

SECTION III

Time—35 minutes

28 Questions

Directions: Each passage in this section is followed by a group of questions to be answered on the basis of what is stated or implied in the passage. For some of the questions, more than one of the choices could conceivably answer the question. However, you are to choose the best answer; that is, the response that most accurately and completely answers the question, and blacken the corresponding space on your answer sheet.

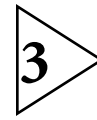
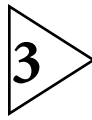
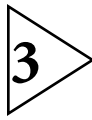
- The law-and-literature movement claims to have introduced a valuable pedagogical innovation into legal study: instructing students in techniques of literary analysis for the purpose of interpreting laws
- (5) and in the reciprocal use of legal analysis for the purpose of interpreting literary texts. The results, according to advocates, are not only conceptual breakthroughs in both law and literature but also more sensitive and humane lawyers. Whatever the
- (10) truth of this last claim, there can be no doubt that the movement is a success: law-and-literature is an accepted subject in law journals and in leading law schools. Indeed, one indication of the movement's strength is the fact that its most distinguished critic,
- (15) Richard A. Posner, paradoxically ends up expressing qualified support for the movement in a recent study in which he systematically refutes the writings of its leading legal scholars and cooperating literary critics.
- (20) Critiquing the movement's assumption that lawyers can offer special insights into literature that deals with legal matters, Posner points out that writers of literature use the law loosely to convey a particular idea, or as a metaphor for the workings
- (25) of the society envisioned in their fiction. Legal questions per se, about which a lawyer might instruct readers, are seldom at issue in literature. This is why practitioners of law-and-literature end up discussing the law itself far less than one might
- (30) suppose. Movement leader James White, for example, in his discussion of arguments in the *Iliad*, barely touches on law, and then so generally as to render himself vulnerable to Posner's devastating remark that "any argument can be analogized to a
- (35) legal dispute."

- Similarly, the notion that literary criticism can be helpful in interpreting law is problematic. Posner argues that literary criticism in general aims at exploring richness and variety of meaning in texts,
- (40) whereas legal interpretation aims at discovering a single meaning. A literary approach can thus only confuse the task of interpreting the law, especially if one adopts current fashions like deconstruction, which holds that all texts are inherently
- (45) uninterpretable.

- Nevertheless, Posner writes that law-and-literature is a field with "promise." Why? Perhaps, recognizing the success of a movement that, in the past, has singled him out for abuse, he
- (50) is attempting to appease his detractors, paying

- obedience to the movement's institutional success declaring that it "deserves a place in legal research" while leaving it to others to draw the conclusion from his cogent analysis that it is an entirely factitious undertaking, deserving of no intellectual respect whatsoever. As a result, his work stands both as a rebuttal of law-and-literature and as a tribute to the power it has come to exercise in academic circles.

- The primary purpose of the passage is to
 - assess the law-and-literature movement by examining the position of one of its most prominent critics
 - assert that a mutually beneficial relationship exists between the study of law and the study of literature
 - provide examples of the law-and-literature movement in practice by discussing the work of its proponents
 - dismiss a prominent critic's recent study of the law-and-literature movement
 - describe the role played by literary scholars in providing a broader context for legal issues
- Posner's stated position with regard to the law-and-literature movement is most analogous to which one of the following?
 - a musician who is trained in the classics but frequently plays modern music while performing on stage
 - a partisan who transfers allegiance to a new political party that demonstrates more promise but has fewer documented accomplishments
 - a sports fan who wholeheartedly supports the team most likely to win rather than his or her personal favorite
 - an ideologue who remains committed to his or her own view of a subject in spite of compelling evidence to the contrary
 - a salesperson who describes the faults in a fashionable product while conceding that it may have some value



