Program and civil rights issues any time they want to.
15. Record of the questions submitted by students to guest speakers.
16. Student log.
17. Teacher log.
18. Student's reports on various activities of the Program (e.g. court simulation).
19. An outsider conducting interviews with a random sample of students.
20. Teacher's summary reports on each student.
21. Students' summary report on themselves.
22. Written or oral assessments from community resource people who participated in the Program.
23. Questionnaire on "Opinions about Studying Social Issues."¹⁸ administered to all students several times.

All the change agent tests will be computer analyzed under the direction of Dr. James Rest, University of Minnesota. He will interpret the significance of the results. Dr. Terrence Morrison has designed an analysis model for analyzing the sketches on conflict resolution.

It is anticipated that a comprehensive report containing a detailed account of all forms of evaluation conducted on the pilot program as well as the significance of the results will be available by December, 1974.

FOOTNOTES

- 1 The outline includes only the main case studies. For alternative case studies see the Appendix C pp. 336 - 342.
- 2 Michael Walzer, Obligations, pp. 203-225
3. R.M. Dworkin, "Is Law a System of Rules"
- 4 R. Ollendorff, "The Rights of Adolescents" Children's Rights, ed. by P. Adams (New York: Praeger, 1971)
- 5 Max Black, Critical Thinking. No fixed number of critical thinking skills was established for the program.
- 6 M.R. MacGuigan, "Civil Liberties in the Canadian Federation", University of New Brunswick Law Journal, 16:1 , May, 1966
- 7 M.P. Golding "Principled Decision-Making and the Supreme Court".
- 8 Ibid.
- 9 Donald Oliver and Fred Newmann, Guide to Teaching, p. 9
- 10 F.R. Shaftel, Role-playing for social values.
- 11 J. Madge, The Tools of Social Science, (London: Longman, 1971)
- 12 The cycles in the Jurisprudential Teaching Model (Table 10, p. 116) correspond to the cycles in the Learning Activities Chart. A cycle constitutes six teaching days.
13. The first pilot (1971) was funded through a Human Rights Education Project by the Manitoba Human Rights Commission. The second pilot (1974) was funded by the same agency plus the Social Concern and Curriculum Development Research Project under the direction of Dr. Terrence R. Morrison, University of Manitoba.
- 14 Dr. James Rest, consultant for the pilot program, University of Minnesota.
- 15 For a sample of the tests that were used, see Appendix H, pp. 395 - 465.
- 16 All the tests were administered by members of the Faculty of Education, University of Manitoba.
- 17 Max Black, Critical Thinking, pp. 209 ff.
- 18 See Appendix F, pp. 365 - 368

CONCLUS ION

The specific curriculum development recommendations made in this study are tentative because many of the assumptions upon which the Jurisprudential Teaching Model rests, require considerably more research. This is also the case with many of the assumptions concerning the development of moral reasoning which serve as the basic pedagogical assumptions for the Model.

There are a number of other facets of the Model and Program which require further research. Some of these are:

1. Is it possible to develop an argument flow analysis model which can be used as an evaluative technique? The techniques would have to be able to monitor the use of rational operations and the use of avoidance strategies in a manner that would help to determine a person's level of moral reasoning on a variety of moral aspects and moral issues.
2. Are the materials selected for the Program suitable? Consideration should be given to adolescent interests, complexity of case studies, research demands, reading level, availability of the materials.
3. What is the subjective basis of 'moral approval'? Is it a feeling of 'benevolence', 'sympathy', 'fellow-feeling', or 'the sentiment of humanity' as is claimed by the 'moral-sense school' (e.g. David Hume)? Is it a personal awareness of 'prescribing universally' (e.g. R. M. Hare)?
4. What are adolescents' conceptions of moral-value principles like justice, freedom of expression, dignity of man, equality, and others which are frequently used to resolve moral disputes? Piaget has pointed out that children frequently have a different conception of concepts and principles (e.g. cooperation) than adults.
5. Can analogies be used to introduce adolescents to principled-decision making when most adolescents are at Piaget's concrete operational level of thought and at Kohlberg's stages two to four?

6. Do the six components of the decision-making model (in the Jurisprudential Teaching Model) entail a logical developmental sequence? In other words, does the model reflect a particular order that should be followed in introducing it to adolescents?
7. Given the unanswered questions raised about simulation in Chapter Five, is it a suitable culminating and integrating learning activity?
8. How extensively should the students be tested when the Program is piloted? Consideration must be given to gathering sufficient relevant data as well as the adverse effects of 'over-testing'.
9. What are the professional development requirements for teachers who would like to use the Model and the Program?
10. Last, but not least, does the Model require a social action component? In other words, if adolescents are invited to get involved in making decisions about social issues, is it 'desirable' or even 'necessary' that they be 'permitted' or 'encouraged' or simply given the freedom to get involved in activities to try to amend social 'injustices'? More specifically, does 'moral principled decision-making' combined with freedom to try to amend what appear to be 'social injustices' (e.g. racial discrimination) create more stage movement than moral principled decision-making without the freedom to take action? If so, why is that the case? Is it due to the psychological facts of cognitive development? Is it inherent in the epistemological nature of moral issues? In short, if a person is invited to prescribe a remedy but is denied, in advance, the freedom to pursue the prescription, does that interfere with the decision-making process?

If it can be established that the freedom to make decisions about social issues requires the freedom to act upon the decision (successfully or otherwise) in order to encourage the development of moral reasoning, then society must face the implications of adolescent involvement in politics. Given the level of political maturity (monitored in terms of political socialization) of adolescents, what constitutes appropriate political involvement for adolescents? What implications does that have for schools?

It is doubtful that adequate answers are currently available to the questions raised above. However, some educators have forwarded some reasons for pursuing these questions. Fred Newmann and Donald Oliver, in an article "Education and community"¹ maintain that the school-community dichotomy defies the interrelationship between 'self' and 'society'. They quote Koteb² to point out that without 'society' there is no 'self' and without 'self' there is no society. In short, education policy must take into consideration the needs of the individual in society. This observation places a fundamental importance on the context in which education is pursued. Newmann and Oliver identify three contexts--school, laboratory--studio--work, community seminar.

This concept of 'schooling' raises a whole new list of important questions concerning the relationship between school and community.

Some of the questions are raised by Thelan:

What does the educational system have to do with the system of government, of economics, of politics? It is all very well to say that education is for the purpose of maintaining our nation, or developing a world order, but what does that mean? Does it mean that every individual must be made literate, wise, loyal and conforming? . . . Is a school a cultural island, separated from the community mainland by the same kind of thinking that separates fantasy from real life? Does the school lead or follow the community or both? We hear a lot about the need to "involve" citizens in school problems. Who, how, why? Is it just to keep them quiet, or to manipulate them into contributing more money? Is school supposed to "induct youth into the community"? What does that mean? . . . Can the school do the job alone? Or is the school only one part of a community-wide educational system which exists in fact whether the school board knows it or not?⁴

Newmann and Oliver agree with Thelan that it is important for people of the community (including educators) to confront these questions in order to explore the relationship between 'education' and 'community'. Such a confrontation might point to a need to follow up 'decision-making' with 'social action' in curriculum development because 'social action' means direct involvement in the community.

This concern emphasizes the need to research the psychological and philosophical justification for introducing a social action component in a moral principled decision-making model designed to facilitate the development of moral reasoning.

FOOTNOTES

- 1 Fred Newmann and Donald Oliver, "Education and Community", Curriculum and the Cultural Revolution, ed. by David E. Purpel and Maurice Belanger (Berkeley, California: McCutchan, 1972), pp. 205-252.
- 2 Ibid., p. 205. Quoted from G. Koteb, "Utopia and the Good Life", Daedalus, (Spring, 1965), pp. 454 - 473.
- 3 Fred Newmann and Donald Oliver, "Education and Community", p. 239.
- 4 Ibid., p. 48. Quoted from H.A. Thelan, Education and the Human Quest (New York: Harper and Row, 1960) pp. 13-14.

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APPENDIX

I. Stage Summary A. -- Stages in the Major Modes of Judgment

A. B. C. Obligation (Aspects 1-3)	D. Responsibility (Aspects 4-6)	E. Blame and Approbation (Aspects 7-8)	F. Punishment (Aspects 9, 10, 23)
1. absolutistic, external, coercive	limited by powerlessness of actor	based on physical consequences, damage and "goodness" of the deviance of the act	unquestioned, fixed, retaliative
2. relativistic, instrumental to wish, hypothetical (if...then)	bounded by the skin	blame-oriented to the stupid of foolish vs. the sensible	lenient, preventive of repetition or restitutive to the victim
3. stereotypical, what most people, good people would do	limited by the existence of benevolent power authorities who take care of things	blame-oriented to not having good prosocial conforming motives	expression of disapproval and a restitution to the victim -- takes account of motives
4. categorical, rule-determined right and wrong	limited to following the rules and fulfilling assigned responsibilities	categorical wrongness takes priority over personal (approval) disapproval	expiative (i.e. one must pay for one's sins) and law-maintaining
4-6. determined by "conscience" by internalized but arbitrary rules	responsible for "living up to one's beliefs"	approves acts of conscience even if disagrees with them	expiative-but don't punish a man who follows his conscience
5. determined by legal-contractual rules or by rational choice within a personal hierarchy of values	limited to respecting rights of others and fulfilling contractual commitments	blame judged by impartial spectator who is a member of society	utilitarian-psycho-logical view of punishment in context of legal consistency
6. determined by universal moral principles of decision	responsible for all consequences of own action or inaction to which moral principles apply	morality not based on praise or blame, otherwise as Stage 5	no duty to punish-punishment, otherwise as for Stage 5, except for obligation not to punish a man who has acted justly, regardless of utilitarian-legalistic considerations

GROUPING II. Principles of Judgment

J. Justice-Commutative.
Reciprocity and distributive equality
(Aspects 19-21)

I. Respect
(Aspects 17, 18)

H. Welfare of Others
(Aspects 15, 16)

G. Prudence
(Aspects 11-14)

1.	orientation to fear of punishment and danger	doesn't define the good in terms of human welfare-consequences	respect is obedience to superior power	accepts non-reciprocal, unequal relations between power-figures and subordinates
2.	the good or right is that which serves individual concrete need	the good is also what is instrumental to the need of the other (if self and others' need not in conflict)	lacks conventional respect for authority, does not attribute special worth to authority	uses reciprocity as tit for tat exchange. Uses distributive or absolute equality-everyone should get the same-no privilege
3.	good is maintaining good relations and approval of others	the good is helping others being unselfish and loving	respect for authority faced with an affectional relation	reciprocity is grateful return of past favors-used to rationalize conventional relations. Equality is considering both sides.
4.	the right maintains one's honor and avoids feelings of guilt over violating the rules and hurting others	the maintenance of social order, the honor and survival of the larger or institutional group are the ultimate welfare	internal respect for authority a necessary or important part of morality. Authorities respected because they express and symbolize the rules.	reciprocity is the return of rewards for merit and work, and payment of debts. Objective inequalities are those where some have to conform or work and others don't.
4-6.	Guilt at violating personal standards. Guilt as self-judgment.		idealizes charismatic authority	
5.	oriented to rational maximizing of own welfare and to retaining community's respect	community welfare, the greatest good of the greatest number of members of society is an ultimate criteria of the consequences of action	rights and functions of authority recognized but separated from his personality. Concern for mutual respect.	reciprocity defined by contract, equality is equality of opportunity and of fundamental human-civil rights.

GROUPING II - (cont'd)

6.	Prudence (the self's welfare) enters into moral judgment only in the same way as the welfare of others	Where justice does not have prior claims, welfare is the ultimate criterion	universal respect for human personality	reciprocity is the maintenance of trust. Equality is treated every man's claims equally—a fundamental principle of all morality.
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GROUPING III. The Basic Values and Rights (selected aspects)

25. Contract and Promise (Aspect 25) 26. Life (Aspect 26) 27. Property (Aspect 27)

1.	promises are made by the more powerful to the less and are not binding	human life's value not clearly distinguished from value of physical objects, or from prestige of its possessor	property rights and power rights confused. Accepts notion that people can be the property of others e.g., children the property of parents, slaves of owners	
2.	promises and agreements seen in a context of bargaining and exchange	life's value reduced to its instrumentality to the hedonistic wants of its possessor	"absolute" property rights based on ownership of self and of things -- everyone can do what they want with their property (and lives)	
3.	agreements and promises are kept to avoid disappointing others and so you will be trusted	human life's value based on the affection and empathy of others toward it	property rights subordinated to role norms, to what a good property-owner would do.	
4.	A categorical orientation to keeping your word with a sense of dishonor if you don't and the need for reliability in social relations	life is the ultimately important because the core of the social-religious order is the protection of life. 4-6. Life is the ultimately sacred as higher, spiritual	property rights are absolute, based on the fact that hard work and the reward for it are the foundations of the social order.	
5.	Free contract or agreement is the foundation of obligation, commitment and of social order	Life is the basic universal natural right and basic object of rational value	Property rights can be natural human rights, part of the social contract. However, detailed definitions are arbitrary in terms of varying definitions in capitalistic, socialistic systems.	

GROUP III - (cont'd)

6.	Beyond contract, the maintenance of mutual trust is the foundation of moral relations in society, especially of moral relations which go beyond maintenance of legal order	equal respect for all human life is the core of a moral orientation	Property rights have the force of law and respect for them is necessary for social trust. But property rights are not themselves absolute or natural moral rights.
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APPENDIX B

Documents for the Court Simulation of the Declaration of the Court on the
Chief Peguis 12:20 Rule

STUDENT BULLETIN

A. OPENING DAY - September 5

D. SCHOOL LUNCH

The lunch period is from 11:20 - 12:30 p.m. daily for all students. Students coming to school by school bus are expected to eat lunch in the building. All others are expected to go home for lunch. Any non-bus student staying for lunch MUST HAVE SUBMITTED A WRITTEN REQUEST FROM HIS/HER PARENT AND RECEIVED PERMISSION from the school principal. The school has no lunchroom facilities except milk and drink machine dispensers. All students staying for lunch will eat in Theatres 1 and 2 or the front hallway. After lunch, students may choose one of the following:

- a) remain in the lunch area
- b) study, do homework, or read in the MRC
- c) leave the building (if students leave they may not re-enter until 12:20 p.m.)
- d) attend free gym

EXCERPT FROM THE CHIEF PEGUIS STUDENT HANDBOOK

SCHOOL LUNCH

Due to insufficient lunch facilities only those students who come to school by school bus are allowed to eat lunch in the school. All others are to go home. Exceptions to this may be made for special circumstances if a written request has been received from your school administrators. Lunch is eaten in Theatres 1 and 2 and the front hall. Tables, milk and drink machines and garbage receptacles are provided. Students are expected to leave the lunch area tidy and free of garbage. After lunch students may (a) remain in lunch area, (b) attend study or reading in MRC (c) leave the building. (If students leave they may not enter until 12:20 p.m.), (d) attend free gym.

CHIEF PEGUIS JUNIOR HIGH

Minutes of Staff Meeting - January 26th 1972

1. Student Council agenda item

Mrs. Cook asked for some feed back from Pat Nagles suggestions re the Noon Hour supervision.

If students need a breath of fresh air they do not need to leave the school until five or ten past twelve

Rectangular garbage cans (similar to the ones at the University) be placed in the halls.

Sell chips in front halls instead of near Home Economics area to alleviate some of the garbage problem.

Locking of doors should be flexible, based on the weather conditions.

It was felt that if a student walked three quarters of a mile to school, he should not have to wait at the door.

CHIEF PEGUIS JUNIORHIGH

Minutes of Staff Meeting January 26th, 1972

Student Council Agenda item

School Lunch Break - Pat Nagle, President - Student Council advised the staff that the students did not agree with some of the rules regarding noon hour. The rule that particularly affected them was that once a student had left the school he could not return until 12:20. The student council felt this was a hard rule in view of the very cold weather at the moment.

Pat could see why this rule was implemented and suggested that the student council could help with supervision if the students were allowed ~~to~~ back into the school before 12:20. The student council had several ideas for entertaining the students

1) By providing a games room, with the student council buying the games, and supervising

2) Activities in the gym

To help with the garbage problem - student council suggested that large oil drums be painted and placed in the theatres and H.Ec area where most of the garbage was accumulating.

Pat suggested that at least one door (preferably the front one) be left open for students to use.

Pat was asked about the recent poll published in the newspaper regarding how students felt regarding noon hour rules. Pat agreed this poll was not done very accurately.

These minutes distributed to Student Council and Staff

M.M. Taylor
Secretary

CHIEF PEGUIS JUNIOR HIGH

STAFF BULLETIN

DECEMBER 15, 1971

READ THIS BULLETIN CAREFULLY AND KEEP FOR FUTURE REFERENCE.

RE: LUNCH PERIOD 11:30 - 12:30 p.m.

Because of increased problems during the student noon lunch period the following steps have been taken with regard to same.

1. A parent bulletin is being sent home with the report cards outlining procedures for January 3 forward into Semester 2. Keep a copy of this and familiarize yourself with this bulletin.
2. A list is being prepared, and will be available to all staff, of those students WHO SHOULD NOT BE EATING LUNCH AT SCHOOL. This list will be available late next week or January 3.
3. The fire doors at the extremes of the Science labs will be CLOSED AND LOCKED from 11:30 to 12:20 p.m. to cut down on aimless wandering by students in the halls.
4. Noon hour supervision is being revamped and supervisors increased in number. The new format will be as follows:

- (a) Eight teams of five teachers will be on supervision duty at five stations in a rotation manner for a one week period for each team.

The eight teams are:

1. Mr. Peachell; Mrs. Boyd, Mr. Gooch, Mr. Hoey, Miss Hildebrand
2. Mrs. Popeski, Mr. Bahr, Mr. Frost, Mr. Lussier, Mr. Fontaine
3. Team 71 and Mr. Bodnarus
4. Team 72 and Mr. Dehls
5. Team 81 and Mr. Wohl
6. Team 82 and Mrs. Homenick
7. Team 91 and Mrs. Stitt
8. Team 92 and Miss Bennett

- (b) Mrs. Mulder, Mrs. Davison, Mrs. De.Witt, Mrs. Wadge will be on supervision duty each day.

- (c) Mr. Krecsy will act as a "floater" in case of staff absences.

Cont.....2.

5. Students will be required to eat lunch in the theatres or at tables in the front hall only.

6. When students have completed lunch they may:

- (a) Remain at the tables (games are allowed) or in the theatre.
- (b) Go to a study area (reading area of MRC) provided they take material to work on and enter between 11:50 and 11:55 a.m. and remain until 12:20 p.m. If student do not use this, they should be sent out and not allowed re-entry. The entry door will be the Grade 7 entry ONLY. (Games NOT ALLOWED).
- (c) Go out of the building and not be allowed re-entry until 12:20 p.m.

THIS MEANS THAT ALL SUPERVISORS MUST ATTEND TO DUTIES AT STATIONS VERY CAREFULLY.

Any deviations will cause problems for other supervisors.

7. Specifically the five stations for teaching staff are:

STATION #1 Foyer #2, Grade 7 locker area.

- (a) Teacher supervisors to be on duty from 11:50 - 12:20 p.m.
- (b) Allow no students to eat in the area
- (c) Check washrooms and locker area hall
- (d) Allow NO students to enter school until 12:20 p.m.

STATION #2 Foyer #3 Grade 8 locker area

- (a) Teacher supervisors to be on duty from 11:50 to 12:20 p.m.
- (b) Allow no students to eat in area
- (c) Check washrooms and locker area hall
- (d) Allow NO students to enter school until 12:20 p.m.

STATION #3 Foyer 4 (First shift) Grade 9 locker area

- (a) Teacher supervisors to be on duty from 11:30 - 12:00 Noon.
- (b) Require students to eat at tables (seated) in immediate area and put garbage in dispensers.
- (c) Supervise drink machine use.
- (d) Allow NO students to enter the school
- (e) Check washrooms and locker area halls.

STATION #4 Foyer 4 (second shift) Grade 9 locker area

- (a) Teacher supervisors to be on duty from 11:50 - 12:20 p.m.
- (b) Require orderly and polite behaviour at tables in immediate area.
- (c) Check washrooms and locker area halls.
- (d) Allow no students to enter the school until 12:20 p.m.

STATION #5 MRC STUDY AND HOMEWORK IN READING AREA

- (a) Teacher supervisors to be on duty from 11:50 to 12:20 p.m.
- (b) Allow no students to enter before 11:50 or after 11:55
- (c) Allow no students to enter, unless they have materials with which to work.
- (d) Allow no students to remain unless they are working quietly. If a student is asked to leave, see that he/she does so and do not allow re-entry.
- (e) Stop the supervision at 12:20 and see that students leave to get ready for class.
- (f) DO NOT ALLOW GAMES IN THE AREA.

8. The stations for Teacher Assistants are as follows:

1. MRS. DAVISON - FOYER 2 Grade 7 Locker area 11:30 - 12:00 Noon

- (a) Allow no students to eat lunch in area - send them to the front of the school.
- (b) Check washrooms and halls
- (c) Allow no students to enter the school
- (d) Close fire doors as soon as possible after 11:30 a.m.

2. Mrs. Mulder - Foyer 3 Grade 8 locker area, 11:30 - 12:00 Noon

- (a) Allow no students to eat lunch in area - send them to front of school
- (b) Check washrooms and halls
- (c) Allow no students to enter the school
- (d) Close fire doors as soon as possible after 11:30 a.m.

Cont.....4.

3. MRS. DE WIT: Theatre and Front Hall 11:30 - 12:00 NOON

- (a) Insist that students sit while eating
- (b) Insist that students put garbage in receptacles.

4. MRS. WADGE - FOYER 4 11:50 - 12:30 p.m.

- (a) Allow no students to enter school before 12:20 p.m.

9. The supervision schedule is as per separate sheet. For the first week January 3 - 7, the teacher team is doubled (Teams 1 and 2 on duty. This should ensure that the system gets off to a good start. It will be reviewed at the end of the first week. Mr. Pauls and myself will be in attendance and available. Mr. Gordon will be in attendance as usual, and will unlock the fire doors at 12:20 p.m.
BE ON TIME AND TAKE CHARGE :

10. This information will be made clear to all students, several times, in order that NO STUDENT may be in the position of saying he or she did not know.

11. The Chess Club has permission to eat in a classroom, as does the Home Economics Club and Glee Club on those days when they meet. It would seem inappropriate for any other group to meet during the noon hour, unless the staff member in charge is planning to be completely responsible for the group and remains with them the full time. This includes students working on projects.

C.M. Cook (Mrs)
PRINCIPAL

:mmt

CHIEF PEGUIS JUNIOR HIGH
SURVEY RE: 12:20 Rule

Name: _____ Grade: _____ Totem: _____

Are you in favour of the 12:20 rule? Yes No. Undec-
ided

Reasons for decision:

(Place a check mark in the most appropriate circle at the right of each question.)

- | | Yes | No. | Undec-
ided |
|--|-----------------------|-----------------------|-----------------------|
| 1.--because of problems during bad weather conditions. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2.--because I want to work in the M.R.C. during noon breaks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3.--because I want to participate in free gym after being outside. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4.--because I forget things and like to get back inside for them. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5.--because I like to get together with bus students (or vice versa) and lunch time is the only convenient time. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6.--because being able to come in and out of the school at lunch hour would contribute to learning responsibility. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Other Reasons (either for or against.)

The Prosecuting Counsel solicited the following information from the administration:

Request for the record of misconduct during the noon hour in year 1971-72 classified according to grades. Don't mention any students' names. Classification also according to months.

GRADE	1971			1972						
	Sept.	Oct	Nov	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
7										
8										
9										

After some delay, the administration informed the Prosecuting Counsel, C.W., that the information was not available.

APPENDIX C

List of Some Print and Non-print Materials Suitable for the Program,
"Youth, Law and Morality"

This is only a representative list. The choice of materials depends on the particular topics or cases chosen by a teacher and the participating students. It could vary greatly from one class to the next.

An effort was made to collect articles on a variety of topics and issues because students can readily get a variety of viewpoints by reading several articles.

A. Dilemmas (articles and books)

1. Cedervale
2. Dennis D'Arcy
3. The Chase
4. Eliza's Baby
5. Richard and the School
6. Jeremy's Choice
7. A Change of Heart
8. The Case of the Speluncian Explorers
9. Socialized Medicine
10. The Movies: Influenced or Influencing
11. Education Reform Projects
12. The T.V. Generation
13. Discipline in Education
14. To Date or Not to Date
15. Sidewalk Speech
16. Kidney Machine
17. Levin, M., and Eisenberg, J., Dilemma (vol. 1 - 4) Toronto: Holt, Rinehart and Winston, 1971.
18. Levin, M., and Sylvester, C., Rights of Youth, Toronto: PaperJacks, 1972
19. Bourne, P. and Eisenberg, J., The Law and the Police, Toronto: PaperJacks, 1972.

(Appendix C cont.)

20. Bowles, R.P., Hanley, J.L., Hodgins, B.W., and Ramlyk, G.A., Protest, Violence, and Social Change, Scarborough, Ontario: Prentice Hall, 1972.

B. Vignettes

Case, Robbie, Thinking Critically, Books I, II, III, Agincourt: The Book Society of Canada, 1972.

C. Historical Case Study of the Trial and Execution of Louis Riel

A collection of documents, maps, and accounts representing both sides of the argument. Included were the Transcript of Riel's trial, accounts written in the nineteenth century as well as historical accounts and plays written more recently.

D. School Discipline (articles)

1. What is the Real Meaning of Discipline in Today's Classroom?
2. Summerhill exerpt
3. Corporal Punishment

E. Shoplifting (articles)

1. Shoplifter
2. Reporter Finds Shoplifting Profitable Pasttime

F. Landlord and Tenant Act

A Kit has been prepared by the Manitoba Government.

G. Correctional Measures for Criminals (articles)

1. Too Many Dangerous Criminals are Out on Parole
2. Handbook on Parole Correctional Measures
3. John Howard and Elizabeth Fry Society
4. Guide for Parole Supervisors
5. Parole in Canada
6. The Revolution in Canada

7. Canada Correctional Services
8. Steve Truscott Story

H. Death Penalty

1. Capital Punishment
2. World Survey
3. Why the Police Want to Bring Back Hanging
4. Should the Hangmen be Fired
5. How an Ex-con is Helping People by the Hundred
6. Rules for Inmates

I. The Law

1. Freedom Under the Law
2. Law as a Means to an End
3. Importance of a Constitution
4. Dissent and Civil Disobedience
5. Preserving our Freedom
6. Do the Courts Dispense True Justice?
7. Meaning and Origins of Law
8. Canadian Legal System
9. Civil Rights
10. Rights of Citizens and Aliens
11. You and the Law
12. Criminal Code (Exerpts)
13. Powers of District Boards
14. Public Schools
15. Duties of Teachers
16. Ombudsman
17. Ferris, T.T., Moir, J.S., and Onn, G.A., Readings in Canadian Civics. Toronto: Ryerson Press, 1968.
18. Velanoff, J., Law: Case Study Approach. Toronto: Sir Isaac Pitman, 1968.
19. Bolton, P.M., Civil Rights in Canada. Cartoons by Matt McLean. Toronto: Self-Counsel Press, 1972.

J. Legal Procedures (articles)

1. The Role of the Police
2. Crime and its Treatment

3. Warrant to Search
4. Summons to a Person Charged with an Offence
5. Subpoena to a Witness
6. Writ of Habeas Corpus
7. Legal Procedures
8. Criminal Justice System
9. Administration of Justice
10. Saranchuk, H. Paul. "Legal Handbook for Students" (unpublished)
Winnipeg, Manitoba
11. Williams, G. Learning the Law. London: Stevens and Sons, 1969.

K. Trial By Jury (articles)

1. We the Jury
2. How Fair a Trial you can Get

L. Human Rights and Civil Rights (documents)

1. United Nations Universal Declaration of Human Rights
2. Manitoba Human Rights
3. Manitoba Indians in Manitoba - Human Rights Act
4. Students' Bill of Rights (N.Y.)
5. John Henderson J.H. - Constitution for Student Council
6. Student Rights Handbook (Metro Toronto)
7. Manitoba School Act
8. Women's Human Rights Act - Manitoba
9. An Act Regulating the Welfare of Children (Child Welfare Act of Manitoba)
10. Canadian Bill of Rights
11. Ontario Human Rights Code
12. Rights of the Child (U.N.)

M. The War Measures Act and Civil Rights (articles)

1. Doctor Describes Jail Nightmare
2. War Measures Act
3. War Declared on Quebec

N. British Legal Heritage (articles)

1. Medieval Law
2. Trial by Jury

3. They Saw it Happen
4. The Legal Reforms of Henry II
5. Letter by William Oakham
6. Magna Carta - Research Project
7. Exerpts from the Magna Carta
8. Bill of Rights, 1689
9. History of our Law Enforcement
10. Comparing Legal Systems
11. The Monarchy

O. Civil Rights Case Studies

1. Gastown Riot
2. Forest Hill Collegiate
3. Writ of Assistance - Rochdale
4. Writ of Assistance - NDY
5. Nobrega Case
6. Kwok Wing Lai
7. Gracey
8. The Chase
9. Kingston Penetentiary Riot
10. Chief Peguis J.H. 12:20 Rule
11. Dave Courchene vs. Marlborough Hotel (Factums and Evidence)
12. Trial of Charles I (Jackdaw)
13. Peterloo (Jackdaw)
14. Gordon Riots (Jackdaw)
15. Ned Kelly (Jackdaw)
16. Louis Riel (Jackdaw)

P. Films

1. Flowers on a One-way Street (60 min. NFB)
2. Riel and the National Dream (28 min. OECA)
3. Saul Alinsky (Pt. I & II) (28 min. ea. NFB)
4. Saul Alinsky Goes to War (60 min. NFB)
5. Violence and Order (28 min. OECA)
6. Christopher's Movie Matinee (89 min. NFB)
7. High School (75 min. Marlin Motion Pictures Ltd., Port Credit, Ont.)
8. No Reason to Stay (28 min. NFB)

9. Summerhill (28 min. NFB)
10. The Last Bus (30 min. BBC Toronto)
11. The Sentence of the Court (30 min. BBC Toronto)
12. The Lawyers (87 min. BBC Toronto)
13. Rural Magistrate (13 min. NFB)
14. Billy Budd
15. Magna Carta
16. Our Living Bill of Rights "Freedom to Speak - People of New York vs. Irving Fisher". Encyclopedia Britannica Corp., Chicago.
17. The Bill of Rights in Action Series. "The Bill of Rights in Action: Story of a Trial". Encyclopedia Britannica Corp., Chicago.

Q. Novels, Short Stories and Drama

1. Baez, Joan, Daybreak
2. Blumenfeld, Harold, Sacco and Vanzetti, Book of Job.
3. Eyerley, Jeanette, Drop Out
4. Hinton, S.E., The Outsiders (5 copies)
5. Ibsen, Henrik, The Wild Duck (play)
6. Kata, Elizabeth, A Patch of Blue
7. McCullers, Carson, The Heart is a Lonely Hunter
The Member of the Wedding
"Sucker" (story)
8. Richter, Conrad, The Light in the Forest
9. Sophocles, Antigone
10. Steinbeck, John, Grapes of Wrath
In Dubious Battle
Of Mice and Men
11. Wiesel, Elie, Night
12. Wojciehowska, Maia, Tuned Out (2 copies)
13. Maas, Peter, Valachi Papers
14. Israel, Charles E. Who Was Then the Gentleman?

R. Poetry

1. Sounds of Silence (selected by Betsy Ryan)
2. Reflections on a Gift of Watermelon Pickle . . . (selected by Stephen Dunning, Edward Lueders, Hugh Smith)
3. The Me Nobody Knows. Edited by Stephen M. Joseph.

S. Fundamentals of Critical Thinking

1. Critical Thinking
2. Observing
3. Comparison
4. Analyzing
5. Interpreting
6. Problem Solving
7. Assumptions

T. Taped Interviews Prepared by the Participating Students

1. Jack Montgomery, Assistant Director of Public Prosecutions
2. Jeff Grinden of Walsh, Micay and Company
3. Norm Larson of the Neighborhood Law Centre.
4. Professor John Sharpe of the Law Reform Commission
5. Chief Magistrate Harold Gyles
6. Jay Proler, Civil Litigation Counsel
7. Inspector Tronrud at the Public Safety Building
8. Mel Fenson of Walsh, Micay and Company
9. Len Epp, a social worker with the National Parole Service
10. Superintendent Lawrence at Headingly Jail

APPENDIX D

Sample Outcome of Student Research Projects

The following is a selective sample of products on one of the research topics chosen by the students. It illustrates the research approach as well as the range of ideas that were accommodated on some topics. The topic for these examples is "Capital Punishment" because many students displayed much interest in this topic. The samples do not represent all the groups working on this topic.

Group A

Topic

Capital Punishment

Problem

Should capital punishment be brought back?

Hypothesis

Most people would think it should be brought back.

Description of the problem

We think capital punishment is necessary for:

1. police murder
2. rape murder
3. capital murder

Research method

1. public survey
2. national survey from a magazine
3. interviews: politician
judge
lawyer
police

NOTE: This is the material that would be posted on large sheets of manila tag at the station in the classroom where the group would meet to prepare for the study.

Group B

Topic

Capital Punishment

Problem

Should capital punishment be brought back?

Hypothesis

Capital punishment should be brought back for:

1. premeditated murder
2. slaying of policemen

Description of the problem

We think that capital punishment is a major question in society

Source of information

We are interviewing a police sergeant, a constable and a lawyer.

Questionnaire:

1. Do you believe that hanging should be brought back?
2. Do you think that capital punishment would decrease the number of murders committed?
3. What offences deserve capital punishment?
4. Should murderers be let out on parole?
5. Does capital punishment give the police more protection?
6. If a murderer was sentenced to capital punishment, would today's society object?
7. Isn't capital punishment just like another murder?
8. Does capital punishment help to improve society?
9. How many years should a murderer have served before parole is considered?
10. Should we make a difference between public murderers and police murderers?
11. Do you think that Parliament is 'copping out' when they say, "We'll wait another five years before making a decision"?

Group C

Problem

Should capital punishment be reinstated?

Hypothesis

We think capital punishment should be reinstated because we think there will be less murders.

Description of problem

During the years between 1968 and 1973, the amount of murders per year more than doubled.

Sources of information

Encyclopedias, interviews, public, law courts, newspapers

Conclusion

More people want capital punishment reinstated and it should be.

Capital Punishment by K.C. (a participating student)

Capital punishment has been on a trial basis. In 1968 the government put capital punishment on a five year trial. This trial basis was that anybody convicted of murdering someone else would not be sentenced to death but would receive a prison sentence unless they murdered a prison guard or policeman. Then they would be sentenced to death.

In 1973 the same trial basis was voted on again and once more came back. Since then the murder rate has more than doubled. There was 216 the first year the law was put out and now this is up to 480, murders.

Earlier attempts were made to abolish capital punishment but were unsuccessful. In 1914, 1915, 1916, and 1917, a man by the name of Robert Bickerdike introduced in the House of Commons bills to rid of Capital Punishment. Similar bills were introduced by William Irvine in 1924 and in 1950 by Ross Thatcher.

In 1954 the Government established a joint committee of the Senate and House of Commons to study certain provisions of the criminal code, including those relating to capital punishment. Among its recommendations in 1956, were, retention of the death penalty, except for offenders under 18, and replacement of hanging by electrocution or the gas chamber.

In 1960 a private member's bill to abolish capital punishment except for treason was moved in the House of Commons by Frank McGee. The bill was debated at length on second reading, but never came to a vote, and was withdrawn later in the session.

A year later a compromise solution was proposed by E.D. Fulton, then minister of justice. His bill distinguished between two kinds of murder, capital and non-capital. Capital murder was defined as an act of homicide committed with deliberate planning or intent. Where there is no evidence of deliberate intent, the murder is considered to be non-capital. Capital murder carries the penalty of death by hanging (if over 18), non-capital that of imprisonment for life. The Fulton bill was given first and second readings during May 1961 and was carried on third reading to the next month. The relevant sections of the act (1900-61.c.44) are now incorporated in sections 202 and 206 of the Criminal Code.

Questions by K.C., D.Z., C.S., H.L.

1. Do you think capital punishment should be reinstated?
2. In what form?
3. Do you think that capital punishment should be just for police and prison guards, or for any person?
4. Is it true that police want to bring back hanging?
5. Are people sentenced to death allowed to have private burials?
6. Do you think that a person that is to be executed should be allowed to have a family burial?
7. What are the reasons for them not being able to have their own funerals?
8. We have heard fairly extensively of the Coffin Case, but we are not sure of what it is. Could you explain it?
9. Does the judge decide how the sentence should be carried out? If not, who does?
10. What was the most common death sentence used before it was frozen, compared to England, France, etc.
11. The government has left the penalty on a trial basis. Could you tell us for how long: 5 years? ten years?
12. Is the family allowed to visit the grave?
13. Is it true the frequency of murder has nothing to do with the death penalty, but with world conditions?

Interview with Chief of Police Chris Enfield

at East Kildonan Police Station

Monday, January 28, 1974

- Ques.: Do you think capital punishment should be reinstated?
- C.E.: For certain murders, yes.
- Ques.: What kind?
- C.E.: Premeditated.
- Ques.: What do you mean by premeditated?
- C.E.: Planned murders.
- Ques.: You mean murder like in rage where two people get in a fight?
- C.E.: No! Now wait a minute, in rage is a different thing. I am just talking about planned murder, thought out before hand. 'In rage' is a different thing. If I get in a fight and I knock somebody down and they hit their head, that's taken care of by the law. That's manslaughter.
- Ques.: What kind of death would you want--like, gas chamber or electric chair?
- C.E.: I would rather see that, than hanging.
- Ques.: Yeah, that would be much more human. So which one--gas chamber or electric chair?
- C.E.: Gas chamber.
- Ques.: Do you think it should be just for prison guards, or policemen?
- C.E.: No, I don't. I'm just as important to my family as your father is to his. I don't believe that one section of the society should be singled out by law. The law should be for everyone.
- Ques.: Were the people put to death when the law was in allowed to have private burials?
- C.E.: No, they are buried in special plots at the prison where they are hung.
- Ques.: Why?
- C.E.: Because the body is property of the state.
- Ques.: I see. Is the family allowed to visit the grave?
- C.E.: Yes, I imagine so.
- Ques.: How long is the law on the freeze?
- C.E.: For five years.
- Ques.: That's for murder of policemen or prison guards?

C.E.: That's for five years. It's been extended for five years.

Ques.: Who decides how the sentence is to be carried out? Does the judge decide it?

C.E.: The judge initially pronounces the death sentence. Usually it's commuted by the cabinet and the government.

Ques.: Who do you think should decide it?

C.E.: The judge. That's what he is there for. He's a learned man on the law. He knows whether the man committed the crime or not. He sees it by the evidence.

Ques.: We heard a lot about the Coffin case. Do you know what it is?

C.E.: That was a U.S. man that was sentenced to death. It took seven years until they did anything about it. They brought it back to different courts. That was his name, Coffin.

Ques.: Do you know the difference between the way we execute people compared to England and other places in the world?

C.E.: They have it off now, too. They don't hang anymore, but they used to hang the same as we did here.

Ques.: Is it true the police want to bring back hanging?

C.E.: No, we want to bring back the death penalty, not hanging. No, we don't want to bring back hanging. You're talking to an authority because I was past president of the Canadian Association of Chiefs of Police, and I know it's such because I went to Ottawa on it a dozen times. We don't want to hang people. We want to exterminate them, yes, but not by hanging.

Ques.: But why? Because they murder one man so you turn around and murder him for something he's done--so you're doing just as much wrong as he is, except that you do it legally.

C.E.: Yeah, but it's premeditated--and planning to kill somebody, I mean you've got to be really . . .

