

HANNAH ARENDT AND THE 'BANALITY OF EVIL'

Hannah Arendt (1906 - 1975) was a German-American philosopher and political theorist. She is most widely known for a book that analyzes the trial of the notorious Nazi, Adolph Eichmann.

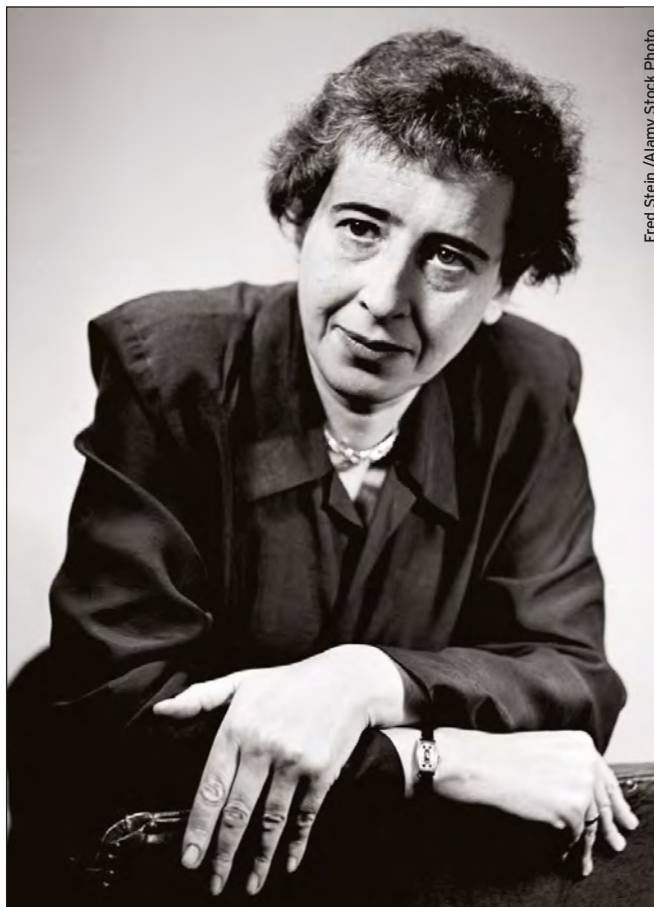
Hannah Arendt was born in 1906 in Hanover, Germany, to Jewish parents. Early on, she showed academic promise and attended two of Germany's finest universities. As a philosophy student, Arendt formed close working relationships with German philosophical luminaries, including the well-known Martin Heidegger.

Her relationship with Heidegger was permanently damaged in 1933, the year that Adolph Hitler became chancellor of Germany. Heidegger joined the Nazi Party. Between 1933 and 1939, the Nazi regime issued over 400 decrees and laws that severely restricted all aspects of Jews' personal and public lives. Whereas Arendt was not allowed to make a living because she was Jewish, Heidegger became head of the University of Freiburg after joining the Nazi Party.

Also in 1933, Arendt was arrested by the Gestapo, the Nazi police. Arendt had used her academic access to the Prussian State Library to research antisemitism (hatred of or hostility toward Jewish people) in Germany. This research was illegal under the Nazi regime, and a librarian turned her in to the Gestapo. She was charged with anti-state propaganda. After spending a short time in jail, Arendt fled Germany. She spent time in Czechoslovakia and France before eventually emigrating to the United States in 1941.

The Human Condition

After Arendt arrived in the U.S., she became a prominent intellectual. She published her research



Fred Stein / Alamy Stock Photo

Hannah Arendt in 1949. Fleeing Nazi Germany in 1933, Arendt eventually settled in the United States and became a U.S. citizen in 1950.

on antisemitism in *Origins of Totalitarianism* (1951), in which she analyzed Nazism in Germany and Stalin's Communism in the Soviet Union. Arendt's interests then turned to deeply investigating the ideal relationship between the individual person and the state. To do this, she thought a lot about the different categories of human activity.

In her major work, *The Human Condition* (1958), Arendt distinguished between three types of human activity: labor, work, and action. **Labor** ▶

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**SPECIAL
NOTICE**

includes all those activities concerned with the basic, material necessities of life, such as food, health, and shelter. Labor also concerns the care of one's own family.

The next level of activity is *work*, which includes activities centered on employment and “worldliness,” as Arendt put it. For example, a worker performs tasks that are in service of goals set by a company (as an employer) or other organization (such as a military organization). In work, people do not pursue their own projects, plans, or goals. Instead, the worker is “instrumental” to a goal that is set by someone else. Consequently, in Arendt's view, work encourages things like conformity and speaking in office-approved clichés.

Action is the most sophisticated type of human activity. It is being your true self in the public sphere. Through action, each person speaks among and engages with a diversity of other people in decision-making. Not everyone has to think alike or have the same values for everyone to engage with each other or to recognize each other's value. According to Arendt, the best kind of state is one that provides a space for action, for it is action that is the key to a flourishing human life.

Eichmann on Trial

In 1961, Arendt traveled to Israel to report on the trial of Adolph Eichmann for *The New Yorker*. Eichmann had joined the Nazi Party in Austria in the early 1930s. He assumed responsibilities for surveillance of Jewish groups. Later, he oversaw the forced emigration of over a hundred thousand Jewish people out of Nazi-occupied Austria. During World War II, Eichmann was put in charge of a Nazi transportation office in Hungary that was responsible for deporting Jewish people from across Europe into concentration camps in Poland, such as Auschwitz. In his role, Eichmann facilitated the deaths of millions of people, including at least 437,000 people in Hungary alone.

After the war ended in 1945 with the defeat of the Nazis, Eichmann escaped captivity and fled to Argentina in South America. He lived there in secret for over a decade. In 1960, agents of the Mossad (Israeli security service) tracked him down, drugged him, and brought him back to Israel to stand trial for his heinous crimes during the Holocaust.

Eichmann was put on trial in Israel by a panel of three judges. During the trial, Eichmann refused to admit any guilt for his actions. He defended his actions by claiming he was simply obeying orders. He was convicted of all 15 counts against him, including crimes against humanity and against the Jewish People, and was sentenced to death by hanging. Although the death penalty is legal in Israel, it has never been used since the trial of Eichmann.



Eichmann on trial in Israel, 1961. Eichmann gave his testimony from inside of a box made of bullet-proof glass, specially constructed for his protection from assassination attempts.

Arendt's five-part report for *The New Yorker* was eventually published as the book *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963). Arendt's portrayal of Eichmann challenged many people's perceptions of the Nazis. In Arendt's observations, Eichmann did not profess antisemitism. To her, he did not seem hateful of Jews, even as he dutifully orchestrated their genocide in Europe. Eichmann claimed that he was merely executing the law that existed in Nazi Germany at the time.