3. The passage suggests that Posner regards legal practitioners as using an approach to interpreting law that
 - (A) eschews discovery of multiple meanings
 - (B) employs techniques like deconstruction
 - (C) interprets laws in light of varying community standards
 - (D) is informed by the positions of literary critics
 - (E) de-emphasizes the social relevance of the legal tradition
4. The passage suggests that Posner might find legal training useful in the interpretation of a literary text in which
 - (A) a legal dispute symbolizes the relationship between two characters
 - (B) an oppressive law is used to symbolize an oppressive culture
 - (C) one of the key issues involves the answer to a legal question
 - (D) a legal controversy is used to represent a moral conflict
 - (E) the working of the legal system suggests something about the political character of a society
5. The author uses the word “success” in line 11 to refer to the law-and-literature movement’s
 - (A) positive effect on the sensitivity of lawyers
 - (B) widespread acceptance by law schools and law journals
 - (C) ability to offer fresh insights into literary texts
 - (D) ability to encourage innovative approaches in two disciplines
 - (E) response to recent criticism in law journals
6. According to the passage, Posner argues that legal analysis is not generally useful in interpreting literature because
 - (A) use of the law in literature is generally of a quite different nature than use of the law in legal practice
 - (B) law is rarely used to convey important ideas in literature
 - (C) lawyers do not have enough literary training to analyze literature competently
 - (D) legal interpretations of literature tend to focus on legal issues to the exclusion of other important elements
 - (E) legal interpretations are only relevant to contemporary literature
7. According to Posner, the primary difficulty in using literary criticism to interpret law is that
 - (A) the goals of the two disciplines are incompatible
 - (B) there are few advocates for the law-and-literature movement in the literary profession
 - (C) the task of interpreting law is too complex for the techniques of literary criticism
 - (D) the interpretation of law relies heavily on legal precedent
 - (E) legal scholars are reluctant to adopt the practice in the classroom

GO ON TO THE NEXT PAGE.

A recent generation of historians of science, far from portraying accepted scientific views as objectively accurate reflections of a natural world, explain the acceptance of such views in terms of the

- (5) ideological biases of certain influential scientists or the institutional and rhetorical power such scientists wield. As an example of ideological bias, it has been argued that Pasteur rejected the theory of spontaneous generation not because of
- (10) experimental evidence but because he rejected the materialist ideology implicit in that doctrine. These historians seem to find allies in certain philosophers of science who argue that scientific views are not imposed by reality but are free inventions of
- (15) creative minds, and that scientific claims are never more than brave conjectures, always subject to inevitable future falsification. While these philosophers of science themselves would not be likely to have much truck with the recent historians,
- (20) it is an easy step from their views to the extremism of the historians.

While this rejection of the traditional belief that scientific views are objective reflections of the world may be fashionable, it is deeply implausible. We

- (25) now know, for example, that water is made of hydrogen and oxygen and that parents each contribute one-half of their children's complement of genes. I do not believe any serious-minded and informed person can claim that these statements are
- (30) not factual descriptions of the world or that they will inevitably be falsified.

However, science's accumulation of lasting truths about the world is not by any means a straightforward matter. We certainly need to

- (35) get beyond the naive view that the truth will automatically reveal itself to any scientist who looks in the right direction; most often, in fact, a whole series of prior discoveries is needed to tease reality's truths from experiment and observation.
- (40) And the philosophers of science mentioned above are quite right to argue that new scientific ideas often correct old ones by indicating errors and imprecisions (as, say, Newton's ideas did to Kepler's). Nor would I deny that there are
- (45) interesting questions to be answered about the social processes in which scientific activity is embedded. The persuasive processes by which particular scientific groups establish their experimental results as authoritative are themselves
- (50) social activities and can be rewardingly studied as such. Indeed, much of the new work in the history of science has been extremely revealing about the institutional interactions and rhetorical devices that help determine whose results achieve prominence.

- (55) But one can accept all this without accepting the thesis that natural reality never plays any part at all in determining what scientists believe. What the new historians ought to be showing us is how those doctrines that do in fact fit reality work their way
- (60) through the complex social processes of scientific activity to eventually receive general scientific acceptance.