Ques.: Well . . . look, you kind of plan to kill somebody too, like when you put them in the gas chamber, you know they are going to die, you know what you're doing, you're killing him. If you have a mad dog in the vicinity, what do you do with it? Shoot it.

C.E.: Yeah, but that's bad.

Ques.: What's the difference?

C.E.: It's different because a mad dog is someone that's insane. Just because a person kills another . . . not insane, this is just the pack they hand you--the do-gooders, the bleeding hearts. They say

the man is mental. He isn't mental, he's thought this out very, very carefully.

Ques.: But then you're just taking a life for a life. What does the Bible say? "Thou shalt not kill." Apart from that, "an eye for an eye and a tooth for a tooth". Is it true that the frequency of murder has nothing to do with the death penalty but the world conditions themselves?

C.E.: Why do you ask?

Ques.: Because I was reading an article and it said in New York the hotter it got the more murders and poverty.

C.E.: Statistics I can't say on that. Whether the weather has anything to do with it, I don't know. But I do know the moon has something to do with it. Because the word 'lunatic' comes from the word 'lunar', you know that.

Ques.: How does that affect it?

C.E.: Well, some people go a little nuts when the moon is full. You want to hear something about murder, we're talking about New York: 1,242 murders last year; Chicago, 6,295 murders. I'll give you a few more: Austin, Texas, 297; Baltimore, Maryland, 256.

Ques.: How about in Canada?

C.E.: 580 last year in Canada.

Ques.: How many in Winnipeg last year?

C.E.: I believe there was about six.

Ques.: Do you know of any murder cases that are being done in court now?

C.E.: No, but there will be about the first week in February. Watch the papers for the Spring Assizes in the Law Courts.

Ques.: Is it possible for us to go see it?

C.E.: Oh, yes, it's open to the public.

Ques.: If a person's been sentenced for murder, how long are they in jail? Twenty years?

C.E.: Yeah, twenty years and they're out in ten. We had one here in E.K. who murdered someone in '63 and was out in '69.

Ques.: Did he get out on good behaviour?

C.E.: He got out on good behaviour. Then he pulled a robbery at the Curtis Hotel. Six thousand dollars. Yeah, they rehabilitate these jokers.

Ques.: When a man is sentenced to imprisonment for life does this mean

twenty years?

C.E.: Yes, and eligible for parole after ten. We've had three murders here in E.K. since I've been here.

Ques.: How long is that?

C.E.: Twenty-three years. We caught all of them. One of them got three years.

Ques.: Three years for murder?!

C.E.: Murder and rape, yet.

Ques.: How do you work it, then?

C.E.: Your guess is as good as mine! You're not to criticize the judiciary. And you want to save the poor devils. Those poor devils that murder somebody.

Ques.: I didn't say save them. I said I didn't think it's fair to kill him just because he takes another person's life.

C.E.: But if he plans to take another person's life, don't you think it's fair that we take his?

Ques.: Well, in the U.S. there's a doctor of psychology, a professor, and he was all for it--non-capital punishment, rehabilitating--and then his daughter got murdered and raped and you should hear that man now. He wants everybody murdered. See, when it hits home, that's a different story.

C.E.: It's stupid.

Ques.: In your opinion, do you think a person, after he's been executed, should be turned over to his family for their own burial?

C.E.: No, he's bereaved of all rights. For instance, a legacy, if he has a legacy coming, he doesn't get it, it goes to the other members of his family.

Ques.: An accidental death, like a hit and run, is that considered murder?

C.E.: No, that's manslaughter. It's not a premeditated thing. You see, it's got to have intent before it's capital murder.

Ques.: Like that girl in Gimli; is that a premeditated murder?

C.E.: Sure it was. What did you think?

Ques.: How could it be premeditated when he only picked her up when he was thumbing a ride?

C.E.: Because she knew him and he had to shut her mouth.

Ques.: She did know him?

C.E.: Sure!

Ques.: Did they ever get the murderer of that boy out in Selkirk?

C.E.: I don't know. Oh, there is something coming up on that now. Last year there were five murders in Winnipeg.

Ques.: How many in Manitoba?

C.E.: I haven't got the statistics for Manitoba yet, they don't come out till later.

Ques.: Do you think that is an excessive amount for Winnipeg?

C.E.: I think one is excessive, don't you?

Ques.: Yes, well compared to other statistics? Like Winnipeg's past history. Like, have more murders happened this year than other years?

C.E.: No, I'd say about average. If you take a ten year period it would be about the same.

Ques.: Has the number of murders increased since the death penalty was frozen?

C.E.: Well, there was 216 the first year they put this law in, and now it's up to 480 a year. So it's more than doubled, and the bleeding hearts say it's not a deterrent, and then they give you, 'oh, well--we got more population'. That's baloney. You see, they're not going to get anything. They know it, and they know they are just going to be committed. Nobody's been hung here since 1962. You can have your heart bleed for them but not for me.

Ques.: I just don't think it's fair for a person to be killed.

C.E.: I don't either. I don't see why somebody should murder somebody else. I can't see it. I don't think it's fair.

Ques.: But if there's ten people killed in Winnipeg, and there is capital punishment, then there will be twenty people killed.

C.E.: So they should be out of the way.

And also, if it started to be enforced, if people knew that their life, too, would be taken, the chances of them killing someone would be less. Right now they know it's likely for them to get just a couple of years, which is nothing to them.

How about the guy who got 3 years for rape-murder and was out in 18 months? For him that's peanuts, but if his life, too, was to

be taken, he'd think twice before killing someone else. If you kids had seen murdered people the way we have seen them. . . You look at it at a different slant. I could show you pictures that would make you sick. It's so easy to say, "the poor fellow, he was off his rocker when it happened", but he wasn't. He does everything to cover himself up so you don't catch him. He does everything to try to get out from under when he premeditates a murder. And then you try to catch him. Finally we get him and you say "The poor fellow, he needs psychiatric help". Baloney, he does.

Ques.: Would you say that often, during a case, the jury is biased in certain ways against or for the person being tried?

C.E.: I'd say of all the jury, maybe one or two of the jury biased. There are twelve people on a jury and they have to come to a verdict on which they all agree.

Ques.: We heard that people are biased against people with long hair or beards, et cetera. Does the whole jury have to agree?

C.E.: Yes, and if they don't agree they get a hung jury. And then a new jury is brought in.

Ques.: If we were to go to Court, how long would one Session last?

C.E.: Usually from ten in the morning till noon and from two in the afternoon till five.

Ques.: Would they allow the four of us to go?

C.E.: Yes, as long as your whole class doesn't go at once. You go to the Law Courts Building across from the Legislature Buildings.

Ques.: Do you know why the police didn't want The Boston Strangler shown on television?

C.E.: Well, if some clown jumps off a ten storey building and gets his name in the paper then some nut jumps off a fifteen storey building just to get his name in the papers. And that's how it builds up. You get one guy, he rapes a girl and it gets all over the press and then some other clown sees it and then wants his name all over the paper. That's the way they think sometimes. Well, I tell you girls, it's no joke when you get some of those guys around. We had these seven, eight, nine year olds molested here and the descriptions we got . . . ! Finally we got him. He was supposed to be 26 and he was 42. It takes some doing to

catch some of these guys; they cover themselves up so well, and are smart as a whip. Look what he did to this kid, stuffed something in her mouth so she doesn't yell. And you want to let these guys go. When he threatened to strangle her . . . and don't think he wouldn't--he will.

Ques.: I don't want to protect him, I just felt sorry for some of them. I just think they should be punished, not killed.

C.E.: What good is life imprisonment if they are in for only ten years? We got one here, six years he was in. A lot of these guys go to A.A. They can't get a drink anyways, it's only to build up confidence in their parole officers.

Ques.: So if you get a guy, you don't know how long he will be in jail.

C.E.: I couldn't care less; that's not my job. My job is to bring them here. After that, it's their's. Sometimes we hate to see a guy get six months or something, or three years on a murder. Last November this guy took a woman out of Transcona. Forced her into his truck, took her to him home, knocked her out, raped her, took her into North Winnipeg and dumped her in a lane. When we found her she was alive, but she never came out from under. Smashed her head in. She died two days later. If that is not murder, what is it? He got three years and was out in 18 months. Got another one here. First he murdered his wife, then he murdered his mother. He got twenty years, but is asking for parole. Kicked his mother to death. He even broke the strongest bone in her body. There wasn't one rib that didn't have one break or three. She was completely bruised. The state of California went back to capital punishment, that's one step in the right direction.

Ques.: Is it possible to hide a murder if it happens in Eaton's or a big store?

C.E.: All murders are put in the paper. The press has access to the report; we can't hide it.

Ques.: Thank you very much.

The following is a sample reaction of junior high students to the question:
"Should capital punishment be brought back?"

<u>STUDENT</u>	<u>OPINION</u>	<u>REASON</u>
A	yes	To teach people a lesson. They'll think they won't get away with it.
B	no	It's too cruel; they might improve.
C	yes	To set an example.
D	no	Just like another murder.
E	no	Too cruel and it's too primitive.
F	yes	To teach the next person a good lesson.
G	yes	If they knew they'd get hung they wouldn't do it.
H	yes	It should be that way because they took life.
I	yes	Keep everyone in good discipline.
J	no	It serves no point and is stupid.
K	no	It's a cruel way to die.
L	no	Stupid way to die; old-fashioned and cruel.
M	no	It's cruel, like an eye for an eye.
N	yes	Everyone who kills should be killed.
O	yes	It cuts down drime rate.
P	yes	There would be less crime; people would think twice before killing.
Q	yes	Too much crime in the street.

Collection of arguments 'for' and 'against' Capital Punishment:

Against

1. doesn't cut down crime rate
2. done without thought of consequences
3. premeditated murder doesn't happen often
4. taking a murderer's life doesn't make a difference
5. society isn't involved
6. degrades society
7. religious conviction
8. no sense in it
9. doesn't protect police

For:

1. acts as a deterrent
2. murderers are just animals
3. murderers are vicious
4. murderers think they can get away with it
5. cut down crime rate

NAME: R.S. CYCLE: _____

TOTEM: 92-A2 DATE: _____ to _____

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Jan.14	2/2	Introduction
	2/3	Introduction
	2/5	Discussion of one dilemma
Jan.15	3/3	Wrote own dilemma
	3/4	Yearbook write-up
Jan.17	5/1	Discuss student dilemma
	5/2	Watch film "Last Bus"
	5/3	Wrote about film
	5/5	Watched film again (Last Bus). Taped it.
	5/6	Finish writing about film with tape.
Jan.18	6/5	Wrote up log.
	6/6	See film on the trial of four boys in "Last Bus".

NOTE: 2 / 2 denotes cycle of the semester
denotes period of the day .

NAME: R.S. CYCLE:

TOTEM: 92 - A2 DATE: to

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Jan.22	2/2	Looked at student "Legal Handbook". Took notes and discussed. Interviewed Mr. Toews.
	2/3	Did log. Write reaction to sentence in court. Dilemma: "The Chase".
	2/5	Discuss. Dilemma "The Chase"
Jan.23	3/3	Get instruction on Questions. Get books.
	3/4	Started on Introduction of Project.
Jan.25	5/1	Watch high school film.
	5/2	Watch high school film.
	5/3	Mixed chemicals for science.
	5/5	Made notes on Louis Riel.
	5/5	Made notes on Louis Riel.
Jan.28	6/5	Made notes on Louis Riel
	6/6	Made notes on Louis Riel.

NAME: R.S. CYCLE: _____

TOTEM: 92-A2 DATE: _____ to _____

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Jan.30	2/5	Talked about classification.
Jan.31	3/4	Talked about classification.
Feb.2	3/4	Went to William Library to get information.
	5/2	Same
	5/3	Same
	5/5	Same
	5/6	Made notes
Feb.5	6/5	Same
	6/6	Same
Feb.7	2/2	Got station.
	2/3	Made poster
	2/5	Organized project

NAME: R.S. CYCLE:

TOTEM: 92 - A2 DATE: to

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Feb.10	3/3	Watched film.
=	3/4	Same
Feb.12	4/1	Talked with Norm Gilbert
	4/2	Same
	4/2	Same
Feb.13	5/1	Mr. Munro talked about detention homes
	5/2	Looked for information
	5/3	Read law books and found picture
	5/5	Discussed someone's project
	5/6	Discussed dilemma
Feb.14	6/5	Dip Court case
	6/6	Dip Court case

NAME: R.S. CYCLE: _____

TOTEM: 92 - A2 DATE: _____ to _____

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Feb.18	2/2	Did law test, worked on notes.
	2/3	Worked on notes
	2/5	Did log
Feb. 19	3/3	All morning science film
	3/4	Tested video-tape for our project
Feb.21	5/1	Talked to Mr. Toews - simulation of trial
	5/2	Same
	5/3	Same
	5/4	Went to William library
	5/6	Same
Feb.25	1/3	Made notes on trial and play
Feb.26	2/2	Got pictures

2/6 Did notes on trial

NAME: R.S. CYCLE: _____

TOTEM: 92 - A2 DATE: _____ to _____

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Feb.27	3/1	Started to watch "Winslow Boy", but got out to do video tape;
	3/2	Did video-tape
	3/3	Watched video-tape
	3/4	Did notes
Feb.28	4/2	Student evaluation
	4/4	Did some video-taping
Mar.1	5/5	Did notes and video-tape
Mar.2	6/2	Went with Mr. Toews to Xerox
	6/3	Mr. Munro talked about field trips
	6/5	Collected pictures for trial
	6/6	Same
Mar.5	1/3	Did log

NAME: R.S. CYCLE:

TOTEM: 92 - A2 DATE: to

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
Mar.5	1/4	Watched "Lord of the Flies"
	1/5	Same
	1/6	Same
Mar.6	2/3	Worked on "Lord of the Flies" dilemma
Mar.7	3/1	Did test
	3/2	Video-taped
	3/3	Same
	3/4	Same
Mar.8	4/2	Looked for picture of title deed
	4/4	Same
Mar.11	5/5	Legal court process
Mar.12	6/2	Did court case. Was lawyer

NAME: R.S. CYCLE:

TOTEM: 92 - A2 DATE: to

DATE	DAY OF CYCLE	LANGUAGE ARTS - SOCIAL STUDIES - WORK SCHEDULE
	6/3	Read script - got player
	6/5	Handed out script
	6/6	Did science
Mar.13	1/3	Did court case. Was defense.
	1/4	Same
Mar.14	2/2	Court case
	2/3	Same
	2/5	Test of court terms
	2/6	Worked on trial
Mar.15	3/1	Maths. test
	3/2	Same
	3/4	Same

APPENDIX F

Questionnaire to Monitor Student Attitude Towards the Program "Youth, Law,
and Morality"

This questionnaire was used during the 1974 test pilot. It was designed by Dr. Terrence R. Morrison and the writer for this pilot program.

OPINIONS ABOUT STUDYING SOCIAL ISSUES

Name _____

Sex _____

Age _____

School _____

Date _____

This questionnaire is aimed at understanding how people your age feel about the study of social issues. It contains a number of statements with which you may agree or disagree. Please circle the answer which best represents your feelings about each statement. Please answer as many items as you can. Alternative answers are: SA = strongly; A = agree; UD = undecided; DA = disagree; SDA = strongly disagree

Here is an example:

SA A UD **DA** SDA 1: I would rather ride in a car than walk to school.

Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree		
SA	A	UD	DA	SDA		
					1.	It is easier to talk about issues when there are about ten people in the discussion group.
					2.	I find it difficult to understand how our legal system works.
					3.	Simulation activities do not help me to understand how our legal system works.
					4.	I find the readings about law too difficult to understand.
					5.	Interviews do not tell me much about what people think about our legal system.

- | | | | | | | |
|----|---|----|----|-----|-----|--|
| SA | A | UD | DA | SDA | 6. | There is no value in discussing personal views on social issues. |
| SA | A | UD | DA | SDA | 7. | Studying historical cases helps me to understand social issues. |
| SA | A | UD | DA | SDA | 8. | I can discuss issues more freely when a teacher is not present in the discussion group. |
| SA | A | UD | DA | SDA | 9. | I find that the legal handbook helps me to know more about how our legal system works. |
| SA | A | UD | DA | SDA | 10. | Taking part in simulation activities does not help me to understand social issues. |
| SA | A | UD | DA | SDA | 11. | I find out more from reading a textbook than from reading a variety of different books and articles. |
| SA | A | UD | DA | SDA | 12. | Using the library helps me to find out things for myself. |
| SA | A | UD | DA | SDA | 13. | It is more important to discuss history and geography than social issues. |
| SA | A | UD | DA | SDA | 14. | Studying dilemmas involving people my age helps me to understand social issues. |
| SA | A | UD | DA | SDA | 15. | Placing a tape recorder in a group interferes with oral discussion. |
| SA | A | UD | DA | SDA | 16. | Taking the roles of other people in simulation activities does not help me to understand their points of view. |
| SA | A | UD | DA | SDA | 17. | I would rather have a teacher teach me a lesson than discover things for myself. |
| SA | A | UD | DA | SDA | 18. | Discussing social issues with my parents is not important. |
| SA | A | UD | DA | SDA | 19. | Studying the problems in my city helps me to understand social issues. |
| SA | A | UD | DA | SDA | 20. | I prefer discussing issues presented through written dilemmas rather than through watching films. |
| SA | A | UD | DA | SDA | 21. | It is difficult for me to play the roles of other people in simulation activities. |

- SA A UD DA SDA 22. Studying the problems of my country and other countries helps me to understand social issues.
- SA A UD DA SDA 23. Preparing dilemmas does not help me to understand social issues.
- SA A UD DA SDA 24. I find out more about social issues by answering questions in writing than by discussing questions in a group.
- SA A UD DA SDA 25. I think that the large number of rules in a courtroom interferes with free speech.
- SA A UD DA SDA 26. Studying dilemmas in novels helps me to understand social issues.
- SA A UD DA SDA 27. I think that I know more about the issues we discuss after we talk about the discussion.
- SA A UD DA SDA 28. I think that I know more about the ways of discussing issues after we talk about the discussion.

29. Those things I most dislike about this program are: _____

30. Those things I most like about this program are: _____

31. Those things that I would change in this program are: _____

APPENDIX G

Instruments for Monitoring Changes in Student Development

1. Opinions about social problems
2. Minnesota School Affect Assessment
3. Opinions about politics
4. Issue Opinionnaire
5. Conflict Resolution Sketches

OPINIONS ABOUT SOCIAL PROBLEMS

This questionnaire is aimed at understanding how people think about social problems. Different people often have different opinions about questions of right and wrong. There are no "right" answers in the way that there are right answers to math problems. We would like you to tell us what you think about several problem stories. The papers will be fed to a computer to find the average for the whole group, and no one will see your individual answers.

Please give us the following information:

Name _____ female

Age _____ Class and period _____ male

School _____

* * * * *

In this questionnaire you will be asked to give your opinions about several stories. Here is a story as an example. Read it, then turn to the next page.

Frank Jones has been thinking about buying a car. He is married, has two small children and earns an average income. The car he buys will be his family's only car. It will be used mostly to get to work and drive around town, but sometimes for vacation trips also. In trying to decide what car to buy, Frank Jones realized that there were a lot of questions to consider. On the next page there is a list of some of these questions.

If you were Frank Jones, how important would each of these questions be in deciding what car to buy?

PART A. (SAMPLE)

On the left hand side of the page check one of the spaces by each question that could be considered.

GREAT importance
 MUCH importance
 SOME importance
 LITTLE importance
 NO importance

- | | | | | | |
|-----|-----|-----|-----|-----|--|
| ___ | ___ | ___ | ___ | ✓ | 1. Whether the car dealer was in the same block as where Frank lives. |
| ✓ | ___ | ___ | ___ | ___ | 2. Would a <u>used</u> car be more economical in the long run than a <u>new</u> car. |
| ___ | ___ | ✓ | ___ | ___ | 3. Whether the color was green, Frank's favorite color. |
| ___ | ___ | ___ | ___ | ✓ | 4. Whether the cubic inch displacement was at least 200. |
| ✓ | ___ | ___ | ___ | ___ | 5. Would a large, roomy car be better than a compact car. |
| ___ | ___ | ___ | ___ | ✓ | 6. Whether the front connibilies were differential. |

PART B. (SAMPLE)

From the list of questions above, select the most important one of the whole group. Put the number of the most important question on the top line below. Do likewise for your 2nd, 3rd, and 4th most important choices.

Most important 5
 Second most important 2
 Third most important 3
 Fourth most important 1

HEINZ AND THE DRUG

In Europe a woman was near death from a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost to make. He paid \$200 for the radium and charged \$2000 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 \$1000, which is half of what it cost. 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 began to think about breaking into the man's store to steal the drug for his wife.

Should Heinz steal the drug? (Check one)

- Should steal it
- Can't decide
- Should not steal it

GREAT importance
 MUCH importance
 SOME importance
 LITTLE importance
 NO importance

HEINZ STORY

On the left hand side of the page check one of the spaces by each question to indicate its importance.

- | | | | | | |
|-----|-----|-----|-----|-----|--|
| ___ | ___ | ___ | ___ | ___ | 1. Whether a community's laws are going to be upheld. |
| ___ | ___ | ___ | ___ | ___ | 2. Isn't it only natural for a loving husband to care so much for his wife that he'd steal? |
| ___ | ___ | ___ | ___ | ___ | 3. Is Heinz willing to risk getting shot as a burglar or going to jail for the chance that stealing the drug might help? |
| ___ | ___ | ___ | ___ | ___ | 4. Whether Heinz is a professional wrestler, or has considerable influence with professional wrestlers. |
| ___ | ___ | ___ | ___ | ___ | 5. Whether Heinz is stealing for himself or doing this solely to help someone else. |
| ___ | ___ | ___ | ___ | ___ | 6. Whether the druggist's rights to his invention have to be respected. |
| ___ | ___ | ___ | ___ | ___ | 7. Whether the essence of living is more encompassing than the termination of dying, socially and individually. |
| ___ | ___ | ___ | ___ | ___ | 8. What values are going to be the basis for governing how people act towards each other. |
| ___ | ___ | ___ | ___ | ___ | 9. Whether the druggist is going to be allowed to hide behind a worthless law which only protects the rich anyhow. |
| ___ | ___ | ___ | ___ | ___ | 10. Whether the law in this case is getting in the way of the most basic claim of any member of society. |
| ___ | ___ | ___ | ___ | ___ | 11. Whether the druggist deserves to be robbed for being so greedy and cruel. |
| ___ | ___ | ___ | ___ | ___ | 12. Would stealing in such a case bring about more total good for the whole society or not. |

From the list of questions above, select the four most important:

- Most important _____
- Second most important _____
- Third most important _____
- Fourth most important _____

STUDENT TAKE-OVER

At Harvard University a group of students, called the Students for a Democratic Society (SDS), believe that the University should not have an army ROTC program. SDS students are against the war in Viet Nam, and the army training program helps send men to fight in Viet Nam. The SDS students demanded that Harvard end the army ROTC training program as a university course. This would mean that Harvard students could not get army training as part of their regular course work and not get credit for it towards their degrees.

Agreeing with the SDS students, the Harvard professors voted to end the ROTC program as a university course. But the President of the University stated that he wanted to keep the army program on campus as a course. The SDS students felt that the President was not going to pay attention to the faculty vote or to their demands.

So, one day last April, two hundred SDS students walked into the university's administration building, and told everyone else to get out. They said they were doing this to force Harvard to get rid of the army training program as a course.

Should the students have taken over the administration building? (Check one)

- Yes, they should take it over
- Can't decide
- No, they should not take it over

GREAT importance
 MUCH importance
 SOME importance
 LITTLE importance
 NO importance

STUDENT TAKE-OVER

- | | | | | | |
|-------|-------|-------|-------|-------|--|
| _____ | _____ | _____ | _____ | _____ | 1. Are the students doing this to really help other people or are they doing it just for kicks. |
| _____ | _____ | _____ | _____ | _____ | 2. Do the students have any right to take over property that doesn't belong to them. |
| _____ | _____ | _____ | _____ | _____ | 3. Do the students realize that they might be arrested and fined, and even expelled from school. |
| _____ | _____ | _____ | _____ | _____ | 4. Would taking over the building in the long run benefit more people to a greater extent. |
| _____ | _____ | _____ | _____ | _____ | 5. Whether the president stayed within the limits of his authority in ignoring the faculty vote. |
| _____ | _____ | _____ | _____ | _____ | 6. Will the takeover anger the public and give all students a bad name. |
| _____ | _____ | _____ | _____ | _____ | 7. Is taking over a building consistent with principles of justice. |
| _____ | _____ | _____ | _____ | _____ | 8. Would allowing one student take-over encourage many other student take-overs. |
| _____ | _____ | _____ | _____ | _____ | 9. Did the president bring this misunderstanding on himself by being so unreasonable and uncooperative. |
| _____ | _____ | _____ | _____ | _____ | 10. Whether running the university ought to be in the hands of a few administrators or in the hands of all the people. |
| _____ | _____ | _____ | _____ | _____ | 11. Are the students following principles which they believe are above the law. |
| _____ | _____ | _____ | _____ | _____ | 12. Whether or not university decisions ought to be respected by students. |

From the list of questions above, select the four most important:

- Most important _____
- Second most important _____
- Third most important _____
- Fourth most important _____

ESCAPED PRISONER

A man had been sentenced to prison for 10 years. After one year, however, he escaped from prison, moved to a new area of the country, and took on the name of Thompson. For 8 years he worked hard, and gradually he saved enough money to buy his own business. He was fair to his customers, gave his employees top wages, and gave most of his own profits to charity. Then one day Mrs. Jones, an old neighbor, recognized him as the man who had escaped from prison 8 years before, and whom the police had been looking for.

Should Mrs. Jones report Mr. Thompson to the police and have him sent back to prison? (Check one)

- Should report him
- Can't decide
- Should not report him

ESCAPED PRISONER

GREAT importance	MUCH importance	SOME importance	LITTLE importance	NO importance	
—	—	—	—	—	1. Hasn't Mr. Thompson been good enough for such a long time to prove he isn't a bad person?
—	—	—	—	—	2. Everytime someone escapes punishment for a crime, doesn't that just encourage more crime?
—	—	—	—	—	3. Wouldn't we be better off without prisons and the oppression of our legal system?
—	—	—	—	—	4. Has Mr. Thompson really paid his debt to society?
—	—	—	—	—	5. Would society be failing what Mr. Thompson should fairly expect?
—	—	—	—	—	6. What benefits would prisons be apart from society, especially for a charitable man?
—	—	—	—	—	7. How could anyone be so cruel and heartless as to send Mr. Thompson to prison?
—	—	—	—	—	8. Would it be fair to all the prisoners who had to serve out their full sentences if Mr. Thompson was let off?
—	—	—	—	—	9. Was Mrs. Jones a good friend of Mr. Thompson?
—	—	—	—	—	10. Wouldn't it be a citizen's duty to report an escaped criminal, regardless of the circumstances?
—	—	—	—	—	11. How would the will of the people and the public good best be served?
—	—	—	—	—	12. Would going to prison do any good for Mr. Thompson or protect anybody?

From the list of questions above, select the four most important:

- Most important _____
- Second most important _____
- Third most important _____
- Fourth most important _____

Name -----

	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1. Police keep the city good.	SA	A	U	D	SD
2. Police accuse you of things you didn't do.	SA	A	U	D	SD
3. The police are stupid.	SA	A	U	D	SD
4. Police protect us from harm.	SA	A	U	D	SD
5. The police really try to help you when you're in trouble.	SA	A	U	D	SD
6. The police are mean.	SA	A	U	D	SD
7. The police offer you money to tell on other kids.	SA	A	U	D	SD
8. Police use clubs on people for no reason at all.	SA	A	U	D	SD
9. The police keep peace and order.	SA	A	U	D	SD
10. Without policemen there would be crime everywhere.	SA	A	U	D	SD
11. You can rely on the police in times of distress.	SA	A	U	D	SD
12. Policemen are dedicated men.	SA	A	U	D	SD
13. Police try to act big shot.	SA	A	U	D	SD
14. The police are always mad at kids.	SA	A	U	D	SD

	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
15. Police help me to help myself.	SA	A	U	D	SD
16. Police represent trouble instead of help.	SA	A	U	D	SD
17. Police are brave men.	SA	A	U	D	SD
18. The police are protective of our country.	SA	A	U	D	SD
19. Police don't even give you a chance to explain.	SA	A	U	D	SD
20. Police try to get smart with you when you ask a question.	SA	A	U	D	SD
21. If a person wanted to make a speech in this city favoring Communism, he should be allowed to speak.	SA	A	U	D	SD
22. I think public officials care much what people like my parents think.	SA	A	U	D	SD
23. Books written against churches and religion should be kept out of our public libraries.	SA	A	U	D	SD
24. When you are an adult, you will be able to have a voice in what the government does.	SA	A	U	D	SD
25. People should not be allowed to march on public streets to oppose the war in Vietnam.	SA	A	U	D	SD
26. People should not be allowed to make speeches against our kind of government.	SA	A	U	D	SD

	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
27. What the government does is like the weather; there is nothing people can do about it.	SA	A	U	D	SD
28. People like my parents do not have any say about what the government does.	SA	A	U	D	SD
29. When you are an adult, it will be a waste of time for you to try to influence the decisions of people in the government.	SA	A	U	D	SD
30. People in the minority should be free to try to win majority support for their opinions.	SA	A	U	D	SD

PREVIOUS COPYRIGHTED MATERIAL IN
APPENDIX G NOT MICROFILMED.
LEAVES 381 - 384.

Minnesota School Affect Assessment

Form CU

SCHOOL	CLASS	CODE NUMBER
0 0 0	0 0	0 0 0 0 0 0
1 1 1	1 1	1 1 1 1 1 1
2 2 2	2 2	2 2 2 2 2 2
3 3 3	3 3	3 3 3 2 3 3
4 4 4	4 4	4 4 4 4 4 4
5 5 5	5 5	5 5 5 5 5 5
6 6 6	6 6	6 6 6 6 6 6
7 7 7	7 7	7 7 7 7 7 7
8 8 8	8 8	8 8 8 2 8 8
9 9 9	9 9	9 9 9 9 9 9

Do Not Mark

GRADE	SEX
10	Boy <input type="radio"/>
11	Girl <input type="radio"/>
12	
4	
5	
6	
7	
8	
9	

SAMPLE QUESTION FOR PART 1:

0 Watching TV at home

important unimportant

pleasant unpleasant

Part I

Black in one circle in each row to show how YOU feel about what is written across the top of the box.

<p>1 Learning math</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>2 Learning science</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>3 Learning about other countries</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>4 Learning English (language arts)</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>5 Learning spelling</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>6 Learning about music</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>7 Learning to read better</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>

<p>8 Going over ideas that I have already learned</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>9 Following school rules</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>10 Listening to the teacher</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>11 Listening to other students talk to the class</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>12 Finishing my school work on time</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>13 Choosing who I want to work with in class</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>14 Doing poorly on a test</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>

<p>15 Large group discussions</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>16 Small group discussions</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>17 Reading stories</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>18 Reading newspapers</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>19 Writing stories</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>20 Listening to music</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>
<p>21 Watching plays</p> <p>important <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unimportant</p> <p>pleasant <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> unpleasant</p>

IT CODE

not mark

0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

go on to the next page →

Grades 4-6 skip this column. →

22 Making things with my hands
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

23 Doing schoolwork by myself
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

24 Doing schoolwork with other students
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

25 Going to school sports events
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

26 Participating in school sports
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

27 The library
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

28 Famous plays
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

29 Art
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

30 Doing a science experiment
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

31 Recess
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

32 Working with the same group all day
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

33 Myself
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

34 Poems
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

35 Learning about history
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

36 Helping other students to learn
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

37 Being in good physical condition
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

38 Being a good student
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

39 Being liked by other students
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

40 Being liked by teachers
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

41 Knowing how things work
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

42 Getting good marks on my schoolwork
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

43 Having a place of my own in the school
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

44 Learning a foreign language
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

45 Learning home economics
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

46 Voting in elections
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

47 Going to college
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

48 Getting a job
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

49 Learning about business
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

50 Industrial arts
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

51
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

52
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

53
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

54
important ○○○○○ unimportant
pleasant ○○○○○ unpleasant

go on to the next page →

Black in a circle in all 3 rows.

55 Learning new ideas
 important unimportant
 pleasant unpleasant

56 Teachers
 important unimportant
 pleasant unpleasant

57 Answering questions I have already heard before
 important unimportant
 pleasant unpleasant

58 Talking in a small group about my own ideas
 important unimportant
 pleasant unpleasant

59 Talking in a small group about my own feelings
 important unimportant
 pleasant unpleasant

60 Ideas
 important unimportant
 pleasant unpleasant

61 Feelings
 important unimportant
 pleasant unpleasant

62 The principal
 important unimportant
 pleasant unpleasant

63 Teacher aides
 important unimportant
 pleasant unpleasant

64 Counselors
 important unimportant
 pleasant unpleasant

65 Learning about our government
 important unimportant
 pleasant unpleasant

66 Answering questions I have never heard before
 important unimportant
 pleasant unpleasant
 dangerous safe

67 Students who aren't as smart as me
 important unimportant
 pleasant unpleasant
 dangerous safe

68 Students who are smarter than me
 important unimportant
 pleasant unpleasant
 dangerous safe

69 Physical education
 important unimportant
 pleasant unpleasant
 dangerous safe

70 Talking to the whole class about my own ideas
 important unimportant
 pleasant unpleasant
 dangerous safe

71 Talking to the whole class about my own feelings
 important unimportant
 pleasant unpleasant
 dangerous safe

72 Free time in school
 important unimportant
 pleasant unpleasant
 dangerous safe

73 Tests
 important unimportant
 pleasant unpleasant
 dangerous safe

74 My friends
 important unimportant
 pleasant unpleasant
 dangerous safe

75 Making a mistake in class
 important unimportant
 pleasant unpleasant
 dangerous safe

76 Choosing what I want to learn
 important unimportant
 pleasant unpleasant
 dangerous safe

77 The lowest mark I can be happy about is a

A B C D

Black in circles to show what courses you are taking in school this year.

- BUSINESS EDUCATION
- SCIENCE
- MATH
- FOREIGN LANGUAGE
- ART
- MUSIC
- INDUSTRIAL ART
- WORK EXPERIENCE

Special Courses

- A
- B
- C
- D
- E
- F
- G

end of Part 1 for grades 4-6.

end of Part 1 for grades 7-12.

Part 2

Circle in one circle for each sentence how true it is for YOU.

SAMPLE QUESTION FOR PART 2:

0 I like to take tests.

True False

Table with 3 columns: Statement, True/False bubbles, and Statement. Rows 1-34. Each row contains a statement, a set of five bubbles for 'True' and 'False', and the statement number and text.

OPINIONS ABOUT POLITICS

Name _____
 Date _____
 Age _____
 Sex _____
 Grade _____

This questionnaire is aimed at understanding how people think about politics. Different people often have different opinions about political questions. There are no "right" answers in the way that there are right answers to math problems. We would like you to tell us what you think about several statements below. The best answer to each statement is your personal opinion. We are only interested in the average for the whole group. No one will see your individual answers.

1. _____ yes
 _____ no
 Do you happen to belong to any organizations that sometimes take a stand on housing, better government, school problems, or other public issues? If "yes", what organizations? _____

2. _____ never
 _____ occasionally
 _____ frequently
 When you get together with friends, would you say that you discuss public issues frequently, occasionally, or never?
 If "frequently" or "occasionally," which of the following best describes the part you yourself take in these discussions with your friends?

_____ Even though I have my own opinions, I usually just listen.
 _____ Mostly I listen, but once in a while I express my opinions.
 _____ I take an equal share in the conversation.
 _____ I do more than just hold up my end in the conversation: I usually try to convince others that I am right.

3. _____ more than one time Have you ever written or talked to your Member
 _____ one time of Parliament or City Councillor or other pub-
 _____ never lic officials to let them know what you would
 like them to do on a public issue you were in-
 terested in?
4. _____ more than one time How often have you worked for the election of
 _____ one time any political candidate or in support of any
 _____ never public issue by doing things like distributing
 circulars or leaflets, making speeches or call-
 ing on voters? (Count each specific occasion as
 one time)
5. _____ never How often have you attended any meetings, ral-
 _____ one time lies, or demonstrations where the purpose was
 _____ more than one time to show support for a political candidate or
 public issue? (Include meetings like the City
 Council and the School Board if you went to
 support something, but do not include meetings
 at your school where attendance was compulsory.)
6. _____ never How often have you contributed money to a
 _____ one time political party or to a candidate for a
 _____ more than one time political office or in support of a public
 issue?
7. _____ quite a bit Over the years, how much attention do you feel
 _____ some the government pays to what the people think
 _____ not very much when it decides what to do?
8. _____ quite a few are Do you think that quite a few of the people
 _____ some are running the government are a little crooked,
 _____ hardly any are not very many are, or do you think hardly
 any of them are?
9. _____ waste a lot Do you think that people in government waste
 _____ waste some of it a lot of money we pay in taxes, some of it,
 _____ don't waste very or don't waste very much of it?
 _____ much of it
10. _____ most of the time How much of the time do you think you can trust
 _____ some of the time the government in Ottawa to do what is right?
 _____ not very often

11. _____ most always know
 _____ most often
 _____ only sometimes know
 Do you feel that almost all of the people running the government are smart people who usually know what they are doing, or do you think that quite a few of them don't seem to know what they are doing?
12. _____ pretty much run by big interests.
 _____ moderate influence by big interests
 _____ run for the benefit of all people
 Would you say the government is pretty much run by a small group of powerful people looking out for themselves or that it is run for the benefit of all people?
13. _____ agree
 _____ disagree
 _____ uncertain
 Sometimes politics and government seem so complicated that a person like me can't really understand what is going on.
14. _____ agree
 _____ disagree
 _____ uncertain
 Voting is the only way that people like my mother and father can have any say about what's happening in this country.
15. _____ strongly agree
 _____ agree
 _____ not sure, it depends
 _____ disagree
 _____ strongly disagree
 People like me don't have any say about what the government does.
16. _____ strongly agree
 _____ agree
 _____ not sure, it depends
 _____ disagree
 _____ strongly disagree
 I don't think public officials care much what people like me think.
17. _____ agree
 _____ disagree
 If a person wanted to make a speech in this community against religion, he should be allowed to speak.

18. _____ agree
_____ disagree
19. _____ agree
_____ disagree
20. _____ most of the time
_____ some of the time
_____ only now and then
_____ hardly at all
- If a communist were legally elected to some public office around here, the people should allow him to take office.
- The Canadian system of government is one that all nations should have.
- Some people seem to think about what is going on in government and public affairs most of the time, whether there is an election going on or not. Others are not that interested. Would you say you follow what is going on in government and public affairs most of the time, some of the time, only now and then, or hardly at all?

ISSUE OPINIONNAIRE

Date _____

Age _____

Sex _____

Grade _____

The following is a study of what people think and feel about a series of important social and personal questions. The best answer to each statement below is your personal opinion. We have tried to cover many different and opposing points of view; you may find yourself agreeing strongly with others, and perhaps uncertain about others; whether you agree or disagree with any statement, you can be sure that many people feel the same as you do.

Write +1, +2, +3, or -1, -2, -3, depending on how you feel in each case.

+1 : I agree a little
+2 : I agree on the whole
+3 : I agree very much

-1 : I disagree a little
-2 : I disagree on the whole
-3 : I disagree very much

-
1. _____ Every person must make his own way in life.
 2. _____ Canada and Russia have just about nothing in common.
 3. _____ Human beings have a strong need to compete with each other.
 4. _____ Communism and Catholicism have nothing in common.
 5. _____ A person must be uneducated if he or she still believes in differences between the races.
 6. _____ The principles I have come to believe in are quite different from those believed in by most people.
 7. _____ Most people avoid any discussion of controversial issues.
 8. _____ In a heated discussion people have a way of bringing up irrelevant issues rather than sticking to the main issue.
 9. _____ It is all too true that the rich are getting richer and the poor are getting poorer.
 10. _____ The highest form of government is a democracy and the highest form of democracy is a government run by those who are most intelligent.
 11. _____ History clearly shows that it is the private enterprise system which is at the root of depressions and wars.
 12. _____ Even though freedom of speech for all groups is a worthwhile goal, it is unfortunately necessary to restrict the freedom of certain political groups.
 13. _____ Anyone who truly understands the United States will tell you that the sooner we stop following in their footsteps the better off we will be.
 14. _____ While the use of force is wrong by and large, it is sometimes the only way possible to advance a noble ideal.