Because Eichmann was so detached from the evil consequences of his official actions, Arendt described his type of evil as “banal,” which means boring and unoriginal. He could not think for himself and was incapable of empathizing with others. As a bureaucrat, he valued his own career advancement above all. He could not consider the impact of his actions on actual Jewish people. In other words, according to Arendt's analysis of human activity, Eichmann was fixated in the world of *work* — even if the work was evil — and was incapable of genuine *action*.

Arendt's Controversies

Arendt's report on the trial received a mixed reception and became controversial. First, critics of Arendt's report on the trial thought she was too

critical of Israeli authorities. Arendt referred to Eichmann's capture in Argentina as an illegal kidnapping. The Mossad had gone through no official Argentine procedures to capture and charge Eichmann. In fact, Argentina challenged the abduction of Eichmann before the United Nations Security Council and requested his return to Argentina. The Council ruled that Israel did owe Argentina an apology but not a return of Eichmann himself.

Second, Arendt's detractors disliked the subtitle of the book: "the banality of evil." The idea that evil on the scale of the Holocaust was "banal" was shocking. Many reviewers claimed that Arendt's interpretation of the trial treated Eichmann — and by extension, other Nazis — far too leniently. Arendt's report on the trial prompted vigorous criticisms from many, including the trial's prosecutor Gideon Hausner, novelist Saul Bellow, and Israeli scholar of Judaism Gershom Scholem. Scholem was Arendt's close friend until he harshly criticized her for *Eichmann in Jerusalem*. Arendt also received several death threats in the mail.

Arendt did not portray Eichmann as an evil masochist but as someone who played a part in an evil system. In her book, she observed:

[Eichmann] apologized, saying "Officialese is my only language." But the point here is that officialese [office clichés] became his language because he was genuinely incapable of uttering a single sentence that was not a cliché. . . . The longer one listened to him, the more obvious it became that his inability to speak was closely connected with an inability to *think*, namely, to think from the standpoint of somebody else.

Arendt's detractors thought her calling Eichmann "thoughtless" was excusing his actions. He knew full well the horrific consequences of his decisions, after all.

Arendt also had her defenders, among them Holocaust survivor and psychologist Bruno Bettelheim and American social psychologist Stanley Milgram.

Defenders claimed that Arendt's phrase "the banality of evil" did not excuse Eichmann's deeds. Considering Arendt's philosophy of human action, they argued, any one of us can be caught up in and responsible for great evil, if we are unthinking and unreflective about cruel systems we might take part in. Rather than letting Eichmann "off the hook," Arendt placed the rest of us "on the hook" if we fail to be sufficiently thoughtful about the work that we do. The "banality of evil" is also another way of saying ordinary people made the Holocaust possible, not just extremists.

Arendt, her defenders noted, was not calling the Holocaust itself "banal." She supported the death penalty that Eichmann received. She was instead saying Eichmann's "thoughtlessness" was banal. *Eichmann in Jerusalem* was such a source of bitter controversy among intellectuals in Israel, however, it was not translated into Hebrew until 2000.

Arendt's work until her untimely death in 1975 was centered on further developing the connection between the capacity for doing evil and a lack of genuine empathy for others. In *The Life of the Mind*, published posthumously (after her death) in 1978, Arendt wrote, "The sad truth of the matter is that most evil is done by people who never made up their minds to be or do either evil or good."

WRITING & DISCUSSION

1. What experiences in Hannah Arendt's life led her to eventually write *Eichmann in Jerusalem*?
2. Do you agree with Arendt's critics that she was too lenient, or with her defenders that she did not downplay Eichmann's evil? Why?
3. Arendt explained the ideal state as one that allows everyone to participate in *action*, which means to be their true selves and to respect each other's value. What system of government do you think best fulfills Arendt's ideal? Why?

Activity: Totalitarianism Versus a Free Press

Hannah Arendt was always concerned with the public's access to facts as a defense against totalitarian rule. With a partner, review Arendt's description of action from *The Human Condition*. Then read the following quotes from Arendt. Discuss them with your partner and be ready to explain how each supports the idea of *action* as Arendt defined it.

Before mass leaders seize the power to fit reality to their lies, their propaganda is marked by its extreme contempt for facts as such, for in their opinion fact depends entirely on the power of man who can fabricate it. (*The Origins of Totalitarianism*, 1951)

The moment we no longer have a free press, anything can happen. What makes it possible for a totalitarian or any other dictatorship to rule is that people are not informed; how can you have an opinion if you are not informed? If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer. . . . And a people that no longer can believe anything cannot make up its mind. It is deprived not only of its capacity to act but also of its capacity to think and to judge. (Interview in *The New York Review of Books*, 1974)

UNEQUAL TREATMENT?

THE CONSTITUTION AND RELIGIOUS SCHOOL FUNDING



Kendra Espinoza and her daughters in front of the Supreme Court of the United States, 2020. Ms. Espinoza challenged her state government in Montana, arguing that its policies violated her First Amendment right to free exercise of religion.

Is barring private, religious schools from receiving public funds unconstitutional? In 2020, the Supreme Court of the United States wrestled with this question in *Espinoza v. Montana Department of Revenue*, a case about whether private, religious schools could receive public state funding. The court's final decision in the case could change the way religious schools receive funding in many U.S. states from now on.

Seventy percent of Montana's private schools are religious schools. In 2015, the Montana legislature created a scholarship program to help low-income families send their children to private schools. The state paid for these scholarships through "tax credits."

The tax-credit system worked like this. If you lived in Montana, you could contribute money to the private organizations that administer the scholarship fund. Low-income families could then apply to these organizations to receive money to offset the cost of the private school tuition. As the person who made the initial contribution to the organization, you could then deduct up to \$150 of your donation from your state tax bill.

The 'No Aid' Provision

There was a problem with the tax-credit system. The Montana constitution bars the state from giving financial aid to religious schools. This is known as a "no aid" provision. Specifically, Article X, Sec. 6, of the Montana constitution stated that state and local governments or school districts "shall not" use public funds "to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination."

In other words, by giving tax credits to people contributing to private religious schools, the Montana legislature seemed to be doing something banned by the Montana constitution, which said that only public schools and secular private schools could receive state aid. The executive branch of the government of Montana believed the legislature's tax-credit system violated the "no aid" provision of the Constitution. Thus, the government of Montana refused to let low-income families receive scholarship funds to send their children to private, religious schools.