8. It can be inferred from the passage that the author would be most likely to agree with which one of the following characterizations of scientific truth?

- (A) It is often implausible.
 (B) It is subject to inevitable falsification.
 (C) It is rarely obvious and transparent.
 (D) It is rarely discovered by creative processes.
 (E) It is less often established by experimentation than by the rhetorical power of scientists.

9. According to the passage, Kepler's ideas provide an example of scientific ideas that were

- (A) corrected by subsequent inquiries
 (B) dependent on a series of prior observations
 (C) originally thought to be imprecise and then later confirmed
 (D) established primarily by the force of an individual's rhetorical power
 (E) specifically taken up for the purpose of falsification by later scientists

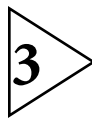
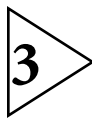
10. In the third paragraph of the passage, the author is primarily concerned with

- (A) presenting conflicting explanations for a phenomenon
 (B) suggesting a field for possible future research
 (C) qualifying a previously expressed point of view
 (D) providing an answer to a theoretical question
 (E) attacking the assumptions that underlie a set of beliefs

11. The use of the words "any serious-minded and informed person" (lines 28-29) serves which one of the following functions in the context of the passage?

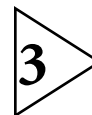
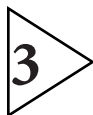
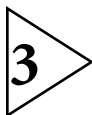
- (A) to satirize chronologically earlier notions about the composition of water
 (B) to reinforce a previously stated opinion about certain philosophers of science
 (C) to suggest the author's reservations about the "traditional belief" mentioned in line 22
 (D) to anticipate objections from someone who would argue for an objectively accurate description of the world
 (E) to discredit someone who would argue that certain scientific assertions do not factually describe reality

GO ON TO THE NEXT PAGE.



12. It can be inferred from the passage that the author would most likely agree with which one of the following statements about the relationship between the views of “certain philosophers of science” (lines 12-13) and those of the recent historians?
- (A) These two views are difficult to differentiate.
 - (B) These two views share some similarities.
 - (C) The views of the philosophers ought to be seen as the source of the historians’ views.
 - (D) Both views emphasize the rhetorical power of scientists.
 - (E) The historians explicitly acknowledge that their views are indebted to those of the philosophers.
13. Which one of the following best characterizes the author’s assessment of the opinions of the new historians of science, as these opinions are presented in the passage?
- (A) They lack any credibility.
 - (B) They themselves can be rewardingly studied as social phenomena.
 - (C) They are least convincing when they concern the actions of scientific groups.
 - (D) Although they are gross overstatements, they lead to some valuable insights.
 - (E) Although they are now popular, they are likely to be refuted soon.
14. In concluding the passage, the author does which one of the following?
- (A) offers a prescription
 - (B) presents a paradox
 - (C) makes a prediction
 - (D) concedes an argument
 - (E) anticipates objections
15. The author’s attitude toward the “thesis” mentioned in line 56 is revealed in which one of the following pairs of words?
- (A) “biases” (line 5) and “rhetorical” (line 6)
 - (B) “wield” (line 7) and “falsification” (line 17)
 - (C) “conjectures” (line 16) and “truck with” (line 19)
 - (D) “extremism” (line 20) and “implausible” (line 24)
 - (E) “naive” (line 35) and “errors” (line 42)

GO ON TO THE NEXT PAGE.