15. _____ The best way to achieve security is for the government to guarantee full employment.
16. _____ Even though I have a lot of faith in the intelligence and wisdom of the common man, I must say that the masses behave stupidly at times.
17. _____ Common sense tells us that nationalization of industry has gone far enough.
18. _____ It is only natural that a person would have a much better acquaintance with ideas he believes in than with ideas he opposes.
19. _____ Most people on welfare really do not want to work.
20. _____ There are certain "isms" which are really the same; even though those who believe in these "isms" try to tell you they are different.
21. _____ Our treatment of criminals is too harsh; we should try to cure, not punish them.
22. _____ Man on his own is a helpless and miserable creature.
23. _____ School teachers should believe in God.
24. _____ Fundamentally, the world we live in is a pretty lonesome place.
25. _____ Being acceptable to others is one of the most important accomplishments in life.
26. _____ Most people just don't give a "damn" for others.
27. _____ Most people can be trusted.
28. _____ I'd like it if I could find someone who would tell me how to solve my personal problems.
29. _____ I am often the last one to give up trying to do a thing.
30. _____ It is only natural for a person to be rather fearful of the future.
31. _____ My country should strive for power in the world.
32. _____ There is so much to be done and so little time to do it in.
33. _____ The problems I face seem to be too big for me.
34. _____ Once I get wound up in a heated discussion I just can't stop.
35. _____ I am more sensitive than most people.
36. _____ In a discussion I often find it necessary to repeat myself several times to make sure I am being understood.
37. _____ I don't like to read newspaper articles on crime.
38. _____ In a heated discussion I generally become so absorbed in what I am going to say that I forget to listen to what the others are saying.
39. _____ I don't blame anyone for trying to grab anything he can get in this world.
40. _____ In a discussion I sometimes interrupt others too much in my eagerness to put across my own point of view.
41. _____ I am polite and courteous to other people at all times.
42. _____ It is better to be a dead hero than to be a live coward.
43. _____ All nations should disarm immediately.
44. _____ My hardest battles are with myself.
45. _____ Our country should develop and test its own nuclear weapons.

46. _____ At times I think I am no good at all.
47. _____ There is nothing I can do to prevent war.
48. _____ I am afraid of people who want to find out what I am really like for fear they will be disappointed in me.
49. _____ Teachers have no greater goal than to encourage their students in the practice of democracy.
50. _____ While I don't like to admit this even to myself, my secret ambition is to become a great person like Einstein, or Beethoven or Shakespeare.
51. _____ Labour unions should become stronger and have more influence generally.
52. _____ The main thing in life is for a person to want to do something important.
53. _____ I place a high value on being ambitious.
54. _____ If given the chance I would do something of great benefit to the world.
55. _____ Most people like to help others.
56. _____ If I had to choose between happiness and greatness, I'd choose greatness.
57. _____ It is only natural that my country should put its own interests first.
58. _____ It's all too true that people just won't practice what they preach.
59. _____ I would rather die than lose my freedom.
60. _____ Most people are failures and it is the system which is responsible for this.
61. _____ The only way peace can be maintained is to keep so powerful and well-armed that no other nation will dare to attack us.
62. _____ I have often felt that strangers were looking at me critically.
63. _____ I could stand being a hermit.
64. _____ It is only natural for a person to have a guilty conscience.
65. _____ I find it difficult to accept no as an answer even when what I want to do is obviously impossible.
66. _____ People say insulting and vulgar things about me.
67. _____ I don't enjoy detective or mystery stories.
68. _____ I am sure I am being talked about.
69. _____ I am not very easily embarrassed.
70. _____ In the history of the world there have probably been not a handful of really great thinkers.
71. _____ I have never done anything dangerous just for the thrill of it.
72. _____ There are a number of people I have come to hate because of the things they stand for.
73. _____ I don't have difficulty in starting to do things.
74. _____ A person who does not believe in some great cause has not really lived.
75. _____ I give as much as I can to poor people.
76. _____ It is only when a person devotes himself to an ideal or cause that life becomes meaningful.
77. _____ Christianity is not the only true religion.

78. _____ Of all the different philosophies which exist in the world, there is probably only one which is correct.
79. _____ The individual, for the most part, should "go it alone".
80. _____ A person who gets enthusiastic about too many causes is likely to be a pretty "wishy-washy" sort of person.
81. _____ I would rather have a foreign power take over our country than start another world war to stop it.
82. _____ To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side.
83. _____ Cat meat is out of the question for the human diet.
84. _____ When it comes to differences of opinion in religion, we must be careful not to compromise with those who believe differently from the way we do.
85. _____ Nowadays more and more people are prying into matters that should remain personal and private.
86. _____ In times like these, a person must be pretty selfish if he considers primarily his own happiness.
87. _____ Civil defense money should be spent on health, education and welfare instead.
88. _____ The worst crime a person could commit is to attack publicly the people who believe in the same thing he does.
89. _____ I like to keep busy most of the time.
90. _____ In times like these it is often necessary to be more on guard against ideas put out by people or groups in one's own camp than by those in the opposing camp.
91. _____ If you don't watch yourself, people will take advantage of you.
92. _____ A group which tolerates too many differences of opinion among its own members cannot exist for long.
93. _____ I am liked by most people who know me.
94. _____ There are two kinds of people in this world: those who are for truth and those who are against truth.
95. _____ The future looks so gloomy that I wonder if I should go on.
96. _____ My blood boils over whenever a person stubbornly refuses to admit he's wrong.
97. _____ I am careful to turn up when someone expects me.
98. _____ A person who thinks primarily of his own happiness is beneath contempt.
99. _____ I do not mind being made fun of.
100. _____ Most of the ideas which get printed nowadays aren't worth the paper they're printed on.
101. _____ I like to read about science.
102. _____ I sometimes have a tendency to be too critical of the ideas of others.
103. _____ If a pay telephone refunded too much change, I would put it back in the phone.
104. _____ In this complicated world of ours the only way we can know what is going on is to rely on leaders or experts who can be trusted.
105. _____ Sympathetic concern for other persons should be the main thing in life.

106. _____ It is often desirable to reserve judgment about what is going on until one has had a chance to hear the opinions of those one respects.
107. _____ I want my country to get more protection against the terror of the atomic bomb.
108. _____ In the long run, the best way to live is to pick friends and associates whose tastes and beliefs are the same as one's own.
109. _____ Divorce laws should be changed to make divorce easier.
110. _____ There is no use wasting your money on newspapers which you know in advance are just plain propaganda.
111. _____ The average person can live a good enough life without religion.
112. _____ Young people should not have too easy access to books which are likely to confuse them.
113. _____ The benefits of war far outweigh its evils.
114. _____ The present is all too often full of unhappiness. It is only the future that counts.
115. _____ The average person should be doing more to prevent war.
116. _____ It is by returning to our glorious and forgotten past that real social progress can be achieved.
117. _____ People of different races should not attend the same school.
118. _____ To achieve the happiness of mankind in the future it is sometimes necessary to put up with injustices in the present.
119. _____ Obedience and respect for authority are the most important virtues children should learn.
120. _____ If a person is to accomplish a mission in life it is sometimes necessary to gamble "all or nothing".
121. _____ I place a high value on being charming.
122. _____ Unfortunately, a good many people with whom I have discussed important social and moral problems don't really understand what's going on.
123. _____ Courage in the face of danger is most desirable.
124. _____ Most people just don't know what is good for them.
125. _____ No one is going to care much what happens to you, when you get right down to it.
126. _____ There is nothing new under the sun.
127. _____ I am a methodical person in whatever I do.
128. _____ To one who really takes the trouble to understand the world he lives in, it's an easy matter to predict future events.
129. _____ My country must seek to control its own destiny.
130. _____ It is sometimes necessary to resort to force to advance an ideal one strongly believes in.

5. Conflict Resolution Sketches

Answer the following questions by drawing sketches.

1. If you were a police officer, what would you do with a criminal?
2. How would you keep a dog and cat from fighting?

APPENDIX H

Tests Administered to Establish Base Line Data of all Pilot and Control
Group Students

1. Canadian Basic Skills Tests (Grade 8)
 - Test V: Vocabulary
 - Test R: Reading
 - Test M: Mathematical Skills

2. Differentiated Aptitude Tests
 - Verbal Reasoning
 - Numerical Ability
 - V.R. and N.A.
 - Abstract Reasoning
 - Clerical Spelling and Accounting
 - Mechanical Reasoning
 - Space Relations
 - Language Usage

Canadian Tests of Basic Skills

MULTI-LEVEL EDITION FOR GRADES 3-8

FORM 1

UNDER THE GENERAL EDITORSHIP OF

Ethel M. King

THE UNIVERSITY OF CALGARY

IN COOPERATION WITH

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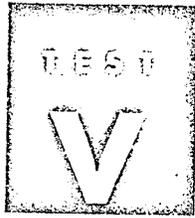
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Vocabulary

Directions: In each exercise, you are to decide which one of the four answers has most nearly the same meaning as the word in heavy black type above them. Then, on the answer sheet, find the row of answer spaces numbered the same as the exercise you are working on. You are to fill in the answer space on the answer sheet that has the same number as the answer you picked. The sample exercise in the box at the right has already been marked correctly on the answer sheet.

SAMPLE EXERCISE

- O. A tall building
- 1) high
- 2) wide
- 3) low
- 4) new



- 67. Bring good tidings
 - 1) food
 - 2) news
 - 3) luck
 - 4) results

- 68. Unceasing opportunity
 - 1) increasing
 - 2) unusual
 - 3) endless
 - 4) inspiring

- 69. Exterminate the pests
 - 1) kill
 - 2) feed
 - 3) capture
 - 4) examine

- 70. Atmosphere around us
 - 1) sky
 - 2) air
 - 3) clouds
 - 4) weather

- 71. Reasonable price
 - 1) adjusted
 - 2) reduced
 - 3) unfair
 - 4) moderate

- 72. A skilled architect
 - 1) designer
 - 2) carpenter
 - 3) builder
 - 4) draftsman

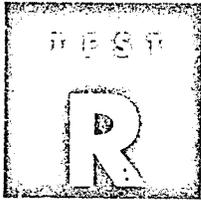
- 73. To mingle with people
 - 1) argue
 - 2) share
 - 3) mix
 - 4) be friendly

- 74. Scanty supply
 - 1) abundant
 - 2) insufficient
 - 3) extraordinary
 - 4) ample

- 75. A severe ordeal
 - 1) mistake
 - 2) fright
 - 3) temptation
 - 4) trial

76. A short preface
1) article
2) outline
3) conclusion
4) introduction
77. Fluctuating temperature
1) constant
2) regular
3) changing
4) common
78. A homely boy
1) plain
2) homesick
3) young
4) lonesome
79. Numerous alterations
1) suggestions
2) changes
3) injuries
4) controversies
80. Dedication to duty
1) indifference
2) assignment
3) memorial
4) devotion
81. Cordial person
1) rude
2) friendly
3) hostile
4) insincere
82. Sudden brawl
1) squabble
2) storm
3) explosion
4) noise
83. Illuminated the room
1) lighted
2) painted
3) cooled
4) darkened
84. Futile effort
1) persistent
2) successful
3) minimum
4) vain
85. Leniency of the court
1) verdict
2) judgment
3) mercy
4) sentence
86. Amiable steward
1) traveller
2) attendant
3) spectator
4) cook
87. Extravagant spending
1) excessive
2) subdued
3) wise
4) economical
88. Assembled the materials
1) distributed
2) collected
3) misplaced
4) rotated
89. Aquatic sports
1) team
2) individual
3) indoor
4) water
90. Quarry the stone
1) crush
2) inscribe
3) mine
4) transport
91. Aromatic pine trees
1) majestic
2) fragrant
3) graceful
4) cone-bearing
92. Lodged in the hotel
1) resided
2) loitered
3) dined
4) lingered
93. Uncanny force
1) mechanical
2) weak
3) natural
4) weird
94. Impudent reply
1) bold
2) courteous
3) convincing
4) encouraging
95. Yearly revenue
1) review
2) income
3) expenditure
4) budget
96. Debris of the tornado
1) victims
2) threat
3) rubbish
4) velocity
97. An infuriated driver
1) intoxicated
2) ineligible
3) enraged
4) incapable
98. Classic example
1) meaningful
2) old-fashioned
3) foreign
4) standard
99. A stone barrier
1) obstruction
2) monument
3) inscription
4) shelter
100. Ludicrous situation
1) ridiculous
2) unavoidable
3) unexpected
4) obnoxious
101. A mild temperament
1) disagreement
2) temperature
3) disposition
4) argument
102. Terminate the agreement
1) change
2) amend
3) end
4) endorse
103. Spread meagrely
1) thickly
2) generously
3) smoothly
4) sparsely
104. Scientific insight
1) investigation
2) understanding
3) principle
4) experience
105. To be appalled
1) chosen
2) repaid
3) cheered
4) dismayed
106. A strong protest
1) statement
2) rebuke
3) demand
4) complaint
107. A doleful sigh
1) mournful
2) peaceful
3) doubtful
4) wishful
108. Whirling sprites
1) insects
2) papers
3) fairies
4) leaves
- 109.irate citizens
1) grateful
2) wrathful
3) willful
4) respectful
110. A discriminating person
1) sceptical
2) pleased
3) discerning
4) stubborn
111. Fine raiment
1) apparel
2) linen
3) fabric
4) merchandise
112. The pompous duke
1) modest
2) amiable
3) hysterical
4) pretentious
113. Spoke dejectedly
1) intensely
2) scornfully
3) unhappily
4) indignantly
114. Instituted the policy
1) supported
2) initiated
3) discontinued
4) advertised





Reading Comprehension

Directions: This test consists of several reading selections. After each selection there are some exercises.

Read each selection quickly and then answer the exercises. Four answers are given for each exercise, but only one of these answers is right. You are to choose the one answer that you think is better than the others. Then, on the answer sheet, find the row of answer spaces numbered the same as the exercise. Fill in the answer space for the best answer.

The sample exercise at the right shows you how to mark our answers on the answer sheet.

SAMPLE EXERCISE

Thumper is a big friendly dog. He likes to follow the fire trucks.

- S1. What does Thumper like to do?
- 1) Watch fires
 - 2) Bite firemen
 - 3) Run after the fire trucks
 - 4) Follow police cars

ANSWER

S1. 1 2 3 4



My mother liked to tell about one visit they made to Chief Pereshonts' grave. The children were always half afraid of this deep cavern in the black rock, because they had been told that Pereshonts' squaw and horse had been killed and buried with him. Mother's sister Patty was a daredevil, so when one of the cousins dared her to enter the grave, down she went. She called up descriptions of the skeletons, and they realized that what they had been told was true. This gave them a strange feeling, and they were in a hurry to leave. But Patty took her time coming out of the grave. She brought a skull which she said was that of Pereshonts, and she chased them all home with it.

Grandmother shuddered when Patty set the thing on the mantle, and Great-Aunt Mary teased, saying that Pereshonts' ghost would come for it. Patty scoffed at the idea of ghosts and calmly ate her supper. She put the skull on her bed post that night.

In the night she woke my mother and whispered, "Listen!" There was a tap-tap-tapping on the window. After a time it came again, like the sound of a fist on the glass. The girls hid their heads under the covers and clung to each other. They did not sleep for what seemed like hours.

When my mother finally awoke, the sun was high. Patty was gone, and so was the skull. For the first time, my mother noticed the pear on the tree that grew near the house. The slightest breeze made it tap on the window. When Patty came back, she admitted that she had returned Pereshonts' skull to the grave. She would never admit anything about what had happened in the night.

"I want the skull to be there when our children go to look," she explained.

It was there when we went years later.

99. When did the incidents of this story take place?

- 1) When the writer of the story was a child
- 2) In the early days of our country
- 3) When the writer's mother was young
- 4) At the beginning of the present century

00. Who made up the group visiting the grave?

- 1) Several children
- 2) Patty and her cousin
- 3) Patty and her sister
- 4) Patty and her mother

101. What is shown by Patty's scoffing at the idea of ghosts?

- 1) She was rude to her family.
- 2) She had never heard of ghosts.
- 3) She did not like to be teased.
- 4) She thought she was not afraid of ghosts.

102. Which of these describes Great-Aunt Mary's attitude toward the skull?

- 1) Fear
- 2) Amusement
- 3) Amazement
- 4) Admiration

103. Why did Patty take the skull back to the grave?

- 1) Her imagination had gotten the better of her.
- 2) She wanted to show she was not afraid.
- 3) She intended to from the beginning.
- 4) Her mother did not like it.

104. Which of these terms best describes Patty's explanation of why she returned the skull?

- 1) A deliberate lie
- 2) An excuse
- 3) An apology
- 4) An admission

105. What is shown by the first line in this story?

- 1) That the mother had gone alone to the grave
- 2) That this was the first visit to the grave
- 3) That there had been other visits to the grave
- 4) That only one visit was made to the grave

106. Which of these probably explains why a squaw and a horse had been buried with Chief Pereshonts?

- 1) It was a big grave.
- 2) White settlers had buried them.
- 3) They had fallen into the grave.
- 4) It was an Indian custom.

107. What is suggested by the behaviour of the two girls when they heard the sound in the night?

- 1) They were always afraid of sounds in the night.
- 2) The teasing had led them to think of ghosts.
- 3) They could not hear the sound with the covers over their heads.
- 4) The sound was so loud that no one in the house could sleep.

108. Who was the writer's mother?

- 1) Patty's sister
- 2) Patty's aunt
- 3) Patty's mother
- 4) Patty's grandmother

109. What appears to be the writer's feeling toward Patty?

- 1) Loving and amused
- 2) Jealous
- 3) Severely critical
- 4) Scornful

¶ 1 What does money mean to you — a dollar, a dime, or a magazine, a movie ticket, or a pop-sicle? Unless you are a miser, the coin itself, even a new and shiny one, probably means little; for money is really a symbol.

¶ 2 The idea of money is a very simple one: the use of one kind of thing to pay for other things. Such exchanges have been going on since earliest times, and all but the most primitive races of men have worked out a money system for themselves. The first money was something useful that everyone wanted, like tea, salt, and peppercorns. Later, people used things which were ornamental: beads, gems, and bright metals such as gold and silver.

¶ 3 Money has been many things. The ox was money in ancient Greece; the elephant in Ceylon; and the human skull in Borneo, change being made with pigs or palm nuts. Slaves and gunpowder have also served. On this continent, the Indians had their shell beads, called wampum. Early settlers from Europe used wampum, too, and cattle, the skins of animals, knives, and guns. In the United States, tobacco often served as money, and wheat was money in Massachusetts for a hundred years.

¶ 4 Gold and silver, and also copper, iron, tin, and lead, were found to make good money for a number of reasons. Metals were easy to mold and stamp, so metal coins could be made small, uniform, and clearly marked to show that they were money. They lasted well and withstood much handling. In addition, it was easy to make change with coins. Today paper money, cheques, and credit, as well as coins, are a part of our money system.

¶ 5 Yet, whatever the form, money remains a symbol. Not money itself, but what it will buy, is the thing that is important to most of us.

113. Which is the best definition of "ornamental," as used in the second paragraph?

- 1) Something used for money
- 2) Something worn chiefly by women
- 3) Something with jewels in it
- 4) Something that looks pretty

114. What is meant by the statement "money is a symbol"?

- 1) Paper money is worth more than coin money.
- 2) Money in itself is not worth anything.
- 3) Metals are used in place of other things as money.
- 4) Money stands for what it will buy.

115. Which of these best expresses the idea of money?

- 1) A man gives a cow to his son.
- 2) A farmer lends his horse to a neighbour.
- 3) A farmer's wife gives a dozen eggs for a can of salmon and two dozen eggs for an apron.
- 4) A farmer trades a bushel of wheat for a sack of flour.

116. In the first paragraph, what is suggested about a miser?

- 1) He saves money for its own sake.
- 2) He saves new and shiny coins.
- 3) He has little interest in money.
- 4) He does not understand the value of money.

117. Which of the peoples mentioned in the third paragraph had a money system which is most like the one used in our country today?

- 1) The natives of Borneo
- 2) The Greeks
- 3) The Indians
- 4) The early settlers in Massachusetts

118. The fourth paragraph tells what metals are used in making money. What else does it tell?

- 1) The advantages of using metals
- 2) How to tell good money from bad
- 3) What designs are made on coins
- 4) Why metals are valuable

119. Which of these is true about all the kinds of money mentioned in paragraph 3?

- 1) All were useful articles.
- 2) All were movable.
- 3) All were ornamental.
- 4) All were small enough to carry.

120. What seems to be the author's purpose in this article?

- 1) To tell why there are so many kinds of money
- 2) To teach the meaning of money
- 3) To describe different kinds of money
- 4) To show why one kind of money is better than another

10. What seems to be the point of the question at the beginning of the article?

- 1) That money is not important
- 2) That money may be paper as well as coins
- 3) That you spend money for useless things
- 4) That you think of money in terms of what it will buy

11. Which best explains why useful things became the first money?

- 1) Everyone would have money.
- 2) People would trade for things they needed.
- 3) Money is naturally useful.
- 4) People would not spend things they used.

12. Which word best describes the major advantage of using coins for money?

- | | |
|-------------------|--------------|
| 1) Convenience | 3) Necessity |
| 2) Attractiveness | 4) Value |

¶ 1 Phineas Taylor Barnum, rightly called “the greatest American showman,” was born in 1810. His father was a tailor who also ran a tavern and a country store. Phineas was put to work in the store at an early age. He had little chance to go to school. His father died in 1824, and the boy had to support himself from that time on.

¶ 2 Young Barnum tried his hand at many jobs. At various times he published a newspaper, sold theatre tickets, and ran a lottery. Each type of work taught him more about human nature. When he was 25, he entered show business. He exhibited a woman, Joyce Heth, who claimed she had been George Washington’s nurse. Other men had tried to make money exhibiting her and had failed. Barnum succeeded because he knew how to advertise. He aroused interest in the woman by means of flashy posters, brass bands, and parades.

¶ 3 In 1841 Barnum bought two run-down museums in New York City and combined them into Barnum’s American Museum, which he opened the following year. Crowds flocked to see his exhibits. One day an especially large crowd lingered a very long time, looking at the various sights. Barnum became impatient because many more people were waiting to get in. Hastily he put up a sign pointing toward the rear door, with the words “To the Egress” printed on it. Many visitors who did not know that the word means *exit* hurried through the door, expecting to see some strange beast. They found themselves on the outside — and had to pay to get back in. Barnum once remarked that “the public likes to be fooled.” Thousands paid to see his “Feejee Mermaid.” This was a fake he produced by joining the stuffed tail of a fish to the mummified head and shoulders of a monkey.

¶ 4 Barnum’s most famous attraction was a dwarf he named General Tom Thumb. The dwarf was so popular that in 1844 Barnum took him to Europe and while there introduced him to Queen Victoria of England. Barnum again created a sensation in 1850 when he persuaded Jenny Lind, “the Swedish Nightingale,” to come to America. He

agreed to pay her \$1,000 for each of 150 concerts. This was the first time a famous foreign singer had been brought to America. Jenny Lind was such a success that Barnum more than doubled his investment. Another of Barnum’s famous exhibits was a huge African elephant he called Jumbo. The elephant was so well known that his name became a new word in the language.

¶ 5 In 1871 Barnum started a travelling amalgamation of circus, menagerie, and museum of freaks, which he called “The Greatest Show on Earth.” It took 500 men and horses to move it from place to place. The show was enlarged in later years until 100 railroad cars were required to transport it. In 1881 Barnum joined forces with his chief rival, a man named James A. Bailey, and under the name of Barnum & Bailey the circus became famous throughout the world. Many years later, long after the death of both Barnum and Bailey, the Ringling Brothers bought the circus and combined it with their own. The show is known today as the Ringling Bros. and Barnum & Bailey Circus.

¶ 6 Along with his business successes, Barnum had many difficulties. Terrible fires burned down his museum and destroyed his exhibits. He failed in several ventures. But he always fought his way back. One season he lectured on “The Art of Money Getting” in order to get money for a fresh start. Certainly one secret of Barnum’s success was his understanding of human beings and their emotions. And because he knew people, he understood the value of good publicity in business. He was the first to exploit fully the use of coloured posters and exaggerated descriptions in advertising. He once said that to get ahead in business it was necessary to have “a thorough knowledge of human nature, which, of course, includes the faculty of judiciously applying soft soap.”

¶ 7 Barnum spent his last years in retirement enjoying his fame and fortune. Famous men like Horace Greeley and Mark Twain were his good friends. He died in 1891.

121. Which of the following is the best title for this article?
- 1) "Under the Big Tent"
 - 2) "America's Greatest Showman"
 - 3) "Travelling with the Circus"
 - 4) "The Public Likes to Be Fooled"
122. Which one of the following statements about Barnum is **not** true?
- 1) He was unwilling to take chances.
 - 2) He had a sense of humour.
 - 3) He understood people.
 - 4) He was clever.
123. Why was "the Swedish Nightingale" received so enthusiastically in America?
- 1) There are few good American singers.
 - 2) It was the first time a famous singer had ever appeared in a circus.
 - 3) It was the first time many people had heard a nightingale sing.
 - 4) It was the first time a well-known European singer had ever given concerts in this country.
124. Barnum managed the public appearance of all of the following **except**
- 1) the Ringling Brothers.
 - 2) Tom Thumb.
 - 3) Jenny Lind.
 - 4) Jumbo.
125. What is an egress?
- 1) A strange bird
 - 2) A way to get out
 - 3) A fake
 - 4) A sideshow
126. The "Feejee Mermaid" is best described as a
- 1) scientific wonder.
 - 2) trick.
 - 3) freak of nature.
 - 4) horrible nightmare.
127. Why did Barnum go to Europe in 1844?
- 1) To study the people there and gain an understanding of them
 - 2) To make money by exhibiting Tom Thumb
 - 3) To meet the Queen of England
 - 4) To try to hire Jenny Lind
128. Under what circumstances did Barnum become a lecturer?
- 1) He needed money to go into another business.
 - 2) He wanted to get money to pay Jenny Lind.
 - 3) He thought his circus needed more publicity.
 - 4) He had to earn his own way when his father died.
129. Which of the following would make a good heading for paragraph 4?
- 1) "Travels at home and abroad"
 - 2) "Fakes which Barnum put over on an unsuspecting public"
 - 3) "Some famous attractions sponsored by Barnum"
 - 4) "Highlights in Barnum's career as a circus owner"

130. What is the author's main purpose in paragraph 6?
- 1) To describe the posters Barnum used to advertise his shows
 - 2) To show that Barnum thought the American people were easily fooled
 - 3) To discuss some of the reasons why Barnum was able to get ahead in business
 - 4) To let the reader know that Barnum was a dishonest man
131. What did Barnum mean by "the faculty of judiciously applying soft soap" (paragraph 6)?
- 1) The knack of looking clean and well-groomed in public
 - 2) Skill in carving figures out of soap
 - 3) An appreciation of the importance of cleanliness to good health
 - 4) The ability to flatter people without offending them

MAKE NO MARKS IN THIS BOOKLET

132. Barnum's first experience in the entertainment field is described in which paragraph?
- 1) Paragraph 2
 - 2) Paragraph 3
 - 3) Paragraph 4
 - 4) Paragraph 5
133. "Jumbo" is commonly used today to indicate
- 1) a native of the African jungle.
 - 2) a freak.
 - 3) something that is extra large in size.
 - 4) a silver-grey colour.
134. How old was Barnum when it became necessary for him to earn his own living?
- 1) He had just entered school.
 - 2) He was 25 years old.
 - 3) He was 14 years old.
 - 4) One cannot tell from the article.
135. How much money was Jenny Lind supposed to receive for her American concerts?
- 1) \$15,000
 - 2) \$1,000,000
 - 3) \$300,000
 - 4) \$150,000
136. The story of his career shows that Barnum understood the value of
- 1) telling the truth.
 - 2) advertising in business.
 - 3) going to work.
 - 4) getting a good education.



Long ago, centuries before the birth of Christ, there were in Greece two famous cities, Athens and Sparta. Although the people of the two cities shared a common tongue, they were quite different in many respects. Athens was a happy, friendly city, built on a fairly level stretch of land between the mountains and the sea. Sparta, however, lay in a deep valley, surrounded by mountains which helped shut out strangers. Athens was a busy seaport, welcoming foreign merchants and scholars. The people of Sparta, on the other hand, cared only for fighting and winning glory in war. They made their city an armed camp, neglecting commerce as well as art and literature. The Spartans spent almost all of their spare time in exercises and athletic games. The people of Athens, while fond of sports, also liked music and poetry. Most of all, they liked to relax in their sunny courtyards and argue about new ideas.

Under their great leader, Pericles, the Athenians made their city the cultural centre of the world. Writers, scientists, and teachers were encouraged to come to Athens to help educate the young people. Sculptors and painters were invited to come to beautify the city. On the Acropolis, a hill in the centre of the city, beautiful temples and statues were built, making it a shrine to the city's patron goddess, Athena. Pericles was not unmindful, however, of the threat posed by Sparta. High walls were built around the city, connecting it with the sea and making it a strong fortress.

As the Athenians prided themselves upon their arts and the beauty of their city, the Spartans gloried in their feats of arms. In a series of wars they had attacked and defeated three neighbouring peoples, the Messenians, the Arcadians, and the Argives. The young Spartan men were proud of their courage, discipline, and endurance, and they trained themselves almost solely in the art of war. This bellicose nature of the Spartans made them feared throughout the land. One might expect that Sparta, too, would have had strong walls encircling the city, but this was not true. For it was Sparta's boast that her men were her walls.

It was only natural that the Spartans looked with jealousy on the growing importance of Athens. They were particularly displeased that the Athenians had been able to defeat a great army of Persian invaders a few years before, and had thus become a challenge to Sparta's position as the greatest military power in Greece. There was a long series of minor quarrels

between the two cities. Finally, war broke out between them.

Early in the struggle an epidemic spread through Athens, and half the people died, Pericles among them. A new leader arose, a brilliant young man named Alcibiades. He conceived a plan by which Sparta might be defeated. But Alcibiades was quite undependable, and he soon became involved in a dispute with the other leaders. Before the plan could be carried out, Alcibiades was forced to flee from the city. The remaining leaders tried to put his plan into effect, but it was poorly executed. The Athenian navy was destroyed, and the major part of the army was wiped out. Spartan armies surrounded Athens, most of whose young men were now dead. After eight months, starving Athens had to surrender. Thus the war, which lasted thirty years, came to an end in 404 B.C.

With her surrender, Athens ceased to be politically important on the Greek peninsula. The desire of the Athenians for knowledge did not die, however, with the loss of political power. It grew even stronger, and the city became the home of the first great university in the ancient world. Sparta, on the other hand, was eventually defeated and forgotten. Her prestige, founded as it was on military might, was doomed once her armies were successfully challenged.

137. Which is the best title for this selection?

- 1) "The Age of Pericles"
- 2) "The Glory That Was Greece"
- 3) "The Story of Athens and Sparta"
- 4) "The Might of Ancient Sparta"

138. What was the chief industry of Athens?

- | | |
|----------------|------------------|
| 1) Trade | 3) Manufacturing |
| 2) Agriculture | 4) Shipbuilding |

139. When the writer says that the people of Athens and Sparta "shared a common tongue," he means that they

- 1) spoke the same language.
- 2) were independent cities in the same land.
- 3) had much the same way of life.
- 4) worshipped the same gods.

140. In what way was the Acropolis changed during Pericles' lifetime?

- 1) It was made into a great university.
- 2) Great works of art were built upon it.
- 3) Strong walls were built around it.
- 4) It was destroyed by the Spartans.

During recent years western farmers have devoted an ever increasing proportion of their land to raising grass crops. How may the most profitable use be made of this pasture? Agricultural experiment stations have studied various methods of using pasture. In one such investigation three different methods were compared. The conclusions drawn from this experiment provide valuable hints for more efficient use of grazing land.

The three methods tried were (1) a short period of continuous grazing followed by feed, (2) continuous grazing for a long period, and (3) "controlled" grazing for a long period. A large herd of yearling steers was fattened by each method on pastures of approximately equal size. Group I was pastured for 56 days and then switched to a full ration of ground ear corn. The animals in the second group were put on pasture for five months, and during the last four weeks were switched to a full feed of corn. The pasture for the controlled grazing method was divided into three parts. The cattle were rotated from one part to another at intervals of two or three weeks. After five months on pasture the animals in Group III were also put on a full ration of ground corn for four weeks. At the end of the experiment all of the steers brought about the same market price.

The results of these feeding programs are summarized in the table below. Controlled grazing proved to be the best method. The steers fattened under this system had a lower feed cost and a

higher margin than those in the other two groups. The group which was pastured for 56 days cost the most to feed per 100 pounds of gain, but the margin on such steers was greater than on those which grazed continuously for the longer period.

SUMMARY OF THE FEEDING AND GRAZING EXPERIMENT

	GROUP I Continuous Grazing (56 Days)	GROUP II Continuous Grazing (153 Days)	GROUP III Controlled Grazing (153 Days)
Total Days Fed	143	181	181
For Each Steer:			
Feed Consumed			
Corn (bushels)	47.3	19.3	20.2
Pasture (acres)	.4	1.8	1.5
Average Daily Gain	2.29	1.65	1.79
Feed Costs	\$71.51	\$59.23	\$54.29
Cost per 100 Pounds Gain	\$21.87	\$20.39	\$17.09
Margin	\$61.72	\$53.19	\$72.21

158. How does the author think the results of this experiment should affect farm practices?

- 1) Farmers should raise more cattle but sell them sooner.
- 2) Farmers should raise fewer cattle but fatten them longer.
- 3) Farmers should make greater use of controlled grazing.
- 4) Farmers should keep their animals on pasture for a longer time.

159. Which of the following information is not available from the table?

- 1) The length of time each group was fattened
- 2) The average amount of feed used to fatten the steers in each group
- 3) The average weight of the steers when brought to market
- 4) The average cost of feeding the steers in each group

160. In what way were the three groups of animals treated the same?

- 1) All animals were allowed to graze continually throughout the experiment.
- 2) All animals were eventually put on a full ration of corn.
- 3) All animals were fed the same amount of corn.
- 4) All animals were fattened for the same length of time.

161. In what way do controlled grazing and continuous grazing differ?

- 1) Controlled grazing is carried on for shorter periods than continuous grazing.
- 2) Controlled grazing combines dry feed with pasturing.
- 3) Controlled grazing requires a larger pasture than continuous grazing.
- 4) Controlled grazing makes use of only one section of pasture at a time.

162. The herd in the first group consumed only .4 acres of pasture per steer (see table). Why was this amount smaller than for the other two methods?

- 1) The herd was being fed corn while in pasture.
- 2) The herd spent a shorter time in pasture.
- 3) The pasture used by this herd was smaller.
- 4) The herd was moved frequently while in pasture.

163. How long did the experiment last?

- 1) 56 days
- 2) 4 months
- 3) 6 months
- 4) 12 months

164. What is meant by the word "margin"?

- 1) Profit
- 2) Labour cost
- 3) Total feed cost
- 4) The market price

165. Which grazing method would require the most preliminary work, such as erecting additional fences, in preparing an open pasture for use?

- 1) Continuous grazing for a short period
- 2) Continuous grazing for a long period
- 3) Controlled grazing
- 4) They would require about the same.

166. Which group of steers was of the highest quality at the end of this study?

- 1) Group I
- 2) Group II
- 3) Group III
- 4) All groups were about the same.

167. On which line of the chart does the author base his conclusion that controlled grazing is the best method?

- 1) Total Days Fed
- 2) Cost per 100 Pounds Gain
- 3) Feed Costs
- 4) Margin

168. Suppose a farmer could not practise controlled grazing and had to choose between the other two methods. Which would be better?

- 1) Continuous grazing (56 days), since average daily gain is higher
- 2) Continuous grazing (56 days), since margin per steer is higher
- 3) Continuous grazing (153 days), since feed costs are lower per steer
- 4) Continuous grazing (153 days), since cost per 100 pounds gain is lower

169. What purpose did the author have in writing this article?

- 1) To get farmers to plant more grass crops
- 2) To tell farmers how to raise better beef
- 3) To suggest ways of saving on feed costs
- 4) To describe the work of an agricultural experiment station

Four mechanisms invented by man for propelling boats — the sail, the jet, the paddle, and the screw — have their counterparts in nature. The jellyfish raises the equivalent of a sail above the water; the squid moves by throwing out a spurt of water; the turtle uses its flippers like oars. Most fishes propel themselves by bending the backbone to and fro, a version of a screw that does not rotate.

On each side of a fish's backbone are powerful muscles. The fish swims by bracing the forward part of its body against the water and using this as a support on which to bend its tail from side to side. As the tail presses on the water, it drives the fish forward. The fins were originally stabilizers to keep the fish on an even keel, but they also fulfill various other functions, serving, for example, as auxiliary propellers and brakes.

It is estimated that a trout can average 4 to 5 miles an hour, and a salmon about 10 miles an hour. Porpoises, which are among the speediest of marine animals, can make 20 miles an hour. Fish give an impression of moving very fast because they have a quick get-away, but they do not keep up this original speed.

170. What is the writer's purpose in the first paragraph?

- 1) To show the similarity between man-made and natural means of propulsion in water
- 2) To explain how different marine animals move
- 3) To describe several methods used to make boats go
- 4) To compare the advantages of various methods of swimming

171. The method of propulsion of which of these marine animals is most similar to that of a jet engine?

- 1) Jellyfish
- 2) Squid
- 3) Turtle
- 4) Trout

172. What is the main topic discussed by the writer in the second paragraph?

- 1) "The functions of fins"
- 2) "The structure of a fish's body"
- 3) "How most fish swim"
- 4) "How a fish keeps its balance"

173. In the swimming process, the bending of the fish's backbone corresponds most closely in principle to which of the following?

- 1) The filling of a sail with wind
- 2) The spurting of gasses from a jet engine
- 3) The dipping of a paddle
- 4) The turning of a propeller

174. The fins of a fish are used for all of these purposes except to help the fish

- 1) keep its balance.
- 2) move forward.
- 3) control its speed.
- 4) breathe.

175. Which of these topics is discussed in the last paragraph?

- 1) The speed at which certain marine animals travel
- 2) What is meant by the term "marine animal"
- 3) The relation between a fish's size and its speed
- 4) Why the biggest fish always get away

176. Why do fish appear to be faster swimmers than they really are?

- 1) Any moving object seen through water appears to be going faster than it actually is.
- 2) Fish start off at a higher speed than they are able to maintain.
- 3) The peculiar motion of the fish's body in the swimming process gives the impression of unusual speed.
- 4) Fish move much faster than other marine animals.

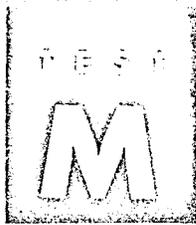
177. To make the comparison in the first paragraph easier to understand, which of these words might be used instead of "screw"?

- 1) Keel
- 2) Rudder
- 3) Compass
- 4) Propeller

178. Which of the following is a reasonable estimate of the "take-off" speed of a salmon?

- 1) 4 to 5 miles per hour
- 2) 6 to 8 miles per hour
- 3) 9 to 10 miles per hour
- 4) 12 to 15 miles per hour





Mathematics Skills

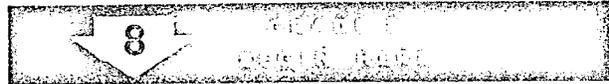
Test M-1: Mathematics Concepts

Directions: This is a test of how well you understand the number system and the terms and operations used in mathematics.