History Matters

To understand any legal dispute, you need to know the history of it. Montana's no-aid provision dates back to the 19th century after the Civil War. In 1875, a majority of states had set up public-school systems and enacted compulsory school laws. Education was free but attendance was mandatory.

Today, our public schools are characteristically secular. This means that schools cannot lead any type of religious devotion. But throughout most of the 19th century, public schools reflected the fact that the country's people were predominantly Protestant Christian. Back then, public schools commonly used Protestant texts, the singing of Protestant hymns, and Bible verses to teach morality.

Non-Protestant Christian families, therefore, had a choice. They could send their children to schools that taught them a different religion than the one practiced at home. Or they could pay for a private education. But for poor families, particularly the large number of newly arrived Catholic immigrants

from Ireland, Italy, and Poland, private school was not an option.

President Ulysses S. Grant, a Republican, was aware of the changing demographics of the nation, particularly the influx of Catholic immigrants. He wanted to avoid conflicts between these newly arrived immigrants and the Protestant Christian majority, and he wanted to preserve the Constitution's Establishment Clause that prohibits the government from favoring one religion over another.

Grant gave a speech calling for a constitutional amendment mandating free, non-religious public schools throughout the United States. In strikingly plain language, he urged Congress to pass a law to ensure American public education would be “unmixed with sectarian, pagan, or atheistical dogmas.”

One week later, former Speaker of the House James G. Blaine, Grant's friend and fellow Republican, proposed an amendment to fulfill Grant's call. The amendment stated:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor . . . shall ever be under the control of any religious sect; nor shall any money so raised . . . be divided between religious sects or denominations.

Blaine's amendment passed in the House of Representatives, but it failed in the Senate. Nonetheless, throughout the rest of the 19th and 20th centuries, many states, including Montana, passed their own state no-aid provisions. These are commonly known as “Blaine amendments.”

The Espinoza Case

Kendra Espinoza and two other Montana families sent their children to a private Christian school. They applied for scholarships for their children but were prevented from obtaining them by the Montana government, which enforced the “no aid” provision of the state constitution. The families sued to overturn the state's decision.

The Montana Supreme Court agreed with the government of Montana and ruled that the Montana legislature's entire tax-credit system violated the state's no-aid provision because parents might use the scholarship money for religious schools.



Library of Congress

James G. Blaine in 1884. In his political career, he served as speaker of the Maine House of Representatives, speaker of the U.S. House of Representatives, a U.S. senator from Maine, and U.S. secretary of state (twice).

The families appealed the Montana Supreme Court's decision to the federal courts. They argued that the no-aid provision itself violated their right to the free exercise of religion guaranteed to them by the First Amendment to the U.S. Constitution, which states that “Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.” The Free Exercise Clause is supposed to prevent state and federal governments from placing a burden on anyone's practice (free exercise) of their religion. (See www.crf-usa.org/resources/the-free-exercise-of-religion-in-america for more information.)

In 2019, the case ended up before the Supreme Court of the United

States. The main question was this: Does Montana's exclusion of religious schools from the scholarship program violate the families' free exercise of their religion? The court was also deciding whether Blaine amendments themselves were unconstitutional.

In 2020, the court's 5-4 decision was in favor of the families, striking down the “no aid” provision of the Montana Constitution as violating the U.S. Constitution. Writing for the majority in the *Espinoza* case, Chief Justice John Roberts wrote, “Montana's no-aid provision bars religious schools from public benefits solely because of the religious character of the schools.” For that reason, Montana's no-aid provision violated the Free Exercise Clause of the First Amendment.

In his opinion, Roberts addressed the First Amendment's Establishment Clause. The Establishment Clause prohibits the government from making any law that seeks to establish or unduly favor one religion over another, or from unduly preferring religion over non-religion, or non-religion over religion. Roberts cited Supreme Court precedent (prior cases) to affirm that the Establishment Clause is not violated when religious people benefit from a neutral government program. Therefore, the Establishment Clause was not violated in this case, either.

On the other hand, Roberts explained that the Free Exercise Clause was designed to prevent “unequal treatment” against religious individuals or groups for no reason other than that they are religious. Montana applied the no-aid provision here “against schools and parents based on the religious character of the school.” Roberts relied on the Court's prior cases,

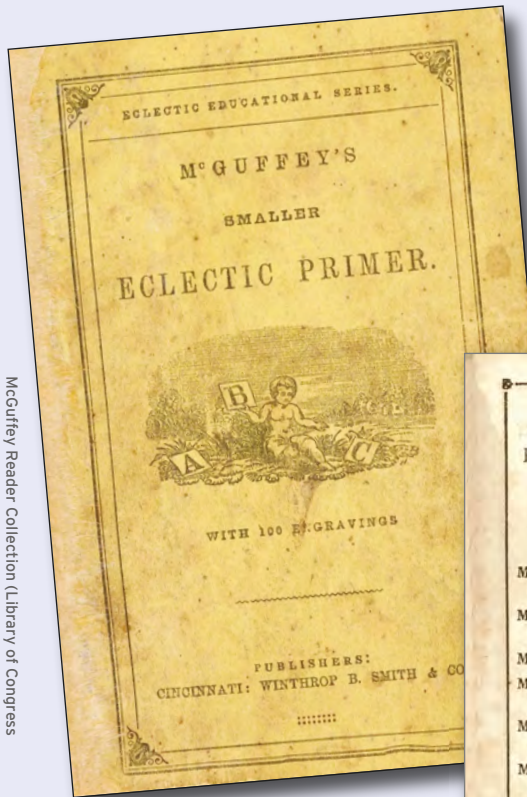
Anti-Catholic Bigotry? Or Separation of Church and State?

Because overtly Protestant schools in the 19th century received public funds, private Roman Catholic schools lobbied to also receive public funds. Catholic immigrants, especially from Ireland, Italy, and Poland, had become powerful political constituencies in several states. Many Protestant lawmakers sought to limit Catholics' political power by trying to stop Catholic schools from receiving public funds.

Bias against immigrants who were Catholic was a prominent feature of 19th century U.S. politics, as seen in the xenophobic Know Nothing political party of the 1840s and 1850s. In the *Espinoza* opinion, Chief Justice Roberts stated that Blaine amendments in general were "born of bigotry" against Catholics. He wrote that they "should not inform our understanding of the Free Exercise Clause."