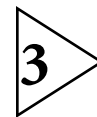
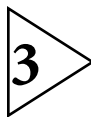
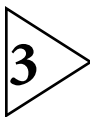
Until recently, it was thought that the Cherokee, a Native American tribe, were compelled to assimilate Euro-American culture during the 1820s. During that decade, it was supposed, White

- (5) missionaries arrived and, together with their part Cherokee intermediaries, imposed the benefits of “civilization” on Cherokee tribes while the United States government actively promoted acculturation by encouraging the Cherokee to
- (10) switch from hunting to settled agriculture. This view was based on the assumption that the end of a Native American group’s economic and political autonomy would automatically mean the end of its cultural autonomy as well.
- (15) William G. McLoughlin has recently argued that not only did Cherokee culture flourish during and after the 1820s, but the Cherokee themselves actively and continually reshaped their culture. Missionaries did have a decisive impact during
- (20) these years, he argues, but that impact was far from what it was intended to be. The missionaries’ tendency to cater to the interests of an acculturating part-Cherokee elite (who comprised the bulk of their converts) at the expense of the more
- (25) traditionalist full-Cherokee majority created great intratribal tensions. As the elite initiated reforms designed to legitimize their own and the Cherokee Nation’s place in the new republic of the United States, antission Cherokee reacted by fostering
- (30) revivals of traditional religious beliefs and practices. However, these revivals did not, according to McLoughlin, undermine the elitist reforms, but supplemented them with popular, traditionalist counterparts.
- (35) Traditionalist Cherokee did not reject the elitist reforms outright, McLoughlin argues, simply because they recognized that there was more than one way to use the skills the missionaries could provide them. As he quotes one group as saying,
- (40) “We want our children to learn English so that the White man cannot cheat us.” Many traditionalist Cherokee welcomed the missionaries for another reason: they perceived that it would be useful to have White allies. In the end, McLoughlin asserts,
- (45) most members of the Cherokee council, including traditionalists, supported a move which preserved many of the reforms of the part-Cherokee elite but limited the activities and influence of the missionaries and other White settlers. According to
- (50) McLoughlin, the identity and culture that resulted were distinctively Cherokee, yet reflected the larger political and social setting in which they flourished.
- Because his work concentrates on the nineteenth century, McLoughlin unfortunately overlooks
- (55) earlier sources of influence, such as eighteenth-century White resident traders and neighbors, thus obscuring the relative impact of the missionaries of the 1820s in contributing to both acculturation and resistance to it among the
- (60) Cherokee. However, McLoughlin is undoubtedly

correct in recognizing that culture is an ongoing process rather than a static entity, and he has made a significant contribution to our understanding of how Cherokee culture changed while retaining its

- (65) essential identity after confronting the missionaries.
16. Which one of the following best states the main idea of the passage?
- (A) McLoughlin’s studies of the impact of missionaries on Cherokee culture during the 1820s are fundamentally flawed, since McLoughlin ignores the greater impact of White resident traders in the eighteenth century.
- (B) Though his work is limited in perspective, McLoughlin is substantially correct that changes in the Cherokee culture in the 1820s were mediated by the Cherokee themselves rather than simply imposed by the missionaries.
- (C) Although McLoughlin is correct in asserting that cultural changes among the Cherokee were autonomous and so not the result of the presence of missionaries, he overemphasizes the role of intratribal conflicts.
- (D) McLoughlin has shown that Cherokee culture not only flourished during the 1820s, but that changes in Cherokee culture during this time developed naturally from elements already present in Cherokee culture.
- (E) Although McLoughlin overlooks a number of relevant factors in Cherokee culture change in the 1820s, he convincingly demonstrates that these changes were fostered primarily by missionaries.

GO ON TO THE NEXT PAGE.