Four answers are given for each exercise, but only one of these answers is right. You are to choose the one answer that you think is better than the others. Then, on the answer sheet, find the row of answer spaces numbered the same as the exercise. Fill in the answer space for the best answer.

Use this table to find where your grade is to begin and stop on this test.

	BEGIN	↓	WITH		STOP	⊗	AFTER
GRADE 3	→		Page 77, Exercise 1	→			Exercise 30, Page 79
GRADE 4	→		Page 78, Exercise 16	→			Exercise 51, Page 80
GRADE 5	→		Page 79, Exercise 31	→			Exercise 72, Page 82
GRADE 6	→		Page 81, Exercise 52	→			Exercise 96, Page 83
GRADE 7	→		Page 82, Exercise 73	→			Exercise 120, Page 85
GRADE 8	→		Page 83, Exercise 89	→			Exercise 136, Page 86



89. In which set are the numbers arranged in order of size from smallest to largest?

- 1) $2.9, \frac{31}{10}, 2\frac{4}{5}, 3$ 3) $\frac{31}{10}, 2\frac{4}{5}, 3, 2.9$
- 2) $2\frac{4}{5}, 2.9, 3, \frac{31}{10}$ 4) $\frac{31}{10}, 3, 2.9, 2\frac{4}{5}$

90. In 129,635, what numeral represents ten thousands?

- 1) 1 2) 9 3) 6 4) 2

91. In which of these ways could you use the information in the table below to find the number of yards in a mile?

- 1) $5280 - 5\frac{1}{2}$
- 2) 5280×3
- 3) $5280 \div 3$
- 4) $3 \times 5\frac{1}{2} \times 320$

3 ft. = 1 yd.
$5\frac{1}{2}$ yd. = 1 rd.
320 rd. = 1 mi.
5280 ft. = 1 mi.

92. How should you think of 3 lb. 5 oz. in working this division example?

- 1) 53 oz.
- 2) 47 oz.
- 3) $3\frac{1}{2}$ lb.
- 4) 2 lb. 21 oz.

$$6 \overline{) 3 \text{ lb. } 5 \text{ oz.}}$$

93. The copyright information in a world atlas reads as follows: "Copyright MCMXLIX by Rand McNally and Company. All Rights Reserved." In what year was the atlas copyrighted?

- 1) 1949 3) 1859
- 2) 1911 4) 1841

94. Bill found an approximate equivalent fraction for $\frac{387}{625}$ by rounding the terms to the nearest hundred. What was the fraction?

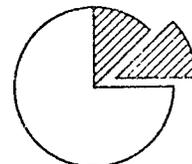
- 1) $\frac{3}{7}$ 3) $\frac{4}{7}$
- 2) $\frac{1}{2}$ 4) $\frac{2}{3}$

95. Which of these is a common denominator for the fractions $\frac{3}{8}, \frac{5}{12}$ and $\frac{7}{16}$?

- 1) 16 3) 32
- 2) 24 4) 48

96. Which of these examples can have its meaning explained by the picture below?

- 1) $\frac{1}{4}$ of $\frac{3}{4}$
- 2) $\frac{1}{2}$ of $\frac{1}{4}$
- 3) $\frac{1}{8}$ of $\frac{1}{4}$
- 4) $\frac{1}{4}$ of $\frac{1}{2}$



97. How would you write 9 thousandths?

- 1) .009 3) .09
2) 9000 4) .0009

98. Which of these exercises has the wrong answer?

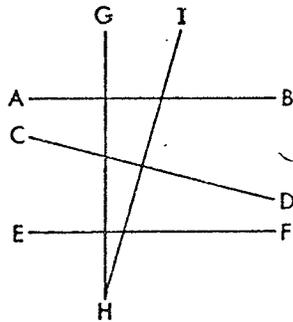
- 1) $\frac{2}{8} \times \frac{3}{10} = \frac{2}{15}$ 3) $\frac{3}{5} \times \frac{7}{12} = \frac{7}{20}$
2) $\frac{3}{8} \times \frac{4}{8} = 0$ 4) $\frac{4}{24} \times \frac{5}{6} = 20$

99. Which of these numbers is ten thousand more than 263,947?

- 1) 363,947 3) 264,947
2) 264,047 4) 273,947

100. In the diagram below, which line is parallel to line AB?

- 1) CD
2) EF
3) GH
4) HI



101. In 495.723 what numeral represents hundredths?

- 1) 4 2) 7 3) 2 4) 3

102. Which of these is a correct way to work the example $\frac{1}{2} \div \frac{7}{8}$?

- 1) $\frac{1}{2} \times \frac{7}{8} = \frac{7}{16} = 1\frac{1}{8}$
2) $\frac{2}{1} \times \frac{7}{8} = \frac{14}{8} = 4\frac{2}{8}$
3) $\frac{2}{1} \times \frac{8}{7} = \frac{16}{7}$
4) $\frac{1}{2} \times \frac{8}{7} = \frac{8}{14}$

103. Which of these is the smallest number?

- 1) .035 3) .305
2) .350 4) 3.5

104. Broadcast time for the Grey Cup game in Toronto is 2 P.M. Eastern Standard Time. In which of these cities will the broadcast begin at 3 P.M.?

- 1) Ottawa 3) Halifax
2) Brandon 4) Edmonton

105. The numbers 4, 4.05, and 4.1 are arranged in order of size from smallest to largest. How does 4.005 compare with these numbers?

- 1) Smaller than 4
2) Larger than 4 but smaller than 4.05
3) Larger than 4.05 but smaller than 4.1
4) Larger than 4.1

106. Which of these examples does not have the same answer as the other three?

- 1) $\begin{array}{r} .394 \\ \times 27 \\ \hline \end{array}$ 3) $\begin{array}{r} 394 \\ \times .0027 \\ \hline \end{array}$
2) $\begin{array}{r} 3.94 \\ \times .27 \\ \hline \end{array}$ 4) $\begin{array}{r} 39.4 \\ \times .027 \\ \hline \end{array}$

107. Which of these numbers means 1 tenth more than 12.73?

- 1) 12.74 3) 13.73
2) 22.73 4) 12.83

108. For which of these multiplication examples is 4×5 a good way to estimate the answer?

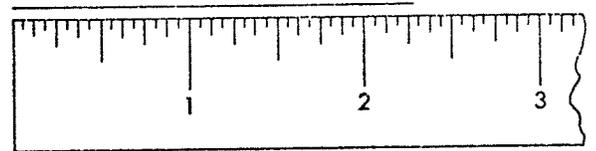
- 1) 3.29×4.48 3) 4.15×5.92
2) 4.71×4.95 4) 3.87×5.18

109. A number is 42,000 after it is rounded to the nearest thousand. What is the smallest value this number could have had before rounding?

- 1) 41,500 3) 41,999
2) 41,449 4) 41,550

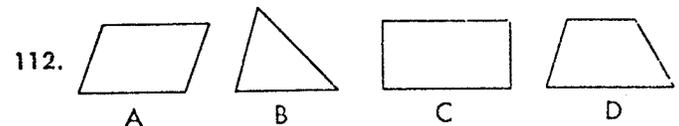
110. For which of these sets of fractions is 12 the lowest or smallest common denominator?

- 1) $\frac{3}{4}, \frac{7}{8}, \frac{1}{2}$
2) $\frac{5}{6}, \frac{1}{2}, \frac{2}{3}$
3) $\frac{7}{12}, \frac{1}{6}, \frac{9}{16}$
4) $\frac{2}{3}, \frac{5}{6}, \frac{1}{4}$



111. To the nearest eighth inch, what is the length of the line above the ruler?

- 1) $2\frac{1}{8}$ in. 3) $2\frac{3}{8}$ in.
2) $2\frac{5}{16}$ in. 4) $2\frac{1}{4}$ in.



112. In which of the figures above is the height or altitude measured along one of the sides?

- 1) A 2) B 3) C 4) D

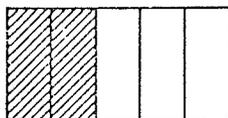
113. In working the example $6.71 + 89.45 + .023$, which of these numerals are added to 7?

- 1) 9 and 3 3) 4 and 2
2) 4 and 0 4) 9 and 2

114. If you use four numerals, one of which is zero (0), to write a whole number, in which place would you write the zero (0) to represent the largest number?
- 1) Ones 3) Hundreds
2) Tens 4) Thousands

115. In which case are the expressions not equivalent?
- 1) .73, 73% 3) $\frac{5}{8}$, $87\frac{1}{2}\%$
2) $\frac{2}{5}$, .4 4) $37\frac{1}{2}\%$, $\frac{3}{8}$

116. What part of this rectangle is shaded?
- 1) .2
2) .3
3) .4
4) .5



117. The 2 in 24 represents how many times as much as the 2 in 12?
- 1) 12 2) 10 3) 6 4) 2
118. June's results for rounding 134.965 in four different ways are shown below. Which result is wrong?
- 1) 130 to nearest 10
2) 135 to nearest whole number
3) 134.9 to nearest tenth
4) 134.97 to nearest hundredth

119. In which of these ways could you use the information in the table below to find the number of square yards in an acre?
- 1) $160 \times 30\frac{1}{4}$
2) 9×160
3) $160 \div 30\frac{1}{4}$
4) $9 \times 30\frac{1}{4}$

144 sq. in. = 1 sq. ft.
9 sq. ft. = 1 sq. yd.
$30\frac{1}{4}$ sq. yd. = 1 sq. rd.
160 sq. rd. = 1 A.

120. Which of these multiplication exercises is worked correctly?

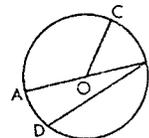
1)
$$\begin{array}{r} 21\frac{1}{4} \\ \times 4 \\ \hline 84\frac{1}{4} \end{array}$$

3)
$$\begin{array}{r} 21\frac{2}{3} \\ \times 6 \\ \hline 2 \\ \hline 126 \\ \hline 128 \end{array}$$

2)
$$\begin{array}{r} 21\frac{1}{2} \\ \times 5 \\ \hline 2\frac{1}{2} \\ \hline 105 \\ \hline 107\frac{1}{2} \end{array}$$

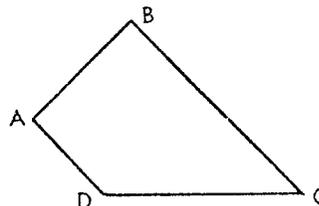
4)
$$\begin{array}{r} 21\frac{1}{2} \\ \times 3 \\ \hline 1\frac{1}{2} \\ \hline 63 \\ \hline 631\frac{1}{2} \end{array}$$

121. How would you write .035 as a percentage?
- 1) 35% 2) .35% 3) .035% 4) 3.5%
122. Which of these line segments in the figure below is a diameter?
- 1) AB
2) AD
3) OC
4) DB



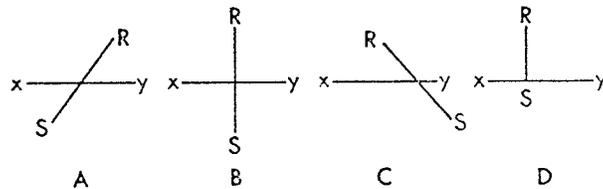
123. The label in a garment reads, "15% wool." Which of these fractions tells about what part of the material is wool?
- 1) $\frac{1}{8}$ 2) $\frac{1}{6}$ 3) $\frac{1}{5}$ 4) $\frac{1}{4}$

124. A given circle has 6 equal central angles. How many degrees are there in each angle?
- 1) 60 3) 40
2) 50 4) 30



125. Which of the interior angles in the figure above is acute?
- 1) A 2) B 3) C 4) D

126. What is the quotient for the example $2.5 \div 100$?
- 1) 250 3) .25
2) .0025 4) .025

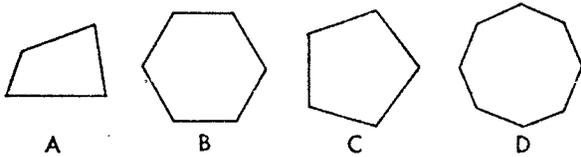


127. In which of the diagrams above is RS the perpendicular bisector of XY?
- 1) A 2) B 3) C 4) D



128. Which of these decimals is half as large as .1?

- 1) .2 2) .01 3) .05 4) .5

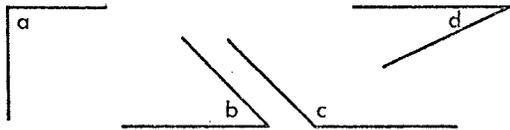


129. Which of the figures above is a hexagon?

- 1) A 2) B 3) C 4) D

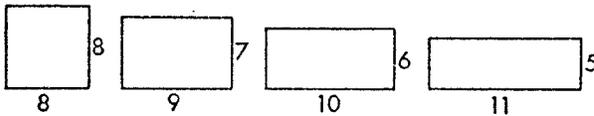
130. Which set of angles could be those of an isosceles triangle?

- 1) $50^\circ, 60^\circ, 70^\circ$ 3) $90^\circ, 60^\circ, 30^\circ$
 2) $40^\circ, 60^\circ, 80^\circ$ 4) $80^\circ, 50^\circ, 50^\circ$



131. Which of the angles above has a measure of about 45° ?

- 1) a 2) b 3) c 4) d

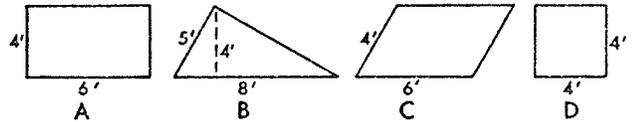


132. Which of these things do the figures above show?

- 1) Rectangles with small perimeters have large areas.
- 2) Rectangles with the same perimeters may have different areas.
- 3) Rectangles with the same perimeters have the same areas.
- 4) Rectangles with large perimeters have small areas.

133. Which of these road signs indicates the shortest distance?

- 1) "Fresh Eggs and Poultry — 100 Yards"
- 2) "Antiques — .3 Mile"
- 3) "Roadside Picnic Area — 400 Feet"
- 4) "Bronze Lantern Motel — $\frac{1}{4}$ Mile"

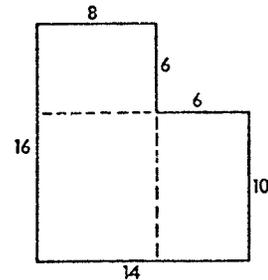


134. Which of the figures above does not have enough information given to find the number of square feet in its area?

- 1) A 2) B 3) C 4) D

135. Which of the rectangles with dimensions given below does not have the same ratio of width (shorter dimension) to length (longer dimension) as the other three?

- 1) $10'' \times 14''$ 3) $5'' \times 7''$
 2) $2\frac{1}{2}'' \times 3\frac{1}{2}''$ 4) $2\frac{3}{4}'' \times 4\frac{1}{2}''$



136. Which of these ways will not give the area of the figure above?

- 1) $(16 \times 14) + (6 \times 6)$
- 2) $(8 \times 6) + (14 \times 10)$
- 3) $(16 \times 8) + (10 \times 6)$
- 4) $(8 \times 6) + (10 \times 8) + (10 \times 6)$



Test M-2: Mathematics Problem Solving

Directions: This is a test of your skill in solving mathematics problems.

SAMPLE EXERCISES

The exercises in the test are like the samples shown at the right. After each exercise are three possible answers and a "Not given" — meaning that the correct answer is not given.

Work each exercise and compare your answer with the three possible answers. If the correct answer is given, fill in the answer space on the answer sheet that has the same number as the right answer. If the correct answer is not given, fill in the fourth answer space.

The sample exercises show you what to do.

S1. On Saturday Steve worked 3 hours for Mrs. White and 2 hours for Mrs. Bell. How many hours did he work altogether?

- 1) 4 3) 6
- 2) 5 4) (Not given)

S2. Ruth made 4 pies and set them out to cool. Her dog ate 2 of them. How many did she have left?

- 1) 4 3) 1
- 2) 3 4) (Not given)

ANSWERS

S1. 1 2 3 4

S2. 1 2 3 4

MAIN STREET MARKET

608 EAST MAIN STREET

TURKEYS



16-22 LBS.
27¢ LB.

JUICE ORANGES

3 DOZEN \$1.00

GRAPEFRUIT

10 FOR 49¢

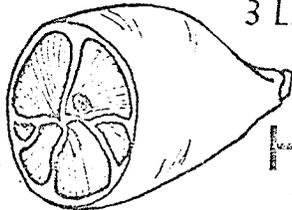
CELERY

2 LARGE
STALKS
29¢



GROUND BEEF

3 LBS. \$1.44



HAM
49¢ LB

ROAST BEEF

59¢ LB.

PEAS 2 CANS 39¢

RED
SALMON 85¢

SOUP 3 CANS 57¢

PEACHES

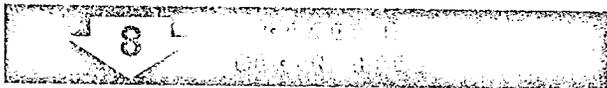
4 CANS 89¢

GREEN
BEANS 6 CANS 96¢

SUGAR

10 LB. BAG 99¢

To work problems 63 – 70, look at the picture above to find the prices of things. Do not allow for sales tax.



3. What is the difference in cost between 3 pounds of ground beef and a 3-pound roast of beef?
1) 13¢ 2) 23¢ 3) 85¢ 4) (Not given)
4. Mrs. Parks agreed to pay $\frac{1}{3}$ of the cost of the turkey for Thanksgiving dinner. If the turkey weighed 16 pounds, how much was her share of the cost?
1) \$1.11 2) \$1.33 3) \$1.44 4) (Not given)
5. How much would 5 grapefruit cost?
1) 49¢ 2) 25¢ 3) 10¢ 4) (Not given)
6. Mrs. Davis made the shopping list given below:

- 4 pounds roast beef
- 1 can red salmon
- 2 stalks celery
- 4 cans peaches

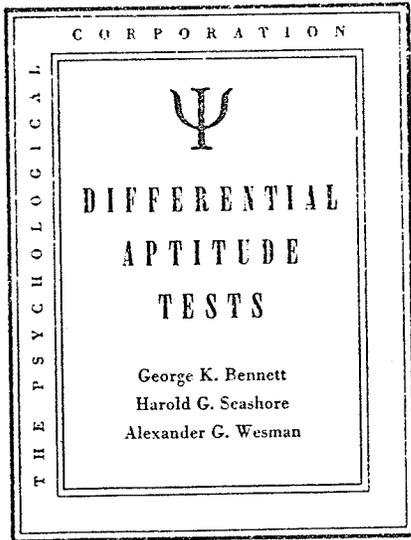
How much would the groceries cost?
1) \$4.39 2) \$4.29 3) \$2.62 4) (Not given)

67. Mrs. White sent John to the store to buy a 7-pound ham. She gave him a 5-dollar bill. How much change should he receive?
1) \$3.43 2) \$2.57 3) \$1.57 4) (Not given)
68. How much would 2 pounds of ground beef cost?
1) \$1.44 2) 96¢ 3) 72¢ 4) (Not given)
69. How much would Mrs. Adams pay for 1 can of soup and 1 can of green beans?
1) 35¢ 3) 96¢
2) 51¢ 4) \$1.53

Make no marks
in this booklet.

70. How much would Mrs. Jones save by buying the 10-pound bag of sugar instead of 10 pounds in 1-pound boxes at 14¢ each?
1) 41¢ 3) 85¢
2) 51¢ 4) (Not given)





UNIVERSITY JUNIOR HIGH SCHOOL
GUIDANCE DEPARTMENT

BOOKLET 1

VERBAL REASONING

Page 3

NUMERICAL ABILITY

Page 9

ABSTRACT REASONING

Page 13

CLERICAL
SPEED AND ACCURACY

Page 20

Do not open this booklet until you are told to do so. Wait for the examiner's instructions. Then:

On the SEPARATE ANSWER SHEET, print your name and fill in the other requested information in the proper spaces.

In the space after Form, blacken the space for the letter L.

Then wait for further instructions.

DO NOT MAKE ANY MARKS IN THIS BOOKLET

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Do not make any marks in this booklet

VERBAL REASONING

Mark your answers on the separate Answer Sheet

DIRECTIONS

Find the space for Verbal Reasoning on the Answer Sheet.

Each of the fifty sentences in this test has the first word and the last word left out. You are to pick out words which will fill the blanks so that the sentence will be true and sensible.

For each sentence you are to choose from among five pairs of words to fill the blanks. The first word of the pair you choose goes in the blank space at the beginning of the sentence; the second word of the pair goes in the blank at the end of the sentence. When you have picked the pair to fill in the blanks, mark the letter of that pair on the separate Answer Sheet after the number of the sentence you are working on.

Example X. is to water as eat is to

- A. continue — drive
- B. foot — enemy
- C. drink — food
- D. girl — industry
- E. drink — enemy

Drink is to water as eat is to **food**. **Drink** is the first word of pair C and **food** is the second word of pair C, so the space under C has been filled in on line X on the sample Answer Sheet below.

Now look at the next example.

Example Y. is to night as breakfast is to

- A. supper — corner
- B. gentle — morning
- C. door — corner
- D. flow — enjoy
- E. supper — morning

Supper is to night as breakfast is to **morning**. Pair E has both **supper** and **morning**; **supper** fits in the blank at the beginning of the sentence and **morning** fits in the blank at the end. On the sample Answer Sheet, the space under E has been blackened on line Y to show that pair E is the right one.

Now look at the next example.

Example Z. is to one as second is to

- A. two — middle
- B. first — fire
- C. queen — hill
- D. first — two
- E. rain — fire

First is to one as second is to **two**. **First** fits in the blank at the beginning of the sentence, and **two** belongs in the blank at the end. **First** and **two** make up pair D, so the space under D is filled in on line Z of the sample Answer Sheet.

Fill in only one space for each sentence.

SAMPLES OF ANSWER SHEETS

	A	B	C	D	E
X.	⋮	⋮	●	⋮	⋮
	A	B	C	D	E
Y.	⋮	⋮	⋮	⋮	●
	A	B	C	D	E
Z.	⋮	⋮	⋮	●	⋮

	A	B	C	D	E
X.	○	○	○	○	○
Y.	○	○	○	○	●
Z.	○	○	○	○	○

You will have 30 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.

1. is to street as rd. is to

- A. st. — city
- B. lo. — city
- C. st. — road
- D. ma. — road
- E. st. — France

2. is to cavalry as foot is to

- A. horse — travel
- B. horse — infantry
- C. horse — yard
- D. cemetery — yard
- E. horse — armory

3. is to wide as thin is to

- A. narrow — weight
- B. store — present
- C. narrow — fat
- D. nothing — fat
- E. street — weight

4. is to masculine as woman is to

- A. man — madame
- B. malicious — feminine
- C. malicious — girl
- D. man — feminine
- E. man — girl

5. is to dispute as endure is to

- A. argue — invert
- B. repute — verdure
- C. impute — verdure
- D. impute — last
- E. argue — last

6. is to verse as sculptor is to

- A. poet — artist
- B. poet — statue
- C. music — statue
- D. reverse — statue
- E. reverse — artist

7. is to chain as bead is to

- A. link — pearl
- B. watch — pearl
- C. iron — necklace
- D. pull — necklace
- E. link — necklace

8. is to animal as rind is to

- A. husk — melon
- B. skin — nut
- C. skin — melon
- D. man — hard
- E. husk — nut

9. is to cork as box is to

- A. bottle — lid
- B. bottle — crate
- C. bottle — hat
- D. bottle — fight
- E. brittle — crate

10. is to tusk as deer is to

- A. elephant — doe
- B. ivory — doe
- C. elephant — antler
- D. ivory — antler
- E. ivory — hunt

11. is to contralto as tenor is to

- A. singer — song
- B. sonata — baritone
- C. solo — song
- D. solo — baritone
- E. soprano — baritone

12. is to hang as guillotine is to

- A. gallows — behead
- B. criminal — behead
- C. picture — capitulate
- D. picture — behead
- E. punish — citizen

13. is to tree as melon is to

- A. apple — vine
- B. bush — vine
- C. elm — water
- D. elm — ripe
- E. bush — sweet

14. is to pea as shell is to

- A. green — nut
- B. pod — crack
- C. green — peel
- D. green — crack
- E. pod — nut

15. is to steer as pork is to

- A. cow — pig
- B. beef — pig
- C. bull — pig
- D. beef — chop
- E. bull — chop

16. is to sentence as sentence is to

- A. jail — phrase
- B. word — paragraph
- C. word — phrase
- D. jail — paragraph
- E. jail — fine

17. is to Dick as Margaret is to

- A. Richard — Mary
- B. Francis — Frances
- C. William — Peggy
- D. Richard — Peggy
- E. Richard — Joan

18. is to childhood as adolescence is to

- A. infancy — adultery
- B. infancy — maturity
- C. infancy — intelligence
- D. infancy — adultery
- E. health — intelligence

19. is to potato as beater is to

- A. mashed — egg
- B. skin — steak
- C. skin — egg
- D. masher — winner
- E. masher — egg

20. is to dog as Guernsey is to

- A. terrier — cow
- B. bark — cow
- C. tail — cow
- D. tail — Jersey
- E. bark — Jersey

21. is to top as base is to

- A. spin — bottom
- B. side — bottom
- C. spin — ball
- D. apex — bottom
- E. ibex — bottom

22. is to eagle as Pekinese is to

- A. sparrow — collie
- B. sparrow — Chinese
- C. flag — Chinese
- D. vulture — Chinese
- E. vulture — crow

23. is to river as coast is to

- A. flood — beach
- B. tide — sea
- C. bank — sea
- D. flood — sea
- E. tide — beach

24. is to foot as elbow is to

- A. toe — shoulder
- B. toe — hand
- C. knee — hand
- D. man — hand
- E. knee — shoulder

25. is to day as calendar is to

- A. noon — year
- B. sun — year
- C. night — year
- D. sun — March
- E. clock — year

26. is to constitution as prologue is to

- A. preamble — play
- B. independence — epilogue
- C. independence — play
- D. law — epilogue
- E. amendment — epilogue

27. is to proceed as stop is to

- A. recede — prevent
- B. intercede — prevent
- C. halt — go
- D. profit — go
- E. intercede — go

28. is to horse as bray is to

- A. neigh — donkey
- B. hoof — donkey
- C. saddle — wagon
- D. hoof — wagon
- E. hoof — pony

29. is to sea as rebellion is to

- A. navy — war
- B. mutiny — land
- C. sailor — war
- D. sailor — soldier
- E. river — revolting

30. is to distance as pound is to

- A. far — ounce
- B. far — weight
- C. travel — ounce
- D. rod — ounce
- E. rod — weight

31. is to door as pane is to

- A. lock — window
- B. panel — window
- C. home — window
- D. lock — glass
- E. wood — ache

32. is to never as all is to

- A. seldom — whole
- B. seldom — every
- C. always — every
- D. seldom — none
- E. always — none

33. is to future as regret is to

- A. ahead — past
- B. ahead — sins
- C. hope — past
- D. ahead — atone
- E. forecast — atone

34. is to rain as levee is to

- A. water — departure
- B. water — rise
- C. water — wash
- D. umbrella — flood
- E. cloud — rise

35. is to fish as gun is to

- A. bait — shot
- B. cod — trigger
- C. rod — shot
- D. cod — bullet
- E. rod — hunt

36. is to pacifist as religion is to

- A. atlantis — minister
- B. object — minister
- C. atlantis — sacred
- D. war — atheist
- E. conscience — minister

37. is to deft as awkward is to

- A. clumsy — stupid
- B. hearing — stupid
- C. hearing — ugly
- D. clumsy — skillful
- E. blindness — skillful

38. is to nut as hook is to

- A. bolt — eyehole
- B. fruit — pitch
- C. fruit — bend
- D. bolt — bend
- E. hazel — bend

39. is to land as knot is to

- A. acre — rope
- B. mile — sea
- C. desert — rope
- D. mile — meter
- E. farm — rope

40. is to bird as shed is to

- A. fly — barn
- B. fly — dog
- C. fly — hay
- D. moult — dog
- E. migrate — barn

41. is to physician as secretary is to

- A. doctor — office
- B. nurse — executive
- C. doctor — stenographer
- D. medicine — office
- E. medicine — executive

42. is to England as lira is to

- A. pound — Italy
- B. London — money
- C. London — Mexico
- D. London — mandolin
- E. London — Italy

43. is to city as national is to

- A. mayor — government
- B. municipal — country
- C. Chicago — government
- D. mayor — country
- E. Chicago — international

44. is to prison as Louvre is to

- A. warden — paramour
- B. warden — museum
- C. warden — France
- D. Bastille — museum
- E. crime — artist

45. is to Canada as Havana is to

- A. Nome — Cuba
- B. Detroit — Cuba
- C. Toronto — Cuba
- D. Alberta — Cuba
- E. Alberta — Florida

46. is to opera as lyric is to

- A. baritone — music
- B. baritone — poem
- C. composer — music
- D. composer — song
- E. drama — song

47. is to bleach as flushed is to

- A. color — drained
- B. color — truffle
- C. color — blushed
- D. color — wan
- E. gay — drained

48. is to static as dynamic is to

- A. inert — active
- B. radio — active
- C. radio — speaker
- D. inert — speaker
- E. radio — motor

49. is to all as part is to

- A. full — separate
- B. each — separate
- C. each — many
- D. full — many
- E. each — whole

50. is to diamond as circle is to

- A. gold — round
- B. square — oval
- C. shape — round
- D. cube — round
- E. square — round

STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

Do not make any marks in this booklet

NUMERICAL ABILITY

Mark your answers on the separate Answer Sheet

DIRECTIONS

Find the space for Numerical Ability on the Answer Sheet.

This test consists of forty numerical problems. Next to each problem there are five answers. You are to pick out the correct answer and fill in the space under its letter on the separate Answer Sheet. If you do not find a correct answer among the first four choices, blacken the space under E as your answer. Choice E for every problem is "none of these" which means that a correct answer is not among the first four choices. Only one answer should be marked for each problem. Do your figuring on the scratch paper you have been given, and reduce fractions to lowest terms.

The following are examples of problems in the test. The samples of the Answer Sheets show how you are to mark your answers.

Example X.

Add	13	A	14
	<u>12</u>	B	25
		C	16
		D	59
		E	none of these

In Example X, 25 is the correct answer, so the space under the letter for 25—B—has been filled in.

Example Y.

Subtract	30	A	15
	<u>20</u>	B	26
		C	16
		D	8
		E	none of these

In Example Y, the correct answer has not been given, so the space under the letter for "none of these"—E—has been blackened.

SAMPLES OF ANSWER SHEETS

	A	B	C	D	E
X.	⋮	⋮	⋮	⋮	⋮
		■			
Y.	⋮	⋮	⋮	⋮	⋮
					■

	A	B	C	D	E
X	○	○	○	○	○
Y	○	○	○	○	○

Remember, each answer must be reduced to its simplest terms. For example, if two choices are $1\frac{1}{2}$ and $1\frac{2}{4}$, only the $1\frac{1}{2}$ is correct.

DO ALL YOUR FIGURING ON THE SEPARATE SHEET OF SCRATCH PAPER.

You will have 30 minutes for this test. Work as rapidly and as accurately as you can. Do not spend a long time on any one problem. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.

1. Add

$$\begin{array}{r} 393 \\ 4658 \\ 3790 \\ \underline{67} \end{array}$$

ANSWER

A 7908
B 8608
C 8898
D 8908
E none of these

2. Subtract

$$\begin{array}{r} 5473 \\ 2987 \\ \hline \end{array}$$

ANSWER

A 2485
B 2486
C 2496
D 3486
E none of these

3. Multiply

$$\begin{array}{r} 484 \\ \underline{25} \end{array}$$

ANSWER

A 10900
B 11100
C 11900
D 11700
E none of these

4. Multiply

$$\begin{array}{r} 2.04 \\ \underline{.75} \end{array}$$

ANSWER

A 1.5300
B 153.0
C 1530
D 15300
E none of these

5. Multiply

$$\begin{array}{r} 4.50 \\ \underline{22} \end{array}$$

ANSWER

A .99
B 98.40
C 99.00
D 9900
E none of these

6. Multiply

$$\begin{array}{r} .025 \\ \underline{.025} \end{array}$$

ANSWER

A .001375
B .00625
C .625
D 1.375
E none of these

7. Multiply

$$\begin{array}{r} .016 \\ \underline{.016} \end{array}$$

ANSWER

A 256
B 25.6
C .00256
D .000256
E none of these

8. Divide

$$46 \overline{)69}$$

ANSWER

A $1 \frac{13}{46}$
B $1 \frac{23}{46}$
C 1.5
D 15
E none of these

9. Divide

$$.75 \overline{)2.25}$$

ANSWER

A .0003
B .03
C .3
D 3
E none of these

10. Divide

$$3.6 \overline{).72}$$

ANSWER

A .02
B .2
C 2
D 20
E none of these

11. Divide

$$64.7 \overline{)304.09}$$

ANSWER

A .47
B 4.07
C 4.7
D 47
E none of these

12. Divide

$$.04 \overline{)4.036}$$

ANSWER

A 1.009
B 10.9
C 10.09
D 100.9
E none of these

13.

$$\frac{1}{4} \div \frac{1}{8} =$$

ANSWER

A $\frac{1}{32}$
B $\frac{1}{8}$
C $\frac{1}{2}$
D 2
E none of these

14.

$$\frac{2}{7} \times \frac{3}{7} =$$

ANSWER

A $\frac{6}{49}$
B $\frac{3}{7}$
C $\frac{2}{3}$
D $\frac{6}{7}$
E none of these

15. ANSWER
 $\frac{3 \times 10}{5 \times 9} =$
 A $\frac{27}{50}$
 B $1 \frac{1}{2}$
 C $\frac{30}{45}$
 D $\frac{2}{3}$
 E none of these

16. Add
 $4 \frac{3}{4}$
 $9 \frac{1}{2}$
 $\underline{13 \frac{7}{8}}$
 A $26 \frac{11}{14}$
 B $27 \frac{1}{8}$
 C $28 \frac{1}{2}$
 D $28 \frac{11}{14}$
 E none of these

17. Add
 2 ft. 3 in.
 28 ft. $11 \frac{1}{2}$ in.
 17 ft. 5 in.
4 $\frac{1}{2}$ in.
 A 49 ft.
 B 48 ft. 2 in.
 C 47 ft. 24 in.
 D 48 ft.
 E none of these

18. Add
 3 lbs. 3 oz.
 6 lbs. 7 oz.
 7 lbs. 5 oz.
11 lbs. 1 oz.
 A 28 lbs. 16 oz.
 B 28 lbs.
 C 27 lbs. 16 oz.
 D 18 lbs.
 E none of these

19. Square root
 $\sqrt{169}$
 A 13
 B 43
 C $84 \frac{1}{2}$
 D 169
 E none of these

20. Square root
 $\sqrt{.09}$
 A .03
 B .3
 C 3
 D 9
 E none of these

21. Square root
 $\sqrt{\frac{4}{9} \times \frac{25}{36}}$
 A $\frac{25}{81}$
 B $\frac{25}{36}$
 C $\frac{5}{9}$
 D $2 \frac{7}{9}$
 E none of these

22. ANSWER
 $? = 33\frac{1}{3}\%$ of 963
 A 32.19
 B 231
 C 321
 D 32100
 E none of these

23. ANSWER
 $? = 12\frac{1}{2}\%$ of 816
 A .12
 B 12
 C 102
 D 104
 E none of these

24. ANSWER
 $? = \frac{4}{9}$ of 648
 A 14.58
 B 72
 C 218
 D 1458
 E none of these

25. ANSWER
 $15 = 75\%$ of ?
 A .20
 B 10.25
 C 20
 D 22.5
 E none of these

26. ANSWER
 $25 = ?\%$ of 125
 A $\frac{1}{5}$
 B 5
 C 20
 D 31.25
 E none of these

27. ANSWER
 $2.5 = ?\%$ of 2
 A 5
 B 8
 C 80
 D 125
 E none of these

28. ANSWER
 $\frac{?}{8} = \frac{3}{24}$
 A $\frac{1}{8}$
 B 1
 C 3
 D 4
 E none of these

29. ANSWER
 $\frac{5}{9} = \frac{55}{?}$
 A $55/99$
 B 11
 C 45
 D 99
 E none of these

30. ANSWER
 $\frac{11}{4} = \frac{77}{?}$
 A $77/28$
 B 28
 C 44
 D 308
 E none of these

31. Cube root
 $\sqrt[3]{32 \times 2}$
 A 4
 B 8
 C $21 \frac{1}{3}$
 D 192
 E none of these

32. Cube root
 $\sqrt[3]{.000729}$
 A .000243
 B .009
 C .027
 D .09
 E none of these

33. Cube root
 $\sqrt[3]{\frac{1}{8} \times \frac{125}{64}}$
 A $\frac{5}{8}$
 B $\frac{375}{512}$
 C $2 \frac{1}{2}$
 D $15 \frac{5}{8}$
 E none of these

34. List price = \$75.00
 Discounts = $33\frac{1}{3}\%$; 2%
 Net price = \$?
 A 25
 B 48.50
 C 49.50
 D 50
 E none of these

ANSWER
 35. What one number can replace both question marks?
 $\frac{2}{?} = \frac{?}{50}$
 A 1
 B 10
 C 25
 D 100
 E none of these

36. What one number can replace both question marks?
 $\frac{1}{?} = \frac{?}{36}$
 A 6
 B 12
 C 35
 D 36
 E none of these

37. What one number can replace both question marks?
 $\frac{4}{?} = \frac{?}{100}$
 A 1
 B 20
 C 25
 D 200
 E none of these

38. What one number can replace both question marks?
 $\frac{8}{?} = \frac{?}{12 \frac{1}{2}}$
 A $1 \frac{1}{2}$
 B 4
 C 64
 D 100
 E none of these

39. What one number can replace both question marks?
 $\frac{6.25}{?} = \frac{?}{16}$
 A 4
 B 10
 C 16
 D 50
 E none of these

40. $\frac{9 + 1 \times 6 - 3}{4 + 2 \times 7 - 6} =$
 A $\frac{57}{50}$
 B $1 \frac{7}{12}$
 C 1
 D $\frac{57}{36}$
 E none of these

STOP.

YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

Do not make any marks in this booklet

ABSTRACT REASONING

Mark your answers on the separate Answer Sheet

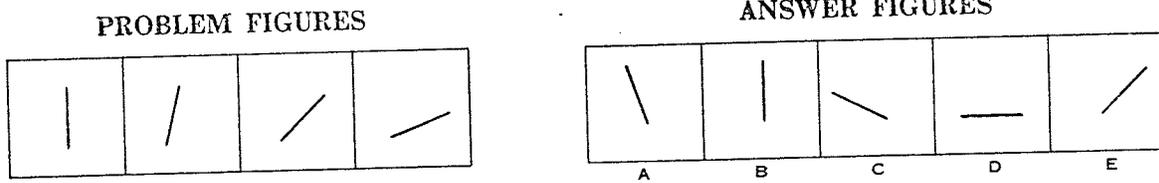
DIRECTIONS

On the separate Answer Sheet, find the space for Abstract Reasoning. Print your name and fill in the other requested information in the proper spaces.

In this test you will see rows of designs or figures like those on this page. Each row is a problem. You are to mark your answers on a separate Answer Sheet as shown in the samples below.

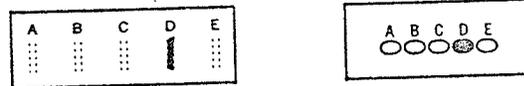
Each row consists of four figures called Problem Figures and five called Answer Figures. The four Problem Figures make a series. You are to find out which one of the Answer Figures would be the next, or the fifth one in the series.

Example X.