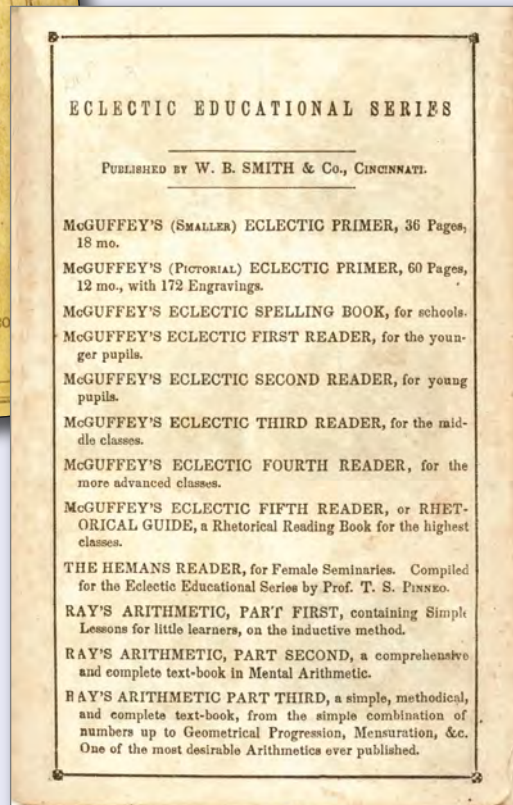
However, several state-level provisions barring public funds to private schools had origins that long predated James Blaine's career. The Massachusetts state constitution, for example, barred state grants to religious institutions in 1854, nine years before Blaine was first elected to Congress. Many other states' constitutions had similar provisions dating back to the early U.S. republic that prohibited public money going to any religious ministries.

Some historians have argued that Blaine and President Grant were motivated by Abraham Lincoln's desire for national unity after the Civil War rather than anti-Catholic bigotry. In arguing for an amendment to create secular "common schools" in 1875, Grant said, "Leave the matter of religion to the family altar, the church, and the private school supported entirely by private contributions. Keep the church and state forever separate."



McGuffey Reader Collection (Library of Congress)

William Holmes McGuffey began publishing collections of readings for children in the 1830s that were known as *McGuffey Readers*. The *Readers* reflected McGuffey's own Protestant Christian beliefs. "From no other source," McGuffey once said, "has the author drawn more copiously in his selections than from the Sacred Scriptures." Today's public school system in Northern states dates back to the 1840s, and *McGuffey Readers* became standard textbooks.



particularly one handed down in 2017, where the Court held that a state could not exclude a religious school from receiving a state grant to renovate its playground merely because the school was religious. The Court held that public funds could go to private religious schools so long as no particular religion, or non-religion itself, was unduly favored.

Justices Ginsburg, Breyer, and Sotomayor each wrote dissenting opinions. In her dissent, Justice Ruth Bader Ginsburg wrote that the parents "may still send their children to a religious school. And the Montana Supreme Court's decision does not pressure them to do otherwise." In other words, the Montana constitution's no-aid provision and the Montana government's enforcement of the ban were neutral and did not put a burden on the parents' free exercise of their religion.

In her own dissent, Justice Sonia Sotomayor wrote that the court's decision was "perverse." "Not only is the Court wrong to decide this case at all," wrote Sotomayor, "it decides it wrongly." Because the tax-credit system was struck down entirely, Sotomayor wrote, there was no discrimination against these parents. Their free-exercise claim was not an issue in state court, and so the U.S. Supreme Court should not have decided it.

The *Espinoza* case reflects a long-standing constitutional debate in the nation's history between those who interpret the Constitution to accommodate religion in public life and those who interpret it to mean strict separation of religion and government. State funding for religious schools is an important part of that debate, which will continue in the years to come.

Religious Affiliation of Private Schools: United States, 2017-18

(In order of number of students enrolled.)

Religious Affiliation	Schools	% of Schools	Students	% of Students
Sectarian (Affiliated with a particular religion)	21,527	66%	3,816,844	78%
Roman Catholic	7,047	21.7%	1,961,673	40.1%
Christian (unspecified)	4,545	14.0%	693,387	14.2%
Jewish	967	3.0%	284,757	5.8%
Baptist	1,727	5.3%	172,912	3.5%
Lutheran Church–Missouri Synod	929	2.9%	111,925	2.3%
Episcopal	352	1.1%	106,544	2.2%
Seventh-Day Adventist	717	2.2%	48,713	1.0%
African Methodist Episcopal	223	0.7%	46,861	1.0%
Mennonite	770	2.4%	45,385	0.9%
Amish	1,474	4.5%	45,277	0.9%
Assembly of God	333	1.0%	40,335	0.8%
Islamic	251	0.8%	39,292	0.8%
Other	278	0.9%	33,846	0.7%
Wisconsin Evangelical Lutheran Synod	391	1.2%	29,633	0.6%
Presbyterian	196	0.6%	26,909	0.5%
Church of Christ	191	0.6%	22,611	0.5%
Methodist	299	0.9%	20,130	0.4%
Calvinist	93	0.3%	19,459	0.4%
Friends	74	0.2%	18,233	0.4%
Pentecostal	279	0.9%	15,511	0.3%
Evangelical Lutheran Church in America	109	0.3%	9,425	0.2%
Church of God	85	0.3%	8,033	0.2%
Church of the Nazarene	65	0.2%	5,327	0.1%
Other Lutheran	54	0.2%	4,106	0.1%
Brethren	50	0.2%	3,612	0.1%
Greek Orthodox	28	0.1%	2,948	0.1%
Church of God in Christ	*	*	*	*
Disciples of Christ	*	*	*	*
Latter Day Saints	*	*	*	*
Nonsectarian (Not affiliated with a particular religion)	10,913	33.6%	1,078,704	22.0%
TOTAL	32,440	100.0%	4,894,918	100%

*Insufficient Data

SOURCE: U.S. Department of Education, National Center for Education Statistics, Private School Universe Survey (PSS), 2017-18.

WRITING & DISCUSSION

- How did Montana's no-aid provision come to be?
- Why didn't the U.S. Supreme Court strike down the Montana tax-credit system as violating the Establishment Clause of the Constitution? Does the tax-credit system unduly favor a religion? Or is the tax-credit system neutral on the issue of religion?
- In oral arguments, the state of Montana argued that the state re-adopted its no-aid provision in the 1970s. It did so for reasons unrelated to any anti-Catholic bigotry. Should that make a difference in whether Montana should keep its no-aid provision? Why or why not?

ACTIVITY: Is Blaine In Your State?

In a small group or online breakout room, research if your state has a so-called "Blaine amendment" or no-aid provision. If your state has one, when was it adopted? Deliberate with the others in your group and decide whether your state should keep the amendment.