17. Which one of the following statements regarding the Cherokee council in the 1820s can be inferred from the passage?
- (A) Members of the Cherokee council were elected democratically by the entire Cherokee Nation.
 - (B) In order for a policy to come into effect for the Cherokee Nation, it had to have been approved by a unanimous vote of the Cherokee council.
 - (C) Despite the fact that the Cherokee were dominated politically and economically by the United States in the 1820s, the Cherokee council was able to override policies set by the United States government.
 - (D) Though it did not have complete autonomy in governing the Cherokee Nation, it was able to set some policies affecting the activities of White people living in tribal areas.
 - (E) The proportions of traditionalist and acculturating Cherokee in the Cherokee council were determined by the proportions of traditionalist and acculturating Cherokee in the Cherokee population.
18. Which one of the following statements regarding the attitudes of traditionalist Cherokee toward the reforms that were instituted in the 1820s can be inferred from the passage?
- (A) They supported the reforms merely as a way of placating the increasingly vocal acculturating elite.
 - (B) They thought that the reforms would lead to the destruction of traditional Cherokee culture but felt powerless to stop the reforms.
 - (C) They supported the reforms only because they thought that they were inevitable and it was better that the reforms appear to have been initiated by the Cherokee themselves.
 - (D) They believed that the reforms were a natural extension of already existing Cherokee traditions.
 - (E) They viewed the reforms as a means of preserving the Cherokee Nation and protecting it against exploitation.
19. According to the passage, McLoughlin cites which one of the following as a contributing factor in the revival of traditional religious beliefs among the Cherokee in the 1820s?
- (A) Missionaries were gaining converts at an increasing rate as the 1820s progressed.
 - (B) The traditionalist Cherokee majority thought that most of the reforms initiated by the missionaries' converts would corrupt Cherokee culture.
 - (C) Missionaries unintentionally created conflict among the Cherokee by favoring the interests of the acculturating elite at the expense of the more traditionalist majority.
 - (D) Traditionalist Cherokee recognized that only some of the reforms instituted by a small Cherokee elite would be beneficial to all Cherokee.
 - (E) A small group of Cherokee converted by missionaries attempted to institute reforms designed to acquire political supremacy for themselves in the Cherokee council.
20. Which one of the following, if true, would most seriously undermine McLoughlin's account of the course of reform among the Cherokee during the 1820s?
- (A) Traditionalist Cherokee gained control over the majority of seats on the Cherokee council during the 1820s.
 - (B) The United States government took an active interest in political and cultural developments within Native American tribes.
 - (C) The missionaries living among the Cherokee in the 1820s were strongly in favor of the cultural reforms initiated by the acculturating elite.
 - (D) Revivals of traditional Cherokee religious beliefs and practices began late in the eighteenth century, before the missionaries arrived.
 - (E) The acculturating Cherokee elite of the 1820s did not view the reforms they initiated as beneficial to all Cherokee.
21. It can be inferred from the author's discussion of McLoughlin's views that the author thinks that Cherokee acculturation in the 1820s
- (A) was reversed in the decades following the 1820s
 - (B) may have been part of an already-existing process of acculturation
 - (C) could have been the result of earlier contacts with missionaries
 - (D) would not have occurred without the encouragement of the United States government
 - (E) was primarily a result of the influence of White traders living near the Cherokee

- In the history of nineteenth-century landscape painting in the United States, the Luminists are distinguished by their focus on atmosphere and light. The accepted view of Luminist paintings is
- (5) that they are basically spiritual and imply a tranquil mysticism that contrasts with earlier American artists' concept of nature as dynamic and energetic. According to this view, the Luminist atmosphere, characterized by "pure and constant light," guides
- (10) the onlooker toward a lucid transcendentalism, an idealized vision of the world.

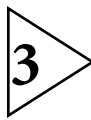
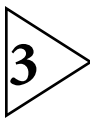
- What this view fails to do is to identify the true significance of this transcendental atmosphere in Luminist paintings. The prosaic factors that are
- (15) revealed by a closer examination of these works suggest that the glowing appearance of nature in Luminism is actually a sign of nature's domestication, its adaptation to human use. The idealized Luminist atmosphere thus seems to
- (20) convey, not an intensification of human responses to nature, but rather a muting of those emotions, like awe and fear, which untamed nature elicits.