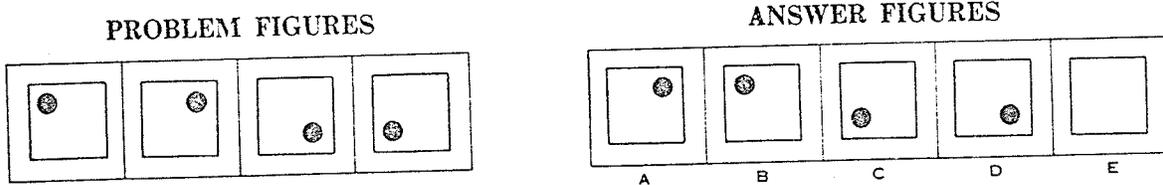


Note that the lines in the Problem Figures are falling down. In the first square the line stands straight up, and as you go from square to square the line falls more and more to the right. In the fifth square the line would be lying flat. So the answer is D, which is indicated on your Answer Sheet by filling in the little space below D.

SAMPLES OF ANSWER SHEETS:

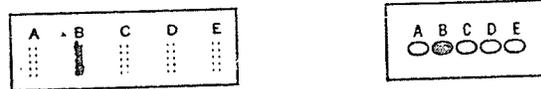


Example Y.



Study the position of the black dot. Note that it keeps moving around the square clockwise: upper left corner, upper right corner, lower right corner, lower left corner. In what position will it be seen next? It will come back to the upper left corner. Therefore, B is the answer, and you would mark your Answer Sheet like this →

SAMPLES OF ANSWER SHEETS:



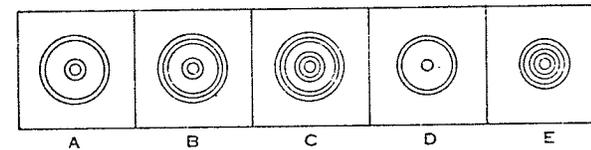
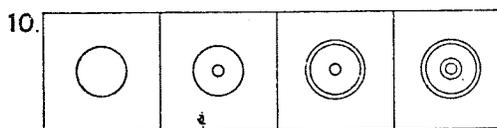
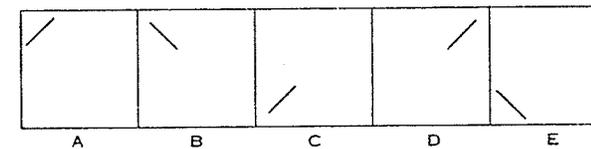
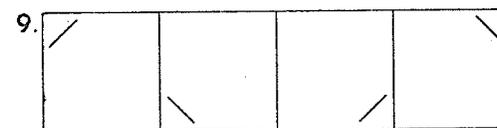
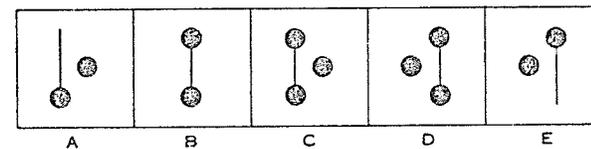
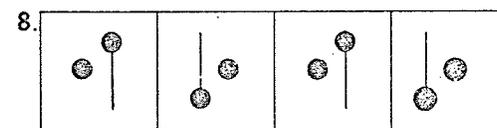
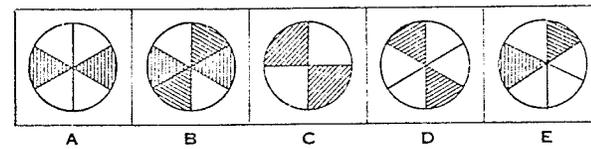
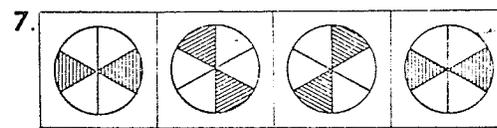
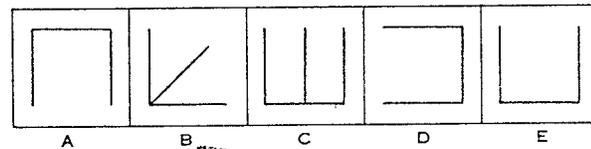
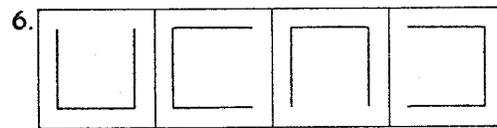
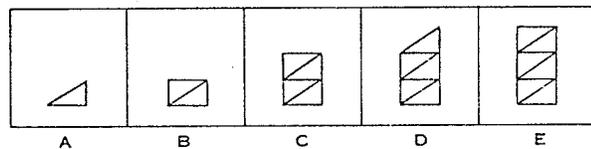
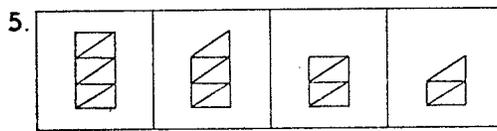
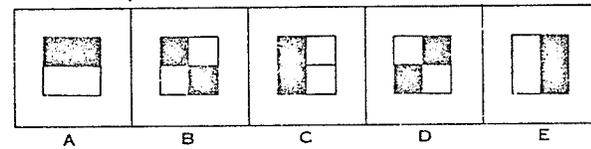
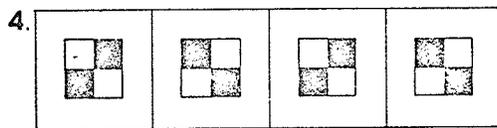
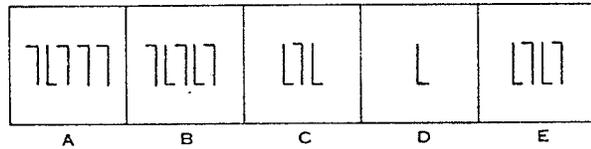
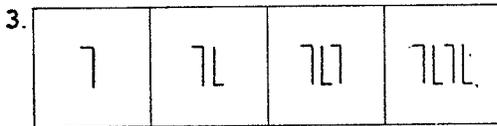
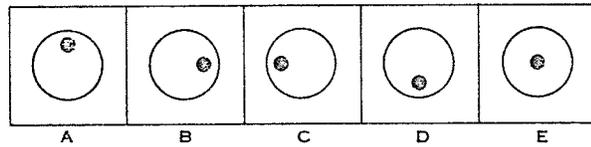
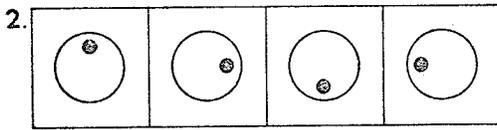
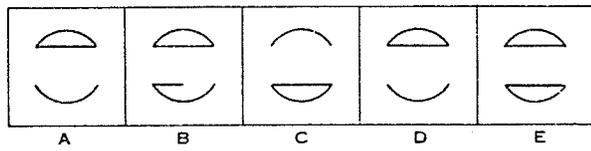
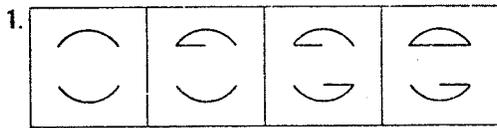
Remember—You are to select the one figure from among the Answer Figures which belongs next in the series.

You will have 25 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.

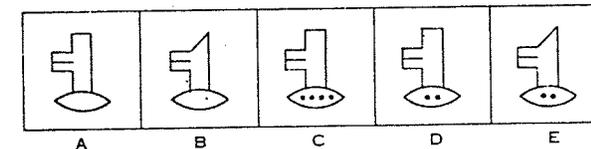
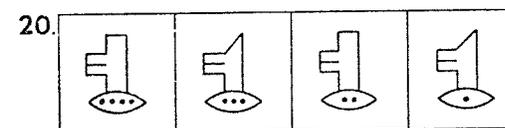
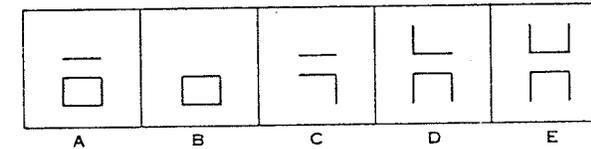
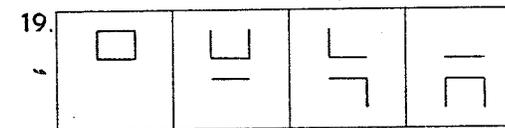
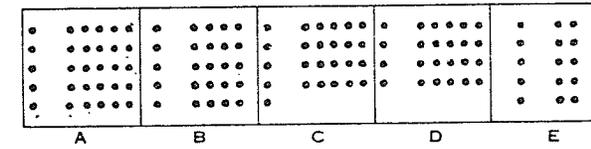
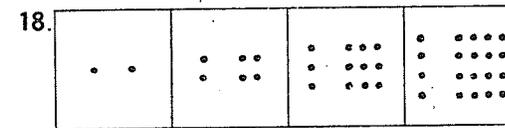
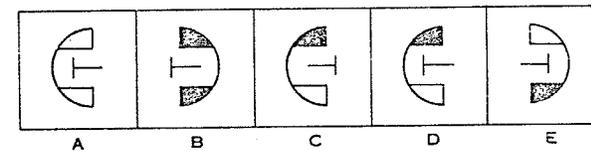
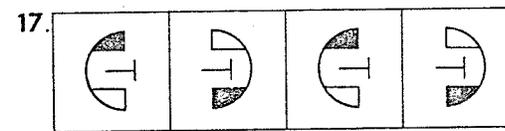
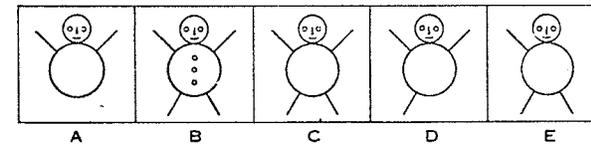
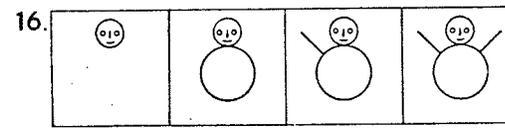
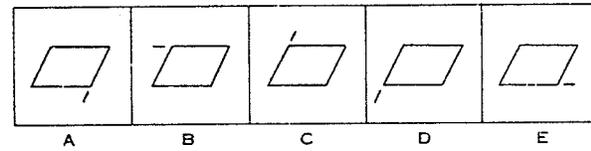
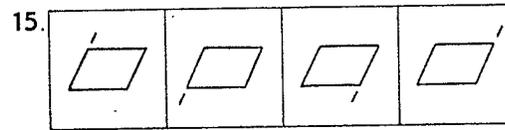
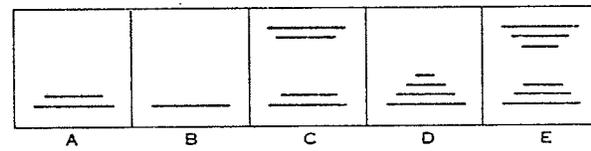
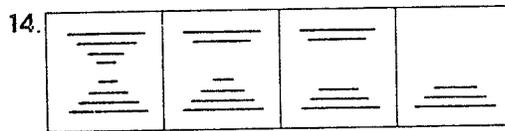
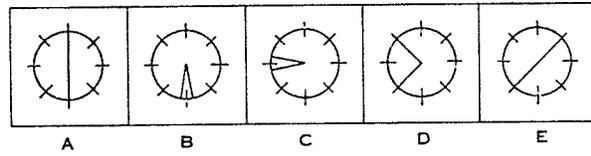
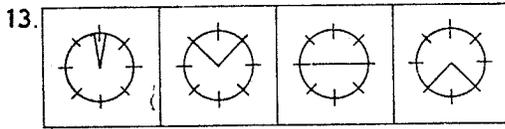
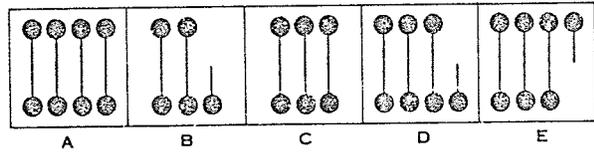
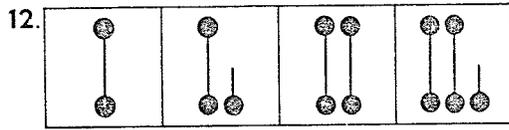
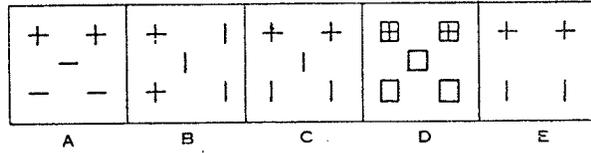
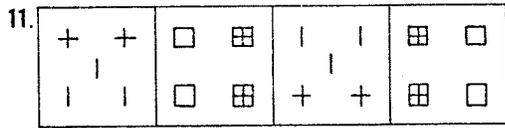
PROBLEM FIGURES

ANSWER FIGURES



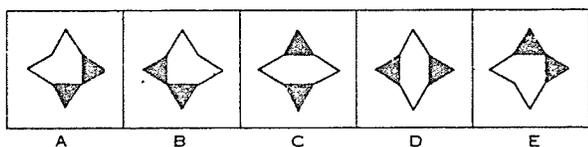
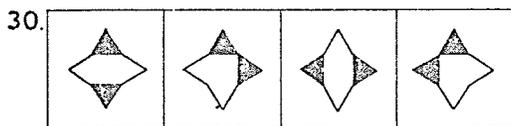
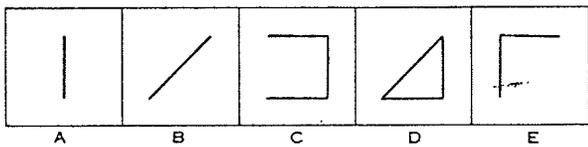
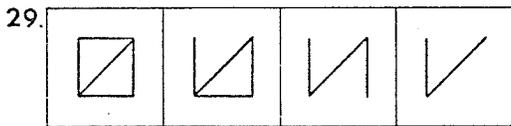
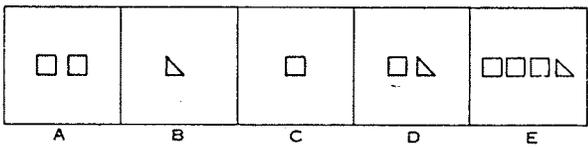
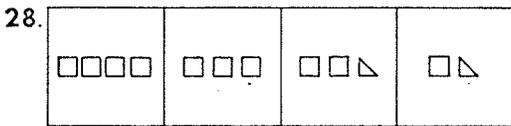
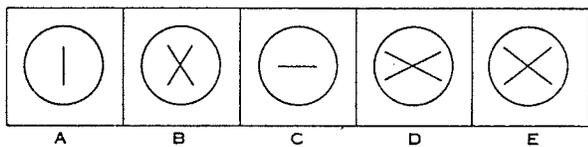
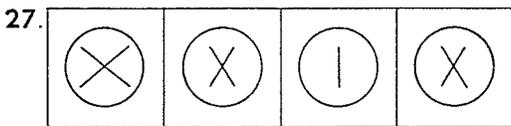
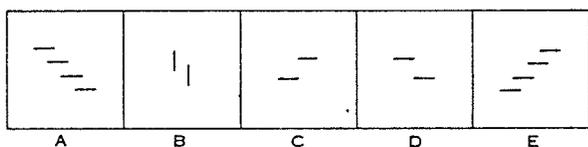
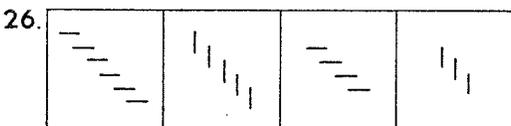
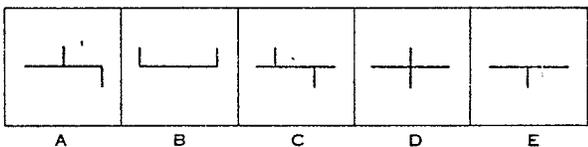
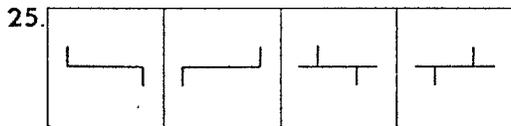
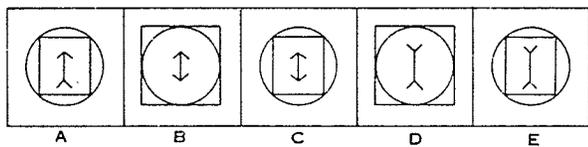
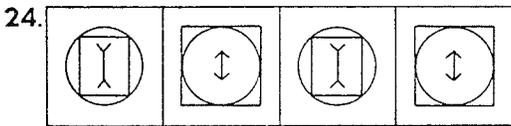
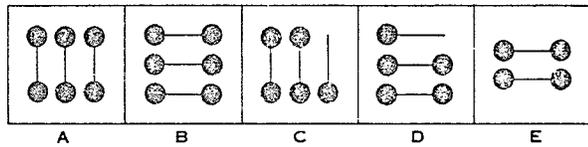
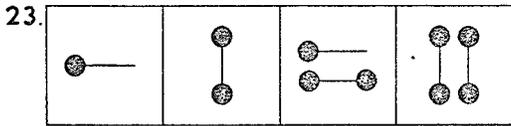
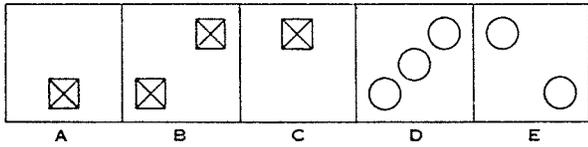
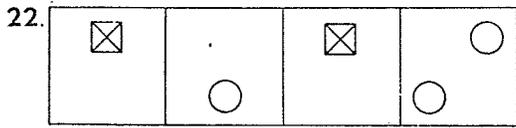
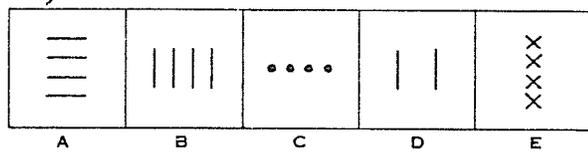
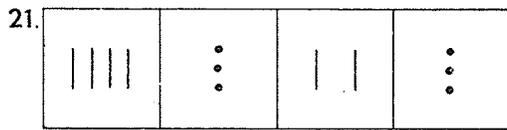
PROBLEM FIGURES

ANSWER FIGURES



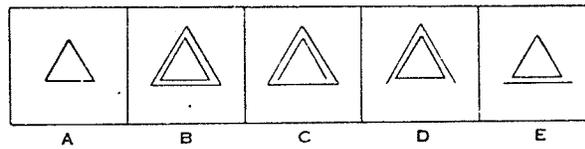
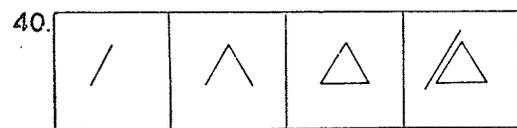
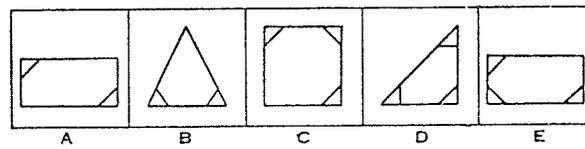
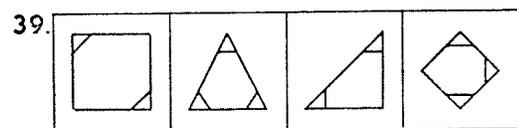
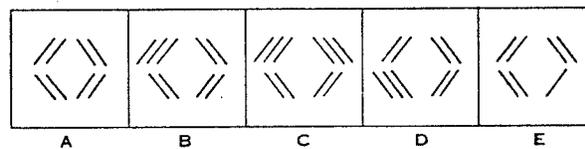
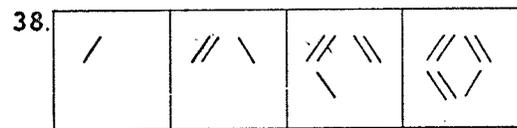
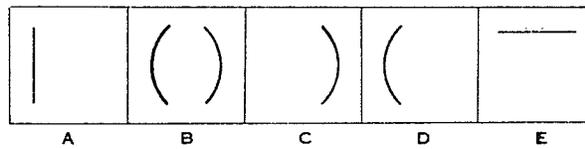
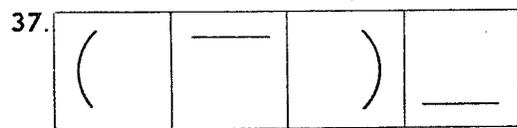
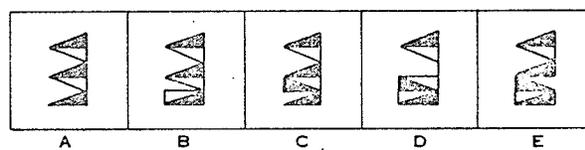
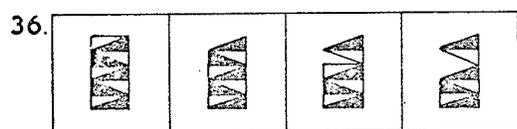
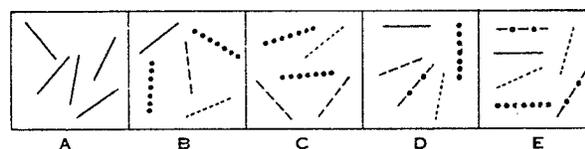
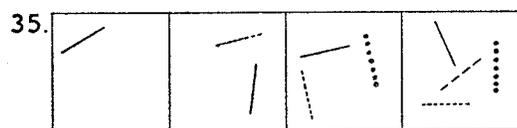
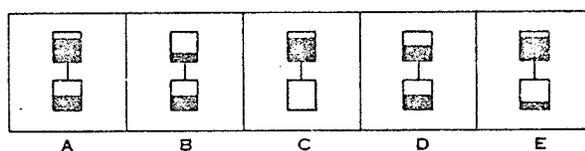
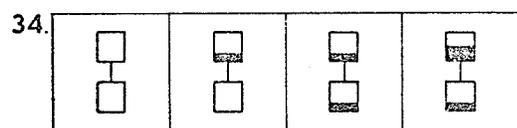
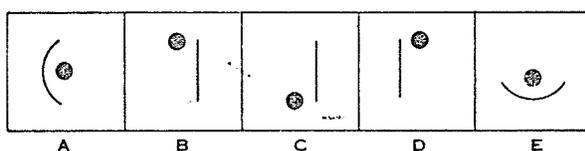
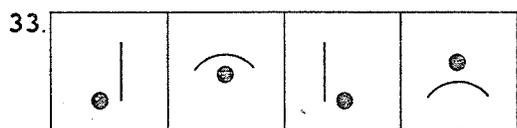
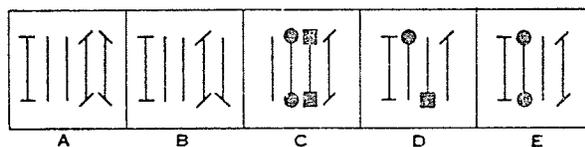
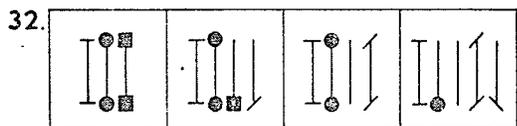
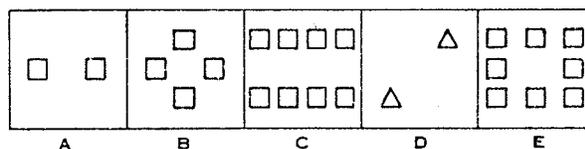
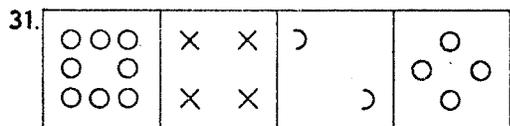
PROBLEM FIGURES

ANSWER FIGURES



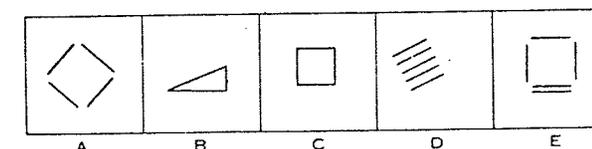
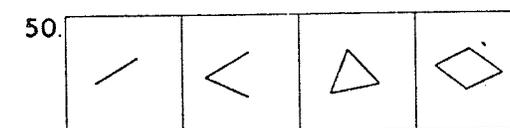
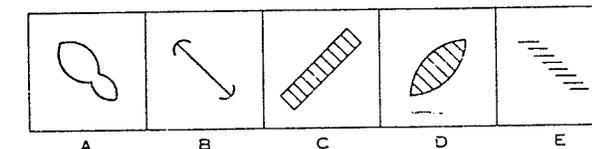
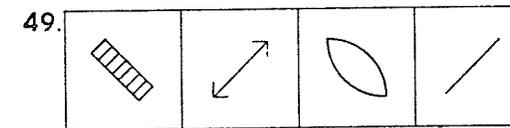
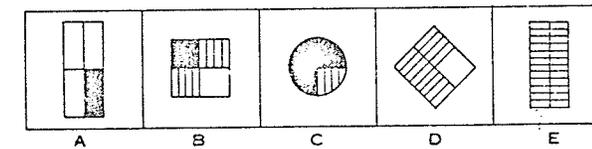
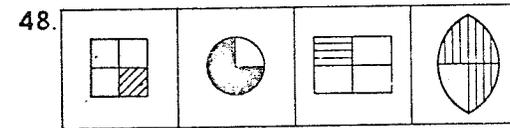
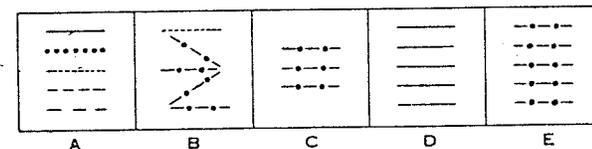
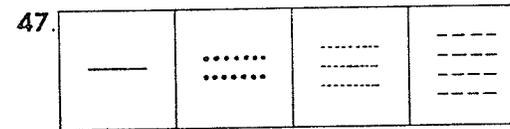
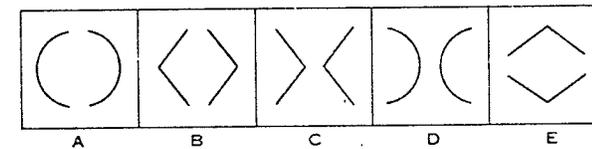
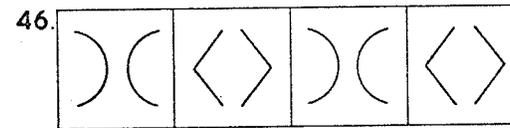
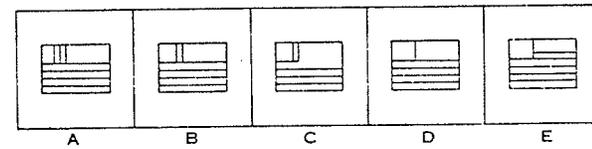
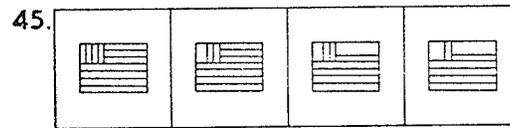
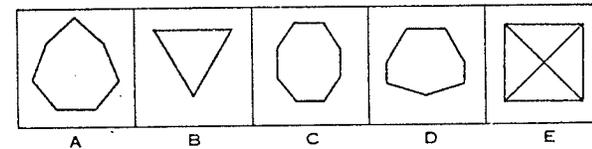
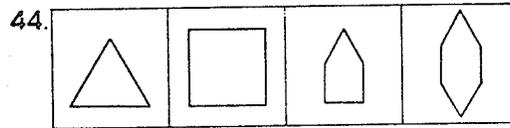
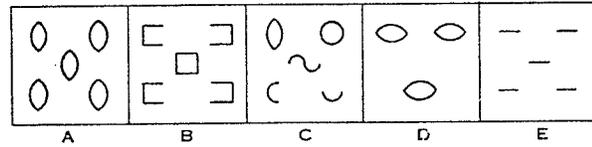
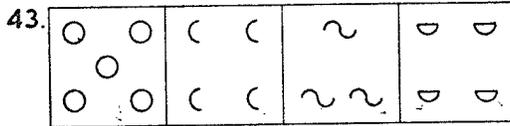
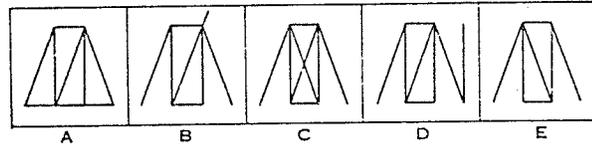
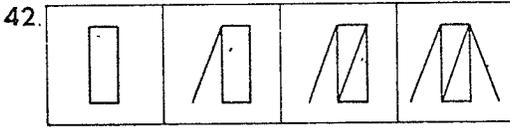
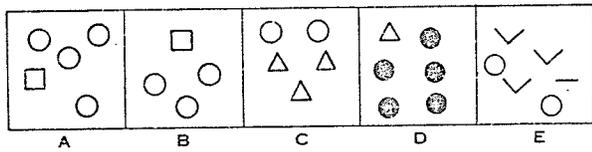
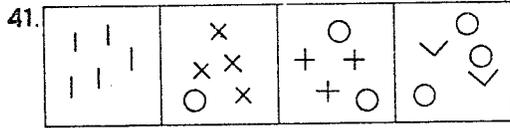
PROBLEM FIGURES

ANSWER FIGURES



PROBLEM FIGURES

ANSWER FIGURES



Do not make any marks in this booklet

CLERICAL SPEED AND ACCURACY

Mark your answers on the separate Answer Sheet

DIRECTIONS

Find the Answer Sheet for Part I of Clerical Speed and Accuracy. Print your name and fill in the other requested information in the proper spaces.

This is a test to see how quickly and accurately you can compare letter and number combinations. On the following pages are groups of these combinations; each Test Item contains five. These same combinations appear after the number for each Test Item on the separate Answer Sheet, but they are in a different order. You will notice that in each Test Item one of the five is underlined. You are to look at the one combination which is underlined, find the same one after that item number on the separate Answer Sheet, and fill in the space under it.

These examples are correctly done. Note that the combination on the Answer Sheet must be exactly the same as the one in the Test Item.

TEST ITEMS

V.	<u>AB</u>	AC	AD	AE	AF
W.	aA	aB	BA	Ba	<u>Bb</u>
X.	A7	7A	B7	<u>7B</u>	AB
Y.	Aa	Ba	<u>bA</u>	BA	bB
Z.	3A	3B	<u>33</u>	B3	BB

SAMPLES OF ANSWER SHEETS

	AC	AE	AF	AB	AD
V.	⋮	⋮	⋮	⋮	⋮
	BA	Ba	Bb	aA	aB
W.	⋮	⋮	⋮	⋮	⋮
	7B	B7	AB	7A	A7
X.	⋮	⋮	⋮	⋮	⋮
	Aa	bA	bB	Ba	BA
Y.	⋮	⋮	⋮	⋮	⋮
	BB	3B	B3	3A	33
Z.	⋮	⋮	⋮	⋮	⋮

	AC	AE	AF	AB	AD
V.	○	○	○	○	○
	BA	Ba	Bb	aA	aB
W.	○	○	○	○	○
	7B	B7	AB	7A	A7
X.	○	○	○	○	○
	Aa	bA	bB	Ba	BA
Y.	○	○	○	○	○
	BB	3B	B3	3A	33
Z.	○	○	○	○	○

If you finish the items in Part I before time is called, check your work. Do not turn to Part II until you are told to do so. Work as fast as you can.

You will have 3 minutes for each part of this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN OVER THE BOOKLET UNTIL YOU ARE TOLD TO DO SO.

PART I

<u>nv</u> nx xn vx xv	21. ar ra <u>ro</u> or oa	41. 7c 9b <u>9c</u> 9e 7b	61. HN HZ ZH ZN <u>NH</u>	81. 35 53 h3 <u>3h</u> 5h
bl dl ld <u>lb</u> bd	22. lc lo ol <u>oc</u> co	42. 7c <u>2b</u> 7b 2d 7d	62. RR BR RB <u>BB</u> RP	82. bl <u>dl</u> ld lb bd
ar au ur ra <u>ru</u>	23. ls 13 3l 3s <u>sl</u>	43. <u>n3</u> Sn 3s ns 3n	63. CU <u>UU</u> UC US CC	83. fk <u>lk</u> kf lf kl
<u>wu</u> vü vw wv uw	24. ma cm ca <u>mc</u> am	44. 20 <u>25</u> 02 05 52	64. PR PB RB <u>RP</u> BP	84. 69 6d 9d d6 <u>d9</u>
wm um mu wu <u>mw</u>	25. xv vx <u>yw</u> wx wv	45. ec ac <u>ca</u> ce ae	65. CK KJ JC KC <u>JK</u>	85. XX VX <u>VZ</u> ZV XV
<u>79</u> 76 67 69 97	26. <u>ud</u> un nd nu du	46. 2h h4 42 <u>4h</u> 24	66. Tl Tt <u>tl</u> Tt TT	86. <u>j8</u> a8 8a 8j ja
ra <u>na</u> nr rn ar	27. fk <u>lk</u> kf lf kl	47. <u>av</u> va vo ao ov	67. SX sX sx <u>Xs</u> XS	87. 79 76 <u>67</u> 69 97
za mz <u>zm</u> az ma	28. pq <u>qg</u> gp gq qp	48. fa <u>fr</u> ra rf ar	68. LT Tt <u>tT</u> Tl tt	88. nr <u>ne</u> en rn re
AV VN NV <u>NA</u> VA	29. 2u 2q <u>qu</u> q2 u2	49. <u>ma</u> cm ca mc am	69. Zz NZ zZ zn <u>ZN</u>	89. 4X 4V <u>Vx</u> V4 X4
OQ <u>CQ</u> QC QO OC	30. 4l 44 <u>l4</u> 1l 40	50. rc cr <u>co</u> oc or	70. GQ Qg <u>qq</u> qg QG	90. vn vz zv nv <u>zn</u>
<u>CU</u> UU UC US CC	31. nr ne en rn <u>re</u>	51. <u>ch</u> ho hc oc oh	71. 4c <u>la</u> 1c 4d 2d	91. B8 R8 <u>8B</u> RB 8R
4H 4N NH N4 <u>HN</u>	32. bb <u>dd</u> ld db bd	52. se <u>rs</u> re es er	72. <u>S8</u> C3 S3 C8 C5	92. <u>OQ</u> CQ QC QO OC
Rr RP <u>pR</u> PP rr	33. RB <u>RD</u> DR BR BD	53. <u>ar</u> au ur ra ru	73. A9 <u>7b</u> 79 9b b7	93. OD OB <u>BD</u> DO BO
Aa A8 8a <u>8A</u> aA	34. MW MV VW <u>VM</u> WM	54. pq qg <u>gp</u> gq qp	74. 18 8l <u>7l</u> 78 17	94. ZY ZX XY <u>YZ</u> YX
LT Tt <u>tT</u> Tl tt	35. OD OB BD <u>DO</u> BO	55. am na nm <u>mn</u> an	75. b4 4d db d4 <u>bd</u>	95. OY OC <u>UC</u> UO CO
Av <u>Vv</u> av VV AA	36. PR <u>PB</u> RB RP BP	56. gj <u>lg</u> pg jp gp	76. <u>u6</u> u4 4u 6u 46	96. Cc Oc OO cO <u>cc</u>
4d 3c <u>4a</u> 4c 3a	37. Dd Db <u>dB</u> bB DD	57. <u>tp</u> et ep pe pt	77. 3x 7x <u>73</u> 37 x7	97. Aa <u>A8</u> 8a 8A aA
X7 V9 V5 X9 <u>V7</u>	38. EE Ef eF Fe <u>FF</u>	58. ra na nr rn <u>ar</u>	78. 1s 13 3l 3s <u>sl</u>	98. Ze Zz <u>ZE</u> zE eZ
<u>A9</u> 7b 79 9b b7	39. Ze Zz <u>ZE</u> zE eZ	59. bb dd ld <u>db</u> bd	79. <u>en</u> dn de ed nd	99. BP Pb bP <u>pp</u> bB
<u>20</u> 25 02 05 52	40. <u>Zz</u> NZ zZ zn ZN	60. 18 <u>8l</u> 1a 8a a8	80. ni fi <u>fn</u> in nf	100. <u>Cz</u> CZ Zc zC cz

STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

PART II

1. YZ VY VX XY ZY

2. b9 c6 69 96 6c

3. ou oa ua uo ao

4. lc lo ol oc co

5. X7 V9 V5 X9 V7

6. Sc 8c 8s cS c8

7. ob bt ot tb bo

8. 5e 3d 4d 2e 2d

9. rc dc dr rd cr

0. ws sw st tw ts

1. wm um mu wu mw

2. pp qq pq pg qp

3. nv nx xn vx xv

4. nu un um mn mu

5. zn zz nz nn mn

6. pg gy py yp yg

7. 59 9Y 5Y Y9 95

8. nu on ou un uo

9. ud un nd nu du

0. 41 44 14 11 40

21. Rr RP pR PP rr

22. LT IT IL TL TI

23. MW MV VW VM WM

24. Uu Wu uW WW uU

25. 3x xc c3 cx 3c

26. AV VN NV NA VA

27. YX XX Yy Xy xX

28. EL FL FE LF LE

29. MN NM VN MV NV

30. EE Ef eF Fe FF

31. S8 C8 8C 8S S5

32. h6 h8 86 8h 6h

33. 4d 3c 4a 4c 3a

34. Z4 Z1 14 1Z 4Z

35. Qo Qq OQ oq QQ

36. xc ex ec ce xe

37. ar ra ro or oa

38. 8c 8a 7a 6c 7c

39. us ue se su eu

40. wo ro rw ow wr

41. wu vu vw wv uw

42. er ri ir ie re

43. 31 23 32 13 21

44. 2u 2q qu q2 u2

45. xv vx vw wx wv

46. ae et ea ta te

47. VI SI SV VS IV

48. th he et eh ht

49. za mz zm az ma

50. sx sa ax xs xa

51. Av Vv aV VV AA

52. Mw wW WM MM mW

53. 4H 4N NH N4 HN

54. Dd Db dB bB DD

55. S8 83 S3 38 3S

56. X0 00 OX OV XX

57. S8 C8 8C 8S S5

58. X7 V9 V5 X9 V7

59. L7 L1 17 1L 7L

60. RB RD DR BR BD

61. 18 81 71 78 17

62. Vv Ww Wv wV vv

63. Mm MN NN nn mM

64. b9 c6 69 96 6c

65. 4c 1a 1c 4d 2d

66. 2h h4 42 4h 24

67. YZ VY VX XY ZX

68. n3 Sn 3s ns 3n

69. wo ro rw ow wr

70. ar ra ro or oa

71. ni fi fn in nf

72. wu vu vw wv uw

73. th he. et eh ht

74. am na nm mn an

75. 3x 7x 73 37 x7

76. j8 a8 8a 8j ja

77. 59 9Y 5Y Y9 95

78. fk lk kf lf kl

79. ma cm ca mc am

80. nv nx xn vx xv

81. se rs re es r

82. 4X 4V VX V4 X4

83. zn zz nz nn mn

84. LT IT IL TL TI

85. 41 44 14 11 40

86. us ue se su eu

87. PR PB RB RP BP

88. Rr RP pR PP rr

89. SX sX sx Xs XS

90. ra na nr rn ar

91. OU OC UC UO CO

92. RB RD DR BR BD

93. XX XO OO OX OV

94. HN HZ ZH ZN NH

95. Av Vv aV VV AA

96. OQ CQ QC QO OC

97. Ze Zz ZE zE eZ

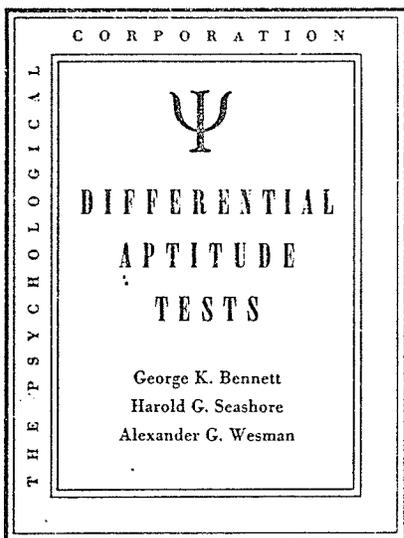
98. GQ Qg qq qg QG

99. Mm MN NN nn mM

100. Qo Qq OQ oq QQ

STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

FORM L



BOOKLET 2

MECHANICAL REASONING

Page 2

SPACE RELATIONS

Page 20

LANGUAGE USAGE—SPELLING

Page 35

LANGUAGE USAGE—GRAMMAR

Page 37

Do not open this booklet until you are told to do so. Wait for the examiner's instructions. Then:

On the SEPARATE ANSWER SHEET, print your name and fill in the other requested information in the proper spaces.