If your state does not have one, deliberate with the others in your group and decide whether your state *should* adopt a no-aid provision. In either case, use information from the article in your deliberation.

Be ready to have a spokesperson present your group's decision to the whole class. Support your group's decision with at least three reasons from your deliberation and from the article.

After hearing from all groups, write a paragraph on whether you agree with the majority opinion or dissenting opinions in *Espinoza v. Montana*.

SHOULD THE FEDERAL GOVERNMENT GUARANTEE A BASIC INCOME FOR ALL?



Poverty, stalled wages, income inequality, loss of jobs to other countries, automation, and an economy weakened by the coronavirus pandemic have hurt many, reviving an old idea: a guaranteed basic income for all, provided by the federal government. Many notable figures, including Pope Francis, entrepreneur Elon Musk, and Minnesota Attorney General Keith Ellison all support a universal basic income. Is it a good idea?

What Is a Basic Income for All?

Today, the most debated basic income for all is unconditional. This means that the government makes a monthly cash payment to all adults at every income level with no conditions attached. Payments would go to those who work and to those who do not. Basic income recipients would not include children, non-citizens, and prisoners. This idea is called a *universal basic income* or UBI.

The UBI monthly cash payment is meant to cover essentials, such as a person's costs of food, clothing, shelter, and medical care. Individuals would not be prohibited from working to pay for most of their other costs, such as more expensive housing, cars, and luxury goods. A UBI remains the same no matter a person's income. The cost of public services like K-12 public schools, police, and fire protection would continue to be the responsibility of the government.

Many countries and some localities in the United States have experimented with a UBI. By the end of 2020, Twitter CEO Jack Dorsey donated \$15 million to fund local programs in some U.S. cities that guarantee people a basic income. For example, the city of Stockton, California, in 2019 and 2020 paid \$500 per month (\$6,000 per year) to adults in 125 low-income working households. Most recipients

spent the money on basic necessities like food, clothing, and electrical bills.

"We need a social safety net," said then-Stockton Mayor Michael Tubbs, "that goes beyond conditional benefits tied to employment, works for everyone and begins to address the call for racial and economic justice through a guaranteed income."

There is another form of basic income. Conditional basic income (CBI) also provides permanent government payments for all, but there are strings attached. These might include a requirement for able-bodied adults to work or provide some unpaid community service.

Why Have a Basic Income?

Some economists argue that a basic income, particularly a UBI, would address the problems that lead to unemployment, underemployment (workers not making sufficient wages), and poverty.

The Poverty Trap

To qualify for federal welfare benefits like food stamps, Medicaid, and housing assistance, individuals and families are means-tested. In other words, they must prove their annual income is below the federal poverty level, which the government currently calculates at \$12,760 for individuals and \$26,200 for a family of four. If people earn more than this, their federal benefits are reduced. To make up for the loss of federal benefits, people may have to work longer hours, usually for low wages.

People trying to compensate for the loss of benefits may remain in poverty even if they technically have an annual income higher than the government's official poverty level. The longer hours worked may also

diminish their quality of life, such as spending time with their children. And it very often becomes a cycle from one generation to the next. Economists call this inability to escape from poverty the “poverty trap.”

Stalled Wages

Many workers whose earnings are slightly higher than poverty level have not seen their wages improved much in decades. Since the late 1970s, while worker efficiency and corporate profits have grown substantially, real (inflation-adjusted) wages have moved up little. According to the Congressional Research Service (CRS), workers without a four-year college degree have seen their wages decline since 1980. Over 60 percent of all American workers do not have a four-year degree.

The federal minimum wage has not risen from \$7.25 since 2009, although some states have recently set minimum wages at higher levels than the federal one. Worse, the federal minimum wage for tipped job workers, two-thirds of whom are women, has been \$2.13 since 1991.

According to a recent Congressional Budget Office study, raising the federal minimum wage gradually to \$15 an hour by 2025 would increase the pay of 17 million workers and remove nearly a million people from poverty. But the same study estimates that employers would hire 1.4 million fewer workers in 2025.

Income and Wealth Inequality

Poverty and stalled wages have contributed to a widening gap of income inequality in the United States. The wages of the top 1 percent of income earners in the U.S. have risen by 160 percent since 1980. At the same time, the bottom 90 percent of wage-earners have seen their wages decrease by about 9 percent in that time.

Wealth inequality, measured by comparing people’s net worth, has also grown. The richest 1 percent of Americans owns close to half the nation’s total wealth. In 2015, a federal report found that 75 percent of Americans could not pay a \$400 emergency expense out of a checking or savings account. Most were living paycheck-to-paycheck and in debt.

Offshoring

Millions of good-paying manufacturing jobs have been lost since 1980. Many of these jobs disappeared when companies shifted them to countries where labor costs are much lower, a process called *offshoring*.



National Portrait Gallery/
Wikimedia Commons

The idea of a basic income for all in the United States is not new. In his 1796 pamphlet *Agrarian Justice*, American patriot and philosopher Thomas Paine proposed an annual income payment to every person starting at age 50. Paine’s plan would have been entirely funded by taxes on land ownership.

Automation

Today, companies of all sorts are becoming more efficient and profitable with fewer workers due to automation. Some futurists (people who study economic and social trends) predict we are headed for a “jobless economy.” In the past, technological developments destroyed jobs while creating many new ones for workers. However, some claim automation will make the situation different this time.

Over the past twenty years, there has been a fast-developing new technology called artificial intelligence (AI) which, using ad-

vanced software, enables automation to replace workers who do even non-routine tasks. Robots are now replacing low-paid hotel maids. Driverless trucks will soon begin to replace middle-wage human drivers. Some AI software is even being developed to supplant high-paid, white-collar jobs like stock trading.

In addition to replacing some of the workforce, automation may create another challenge. Even though there probably will be work for humans in the future, it is likely that not as many jobs will be available for those lacking advanced skills or college degrees.

The Coronavirus Pandemic

In addition to COVID-19 infections, the pandemic that began in 2020 caused a sudden loss of income for many households. Lockdowns caused numerous small businesses to close. The CRS reported in 2021 that the nation’s overall unemployment rate peaked in April 2020 at 14.8 percent, with the rate at 39.3 percent for hotel and other workers in the leisure industry. The overall rate declined to 6.7 percent in December 2020, which was still elevated.

Lower-income employees were especially hard hit by unemployment, as many middle- and upper-income workers were able to work at home on their computers. When schools closed, many parents quit or substantially reduced work to care for and even help teach their children.