- One critic, in describing the spiritual quality of harbor scenes by Fitz Hugh Lane, an important
- (25) Luminist, carefully notes that "at the peak of Luminist development in the 1850s and 1860s, spiritualism in America was extremely widespread." It is also true, however, that the 1850s and 1860s were a time of trade expansion. From 1848 until his
- (30) death in 1865, Lane lived in a house with a view of the harbor of Gloucester, Massachusetts, and he made short trips to Maine, New York, Baltimore, and probably Puerto Rico. In all of these places he painted the harbors with their ships—the
- (35) instruments of expanding trade.

- Lane usually depicts places like New York Harbor, with ships at anchor, but even when he depicts more remote, less commercially active harbors, nature appears pastoral and domesticated
- (40) rather than primitive or unexplored. The ships, rather than the surrounding landscapes—including the sea—are generally the active element in his pictures. For Lane the sea is, in effect, a canal or a trade route for commercial activity, not a free,
- (45) powerful element, as it is in the early pictures of his predecessor, Cole. For Lane nature is subdued, even when storms are approaching; thus, the sea is always a viable highway for the transport of goods. In sum, I consider Lane's sea simply an environment
- (50) for human activity—nature no longer inviolate. The luminescence that Lane paints symbolizes nature's humbled state, for the light itself is as docile as the Luminist sea, and its tranquillity in a sense signifies no more than good conditions on the
- (55) highway to progress. Progress, probably even more than transcendence, is the secret message of Luminism. In a sense, Luminist pictures are an ideological justification of the atmosphere necessary for business, if also an exaggerated,
- (60) idealistic rendering of that atmosphere.

22. The passage is primarily concerned with discussing
- (A) the importance of religion to the art of a particular period
- (B) the way one artist's work illustrates a tradition of painting
- (C) the significance of the sea in one artist's work
- (D) differences in the treatment of nature as a more active or a less active force
- (E) variations in the artistic treatment of light among nineteenth-century landscape painters
23. The author argues that nature is portrayed in Lane's pictures as
- (A) wild and unexplored
- (B) idealized and distant
- (C) continually changing
- (D) difficult to understand
- (E) subordinate to human concerns
24. The passage contains information to suggest that the author would most probably agree with which one of the following statements?
- (A) The prevailing religious principles of a given time can be reflected in the art of that time.
- (B) In order to interest viewers, works of art must depict familiar subjects in detail.
- (C) Because commerce is unusual as a subject in art, the painter of commercial activity must travel and observe it widely.
- (D) Knowing about the environment in which an artist lived can aid in an understanding of a work by that artist.
- (E) The most popular works of art at a given time are devoted to furthering economic or social progress.

GO ON TO THE NEXT PAGE.



25. According to the author, a supporter of the view of Luminism described in the first paragraph would most likely
- (A) be unimpressed by the paintings' glowing light
 - (B) consider Luminist scenes to be undomesticated and wild
 - (C) interpret the Luminist depiction of nature incorrectly
 - (D) see Luminist paintings as practical rather than mystical
 - (E) focus on the paintings' subject matter instead of on atmosphere and light
26. According to the author, the sea is significant in Lane's paintings because of its association with
- (A) exploration
 - (B) commerce
 - (C) canals
 - (D) idealism
 - (E) mysticism
27. The author's primary purpose is to
- (A) refute a new theory
 - (B) replace an inadequate analysis
 - (C) summarize current critics' attitudes
 - (D) support another critic's evaluation
 - (E) describe the history of a misinterpretation
28. The author quotes a critic writing about Lane (lines 25–27) most probably in order to
- (A) suggest that Luminism was the dominant of painting in the 1850s and 1860s
 - (B) support the idea that Lane was interested in spiritualism
 - (C) provide an example of the primary cultural factors that influenced the Luminists
 - (D) explain why the development of Luminism coincided with that of spiritualism
 - (E) illustrate a common misconception concerning an important characteristic of Lane's paintings mode

S T O P

IF YOU FINISH BEFORE TIME IS CALLED, YOU MAY CHECK YOUR WORK ON THIS SECTION ONLY.
DO NOT WORK ON ANY OTHER SECTION IN THE TEST.