In the space after Form, blacken the space for the letter L.

Then wait for further instructions.

DO NOT MAKE ANY MARKS IN THIS BOOKLET

The tests contained in this booklet have been designed for use with answer forms published or authorized by The Psychological Corporation. If other answer forms are used, The Psychological Corporation takes no responsibility for the meaningfulness of scores.

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Do not make any marks in this booklet

MECHANICAL REASONING

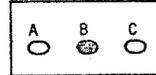
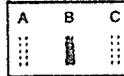
Mark your answers on the separate Answer Sheet

DIRECTIONS

Find the space for Mechanical Reasoning on the Answer Sheet.

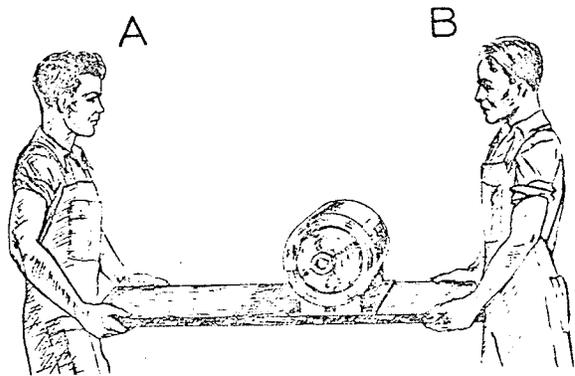
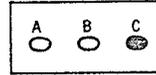
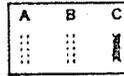
This test consists of a number of pictures and questions about those pictures. Look at Example X on this page to see just what to do. Example X shows a picture of two men carrying a machine part on a board and asks, "Which man has the heavier load? If equal, mark C." Man "B" has the heavier load because the weight is closer to him than to man "A," so on the separate Answer Sheet you would fill in the space under B.

SAMPLES OF ANSWER SHEETS:



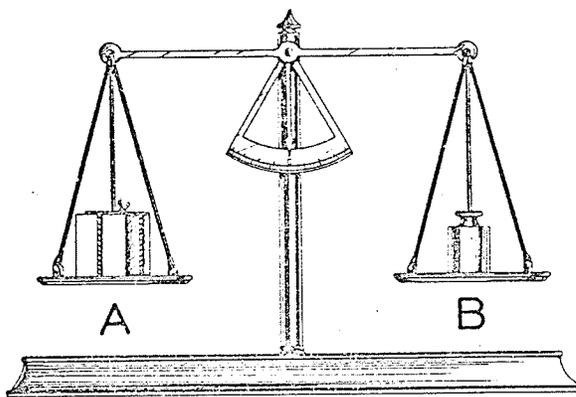
Now look at Example Y. The question asks, "Which weighs more? If equal, mark C." As the scale is perfectly balanced, "A" and "B" must weigh the same, so you would blacken the space under C on your separate Answer Sheet.

SAMPLES OF ANSWER SHEETS:



X

Which man has the heavier load?
(If equal, mark C.)



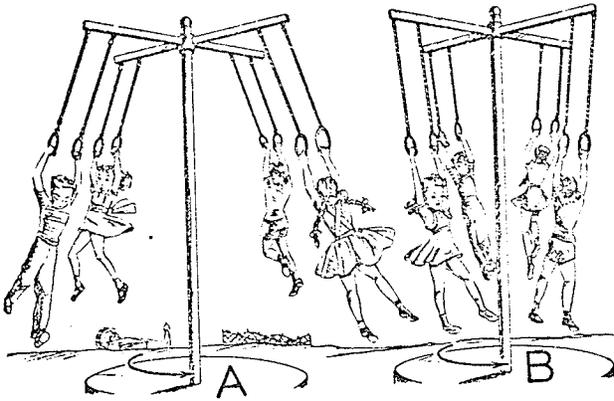
Y

Which weighs more?
(If equal, mark C.)

On the following pages there are more pictures and questions. Read each question carefully, look at the picture, and mark your answer on the separate Answer Sheet. Do not forget that there is a third choice for every question.

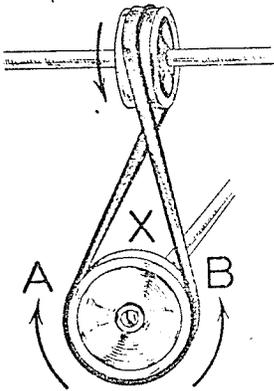
You will have 30 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN OVER THE BOOKLET UNTIL YOU ARE TOLD TO DO SO.



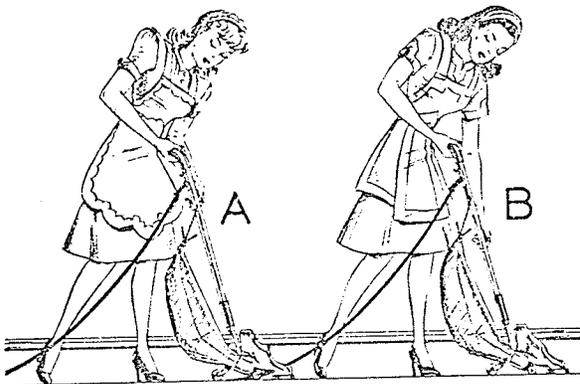
1

In which picture are the children whirling faster?
(If equal, mark C.)



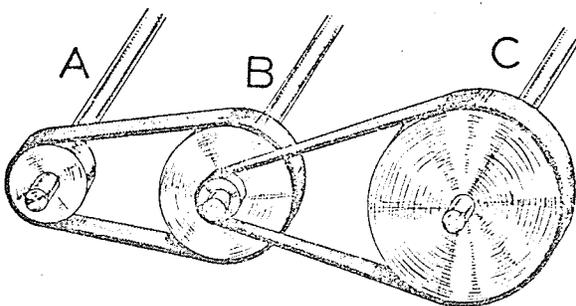
2

When the top pulley turns in the direction shown, which way will the lower pulley turn?
(If either, mark C.)



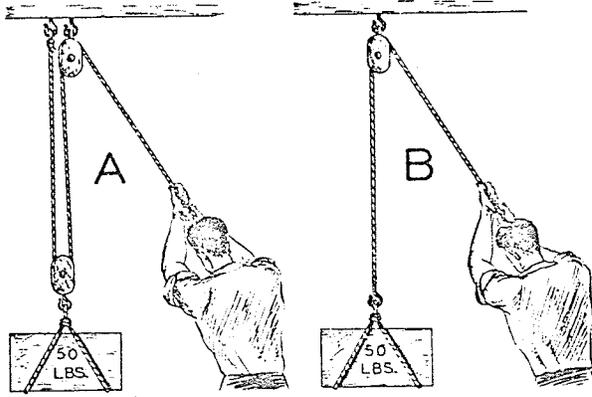
3

Which girl can lift the cleaner more easily?
(If equal, mark C.)



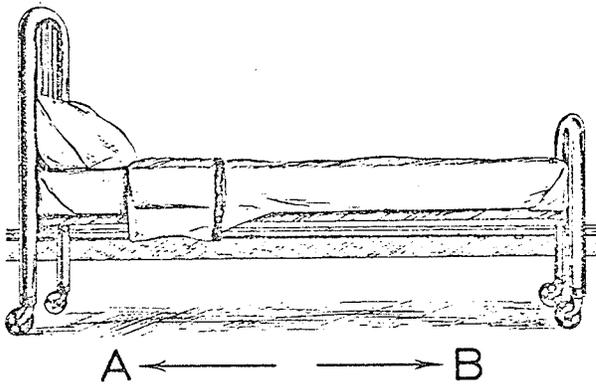
4

Which shaft will turn most slowly?



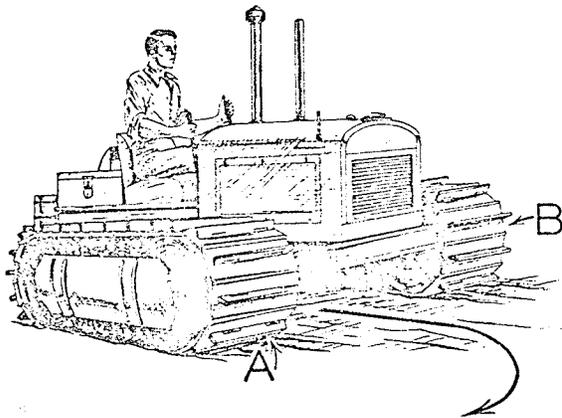
5

Which man must pull harder to lift the weight?
 (If equal, mark C.)



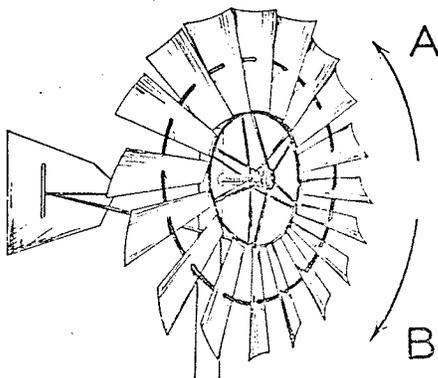
6

Which way has this bed just been rolled?
 (If either, mark C.)



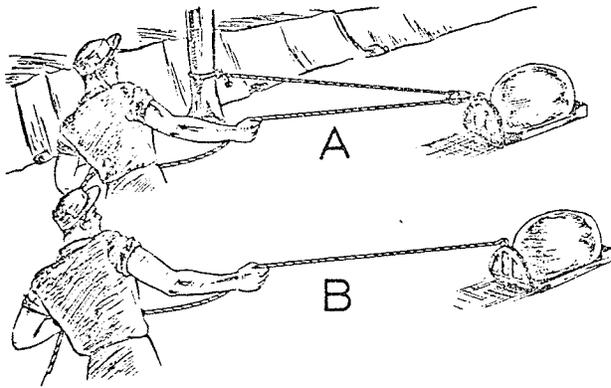
7

Which tread should move more slowly for the tractor to turn in the direction shown?
 (If neither, mark C.)



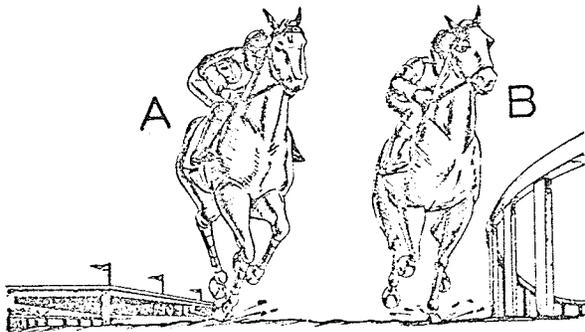
8

In which direction is this windmill more likely to turn?
 (If either, mark C.)



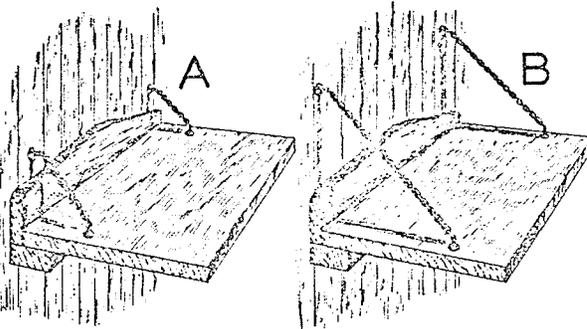
9

Which man has to pull harder?
(If equal, mark C.)



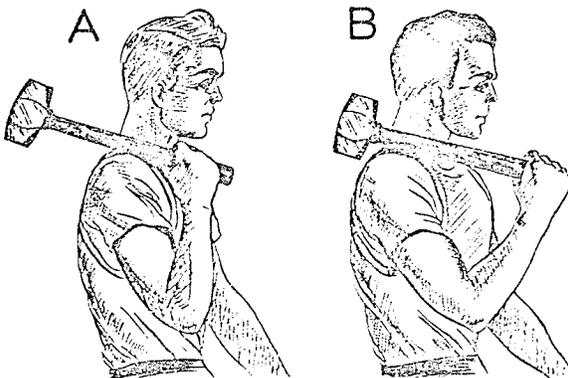
10

Which horse must go faster to hold his place on the turn?
(If equal, mark C.)



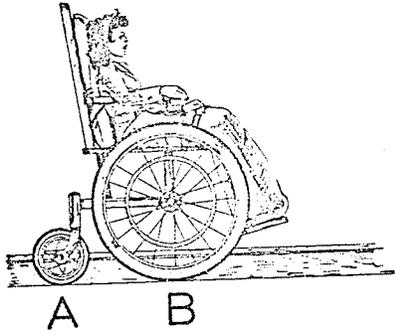
11

Which shelf is stronger?
(If equal, mark C.)



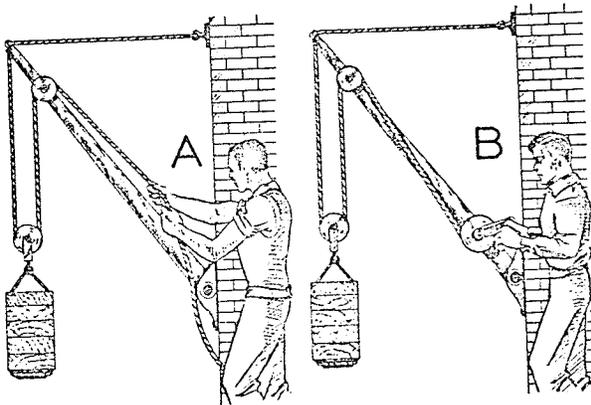
12

Which is the harder way to carry the hammer?
(If equal, mark C.)



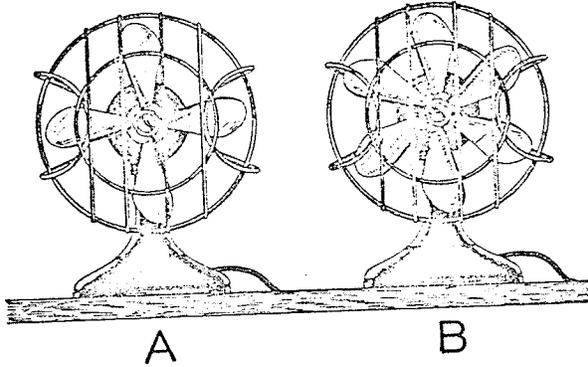
13

Which wheel will turn faster?
(If equal, mark C.)



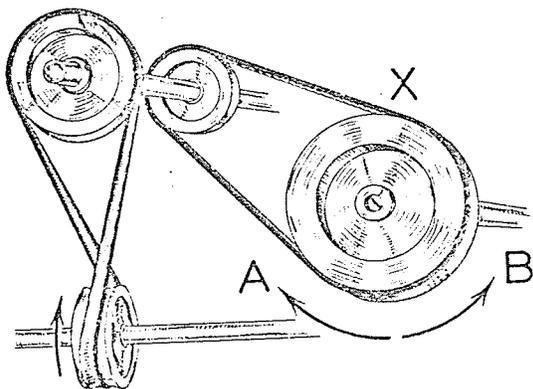
14

Which man can lift the weight
more easily?
(If equal, mark C.)



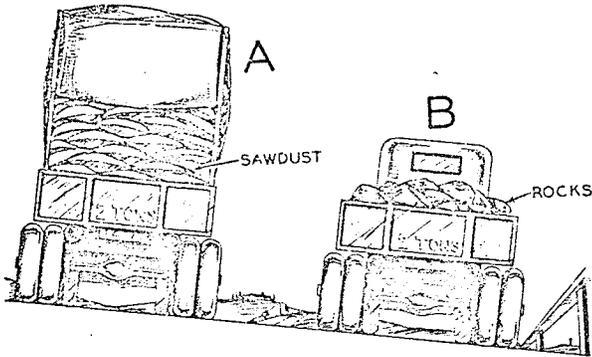
15

Which fan needs the more power-
ful motor?
(If equal, mark C.)



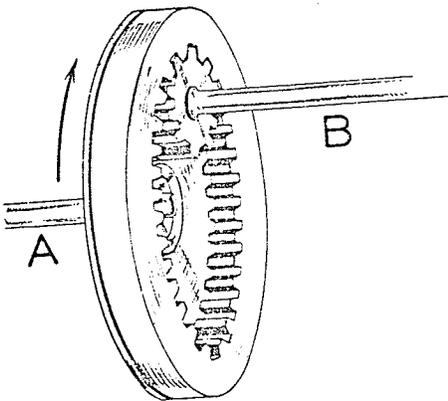
16

Which way will pulley "X" turn?
(If either, mark C.)



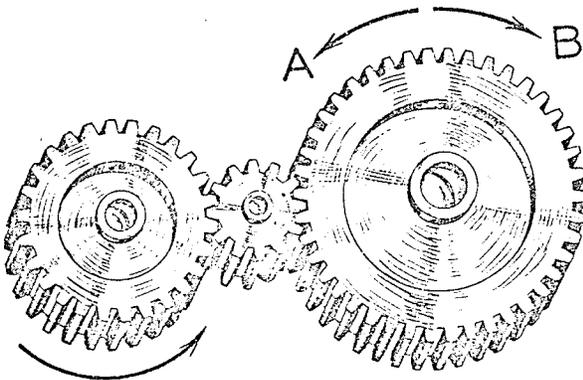
17

Which truck will turn over more easily?
 (If equal, mark C.)



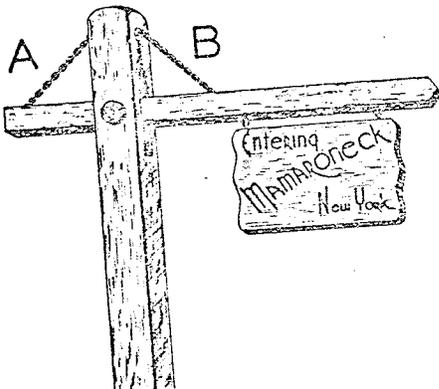
18

Which shaft turns faster?
 (If equal, mark C.)



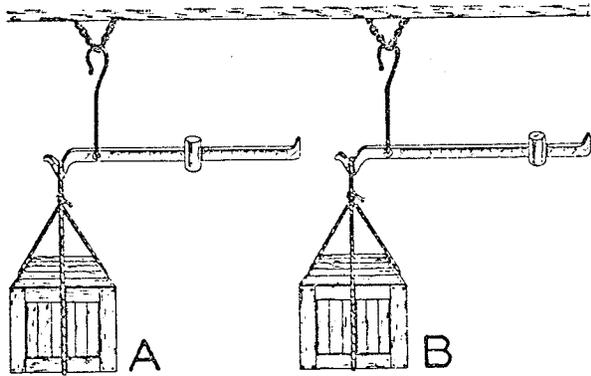
19

When the left-hand gear turns in the direction shown, which way does the right-hand one turn?
 (If either, mark C.)



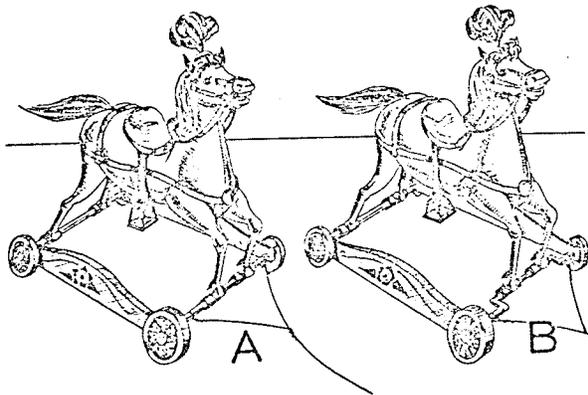
20

Which chain alone will hold up the sign?
 (If either, mark C.)



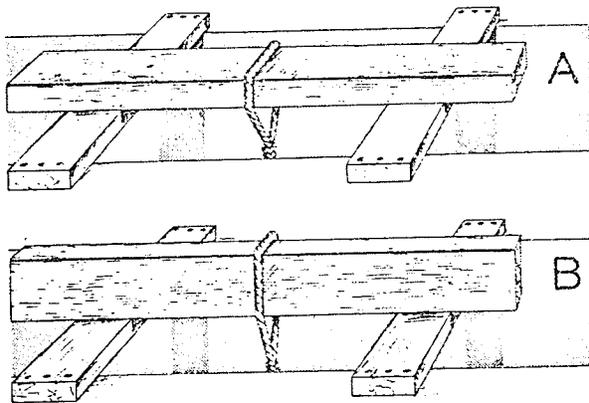
21

Which box weighs more?
(If equal, mark C.)



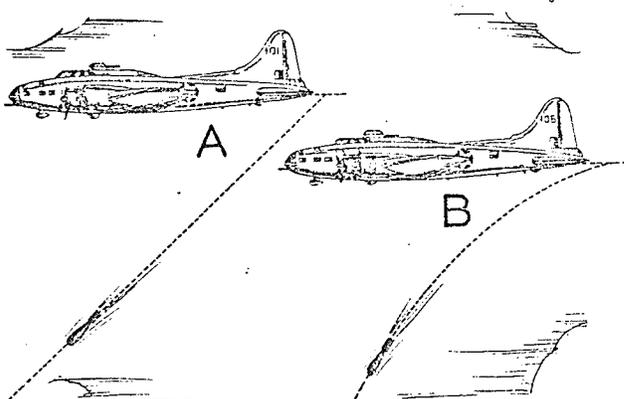
22

Which horse will jump more
when it is pulled?
(If equal, mark C.)



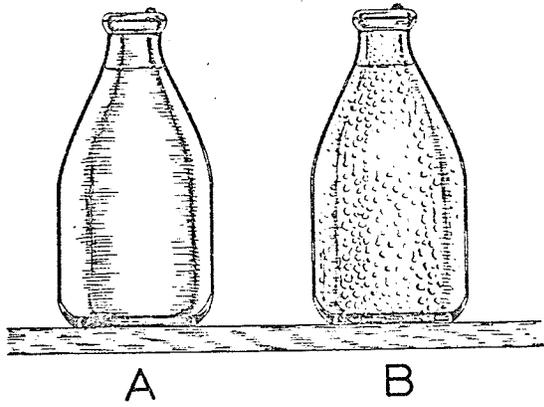
23

In which picture can you safely
put a heavier weight on the rope?
(If equal, mark C.)



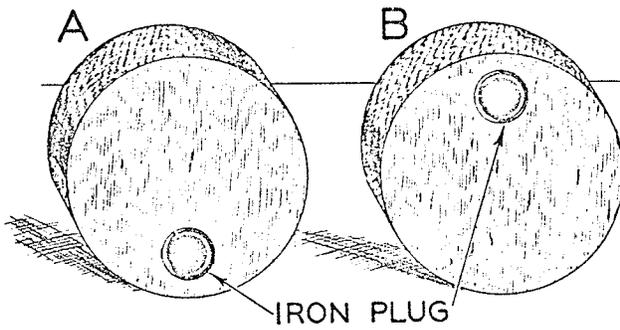
24

Which drawing shows how a
bomb really falls?
(If both, mark C.)



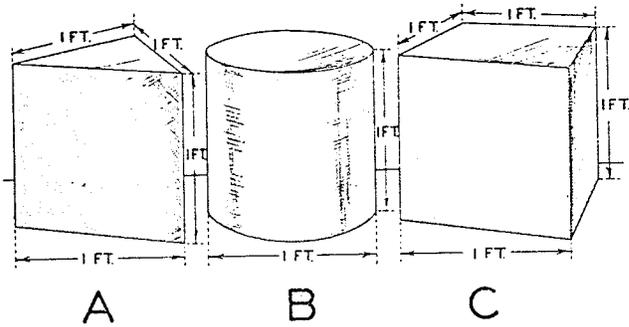
25

Which bottle has just been taken from the refrigerator?
(If neither, mark C.)



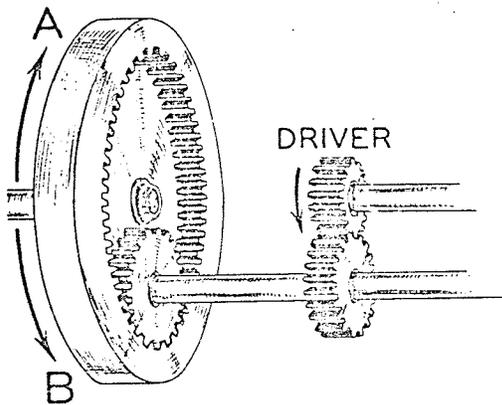
26

Which picture shows how this wooden circle will stand?
(If neither, mark C.)



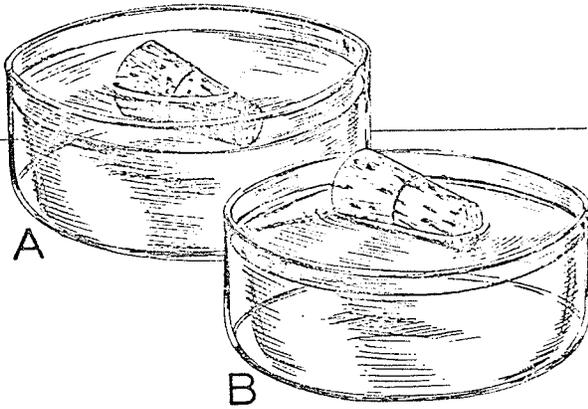
27

Which weighs least?



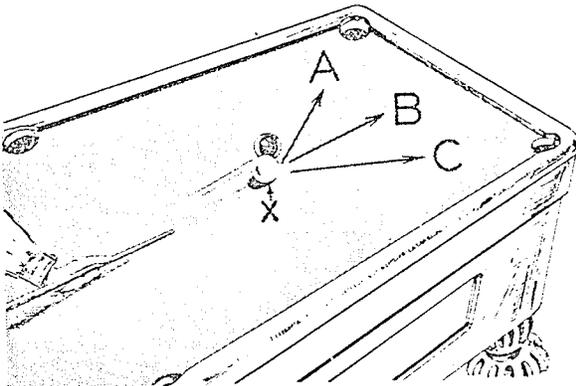
28

When the driver turns in the direction shown, which way will the left-hand gear turn?
(If either, mark C.)



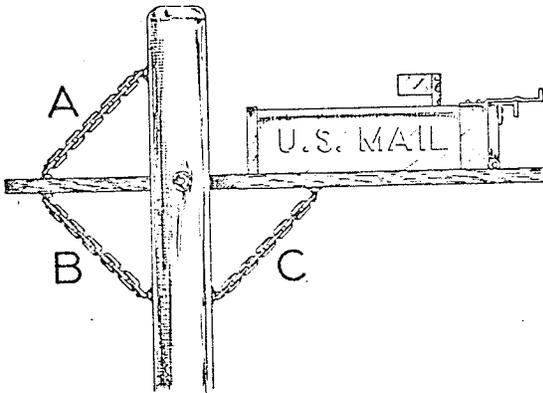
29

Which liquid is heavier?
(If equal, mark C.)



30

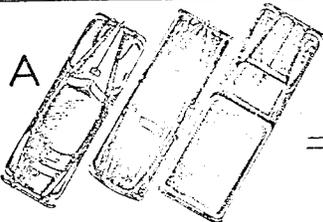
After hitting the black ball, which way will ball "X" go?



31

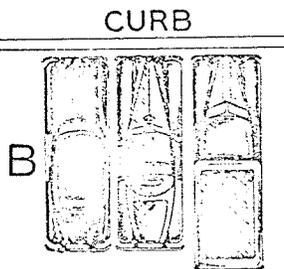
Which one piece of chain is needed to support the mail box?

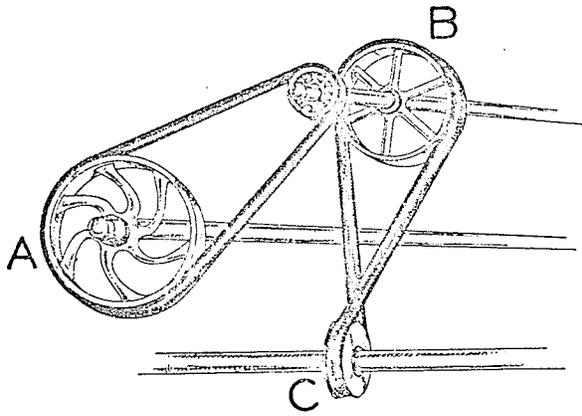
CURB



32

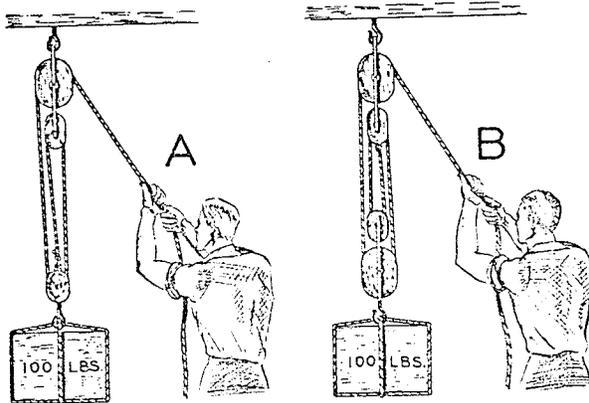
Which way can more cars be parked in a block?
(If equal, mark C.)





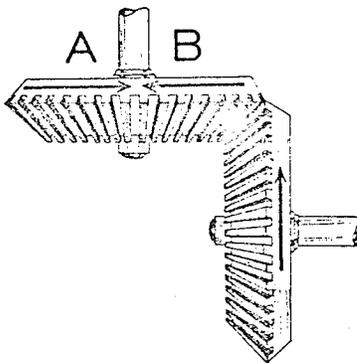
33

Which shaft will turn most rapidly?



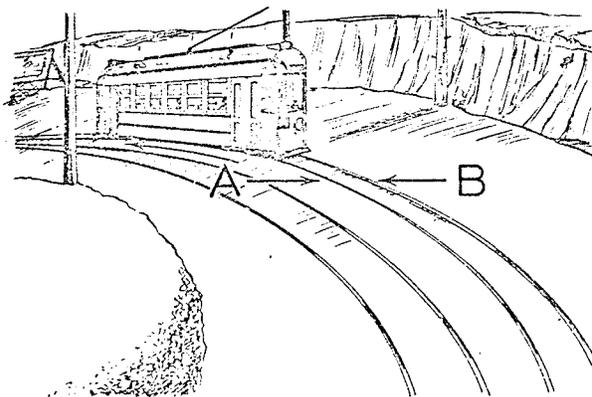
34

Which man can lift the load more easily?
(If equal, mark C.)



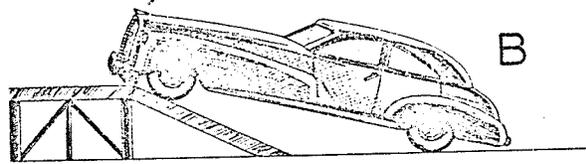
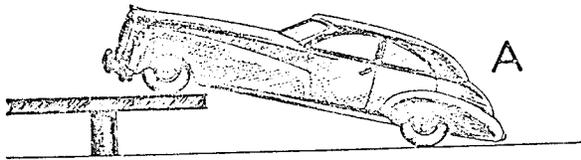
35

When the right-hand gear turns in the direction shown, which way does the top gear turn?
(If neither, mark C.)



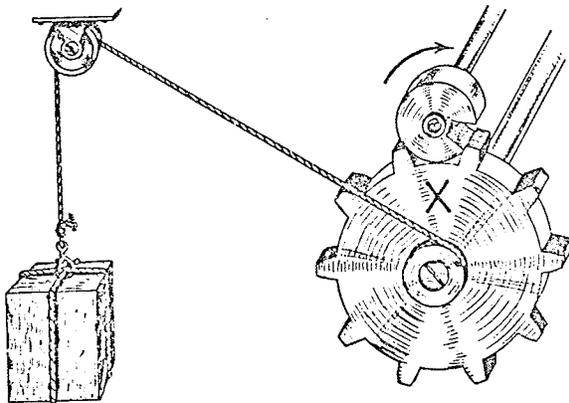
36

Which rail should be higher?
(If equal, mark C.)



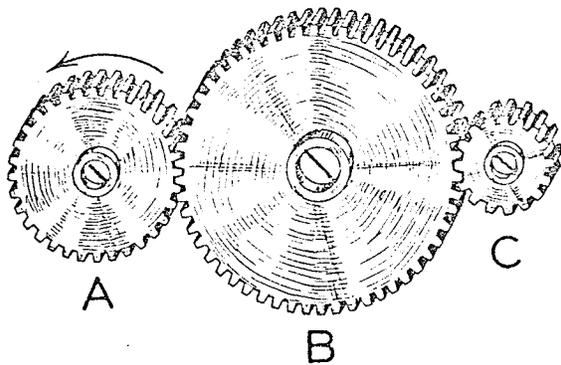
37

Which car is less likely to roll?
 (If equal, mark C.)



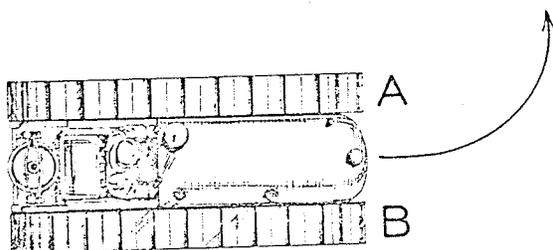
38

The top of wheel "X" will go:
 (A) steadily to the right;
 (B) steadily to the left;
 (C) by jerks to the left.



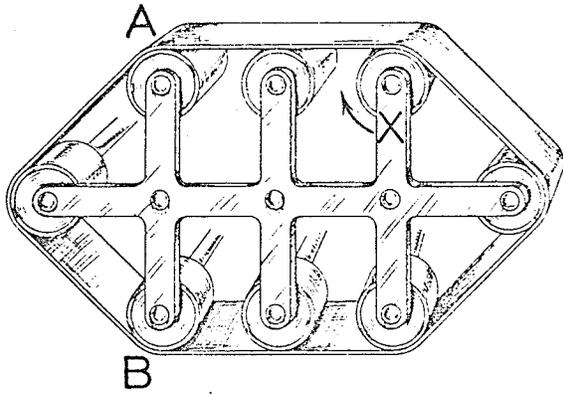
39

Which gear turns most times in
 a minute?



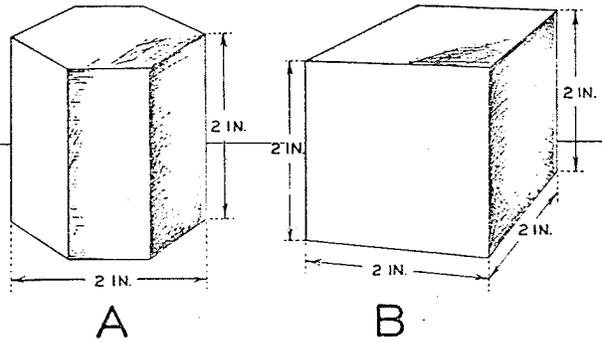
40

Which tread should be run more
 rapidly in order to turn the trac-
 tor in the direction shown?
 (If neither, mark C.)



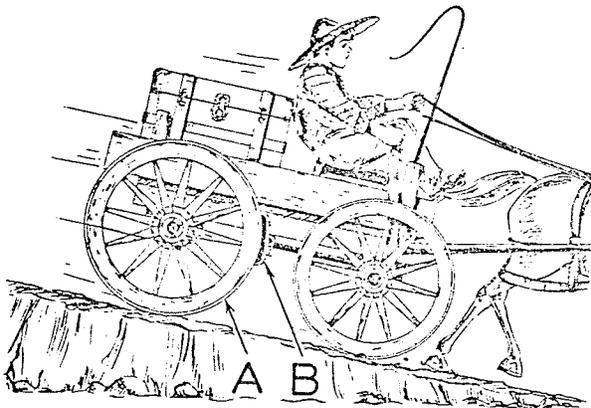
41

Which roller turns the same way as the roller at "X"?
(If both, mark C.)



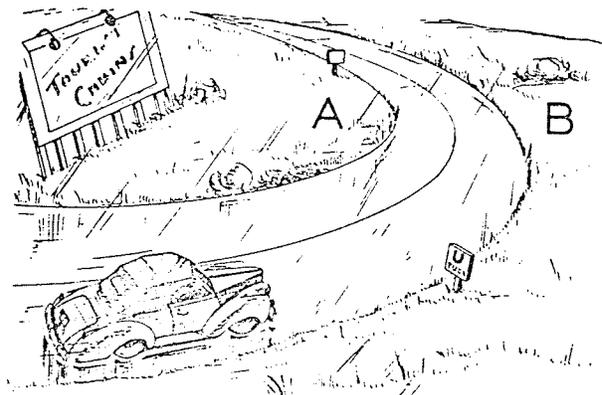
42

Which weighs more?
(If equal, mark C.)



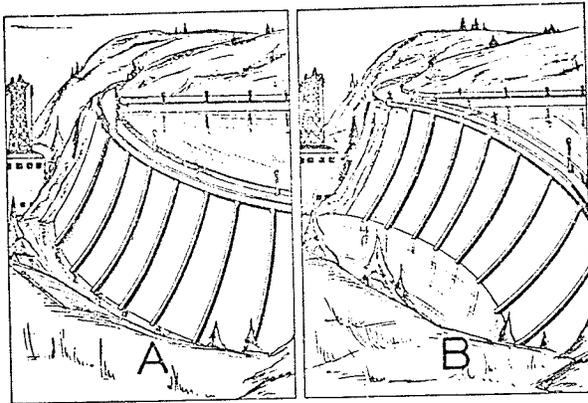
43

When the brake is put on, which part gets hotter?
(If equal, mark C.)



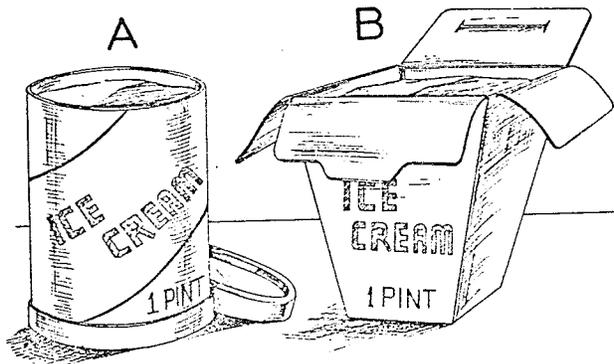
44

Off which side of the road is the car more likely to skid?
(If equal, mark C.)



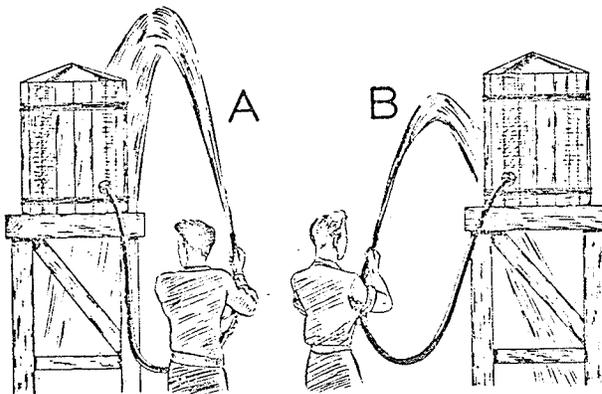
45

Which dam is stronger?
(If equal, mark C.)