Large numbers of families were unable to pay for basic needs like food and housing in 2020 and 2021. As many as 12 percent of U.S. adults experienced food shortages. Thousands of people waited for hours in line at food banks in California, Texas, and other states. By the end of 2020, poverty rates increased, especially for children, African Americans, and those with a high school education or less.

THE FREEDOM DIVIDEND

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Businessman and philanthropist Andrew Yang ran for the Democratic Party's presidential nomination in 2020. As part of his campaign, he offered what became perhaps the most well-known UBI proposal in recent American history. He called it the Freedom Dividend.

The Freedom Dividend was a basic income of cash payments of \$1,000 per month or \$12,000 per year for every citizen age 18 to 66. For those who opt into the Freedom Dividend plan, it would replace some welfare benefits, like food stamps and supplemental income for poor, elderly persons.

Yang intended to pay this cost through a combination of such measures as a valued-added tax (VAT), a form of national sales tax; other specific taxes mainly on upper income people; eliminating certain welfare-benefit costs; and economic growth resulting from tax revenue from the UBI.

The UBI Debate

The growing popularity of UBI ideas has sparked debate over several questions.

Can We Afford a UBI?

The biggest criticism of a basic income for all is its cost. Proposed UBI payments per person per year range from about \$10,000 to \$15,000, which could add up to at least \$2.8 trillion annually. Critics say this would explode the annual federal budget and national deficit. Such a huge expense would have to be financed through a combination of borrowing and higher taxes.

UBI supporters agree that taxes would have to be increased to pay for a UBI and some people, especially the wealthy, would see their taxes go up. Businesses would also have to share the tax burden. Microsoft's Bill Gates, a supporter of UBI, has suggested taxing the use of robots that are expected to replace human workers to ameliorate the loss of tax revenue from human workers' incomes.

The valued-added tax (VAT), commonly used in Europe, is a national sales tax. The government collects the VAT multiple times on goods and services from production through distribution and final sale. The tax burden is then mainly placed on consumers. Because they tax consumers equally regardless of

income, VATs are criticized as *regressive taxes*. But even a small VAT could raise an enormous amount of revenue to pay for the UBI.

Ending some federal welfare benefits, as Andrew Yang would do (see sidebar), could mean more money for a UBI. In 2020, the conservative American Enterprise Institute (AEI) recommended a plan to pay adults \$15,845 and children \$7,923 per year with no net cost to the federal government. To do this, the AEI would repeal certain tax deductions and almost all federal welfare programs, including food stamps, Medicaid, Social Security, and Medicare.

Would People Quit Working?

A powerful objection to UBI is that many would quit working and become "free riders" on society, supported by those who do work and pay taxes. Critics say that a UBI would kill the incentive to work.

A better alternative, according to some economists, is for the government to encourage people to work. Conservative critics of UBI tend to prefer tax credits that give the poorest people an incentive to earn more income. Left-leaning critics tend to prefer a federal jobs guarantee or raising the minimum wage, instead.

UBI advocates point out that a basic income is barely enough to live on, especially if traditional welfare benefits are not available. It is more likely that people might quit their jobs not for a life of leisure but to look for a more rewarding job, become caregivers for their children and sick family members, seek education and new skills, or take the opportunity to start a business.

Should Low-income Families Have to Give Up Welfare Benefits?

The federal government currently funds dozens of welfare programs, many targeted to deal with the specific needs of children, the elderly, and the disabled living in poverty. Some or all welfare benefits would disappear in most UBI plans. People would have to pay for private services which could cost more than their UBI basic income. If the federal government did not eliminate all welfare benefits, it would have to find additional revenue sources, such as higher taxes.

Some supporters of UBI argue that eliminating the welfare system would reduce the poverty trap since people would no longer lose federal benefits when they earn more work income. They argue that a basic income could encourage people to work and improve their total income.

Critics call the loss of federal welfare benefits a form of economic *austerity*. They warn that depriving people of basic benefits would merely coerce them into ever longer hours of work just to survive without any improvement in their quality of life.

Why Give Money to the Rich?

A universal basic income is universal: the same amount for everybody. Critics ask why rich people would receive UBI payments when they do not need them. Supporters of UBI argue that when the rich get the same payment as everyone else, they are less likely to politically oppose the UBI, even though it may increase their taxes. It is a fundamental fairness argument: The benefit to most people would greatly outweigh the burden on the relatively few rich people.

What Do Americans Think About UBI?

In 2020, during the pandemic, the Pew Research Center asked Americans their opinion of a \$1,000 monthly universal basic income. More opposed the idea (54 percent) than supported it (45 percent).

Conditional Basic Income Plans

Conditional basic income (CBI) plans are very different from UBI plans. In fact, many critics of UBI support CBI plans, instead. CBI commonly focuses on a particular problem, such as poverty, and often has eligibility requirements, like work requirements.

Negative Income Tax

In 1962, conservative economist Milton Friedman proposed a negative income tax to replace the welfare system. This would enable low-income workers to receive cash from the federal government if they earned below a certain amount. Today, the U.S. has an Earned Income Tax Credit. Low-income workers may get some money from the federal government rather than pay an income tax. But this only applies to those who are employed.

Family Assistance

In 1969, President Richard Nixon sent to Congress his Family Assistance Plan that granted a minimum income to working poor families with children. The amount would decrease as the family's work income increased. Men were required to work or sign up for job training. Mothers were excused from work only if

they had a child under three. Nixon's plan was popular but never passed Congress.

Child Assistance

Congress first enacted a Child Tax Credit in 1997. This is an amount of money every adult or couple may subtract from taxes they owe if they have dependent children. Designed to benefit needy families, almost 30 million children have not benefited because their families did not earn enough to owe federal income taxes. Under one basic-income proposal, all families would get a cash government payment each month for each child under age 18.

Assistance for the Unemployed

Unemployment insurance covers only some jobless workers and expires after a few months. Some propose that the unemployed should receive a government basic income while they upgrade their education and job skills for a changing labor market.

"We must create full employment or we must create incomes," wrote Dr. Martin Luther King in 1967. King was a supporter of UBI to raise the jobless out of poverty. Whether the federal government will adopt a UBI in the future to do just that remains a seriously debated question.

WRITING & DISCUSSION

1. What is the difference between unconditional and conditional basic income? Do you prefer one to the other? Why?
2. If the U.S. adopted a universal basic income, what do you think would be the best and worst way to pay for it? Explain.
3. In the section, "The UBI debate," what do you think is the best argument for and against a UBI? Why?
4. Research the basic income experiment in one of the following places: Finland in Europe, Namibia in Africa, India in Asia, or Alaska's oil dividend in the United States. Is the experiment a universal or conditional basic income? What are the pros and cons of the experiment?

ACTIVITY: A Guaranteed Basic Income for All?

What do you prefer?

1. Yang's Freedom Dividend
2. American Enterprise Institute's unconditional UBI
3. One or more of the Conditional Basic Income plans
4. A plan of your own that combines basic income ideas from the article
5. No basic income at all (maintain the present system)

After making your choice, write a response with explanation to this question: *Should the federal government provide a basic income for all?*

Either at an online session or in-person class, defend your response that includes why you have rejected the other basic income ideas.

Standards Addressed

Hannah Arendt and the ‘Banality of Evil’

California History-Social Science Standard 10.8: Students analyze the causes and consequences of World War II. (5) Analyze the Nazi policy of pursuing racial purity, especially against the European Jews; its transformation into the Final Solution; and the Holocaust that resulted in the murder of six million Jewish civilians.

California History-Social Science Framework, p. 354-355: “. . . While on the one hand it is incredibly challenging to teach the enormity and severity of the Jewish experience during the war, teachers also often face challenges when trying to explain to students how “the final solution” could be carried out by Germans. It took thousands of ordinary Germans to operate the machinery of death; the German military, infrastructure, and even the economy were mobilized to kill people. It is important for teachers and students to examine how, in wartime, ordinary people might do terrible things and they should trace how the German machinery of death grew as large as it did and why Germans were complicit in it.”

National World History Standard 41: Understands the causes and global consequences of World War II. **High School Benchmark 2:** Understands the Holocaust and its impact on Jewish culture and European society (e.g., the chronology of the Nazi “war on the Jews,” and the geography and scale of Jewish deaths resulting from this policy; personal reasons for resistance to or compliance with Nazi policies and orders; the brutality of Nazi genocide in the Holocaust as revealed in personal stories of the victims).

Common Core State Standards: SL.9-10.1, SL.9-10.3, RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.10.

Unequal Treatment? The Constitution and Religious School Funding

California History-Social Science Standard 8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution. (7) Identify the new sources of large-scale immigration and the contributions of immigrants to the building of cities and the economy; explain the ways in which new social and economic patterns encouraged assimilation of newcomers into the mainstream amidst growing cultural diversity; and discuss the new wave of nativism.

California History-Social Science Framework, Chapter 16, page 383: “Students may consider these questions to organize their study of immigration: Who came to the United States at the end of the nineteenth and beginning of the twentieth century? Why did they come? What was their experience like when they arrived? A distinct wave of southern and eastern European immigration between the 1890s and 1910s (distinct from an earlier mid-nineteenth-century wave of immigration that resulted from European developments such as the Great Irish Famine) brought tens of millions of darker skinned, non-English-speaking, non-Protestant migrants to American cities.”

National U.S. History Standard 17: Understands massive immigration after 1870 and how new social patterns, conflicts, and ideas of national unity developed amid growing cultural diversity. **Middle School Benchmark 1:** Understands the background and experiences of immigrants of

the late 19th century (e.g., how the immigrants differed from those of the early 19th century in numbers, motives, origins, ethnicity, religion and language; how Catholic and Jewish immigrants responded to discrimination; attitudes toward immigrants). **High School Benchmark 2:** Understands the influence of public education on American society after 1870 (e.g., the role of public and parochial schools in integrating immigrants into mainstream America, how the rise of public education and voluntary organizations promoted national unity and American values).

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.3, WHST.11-12.10.

Should the Federal Government Guarantee A Basic Income for All?

California Principles of Economics (Grade 12) 12.3 Students analyze the influence of the federal government on the American economy. (3) Describe the aims of government fiscal policies (taxation, borrowing, spending) and their influence on production, employment, and price levels.

12.4 Students analyze the elements of the U. S. labor market in a global setting. (1) Understand the operations of the labor market, including the circumstances surrounding the establishment of principal American labor unions, procedures that labor unions use to gain benefits for their members, the effects of unionization, the minimum wage, and unemployment insurance. (2) Describe the current economy and labor market, including the types of goods and services produced, the types of skills workers need, the effects of rapid technological change, and the impact of international competition.

National Economics (Level IV Grades 9-12)

Standard 5. Understands unemployment, income, and income distribution in a market economy (1) Understands that personal income is influenced by changes in the structure of the economy, the level of gross domestic product, technology, government policies, production costs and demand for specific goods and services, and discrimination. (5) Understands that governments often redistribute income directly when individuals or interest groups are not satisfied with the income distribution resulting from markets, and that governments may also redistribute income indirectly as side effects of other government actions that affect prices or output levels for various goods and services.

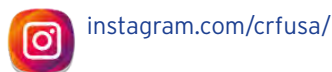
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NEW

People v. Croddy

Burglary, Aiding and Abetting and Accessory After the Fact
Featuring a pretrial argument on the Fifth Amendment Grades 6-12

People v. Croddy is the trial of Lee Croddy who hosts a popular YouTube channel. Croddy has been charged with two counts: (1) aiding and abetting in the commission of first-degree burglary by another, and (2) accessory after the fact. Croddy posts videos on Youtube in which Croddy discusses topics Croddy believes are suppressed by the government. One favorite topic of Croddy's is government cover-ups related to UFOs. Croddy attracted the attention of an enthusiastic fan, Remi Montoya. For almost a year, Montoya and Croddy communicated frequently in non-public Twitter group chats.

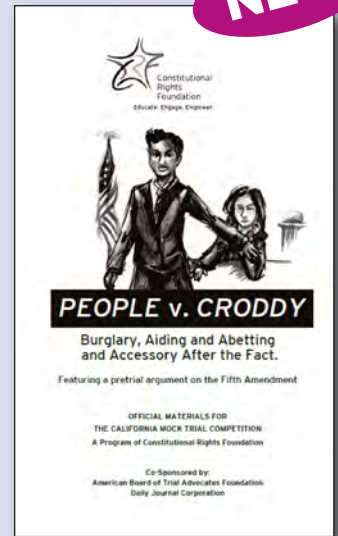
During one group chat, Croddy shared a short video clip that included an image of government documents. The documents contained personal information about an official named Drew Marshak who allegedly had information about UFOs. A few days later, Montoya stole a briefcase from Marshak's home and copied files from Marshak's computer. In a brief confrontation, Montoya hit Marshak in the face. Montoya later pleaded guilty to first-degree burglary and assault on a peace officer.