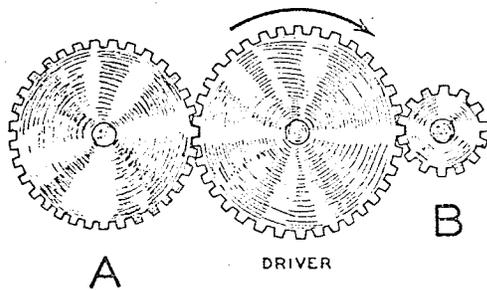
46

In which container will the ice
cream stay hard longer?
(If equal, mark C.)



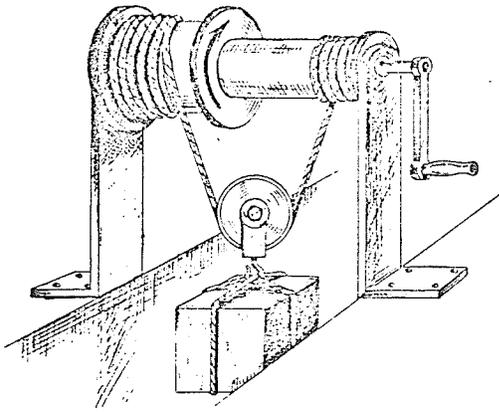
47

Which picture is correct?
(If both, mark C.)



48

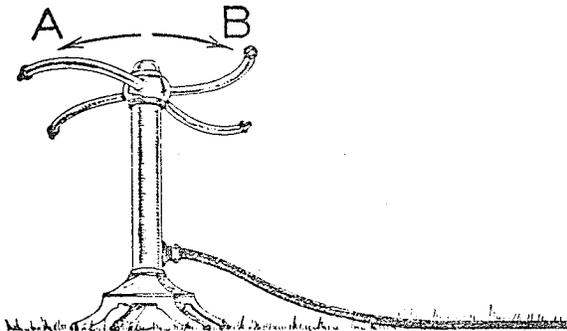
Which gear turns the same way
as the driver?
(If neither, mark C.)



49

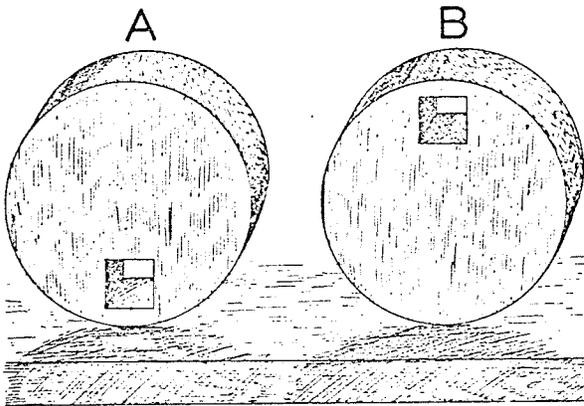
When the windlass is turned in the direction shown, the weight will:

- (A) fall;
- (B) stand still;
- (C) rise.



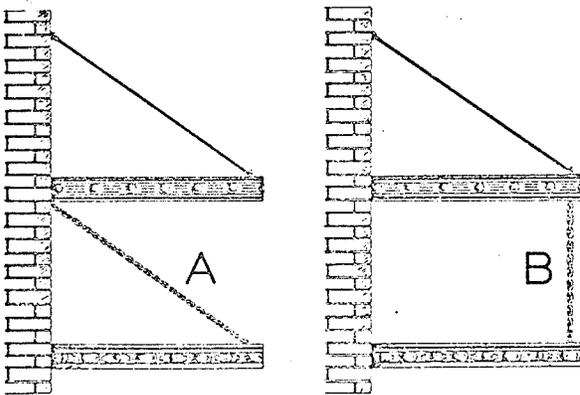
50

When the water is turned on, which way will the sprinkler turn? (If either, mark C.)



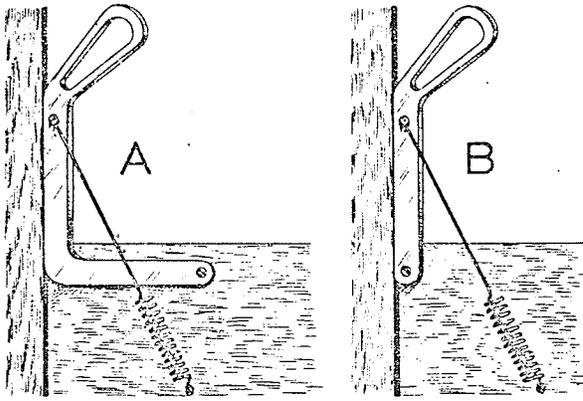
51

Which picture shows how this wooden circle will stand? (If neither, mark C.)



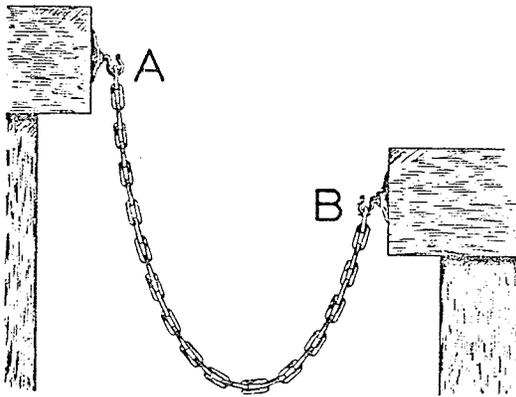
52

Which chain has more strain upon it? (If equal, mark C.)



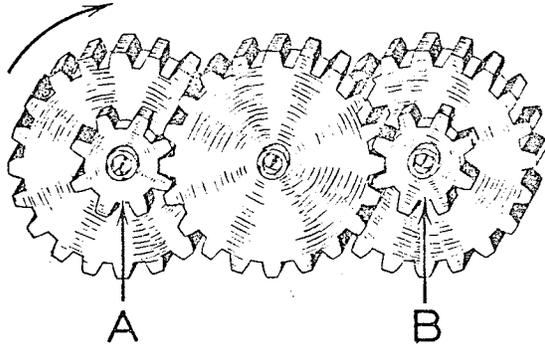
53

In which picture will the spring hold the handle where it now is?
(If both, mark C.)



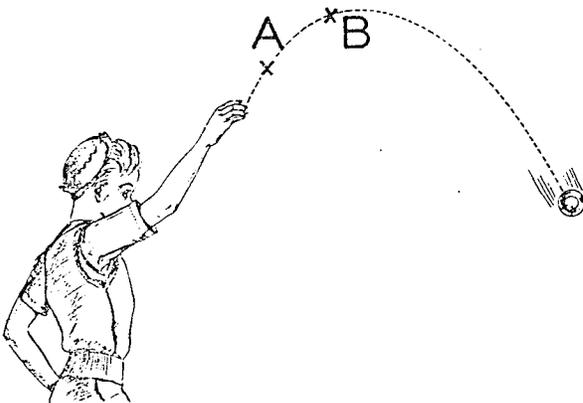
54

Which hook supports more weight?
(If equal, mark C.)



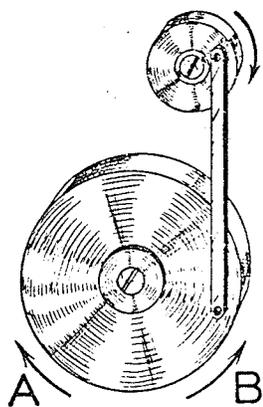
55

Which gear turns slower?
(If equal, mark C.)



56

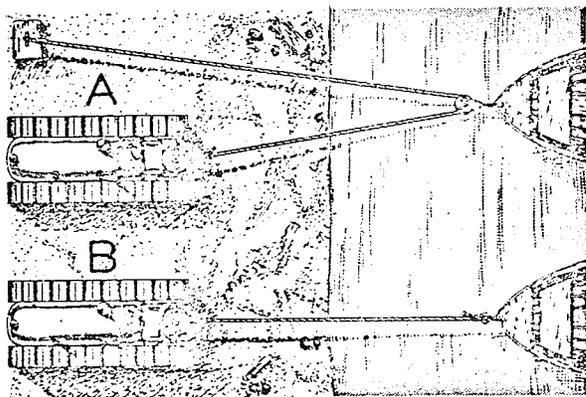
At which point was the ball going faster?
(If equal, mark C.)



57

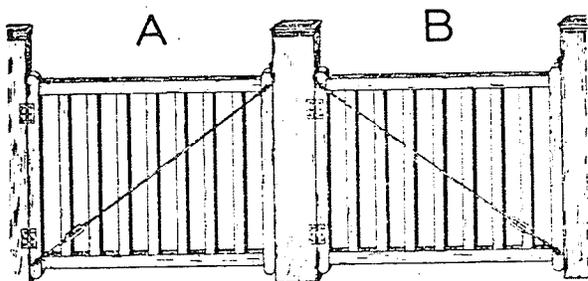
When the small wheel is turned around, the big wheel will:

- (A) turn in direction A;
- (B) turn in direction B;
- (C) move back and forth.



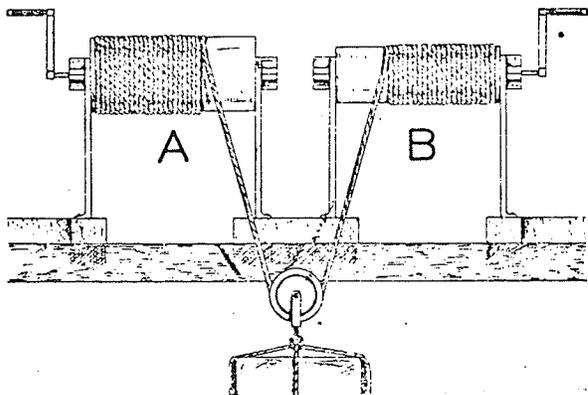
58

Which tractor must go further to pull the boat up on the beach?
(If equal, mark C.)



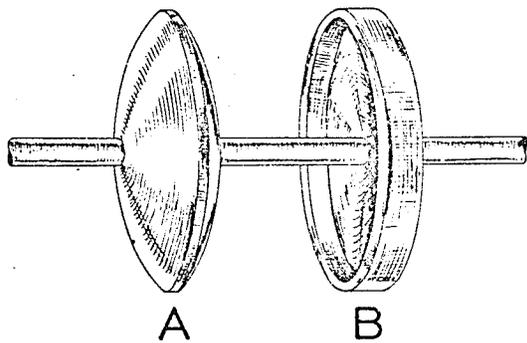
59

Which gate is better braced?
(If equal, mark C.)



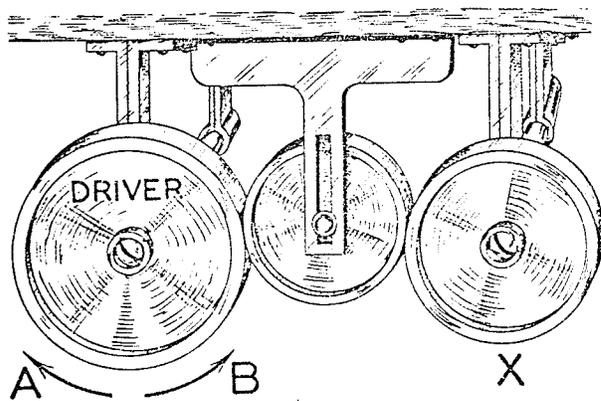
60

Which windlass will be harder to turn in order to lift the weight?
(If equal, mark C.)



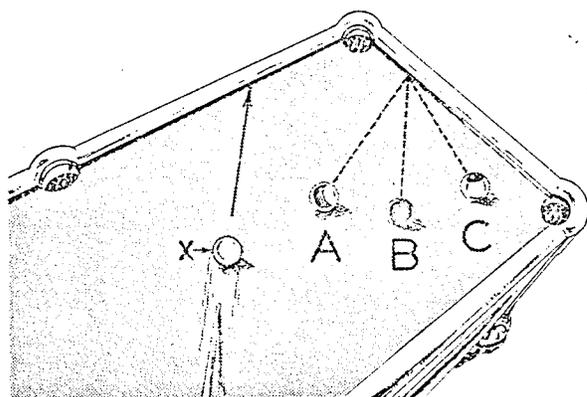
61

Which wheel is safer when spun at high speed?
(If equal, mark C.)



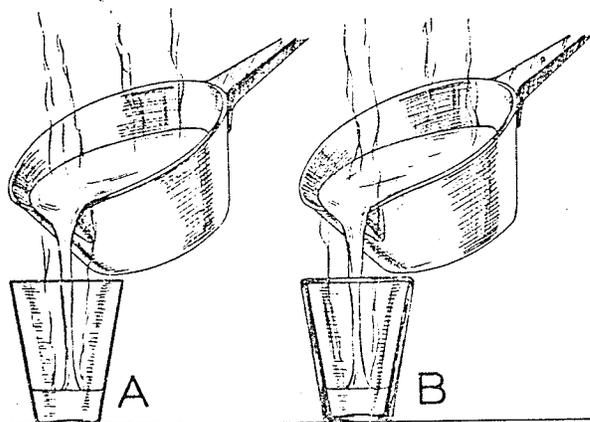
62

Which way must the driver turn to drive the wheel "X"?
(If either, mark C.)



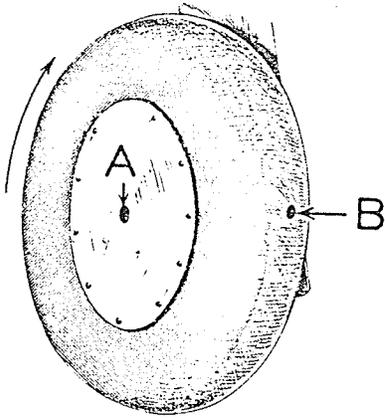
63

Which of these balls will the white ball "X" hit?



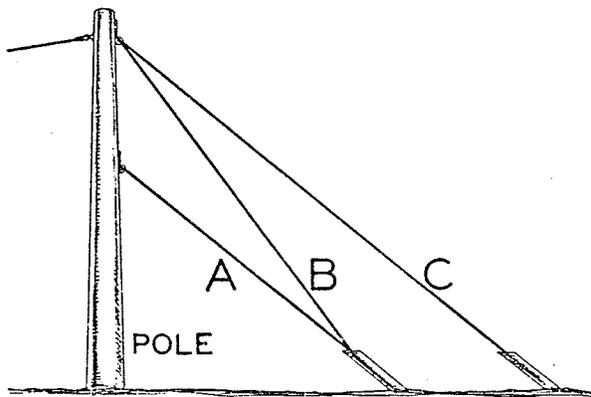
64

Which glass is more likely to break?
(If equal, mark C.)



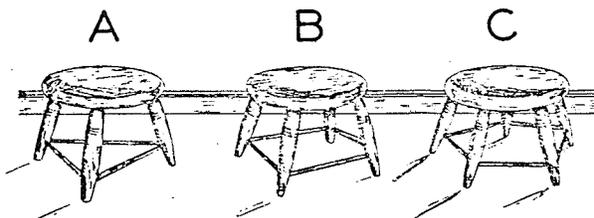
65

Which point moves faster when the wheel turns?
 (If equal, mark C.)



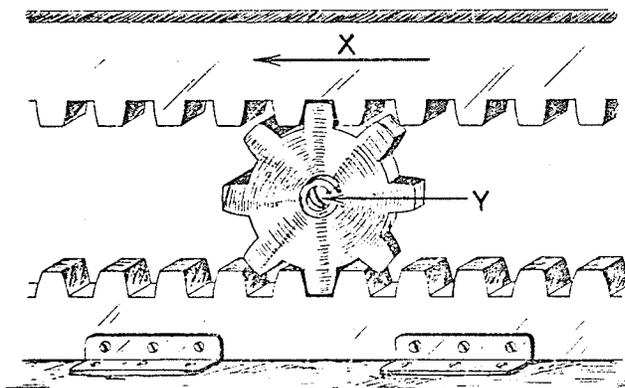
66

Which one piece of cable will give this pole the best support?



67

Which stool will be steadiest on uneven ground?



68

If "X" moves two feet in the direction shown, the center of the gear "Y" will move:

- (A) more than two feet;
- (B) less than two feet;
- (C) two feet.

STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

Do not make
any marks in
this booklet

Mark your answers
on the separate
Answer Sheet

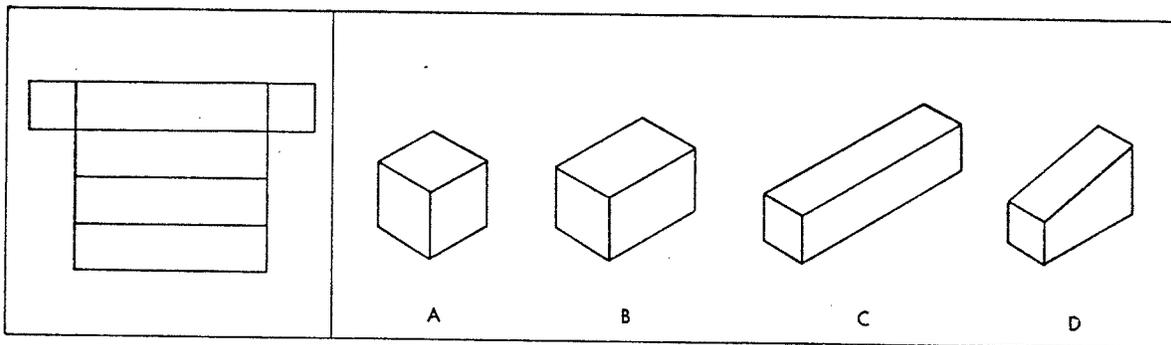
SPACE RELATIONS

DIRECTIONS

Find the place for Space Relations on the Answer Sheet.

This test consists of 60 patterns which can be folded into figures. For each pattern, four figures are shown. You are to decide which one of these figures can be made from the pattern shown. The pattern always shows the outside of the figure. Here is an example:

Example X.



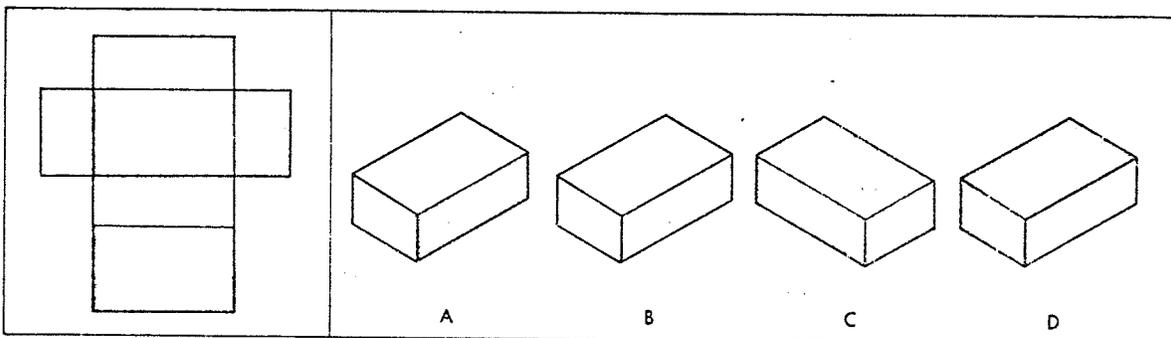
Which one of these four figures — A, B, C, D, — can be made from the pattern in Example X? A and B certainly cannot be made; they are not the right shape. C is correct both in shape and size. You cannot make D from this pattern. Therefore, on the Sample of the Answer Sheet on the next page, C has been marked for Example X.

— In the test there will always be a row of four figures following each pattern.

— In every row there is only one correct figure.

Now look at the pattern for Example Y and the four choices for it. Note that when the pattern is folded, the figure must have three gray surfaces. Two of these will be large surfaces either of which could be the top or the bottom of a box. The other is a small surface which would be one end of the box.

Example Y.

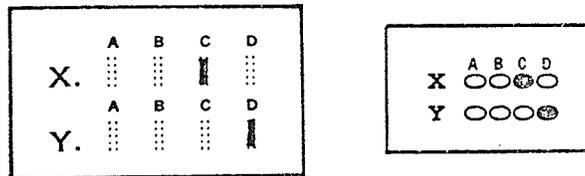


Notice — all the figures made from this pattern are correct in **shape**, but the sides which you see are different. One of these figures can be made from this pattern while the others cannot. Look at the four choices:

- Figure A is wrong. The long, narrow side is not gray in the pattern and the large surface must be gray.
- Figure B is wrong. The large surface must be gray, although the gray end could be at the back.
- Figure C is wrong. The gray top and end are all right, but there is no long gray side in the pattern.
- Figure D is correct. A large gray surface can be shown as the top, and the end surface of gray can be shown facing towards you.

So, you see, all four figures are correct in shape, but only one shows the gray surfaces correctly. Therefore, on the Sample of the Answer Sheet, D has been marked for Example Y.

SAMPLES OF ANSWER SHEETS

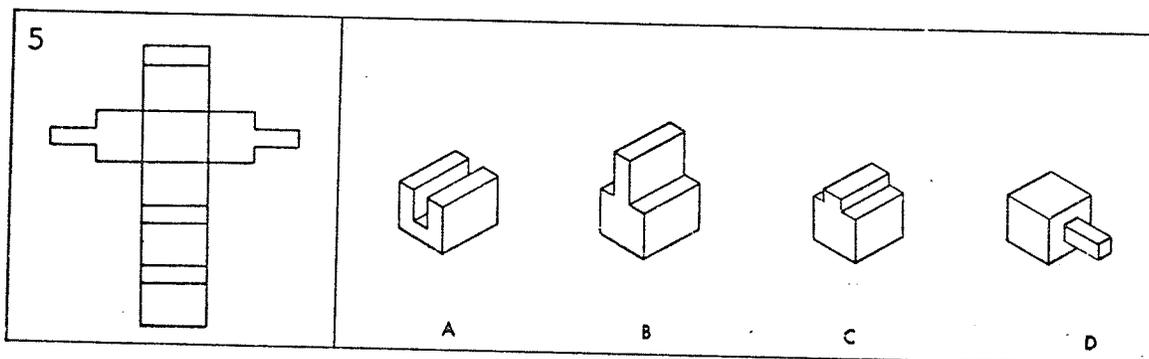
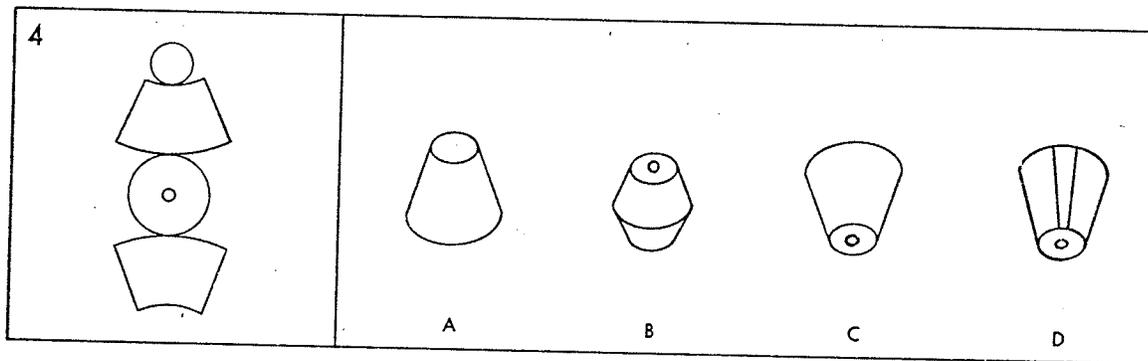
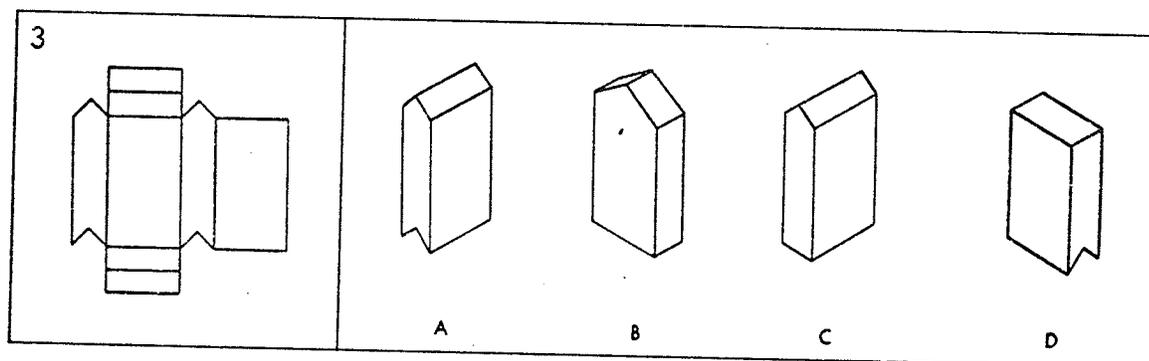
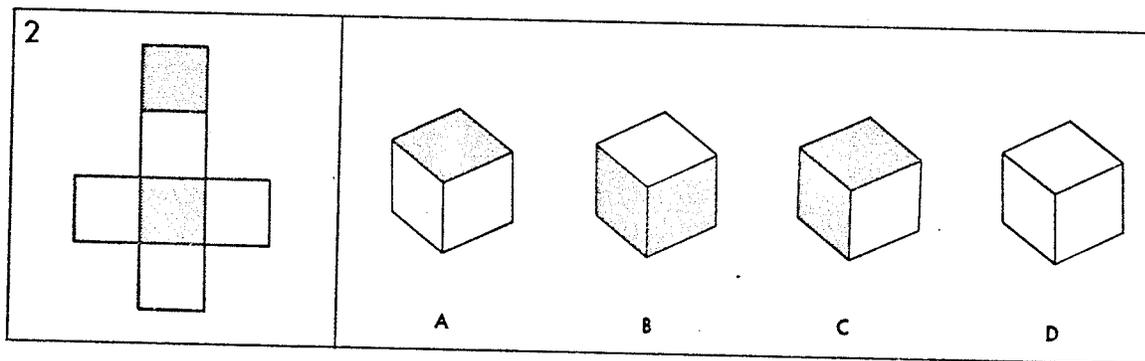
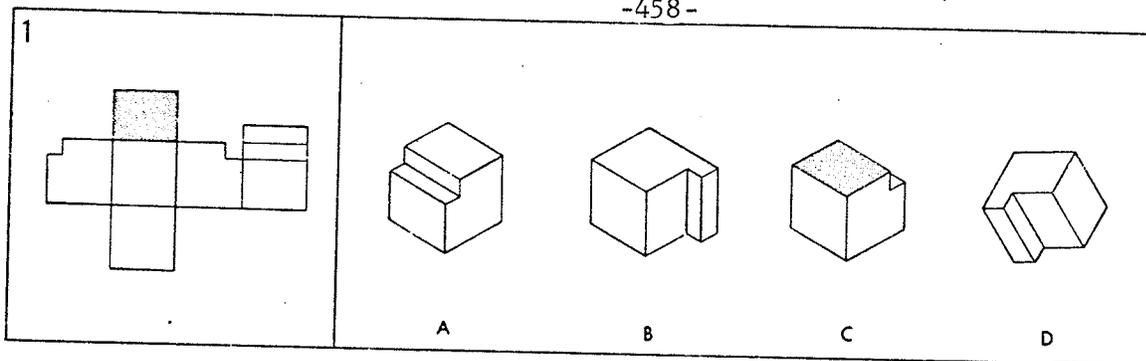


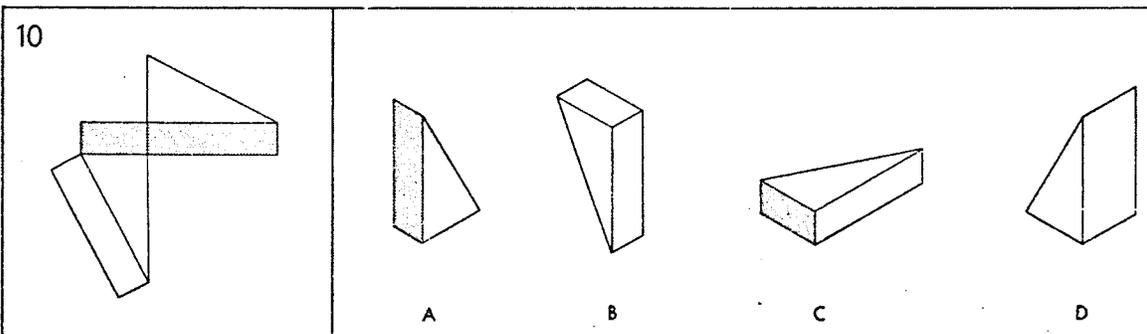
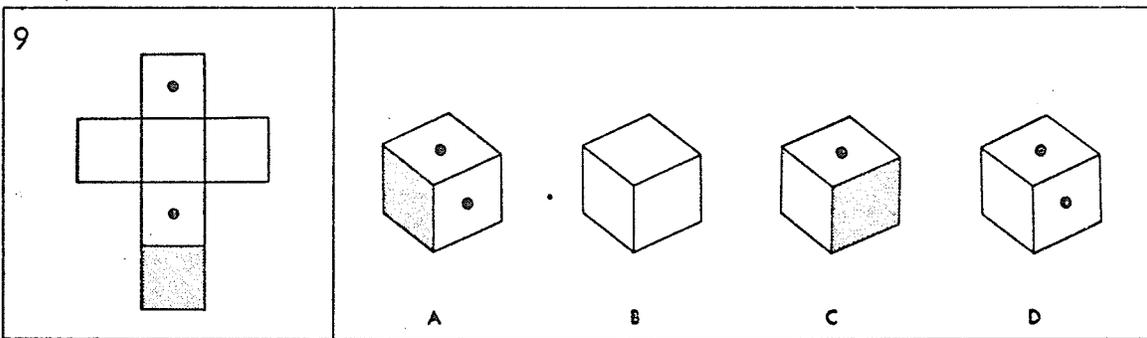
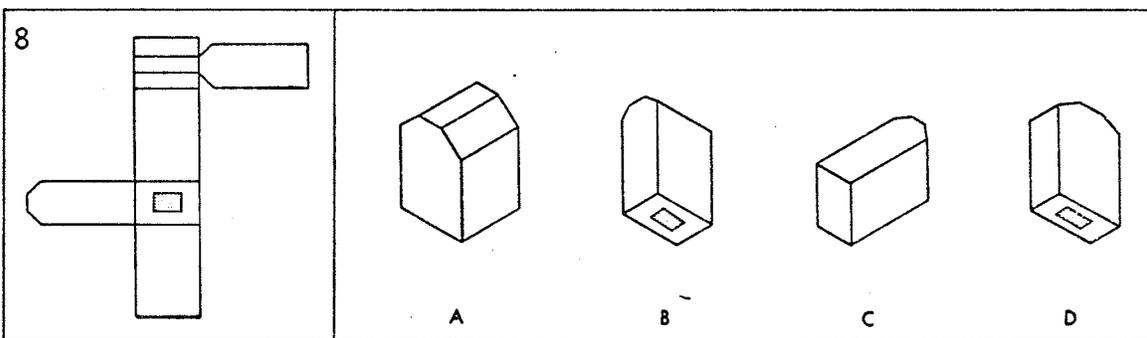
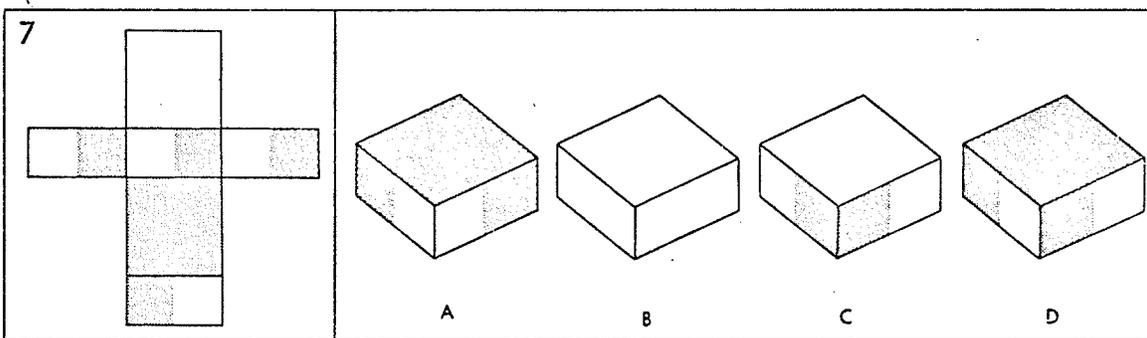
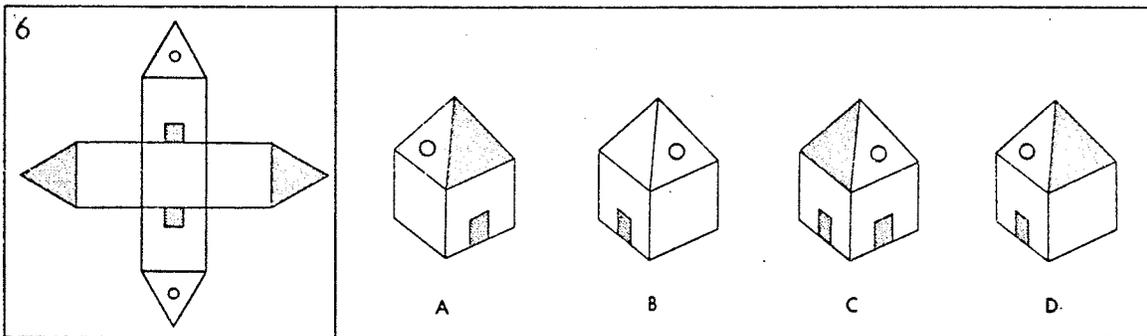
Remember that the surface you see in the pattern must always be the **outside** surface of the completed figure. In taking the test:

- Study each pattern.
- Decide which figure can be made from the pattern.
- Show your choice on the Answer Sheet by blackening in the space under the letter which is the same as that of the figure you have chosen in the booklet.

You will have 25 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.





11

A B C D

12

A B C D

13

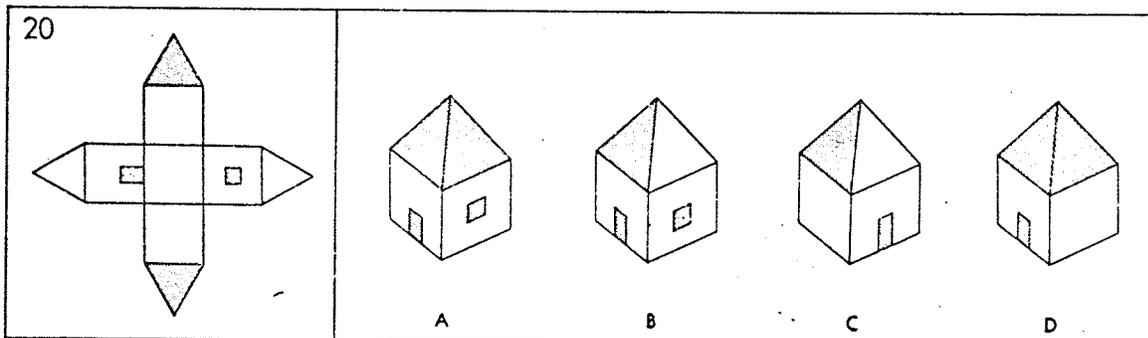
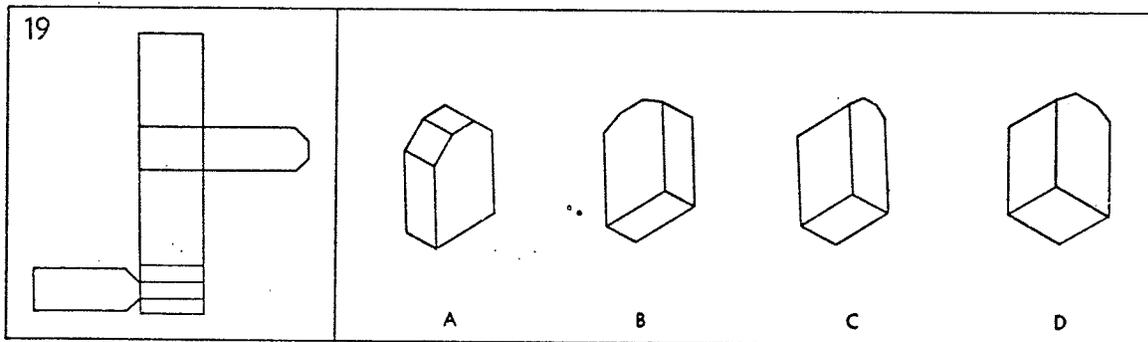
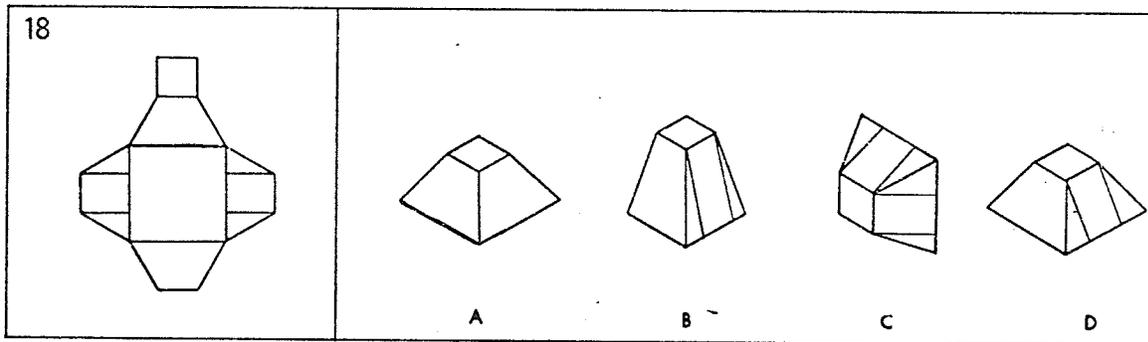
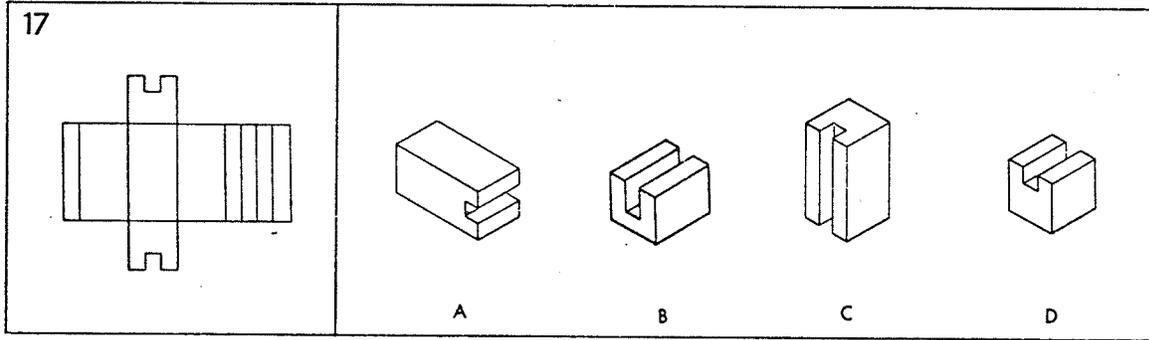
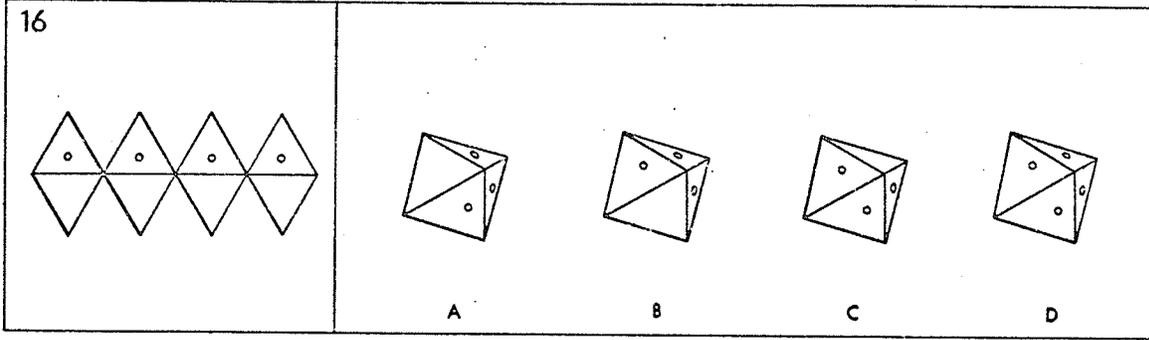
A B C D