The prosecution alleges that Lee Croddy aided and abetted Montoya in the burglary. The prosecution will present evidence that Croddy showed a video with Marshak's information to Montoya and others in the group chat while instructing Montoya to "take what's ours" from Marshak and that Montoya acted under Croddy's influence. The prosecution further alleges that Croddy let Montoya spend the night in Croddy's home after the burglary, knowing that Montoya had committed a crime.

The defense argues that Lee Croddy did not knowingly aid or abet Montoya in any crime. The defense will present evidence that Croddy merely intended to build camaraderie within a political movement for government transparency through Croddy's videos, chat messages, and text messages. Therefore, the defense argues that Croddy did not have the intent to aid or abet Montoya's criminal acts. Furthermore, Croddy had no knowledge of the crimes after they occurred, and so was not an accessory after the fact.

The pretrial issue centers on the Fifth Amendment protection against self-incrimination and as set forth in *Miranda v. Arizona*. The issue is whether or not the circumstances surrounding Lee Croddy's interaction with the police amounted to custodial interrogation. If so, the circumstances would require the protection of the Fifth Amendment and would have required the officer to read the defendant the Miranda warnings prior to interrogation.

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People v. Meadows A Mock Trial Designed for the Classroom Grades 6-12

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We're Looking for New Voices in BRIA!

Bill of Rights In Action Write-On Competition Rules

Welcome to the *Bill of Rights in Action* (BRIA) Write-On Competition. Lessons in BRIA are balanced, nonpartisan, rigorous, and grade-level appropriate, often highlighting current controversies with multiple perspectives. The winners of this competition each will have their submitted article published in BRIA with a \$300 stipend.

Please abide by the following rules when submitting drafts of your written work for BRIA:

1. Each draft should consist of (a) the article (aka the reading); (b) three questions for “Writing & Discussion;” and (c) an activity for students based on the reading with an assessment component (see Checklist below). The total word count for the reading should be between 1,500 to 1,600 words. The questions and activity combined should be no more than 500 words. See below for guidelines on BRIA’s nonpartisan editorial approach.
2. There will be *one* winner chosen for *each* of the following topics (two winners total). Choose **ONE** of the following topics for this Write-On Competition:
 - **The World Health Organization: From Its Founding to the Coronavirus (high school world history)**
 - **Public Protest and the First Amendment in the Contemporary United States (middle school U.S. history)**
3. For this competition only, use footnotes for citations. Footnotes do not count toward the total word count.
4. Include a separate list of at least one California History-Social Science Content Standard that the reading addresses (<https://www.cde.ca.gov/be/st/ss/>) and at least one national content standard that the reading addresses (<http://www2.mcrel.org/compendium/browse.asp>). (You may use the *California History-Social Science Framework* (<https://www.cde.ca.gov/ci/hs/ci/hssframework.asp>) in lieu of California content standards; be sure to include chapter number and page number from the *Framework*.)
5. See examples of previous BRIA articles (<http://crf-usa.org/bill-of-rights-in-action/archives>) to get an idea of the general structure of a BRIA article and BRIA activities.
6. *Your submission must be your own original work.* Make sure your full name appears in the header of all your submitted materials.
7. **DEADLINE FOR SUBMISSIONS IS August 10, 2021, at 5:00 PM (PT).** Submit your competition entry using this Google form: <https://forms.gle/FTkuPMBJVNF9B9nr7>. If you are one of the two winners, you will be notified by September 10, 2021.
8. **IMPORTANT:** The winning submissions will be published in the second issue of BRIA for the 2021-2022 school year (vol. 37), subject to editing by BRIA editorial staff. Each of the two winners will also receive a \$300 stipend and may have opportunities to write for BRIA in the future. Questions? Email Damon Huss at damon@crf-usa.org.

Checklist

Documents you will need to submit:

- [] A completed submission form at <https://forms.gle/FTkuPMBJVNF9B9nr7> with the following documents:
 - [] the article (1,500-1,600 words) with footnotes;
 - [] at least three discussion questions and an activity for students (totaling no more than 500 words): The activity should be a role-play, simulation, or some other small-group discussion activity with an assessment component;
 - [] a separate list of at least one California History-Social Science Content Standard *or* reference to the *California History Social-Science Framework*, **and** at least one national content standard.

Keeping BRIA Articles Balanced

Bill of Rights in Action (BRIA) is published by Constitutional Rights Foundation (CRF), a nonpartisan civic-education organization, and BRIA articles reflect CRF’s nonpartisanship. Articles and activities published in BRIA should be balanced.

Here are guidelines for writing balanced materials for CRF, excerpted from CRF’s policies and procedures for publications:

- CRF materials should present, overall, a variety of viewpoints and perspectives on current and historical controversies. This does not necessarily apply to a presentation of facts, history, or a topic which has been deemed a closed ethical or moral inquiry (e.g., whether the Holocaust took place).
- When presenting varying viewpoints and perspectives on potentially controversial or unresolved issues, CRF materials should endeavor to devote relatively “equal time” to differing sides (e.g., one side should not be presented in three pages and another in one sentence), focusing on a presentation of the several views and potential underlying supporting facts, not necessarily supporting a particular conclusion. However, this goal shall not be judged simply by number of paragraphs or sentences.
- Curricula and teaching materials should encourage constructive and inclusive debate and analysis of issues from a variety of viewpoints.
- Curricula and teaching materials should foster critical thinking, discussion, and presentation skills for students and readers.

Would you like to write for *Bill of Rights in Action* and get a chance to receive a \$300 stipend for your writing?

The BRIA Write-On Competition

If you enjoy writing and creating lessons on topics in U.S. government, current events, U.S. history, and world history, enter the 2021 BRIA Write-On Competition!



To enter, submit a draft of an article and accompanying activity for BRIA on one of the following topics:

- The World Health Organization: From Its Founding to the Coronavirus (high school world history)
- Public Protest and the First Amendment in the Contemporary United States (middle school U.S. history)

ONE winner will be chosen for each topic. The winners will:

- Have their winning submission published in BRIA!
- Receive a \$300 stipend!
- Have opportunities to write for BRIA in the future!

To enter the competition:

1. READ the competition rules on page 15.
2. SUBMIT your draft article and supporting materials. Participation is free!
Visit: <https://www.crf-usa.org/bill-of-rights-in-action/write-on#submit>

*** DEADLINE for submissions is August 10, 2021 at 5:00 PM (PT). ***



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SPECIAL NOTICE

Some Future Issues of *Bill of Rights in Action* Will Only Be Available Electronically! We will publish two issues of the quarterly *Bill of Rights in Action* in electronic format only and two issues in print and electronic format. To receive notification of when the electronic edition is available for download, sign up at www.crf-usa.org/bill-of-rights-in-action.