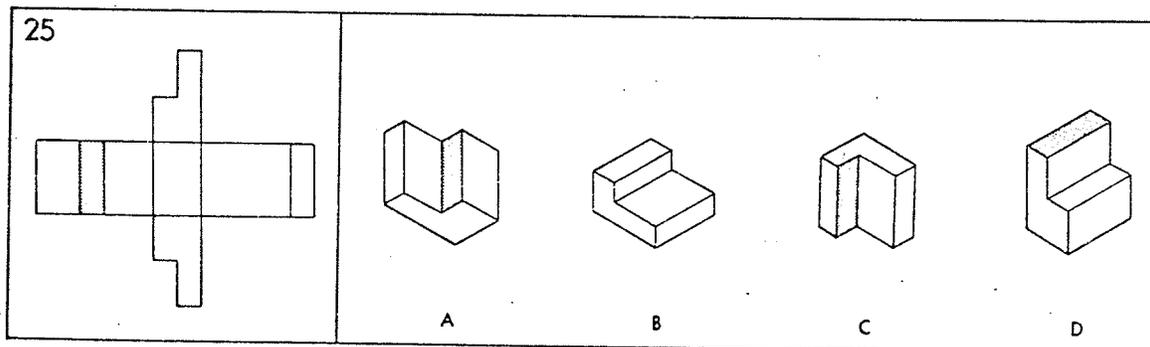
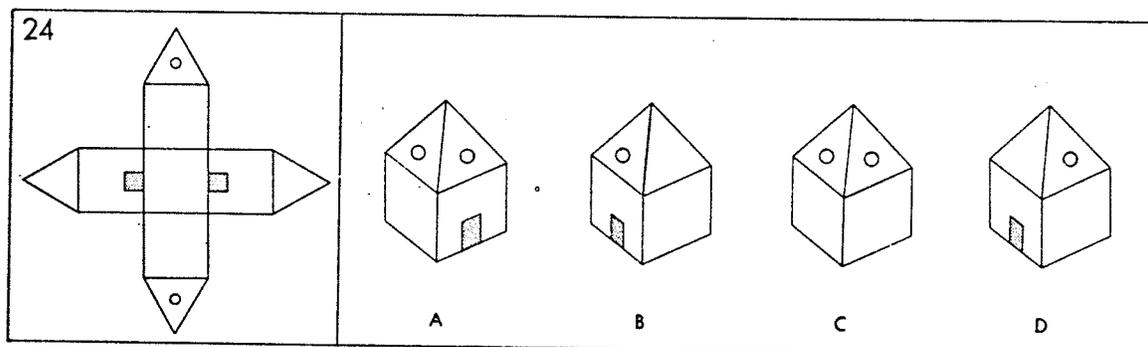
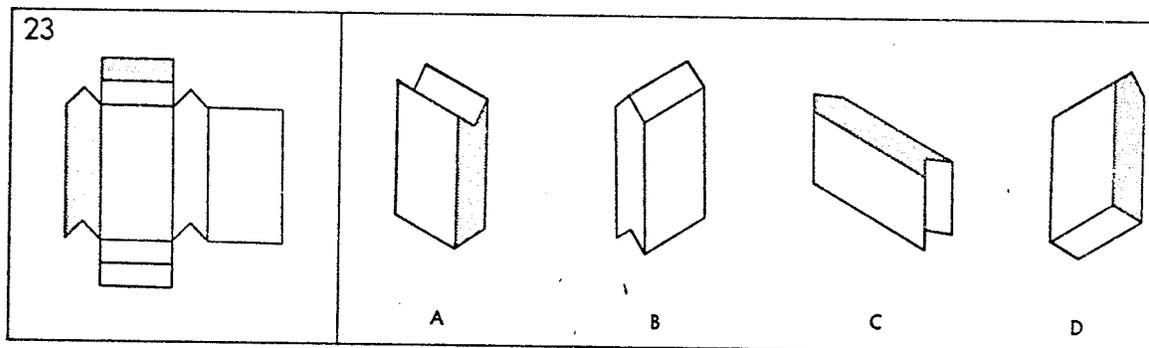
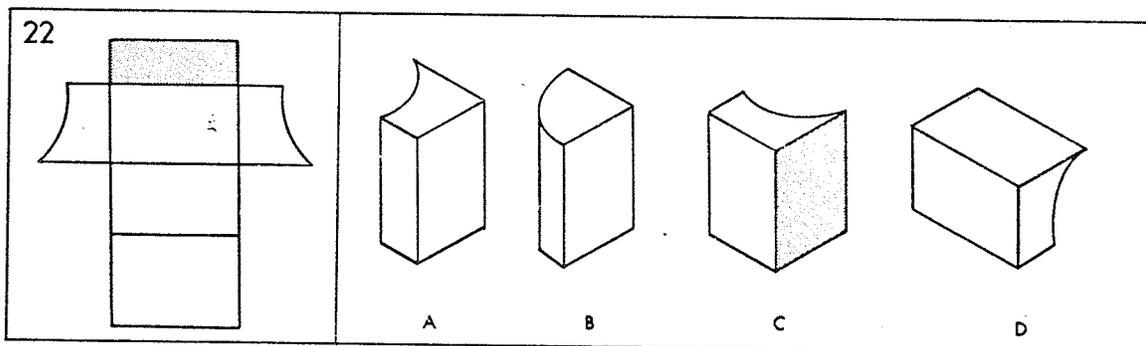
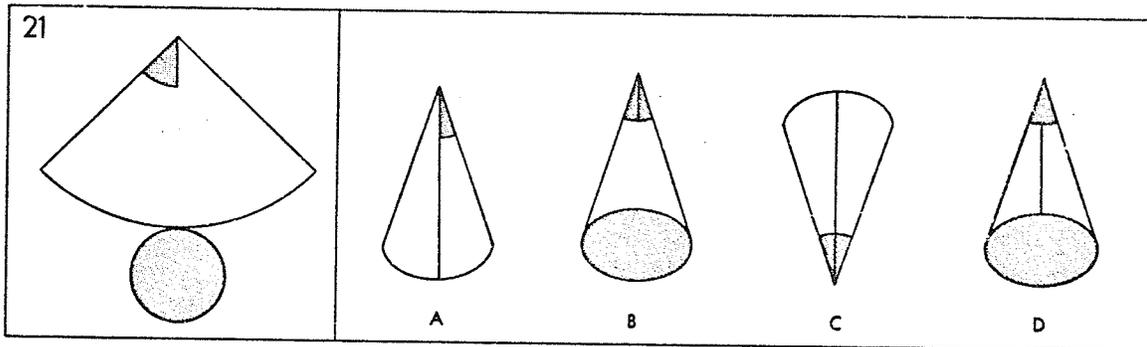
14

A B C D

15

A B C D





26

A B C D

27

A B C D

28

A B C D

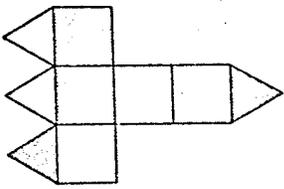
29

A B C D

30

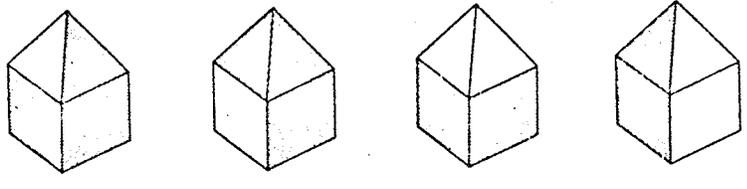
A B C D

31



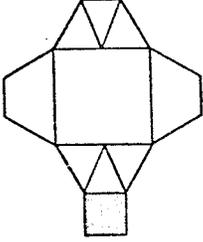
A net for a square-based pyramid. It consists of a central square, four triangles attached to its sides, and a fifth triangle attached to the right side of the central square.

A B C D



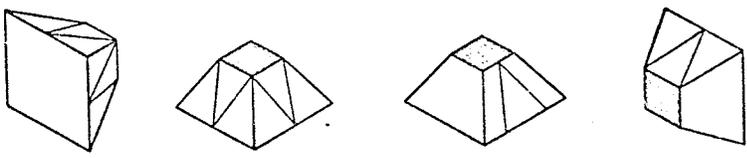
Four 3D options for a square-based pyramid. Each option shows a square base and four triangular faces. Option A has a triangular flap on the right side. Option B has a triangular flap on the top. Option C has a triangular flap on the left. Option D has a triangular flap on the back.

32



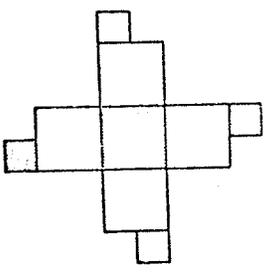
A net for a square-based pyramid. It consists of a central square, four triangles attached to its sides, and a rectangular flap attached to the bottom side of the central square.

A B C D



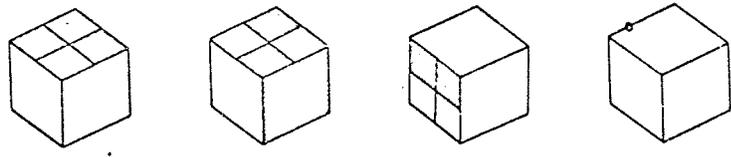
Four 3D options for a square-based pyramid. Each option shows a square base and four triangular faces. Option A has a rectangular flap on the bottom. Option B has a rectangular flap on the top. Option C has a rectangular flap on the left. Option D has a rectangular flap on the right.

33



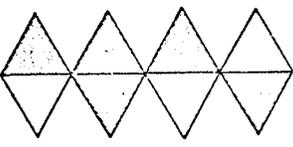
A net for a cube. It consists of six squares arranged in a cross shape, with a small square flap attached to the right side of the central square.

A B C D



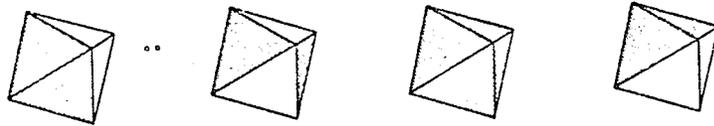
Four 3D options for a cube. Each option shows a cube with a small square flap on one of its faces. Option A has the flap on the top. Option B has the flap on the bottom. Option C has the flap on the left. Option D has the flap on the right.

34



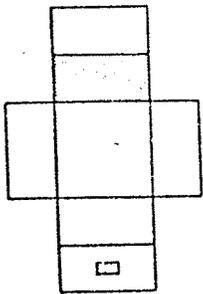
A net for a square-based pyramid. It consists of a central square, four triangles attached to its sides, and a shaded triangle attached to the left side of the central square.

A B C D



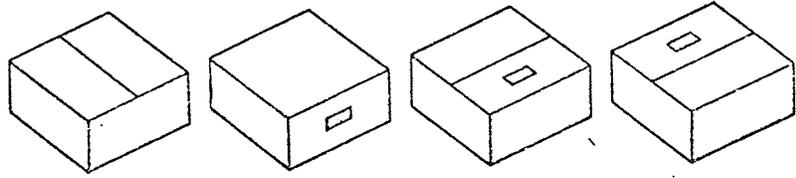
Four 3D options for a square-based pyramid. Each option shows a square base and four triangular faces. Option A has a shaded triangle on the left. Option B has a shaded triangle on the top. Option C has a shaded triangle on the right. Option D has a shaded triangle on the back.

35



A net for a rectangular prism. It consists of six rectangles arranged in a cross shape, with a small square flap attached to the bottom side of the central rectangle.

A B C D



Four 3D options for a rectangular prism. Each option shows a rectangular prism with a small square flap on one of its faces. Option A has the flap on the top. Option B has the flap on the bottom. Option C has the flap on the left. Option D has the flap on the right.

36

A B C D

37

A B C D

38

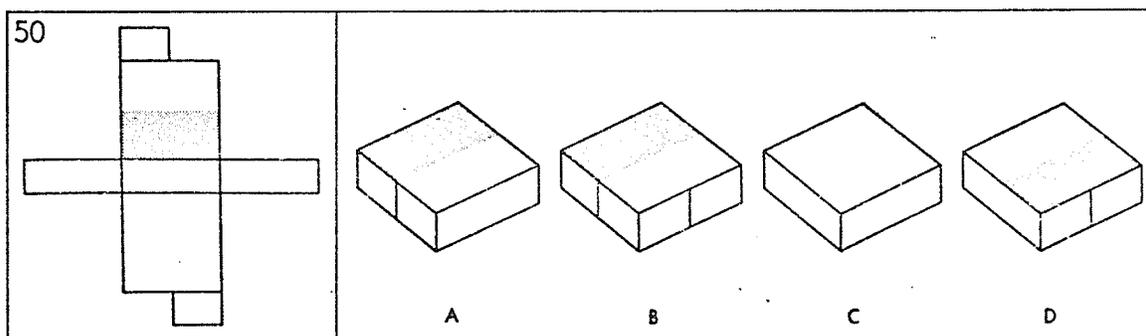
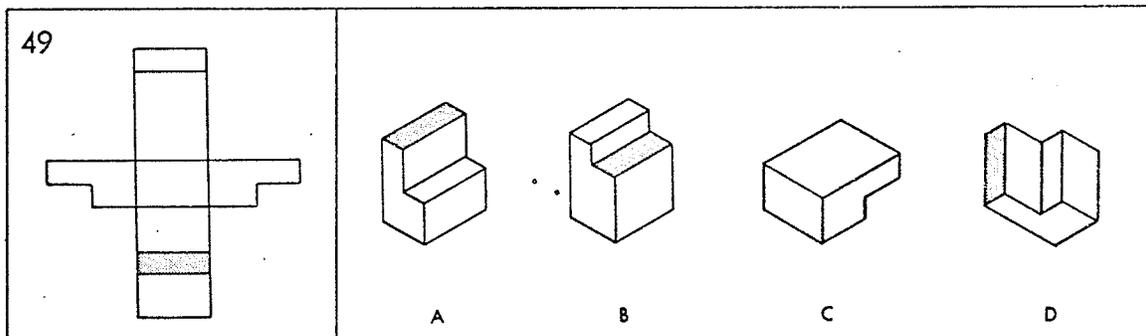
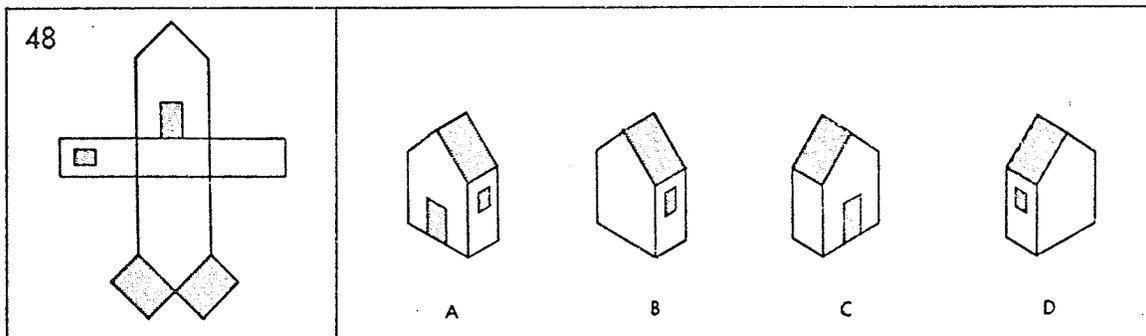
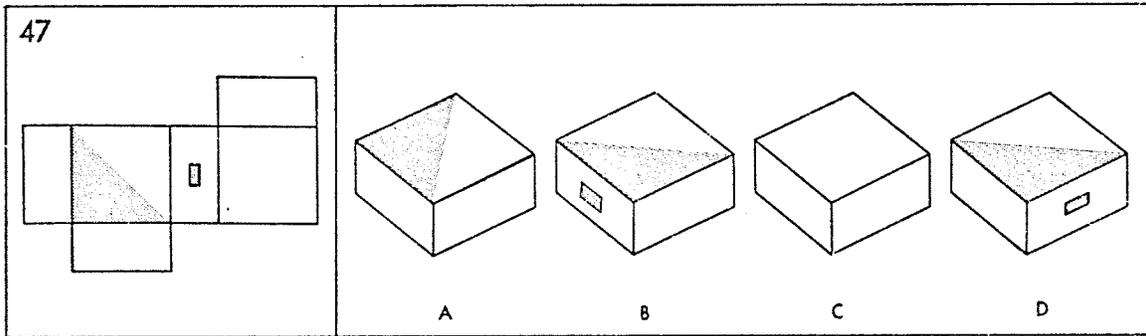
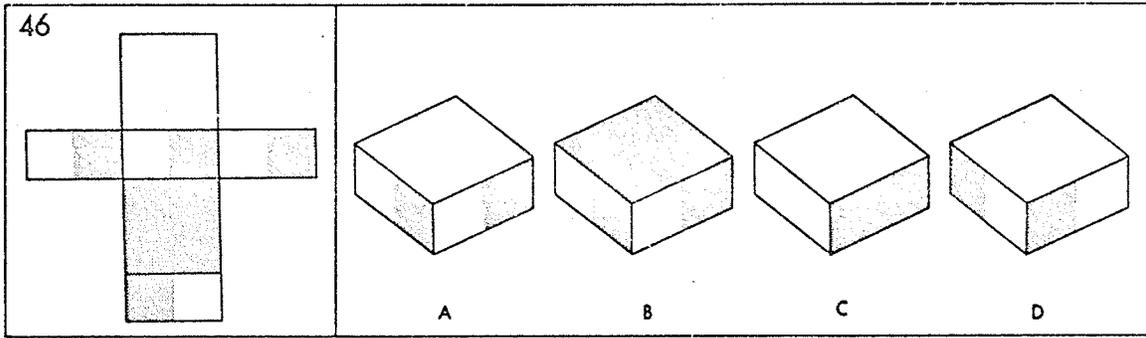
A B C D

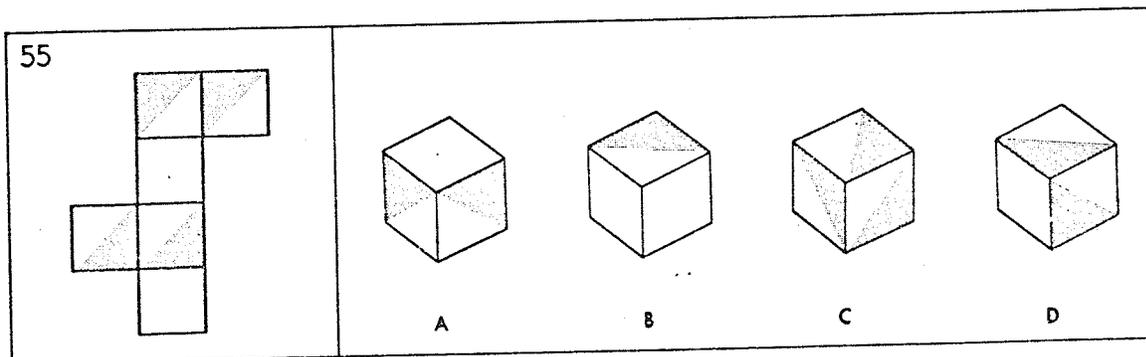
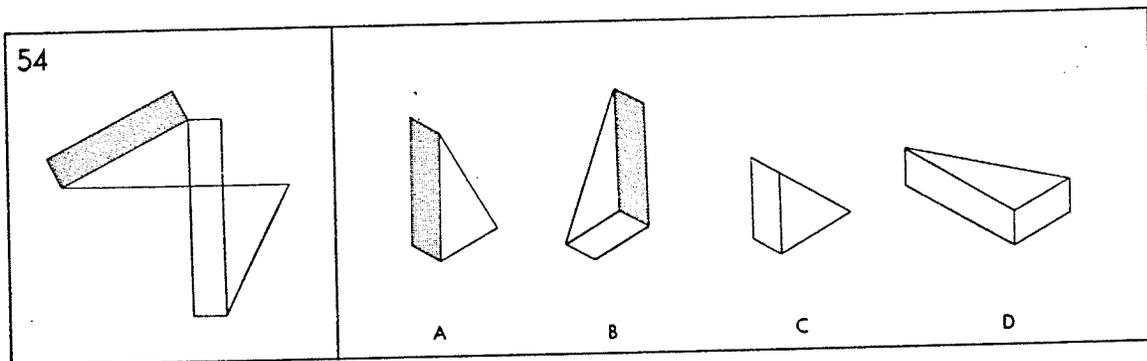
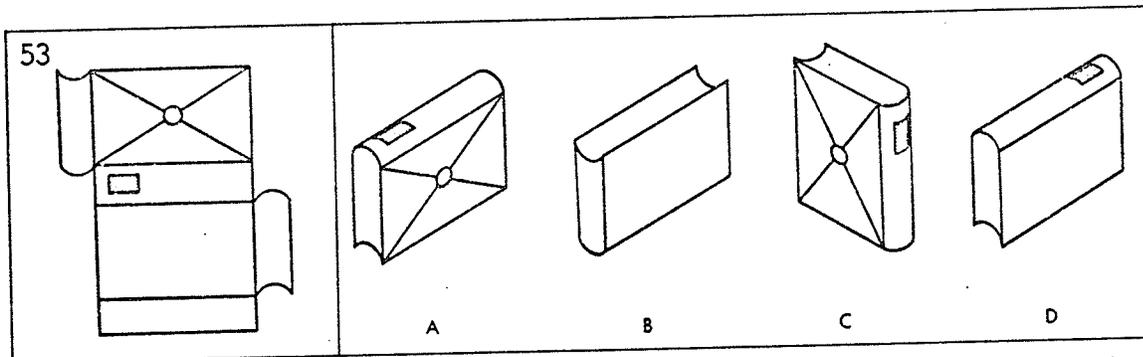
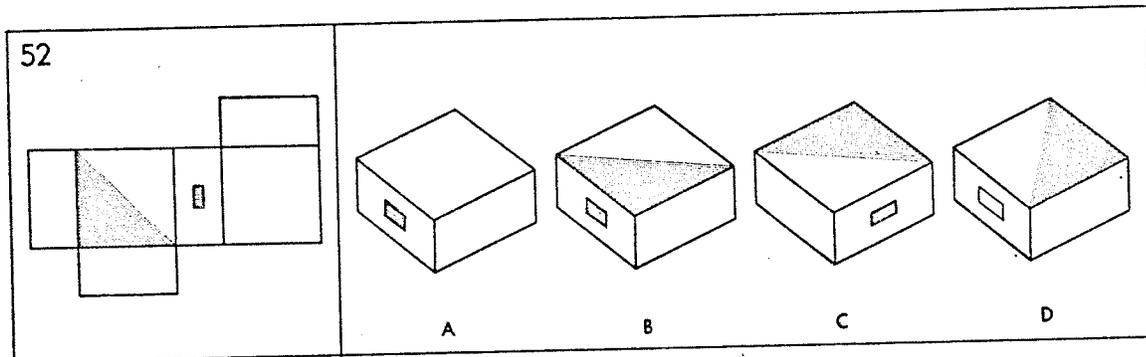
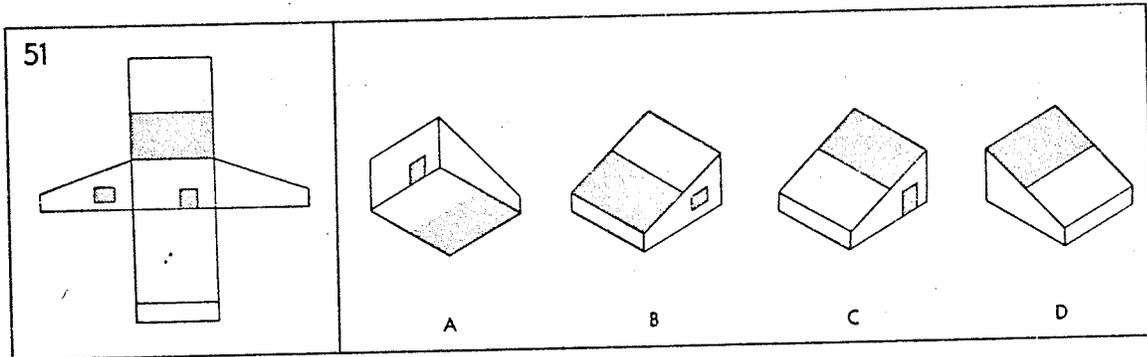
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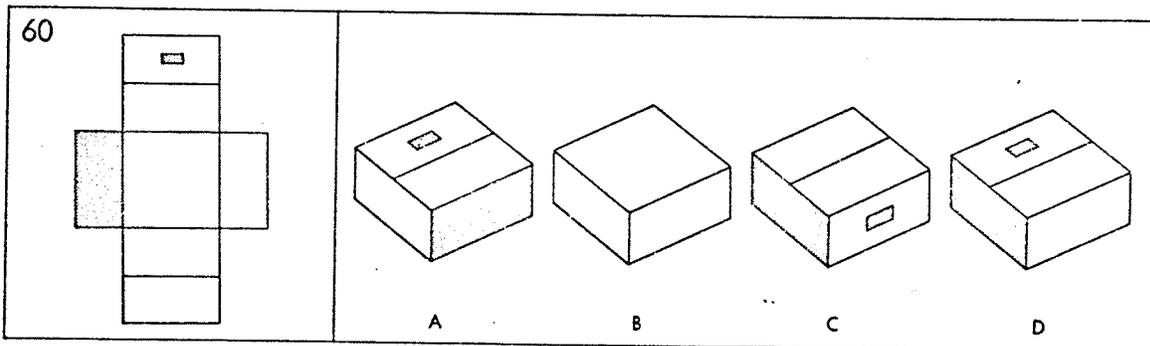
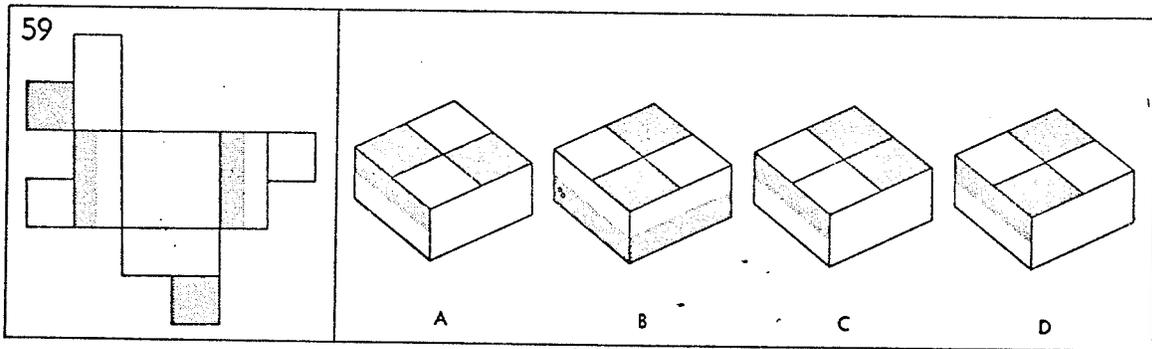
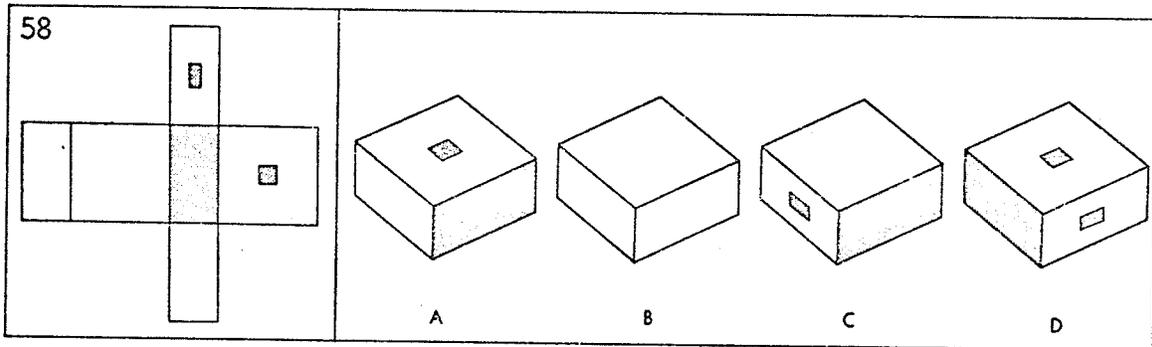
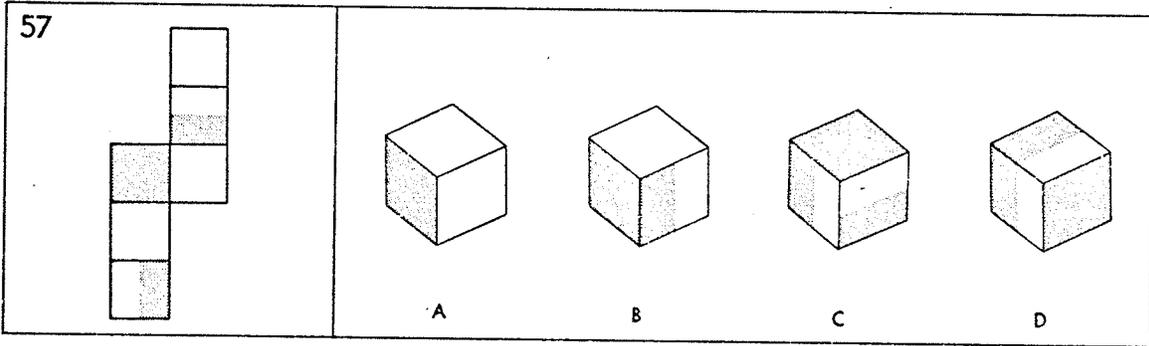
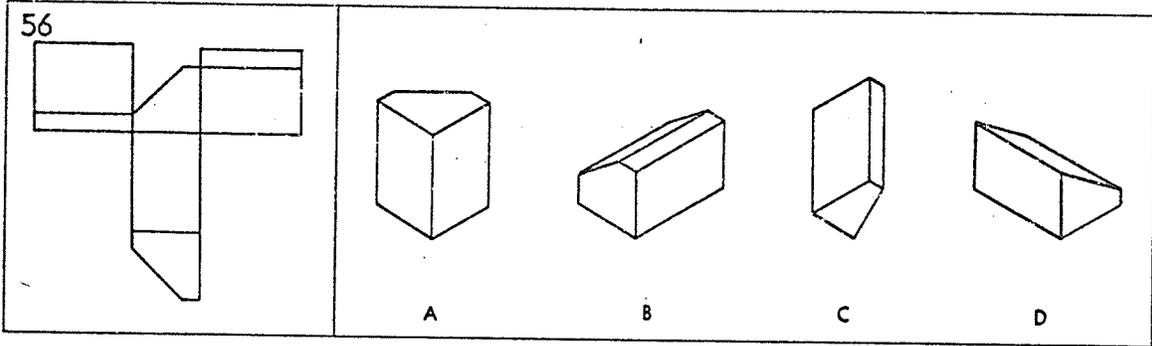
A B C D

40

A B C D







STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

Do not make any marks in this booklet

LANGUAGE USAGE

Mark your answers on the separate Answer Sheet

Part I SPELLING

DIRECTIONS

Find the space for Language Usage, Part I-Spelling on the Answer Sheet. Print your name and fill in the other requested information in the proper spaces.

This test is composed of a series of words. Some of them are correctly spelled; some are incorrectly spelled. You are to indicate whether each word is spelled right or wrong by blackening the proper space on the separate Answer Sheet. If the spelling of the word is right, fill in the space under R, for RIGHT. If it is spelled wrong, fill in the space under W, for WRONG.

The Samples of the Answer Sheets show how the four examples should be marked.

EXAMPLES

- W. man
- X. gurl
- Y. catt
- Z. dog

SAMPLES OF ANSWER SHEETS

	R	W
W.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	R	W
X.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	R	W
Y.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	R	W
Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	R	W
W.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Y.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you finish Part I before time is called, check your work. Do not go on to Part II until you are told to do so.

You will have 10 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.

- | | | | |
|----------------|------------------|-------------------|-------------------|
| 1. apointed | 26. condem | 51. secratary | 76. deploma |
| 2. commission | 27. absolutely | 52. duplacate | 77. abundant |
| 3. limited | 28. cancel | 53. gosple | 78. tedious |
| 4. arival | 29. carreer | 54. traffic | 79. dilegent |
| 5. comunity | 30. bullitin | 55. captian | 80. aquainted |
| 6. variety | 31. oposition | 56. sanatory | 81. resonable |
| 7. agency | 32. ammunition | 57. specimen | 82. customery |
| 8. distrubute | 33. survay | 58. accommodate | 83. muslin |
| 9. hereafter | 34. energey | 59. Sabbath | 84. investagation |
| 10. conference | 35. sundery | 60. consious | 85. temperary |
| 11. salery | 36. visinity | 61. athority | 86. indignant |
| 12. preveous | 37. sheriff | 62. owing | 87. wretched |
| 13. colusion | 38. pamflet | 63. emergancy | 88. unusal |
| 14. director | 39. conserning | 64. opperation | 89. definate |
| 15. essential | 40. security | 65. syllable | 90. garrulous |
| 16. cilinder | 41. necessity | 66. talant | 91. allowence |
| 17. astablish | 42. expences | 67. nourish | 92. appropriate |
| 18. quarrel | 43. testimony | 68. ignorence | 93. remembrance |
| 19. premeum | 44. avalable | 69. behavior | 94. presense |
| 20. relize | 45. stating | 70. exceedingly | 95. caisson |
| 21. gratitude | 46. courtesy | 71. murmer | 96. appendicitis |
| 22. sugestion | 47. naturaly | 72. signiture | 97. convienient |
| 23. consinment | 48. apoligy | 73. guardian | 98. occured |
| 24. revenue | 49. invilid | 74. interrupt | 99. intuition |
| 25. inferier | 50. construction | 75. conggradulate | 100. greatful |

STOP. YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.

Do not make any marks in this booklet

LANGUAGE USAGE

Mark your answers on the separate Answer Sheet

Part II GRAMMAR DIRECTIONS

Find the space for Language Usage, Part II-Grammar on the Answer Sheet.

This test consists of a series of sentences, each divided into four parts lettered A, B, C and D. You are to look at each sentence and decide which part has an error in grammar, punctuation or spelling. When you have decided which part is wrong, fill in the space under the letter for that part. Be sure the item number on the separate Answer Sheet is the same as that of the sentence on which you are working.

Some sentences have no error in any part. If there is no error in a sentence, fill in the space under the letter E.

SAMPLES OF ANSWER SHEETS

Example X. Ain't we / going to / the office / next week?
A B C D

	A	B	C	D	E
X.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A	B	C	D	E
Y.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Example Y. I went / to a ball / game with / Jimmy.
A B C D

	A	B	C	D	E
X.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A	B	C	D	E
Y.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In Example X, "ain't" is wrong, so the space under A has been filled in. There is no error in Example Y, so the space under E has been filled in.

There is no more than one wrong part in any sentence. When you find a part with an error, blacken the space under its letter on the separate Answer Sheet. Some of the sentences are entirely correct. If no part has an error, blacken the space under E.

You will have 25 minutes for this test. Work as rapidly and as accurately as you can. If you are not sure of an answer, mark the choice which is your best guess.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO DO SO.

1. He come / to me when / Mrs. Jones / wouldn't let him buy it.
A B C D
2. You may leave the house / in an hour / if you feel / better.
A B C D
3. Paul had promised / to return / the book / in two weeks.
A B C D
4. The Bible is one / of the best books / their can be found / for serious study.
A B C D
5. I thought / you was through / doing your work / already.
A B C D
6. Does John Henry / make friends / good with / his neighbors?
A B C D
7. I can't hardly / raise my hand / more than / three feet above the board.
A B C D
8. Leave / me go / with John and her / to the show.
A B C D
9. They were / nearly starved / before they landed / somewheres in Florida.
A B C D
10. Then I says / to Phil, / "I've done more / than my share!"
A B C D
11. I could / of won / if I had stayed in the game / a little longer.
A B C D
12. Us boys / then drifted / to Frank's / candy store.
A B C D
13. He knew / he done / as well as / anybody else.
A B C D
14. "It is me," / said Will, / as his mother / answered his knock.
A B C D
15. She was hurt / when the dish / she held / busted in her hands.
A B C D
16. James said, / "Work, / not words, / is what is needed."
A B C D
17. I sung until / I was hoarse, / and then drank / a quart of water.
A B C D
18. He asked us three, / "Where / is the folks / who lived here?"
A B C D
19. We allways return / to happy scenes; / memories call / us back.
A B C D
20. Neither money nor fame / would of been / all right as payment / for such a job.
A B C D
21. I shall / be real glad / to visit you / whenever you prefer.
A B C D
22. The books laid / in the grass / all day / and were wet.
A B C D
23. We turn to who / we used to / know. The old / friend is best.
A B C D
24. I don't like / those kind of peaches; / give me some / of the ripe ones.
A B C D
25. I believe / I've been in / most every / theater in New York.
A B C D
26. Where did you / stop at / on your trip / to Chicago?
A B C D
27. I searched all over / for the people / which formerly owned / the mansion.
A B C D
28. If Jim had asked, / they'd have / gave him the job / he liked.
A B C D
29. The dog laid / sleeping after chasing / John and me / with hardly any time out.
A B C D
30. One issue of bonds / were distributed / among / three banks.
A B C D

31. The rivers raised / ten feet / after the rains, / overflowing their banks.
A B C D
32. I do wish / that he'd / leave me do / my work myself.
A B C D
33. We seldom / have to watch close / in our kind / of job.
A B C D
34. The woodsman / felled the / maple tree with / hardly no effort.
A B C D
35. I don't see / as good / as Tom, my friend, / can.
A B C D
36. Each of these flowers / look best / in a different / sort of plot.
A B C D
37. On last week's quizzes / in history, / I did / pretty good.
A B C D
38. We O.K.'d / there proposal / that we cooperate / for our mutual profit.
A B C D
39. Neither Jones / nor Smith / are the man / for that sort of job.
A B C D
40. Is it / I / who / you wanted to see?
A B C D
41. I didn't feel / well enough / to attend the conference / last tuesday.
A B C D
42. Was it he / who / was burned / when the boiler bursted?
A B C D
43. If John were here, / he'd sure / have done / faster work than Fred.
A B C D
44. I don't understand / how anyone could admire / a person as careless / as her.
A B C D
45. The number of volunteers / were / seldom / large enough.
A B C D
46. I thought it was him, / and it certainly looked / like him / from this distance.
A B C D
47. Her father replied / "I feel / that Carol is somewhat better / than Mary."
A B C D
48. James had given / John and I / more than / forty matchbooks.
A B C D
49. If I were / he, / I'd be / sure of myself.
A B C D
50. Being that / a pipe was clogged, / we had / hardly any water.
A B C D
51. I've had fewer headaches / since I / went to sleep / earlier.
A B C D
52. You won't / see the trick / unless you look / very close.
A B C D
53. He had smoked / their tobacco, / drank their wine / and heard their tales.
A B C D
54. Whom / do you think / your / talking about?
A B C D
55. There go / John and Bill, / fighting / like always.
A B C D
56. Is it / I / whom / they are calling?
A B C D
57. The man who / everybody likes / is one / whom he can trust.
A B C D
58. None of the books / was worth reading / more then / once or twice.
A B C D
59. Had you / or she been / asked, "What's / the rush."
A B C D
60. A man, / who beats his wife / is considered depraved / by people nowadays.
A B C D

STOP! YOU MAY CHECK YOUR WORK ON THIS TEST. DO NOT TURN TO ANY OTHER TEST.